

31 Chapters 273, 307 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
32 **4-41a-1203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 114
33 **4-41a-1204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 414
34 **4-45-104 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 329
35 **10-8-47 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
36 **17-72-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
37 First Special Session, Chapter 13
38 **19-6-902 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 327
39 **26B-2-120 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 63
40 **26B-2-229 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
41 Chapter 305
42 **26B-3-131 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
43 Chapter 306
44 **26B-4-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392
45 **26B-4-211 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
46 Chapter 307
47 **26B-4-212 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
48 Chapter 307
49 **26B-4-216 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
50 Chapter 307
51 **26B-4-220 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 273 and
52 renumbered and amended by Laws of Utah 2023, Chapter 307 and last amended by
53 Coordination Clause, Laws of Utah 2023, Chapter 307
54 **26B-4-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
55 340 and 470
56 **26B-4-513 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507
57 **29-2-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 276
58 **32B-3-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
59 **32B-5-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
60 **32B-6-406.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 455
61 **32B-7-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 162,
62 173
63 **32B-9-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
64 **32B-10-404 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapters 307,

65 334

66 **34-41-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special

67 Session, Chapter 9

68 **34A-2-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 352

69 **34A-2-410.5 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special

70 Session, Chapter 9

71 **35A-3-311 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 221

72 **41-6a-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 197

73 **41-6a-517 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 328

74 **49-20-416 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 180

75 **53-3-220 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 220

76 **53-10-113 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 276

77 **53-10-114 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 415

78 **53-10-211 (Effective 05/06/26)**, as last amended by Laws of Utah 2016, Chapter 144

79 **53-10-304 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 276

80 **53G-8-205 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173

81 **53G-8-501 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2018,

82 Chapter 3

83 **53G-8-505 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 161

84 **58-1-501.7 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 328

85 **58-5a-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392

86 **58-16a-601 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 292

87 **58-17b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 486

88 **58-17b-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2013, Chapters 262,

89 278

90 **58-17b-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 287

91 **58-17b-502 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 273,

92 317, 321, and 328

93 **58-17b-504 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 415

94 **58-17b-609 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 310

95 **58-17b-610.6 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 210

96 **58-17b-610.7 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 66

97 **58-17b-627 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 513

98 **58-24b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 219

99 **58-28-502 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 125
100 **58-31b-503 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 415
101 **58-37f-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 329
102 **58-37f-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 329,
103 415
104 **58-37f-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 214
105 **58-37f-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 340
106 **58-37f-304 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507
107 **58-37f-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 318
108 **58-37f-502 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 391
109 and renumbered and amended by Laws of Utah 2010, Chapter 287
110 **58-37f-702 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 329
111 **58-37f-703 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 415
112 **58-37f-704 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 116
113 **58-38a-102 (Effective 05/06/26)**, as enacted by Laws of Utah 2010, Chapter 231
114 **58-38a-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapters 12,
115 340
116 **58-38a-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 12
117 **58-67-503 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443
118 **58-67a-1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443
119 **58-68-503 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443
120 **58-71-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507
121 **58-73-601 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 269
122 **58-88-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 276
123 **63A-17-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 397
124 **63G-7-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2014, Chapter 415
125 **63I-1-258 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 236
126 **64-13-45 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapters 245, 341
127 **64-14-204 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
128 Chapter 214
129 **67-5-36 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 443
130 **76-3-203.11 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 310,
131 330
132 **76-5-102.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471

133 **76-5-112.5 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 330
134 **76-5-113 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 330
135 **76-5-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
136 204, 208, and 284
137 **76-5-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471
138 **76-8-311.3 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
139 208
140 **76-8-311.10 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 96
141 **76-9-1110 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
142 Chapter 173
143 **76-9-1301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
144 Chapter 173
145 **76-9-1505 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
146 Chapter 173
147 **76-11-217 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
148 Chapter 208
149 **76-11-301 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 173
150 **76-11-302 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 208
151 **76-17-401 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
152 Chapter 173
153 **77-7-8 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 133
154 **77-11a-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 80
155 **77-11b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
156 208
157 **77-11c-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 291
158 **77-23-210 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 281
159 **77-23a-8 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173, 174
160 **77-40a-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
161 239
162 **77-40a-205 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
163 208, 214, and 239
164 **78A-2-231 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 273,
165 317 and 330 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 330
166 **78A-5-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426

167 **78A-5-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 434
168 **78B-3-801 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 345
169 **78B-4-504 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2008,
170 Chapter 3
171 **78B-6-1101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
172 Session, Chapter 15
173 **78B-6-1107 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 141,
174 173, 174, 178, and 208
175 **78B-9-104 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
176 174
177 **80-1-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426
178 **80-3-110 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 273,
179 280, 317, and 330 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 330
180 **80-3-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426
181 **80-3-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426
182 **80-4-109 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392
183 **80-6-707 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
184 **80-6-708 (Effective 05/06/26)**, as enacted by Laws of Utah 2021, Chapter 261
185 **81-9-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426

ENACTS:

187 **58-37-103 (Effective 05/06/26)**, Utah Code Annotated 1953
188 **58-37-104 (Effective 05/06/26)**, Utah Code Annotated 1953
189 **58-37-113 (Effective 05/06/26)**, Utah Code Annotated 1953
190 **58-37-115 (Effective 05/06/26)**, Utah Code Annotated 1953
191 **58-37-201 (Effective 05/06/26)**, Utah Code Annotated 1953
192 **58-37-208 (Effective 05/06/26)**, Utah Code Annotated 1953
193 **58-37-209 (Effective 05/06/26)**, Utah Code Annotated 1953
194 **58-37-210 (Effective 05/06/26)**, Utah Code Annotated 1953
195 **58-37-301 (Effective 05/06/26)**, Utah Code Annotated 1953
196 **58-37-304 (Effective 05/06/26)**, Utah Code Annotated 1953
197 **58-37-305 (Effective 05/06/26)**, Utah Code Annotated 1953
198 **58-37-401 (Effective 05/06/26)**, Utah Code Annotated 1953
199 **58-37c-201 (Effective 05/06/26)**, Utah Code Annotated 1953
200 **76-18-101 (Effective 05/06/26)**, Utah Code Annotated 1953

201 **76-18-102 (Effective 05/06/26)**, Utah Code Annotated 1953
 202 **76-18-201 (Effective 05/06/26)**, Utah Code Annotated 1953
 203 **76-18-202 (Effective 05/06/26)**, Utah Code Annotated 1953
 204 **76-18-203 (Effective 05/06/26)**, Utah Code Annotated 1953
 205 **76-18-204 (Effective 05/06/26)**, Utah Code Annotated 1953
 206 **76-18-205 (Effective 05/06/26)**, Utah Code Annotated 1953
 207 **76-18-206 (Effective 05/06/26)**, Utah Code Annotated 1953
 208 **76-18-207 (Effective 05/06/26)**, Utah Code Annotated 1953
 209 **76-18-208 (Effective 05/06/26)**, Utah Code Annotated 1953
 210 **76-18-209 (Effective 05/06/26)**, Utah Code Annotated 1953
 211 **76-18-210 (Effective 05/06/26)**, Utah Code Annotated 1953
 212 **76-18-211 (Effective 05/06/26)**, Utah Code Annotated 1953
 213 **76-18-212 (Effective 05/06/26)**, Utah Code Annotated 1953
 214 **76-18-213 (Effective 05/06/26)**, Utah Code Annotated 1953
 215 **76-18-214 (Effective 05/06/26)**, Utah Code Annotated 1953
 216 **76-18-215 (Effective 05/06/26)**, Utah Code Annotated 1953
 217 **76-18-216 (Effective 05/06/26)**, Utah Code Annotated 1953
 218 **76-18-217 (Effective 05/06/26)**, Utah Code Annotated 1953
 219 **76-18-218 (Effective 05/06/26)**, Utah Code Annotated 1953
 220 **76-18-219 (Effective 05/06/26)**, Utah Code Annotated 1953
 221 **76-18-305 (Effective 05/06/26)**, Utah Code Annotated 1953
 222 **76-18-306 (Effective 05/06/26)**, Utah Code Annotated 1953
 223 **76-18-405 (Effective 05/06/26)**, Utah Code Annotated 1953

224 RENUMBERS AND AMENDS:

225 **58-37-101 (Effective 05/06/26)**, (Renumbered from 58-37-2, as last amended by Laws
 226 of Utah 2025, Chapter 396)
 227 **58-37-102 (Effective 05/06/26)**, (Renumbered from 58-37-18, as enacted by Laws of
 228 Utah 1971, Chapter 145)
 229 **58-37-105 (Effective 05/06/26) (Partially Repealed 07/01/32)**, (Renumbered from
 230 58-37-6, as last amended by Laws of Utah 2022, Chapter 415)
 231 **58-37-106 (Effective 05/06/26)**, (Renumbered from 58-37-17, as last amended by
 232 Laws of Utah 1987, Chapter 161)
 233 **58-37-107 (Effective 05/06/26)**, (Renumbered from 58-37-3, as last amended by Laws
 234 of Utah 2011, Chapter 12)

235 **58-37-108 (Effective 05/06/26)**, (Renumbered from 58-37-4, as last amended by Laws
236 of Utah 2025, Chapter 216)

237 **58-37-109 (Effective 05/06/26)**, (Renumbered from 58-37-4.2, as last amended by
238 Laws of Utah 2020, Chapter 26)

239 **58-37-110 (Effective 05/06/26)**, (Renumbered from 58-37-5.5, as last amended by
240 Laws of Utah 2008, Chapter 250)

241 **58-37-111 (Effective 05/06/26)**, (Renumbered from 58-37-2.5, as last amended by
242 Laws of Utah 1990, Chapter 101)

243 **58-37-112 (Effective 05/06/26)**, (Renumbered from 58-37-7, as last amended by Laws
244 of Utah 2024, Chapter 381)

245 **58-37-114 (Effective 05/06/26)**, (Renumbered from 58-37-15, as last amended by
246 Laws of Utah 2025, Chapter 302)

247 **58-37-202 (Effective 05/06/26)**, (Renumbered from 58-37-8.5, as enacted by Laws of
248 Utah 1997, Chapter 64)

249 **58-37-203 (Effective 05/06/26)**, (Renumbered from 58-37-12, as last amended by
250 Laws of Utah 1997, Chapter 64)

251 **58-37-204 (Effective 05/06/26)**, (Renumbered from 58-37-9, as last amended by Laws
252 of Utah 1995, Chapter 20)

253 **58-37-205 (Effective 05/06/26)**, (Renumbered from 58-37-10, as last amended by
254 Laws of Utah 2013, Chapter 278)

255 **58-37-206 (Effective 05/06/26)**, (Renumbered from 58-37-11, as last amended by
256 Laws of Utah 2024, Chapter 158)

257 **58-37-207 (Effective 05/06/26)**, (Renumbered from 58-37-14, as enacted by Laws of
258 Utah 1971, Chapter 145)

259 **58-37-302 (Effective 05/06/26)**, (Renumbered from 58-37-22, as last amended by
260 Laws of Utah 2023, Chapter 329)

261 **58-37-303 (Effective 05/06/26)**, (Renumbered from 58-37-6.5, as last amended by
262 Laws of Utah 2023, Chapter 329)

263 **58-37-306 (Effective 05/06/26)**, (Renumbered from 58-37-19, as last amended by
264 Laws of Utah 2024, Chapter 381)

265 **58-37-307 (Effective 05/06/26)**, (Renumbered from 58-37-23, as enacted by Laws of
266 Utah 2023, Chapter 323)

267 **58-37-308 (Effective 05/06/26)**, (Renumbered from 58-37-6.1, as enacted by Laws of
268 Utah 2025, Chapter 430)

269 **58-37-309 (Effective 05/06/26) (Repealed 07/01/27)**, (Renumbered from 58-37-3.5, as
270 last amended by Laws of Utah 2025, First Special Session, Chapter 9)
271 **58-37-402 (Effective 05/06/26)**, (Renumbered from 58-37-3.9, as last amended by
272 Laws of Utah 2023, Chapter 329)
273 **58-37-403 (Effective 05/06/26)**, (Renumbered from 58-37-3.6, as last amended by
274 Laws of Utah 2025, Chapter 114)
275 **58-37-404 (Effective 05/06/26)**, (Renumbered from 58-37-3.7, as last amended by
276 Laws of Utah 2023, Chapter 329)
277 **58-37-405 (Effective 05/06/26)**, (Renumbered from 58-37-3.8, as last amended by
278 Laws of Utah 2023, Chapters 273, 329)
279 **58-37c-101 (Effective 05/06/26)**, (Renumbered from 58-37c-3, as last amended by Laws
280 of Utah 2024, Chapter 113)
281 **58-37c-102 (Effective 05/06/26)**, (Renumbered from 58-37c-5, as last amended by Laws
282 of Utah 2022, Chapter 415)
283 **58-37c-103 (Effective 05/06/26)**, (Renumbered from 58-37c-6, as last amended by Laws
284 of Utah 2022, Chapter 415)
285 **58-37c-104 (Effective 05/06/26)**, (Renumbered from 58-37c-7, as last amended by Laws
286 of Utah 2010, Chapter 240)
287 **58-37c-105 (Effective 05/06/26)**, (Renumbered from 58-37c-8, as last amended by Laws
288 of Utah 2013, Chapters 262, 413)
289 **58-37c-106 (Effective 05/06/26)**, (Renumbered from 58-37c-9, as repealed and
290 reenacted by Laws of Utah 1993, Chapter 297)
291 **58-37c-107 (Effective 05/06/26)**, (Renumbered from 58-37c-10, as last amended by
292 Laws of Utah 2008, Chapter 322)
293 **58-37c-108 (Effective 05/06/26)**, (Renumbered from 58-37c-12, as repealed and
294 reenacted by Laws of Utah 1993, Chapter 297)
295 **58-37c-109 (Effective 05/06/26)**, (Renumbered from 58-37c-13, as enacted by Laws of
296 Utah 1992, Chapter 155)
297 **58-37c-110 (Effective 05/06/26)**, (Renumbered from 58-37c-14, as last amended by
298 Laws of Utah 2008, Chapter 382)
299 **58-37c-111 (Effective 05/06/26)**, (Renumbered from 58-37c-15, as last amended by
300 Laws of Utah 2023, Chapter 448)
301 **58-37c-112 (Effective 05/06/26)**, (Renumbered from 58-37c-17, as last amended by
302 Laws of Utah 2013, Chapter 278)

303 **58-37c-113 (Effective 05/06/26)**, (Renumbered from 58-37c-21, as last amended by
304 Laws of Utah 2022, Chapter 415)
305 **58-37c-114 (Effective 05/06/26)**, (Renumbered from 58-37c-11, as last amended by
306 Laws of Utah 2013, Chapters 262, 413)
307 **58-37c-202 (Effective 05/06/26)**, (Renumbered from 58-37c-18, as last amended by
308 Laws of Utah 1999, Chapter 21)
309 **58-37c-203 (Effective 05/06/26)**, (Renumbered from 58-37c-19, as last amended by
310 Laws of Utah 2013, Chapters 262, 413)
311 **58-37c-204 (Effective 05/06/26)**, (Renumbered from 58-37c-19.5, as last amended
312 by Laws of Utah 2017, Chapter 345)
313 **58-37c-205 (Effective 05/06/26)**, (Renumbered from 58-37c-19.7, as last amended
314 by Laws of Utah 2013, Chapters 262, 413)
315 **58-37c-206 (Effective 05/06/26)**, (Renumbered from 58-37c-19.9, as last amended
316 by Laws of Utah 2013, Chapters 262, 413)
317 **58-37c-207 (Effective 05/06/26)**, (Renumbered from 58-37c-20, as last amended by
318 Laws of Utah 2013, Chapters 262, 413)
319 **58-37c-208 (Effective 05/06/26)**, (Renumbered from 58-37c-20.5, as enacted by
320 Laws of Utah 2007, Chapter 358)
321 **58-37e-101 (Effective 05/06/26)**, (Renumbered from 58-37e-2, as enacted by Laws of
322 Utah 1997, Chapter 349)
323 **58-37e-102 (Effective 05/06/26)**, (Renumbered from 58-37e-3, as enacted by Laws of
324 Utah 1997, Chapter 349)
325 **58-37e-103 (Effective 05/06/26)**, (Renumbered from 58-37e-4, as enacted by Laws of
326 Utah 1997, Chapter 349)
327 **58-37e-104 (Effective 05/06/26)**, (Renumbered from 58-37e-5, as enacted by Laws of
328 Utah 1997, Chapter 349)
329 **58-37e-105 (Effective 05/06/26)**, (Renumbered from 58-37e-6, as enacted by Laws of
330 Utah 1997, Chapter 349)
331 **58-37e-106 (Effective 05/06/26)**, (Renumbered from 58-37e-7, as enacted by Laws of
332 Utah 1997, Chapter 349)
333 **58-37e-107 (Effective 05/06/26)**, (Renumbered from 58-37e-8, as enacted by Laws of
334 Utah 1997, Chapter 349)
335 **58-37e-108 (Effective 05/06/26)**, (Renumbered from 58-37e-9, as enacted by Laws of
336 Utah 1997, Chapter 349)

337 **58-37e-109 (Effective 05/06/26)**, (Renumbered from 58-37e-10, as enacted by Laws of
338 Utah 1997, Chapter 349)

339 **58-37e-110 (Effective 05/06/26)**, (Renumbered from 58-37e-11, as enacted by Laws of
340 Utah 1997, Chapter 349)

341 **58-37e-111 (Effective 05/06/26)**, (Renumbered from 58-37e-12, as enacted by Laws of
342 Utah 1997, Chapter 349)

343 **58-37e-112 (Effective 05/06/26)**, (Renumbered from 58-37e-13, as enacted by Laws of
344 Utah 1997, Chapter 349)

345 **58-37e-113 (Effective 05/06/26)**, (Renumbered from 58-37e-14, as enacted by Laws of
346 Utah 1997, Chapter 349)

347 **76-18-220 (Effective 05/06/26)**, (Renumbered from 58-37-8.1, as enacted by Laws of
348 Utah 2025, Chapter 198)

349 **76-18-221 (Effective 05/06/26)**, (Renumbered from 58-37-8.2, as renumbered and
350 amended by Laws of Utah 2025, Chapters 173, 173)

351 **76-18-222 (Effective 05/06/26)**, (Renumbered from 58-37-8.3, as renumbered and
352 amended by Laws of Utah 2025, Chapter 173)

353 **76-18-301 (Effective 05/06/26)**, (Renumbered from 58-37a-3, as last amended by Laws
354 of Utah 2023, Chapter 312)

355 **76-18-302 (Effective 05/06/26)**, (Renumbered from 58-37a-4, as last amended by Laws
356 of Utah 2011, Chapter 101)

357 **76-18-303 (Effective 05/06/26)**, (Renumbered from 58-37a-6, as last amended by Laws
358 of Utah 2023, Chapter 448)

359 **76-18-304 (Effective 05/06/26)**, (Renumbered from 58-37a-5, as last amended by Laws
360 of Utah 2024, Chapter 143)

361 **76-18-401 (Effective 05/06/26)**, (Renumbered from 58-37b-2, as last amended by
362 Laws of Utah 2010, Chapter 64)

363 **76-18-402 (Effective 05/06/26)**, (Renumbered from 58-37b-8, as enacted by Laws of
364 Utah 1982, Chapter 32)

365 **76-18-403 (Effective 05/06/26)**, (Renumbered from 58-37b-6, as last amended by
366 Laws of Utah 1986, Chapter 178)

367 **76-18-404 (Effective 05/06/26)**, (Renumbered from 58-37b-4, as last amended by
368 Laws of Utah 1991, Chapter 241)

369 **76-18-406 (Effective 05/06/26)**, (Renumbered from 58-37b-7, as last amended by
370 Laws of Utah 1991, Chapter 241)

371 **76-18-501 (Effective 05/06/26)**, (Renumbered from 58-37d-3, as last amended by
372 Laws of Utah 2019, Chapter 420)

373 **76-18-502 (Effective 05/06/26)**, (Renumbered from 58-37d-2, as last amended by
374 Laws of Utah 2019, Chapter 420)

375 **76-18-503 (Effective 05/06/26)**, (Renumbered from 58-37d-9, as last amended by
376 Laws of Utah 2022, Chapter 415)

377 **76-18-504 (Effective 05/06/26)**, (Renumbered from 58-37d-7, as last amended by
378 Laws of Utah 2023, Chapter 448)

379 **76-18-505 (Effective 05/06/26)**, (Renumbered from 58-37d-6, as last amended by
380 Laws of Utah 2019, Chapter 420)

381 **76-18-506 (Effective 05/06/26)**, (Renumbered from 58-37d-4, as last amended by
382 Laws of Utah 2019, Chapter 420)

383 REPEALS:

384 **58-37-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1971, Chapter 145

385 **58-37-8 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 141, 173,
386 198, 208, and 305

387 **58-37a-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1981, Chapter 76

388 **58-37a-2 (Effective 05/06/26)**, as enacted by Laws of Utah 1981, Chapter 76

389 **58-37a-7 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 330

390 **58-37b-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1982, Chapter 32

391 **58-37b-9 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 330

392 **58-37c-1 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 1992, Chapter
393 155

394 **58-37c-2 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 1992, Chapter
395 155

396 **58-37c-16 (Effective 05/06/26)**, as enacted by Laws of Utah 1992, Chapter 155

397 **58-37d-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1992, Chapter 156

398 **58-37d-5 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 420

399 **58-37d-8 (Effective 05/06/26)**, as enacted by Laws of Utah 1997, Chapter 64

400 **58-37e-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1997, Chapter 349

401

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

403 Section 1. Section **4-5-107** is amended to read:

404 **4-5-107 (Effective 05/06/26). Food containing vaccine.**

- 405 (1) As used in this section, "vaccine or vaccine material" means a substance that is:
- 406 (a) intended for use in humans to stimulate the production of antibodies and provide
- 407 immunity against disease;
- 408 (b) prepared from the causative agent of a disease, the disease's products, or a synthetic
- 409 substitute treated to act as an antigen without including the disease; and
- 410 (c) authorized or approved by the United States Food and Drug Administration.
- 411 (2) A food intended for human consumption that intentionally contains a vaccine or vaccine
- 412 material is considered a drug for purposes of this chapter, Section 26B-7-108, and [~~Title~~
- 413 ~~58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled
- 414 Substances.

415 Section 2. Section ~~4-41-402~~ is amended to read:

416 **4-41-402 (Effective 05/06/26). Cannabinoid sales and use authorized.**

- 417 (1) The sale or use of a cannabinoid product is prohibited:
- 418 (a) except as provided in this chapter; or
- 419 (b) unless the United States Food and Drug Administration approves the product.
- 420 (2) The department shall keep a list of registered cannabinoid products that the department
- 421 has determined, in accordance with Section 4-41-403, are safe for human consumption.
- 422 (3)(a) A person may sell or use a cannabinoid product that is in the list of registered
- 423 cannabinoid products described in Subsection (2).
- 424 (b) An individual may use cannabidiol or a cannabidiol product that is not in the list of
- 425 registered cannabinoid products described in Subsection (2) if:
- 426 (i) the individual purchased the product outside the state; and
- 427 (ii) the product's contents do not violate [~~Title 58, Chapter 37, Utah Controlled~~
- 428 ~~Substances Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter
- 429 18, Part 2, Offenses Concerning Controlled Substances.
- 430 (4) Any marketing for a cannabinoid product shall include a notice to consumers that the
- 431 product is hemp or CBD and is not cannabis or medical cannabis, as those terms are
- 432 defined in Section 26B-4-201.

- 433 (5) A cannabinoid product that is designed to be inhaled shall include a warning on the
- 434 label regarding the possible health effects of inhaling cannabinoid products.

435 Section 3. Section ~~4-41a-102~~ is amended to read:

436 **4-41a-102 (Effective 05/06/26). Definitions.**

437 As used in this chapter:

- 438 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be

- 439 injurious to health, including:
- 440 (a) pesticides;
- 441 (b) heavy metals;
- 442 (c) solvents;
- 443 (d) microbial life;
- 444 (e) artificially derived cannabinoid;
- 445 (f) toxins; or
- 446 (g) foreign matter.
- 447 (2) "Advertise" or "advertising" means information provided by a person in any medium:
- 448 (a) to the public; and
- 449 (b) that is not age restricted to an individual who is at least 21 years old.
- 450 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
- 451 Section 26B-1-435.
- 452 (4)(a) "Anticompetitive business practice" means any practice that is an illegal
- 453 anticompetitive activity under Section 76-16-510.
- 454 (b) "Anticompetitive business practice" may include:
- 455 (i) agreements that may be considered unreasonable when competitors interact to the
- 456 extent that they are:
- 457 (A) no longer acting independently; or
- 458 (B) when collaborating are able to wield market power together;
- 459 (ii) monopolizing or attempting to monopolize trade by:
- 460 (A) acting to maintain or acquire a dominant position in the market; or
- 461 (B) preventing new entry into the market; or
- 462 (iii) other conduct outlined in rule.
- 463 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
- 464 chemical reaction that changes the molecular structure of any chemical substance
- 465 derived from the cannabis plant.
- 466 (b) "Artificially derived cannabinoid" does not include:
- 467 (i) a naturally occurring chemical substance that is separated from the cannabis plant
- 468 by a chemical or mechanical extraction process; or
- 469 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
- 470 cannabinoid acid without the use of a chemical catalyst.
- 471 (6) "Batch" means a quantity of:
- 472 (a) cannabis extract produced on a particular date and time and produced between

- 473 completion of equipment and facility sanitation protocols until the next required
474 sanitation cycle during which lots of cannabis are used;
- 475 (b) cannabis product produced on a particular date and time and produced between
476 completion of equipment and facility sanitation protocols until the next required
477 sanitation cycle during which cannabis extract is used; or
- 478 (c) cannabis flower packaged on a particular date and time and produced between
479 completion of equipment and facility sanitation protocols until the next required
480 sanitation cycle during which lots of cannabis are being used.
- 481 (7) "Cannabis Research Review Board" means the Cannabis Research Review Board
482 created in Section 26B-1-420.
- 483 (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 484 (9) "Cannabis concentrate" means:
- 485 (a) the product of any chemical or physical process applied to naturally occurring
486 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 487 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
488 artificially derived cannabinoid's purified state.
- 489 (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
490 intended to be sold as a cannabis plant product.
- 491 (11) "Cannabis cultivation facility" means a person that:
- 492 (a) possesses cannabis;
- 493 (b) grows or intends to grow cannabis; and
- 494 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
495 processing facility, or a medical cannabis research licensee.
- 496 (12) "Cannabis cultivation facility agent" means an individual who
497 holds a valid cannabis production establishment agent registration card with a cannabis
498 cultivation facility designation.
- 499 (13) "Cannabis derivative product" means a product made using cannabis concentrate.
- 500 (14) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in
501 a form that is recognizable as a portion of a cannabis plant.
- 502 (15) "Cannabis processing facility" means a person that:
- 503 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 504 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 505 (c) manufactures or intends to manufacture a cannabis product from unprocessed
506 cannabis or a cannabis extract; and

- 507 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
508 medical cannabis research licensee.
- 509 (16) "Cannabis processing facility agent" means an individual who
510 holds a valid cannabis production establishment agent registration card with a cannabis
511 processing facility designation.
- 512 (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 513 (18) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis
514 processing facility, or an independent cannabis testing laboratory.
- 515 (19) "Cannabis production establishment agent" means a cannabis cultivation facility agent,
516 a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 517 (20) "Cannabis production establishment agent registration card" means a registration card
518 that the department issues that:
- 519 (a) authorizes an individual to act as a cannabis production establishment agent; and
520 (b) designates the type of cannabis production establishment for which an individual is
521 authorized to act as an agent.
- 522 (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home
523 delivery medical cannabis pharmacy for delivering medical cannabis.
- 524 (22) "Community location" means a public or private elementary or secondary school, a
525 church, a public library, a public playground, or a public park.
- 526 (23) "Cultivation space" means, quantified in square feet, the horizontal area in which a
527 cannabis cultivation facility cultivates cannabis, including each level of horizontal area
528 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
529 above other plants in multiple levels.
- 530 (24) "Delivery address" means:
- 531 (a) for a medical cannabis cardholder who is not a facility:
532 (i) the medical cannabis cardholder's home address; or
533 (ii) an address designated by the medical cannabis cardholder that:
534 (A) is the medical cannabis cardholder's workplace; and
535 (B) is not a community location; or
536 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 537 (25) "Department" means the Department of Agriculture and Food.
- 538 (26) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
539 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
540 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

- 541 (27) "Government issued photo identification" means the same as that term is defined in
542 Section 26B-4-201, including expired identification in accordance with Section
543 26B-4-244.
- 544 (28) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
545 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
546 shipments to a delivery address to fulfill electronic orders.
- 547 (29)(a) "Independent cannabis testing laboratory" means a person that:
548 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
549 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
550 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 551 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
552 or a research university operates in accordance with Subsection 4-41a-201(14).
- 553 (30) "Independent cannabis testing laboratory agent" means an individual who
554 holds a valid cannabis production establishment agent registration card with an independent
555 cannabis testing laboratory designation.
- 556 (31) "Inventory control system" means a system described in Section 4-41a-103.
- 557 (32) "Licensing board" or "board" means the Cannabis Production Establishment and
558 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 559 (33) "Medical cannabis" or "medical cannabis product" means the same as that term is
560 defined in Section 26B-4-201.
- 561 (34) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 562 (35) "Medical cannabis courier" means a courier that:
563 (a) the department licenses in accordance with Section 4-41a-1201; and
564 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
565 cannabis shipments to fulfill electronic orders.
- 566 (36) "Medical cannabis courier agent" means an individual who:
567 (a) is an employee of a medical cannabis courier; and
568 (b) who holds a valid medical cannabis courier agent registration card.
- 569 (37) "Medical cannabis pharmacy" means the same as that term is defined in Section
570 26B-4-201.
- 571 (38) "Medical cannabis pharmacy agent" means the same as that term is defined in Section
572 26B-4-201.
- 573 (39) "Medical cannabis research license" means a license that the department issues to a
574 research university for the purpose of obtaining and possessing medical cannabis for

- 575 academic research.
- 576 (40) "Medical cannabis research licensee" means a research university that the department
577 licenses to obtain and possess medical cannabis for academic research, in accordance
578 with Section 4-41a-901.
- 579 (41) "Medical cannabis shipment" means a shipment of medical cannabis that a home
580 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
581 address to fulfill an electronic medical cannabis order.
- 582 (42) "Medical cannabis treatment" means the same as that term is defined in Section
583 26B-4-201.
- 584 (43) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 585 (44) "Patient product information insert" means the same as that term is defined in Section
586 26B-4-201.
- 587 (45) "Pharmacy ownership limit" means an amount equal to 30% of the total number of
588 medical cannabis pharmacy licenses issued by the department rounded down to the
589 nearest whole number.
- 590 (46) "Pharmacy medical provider" means the same as that term is defined in Section
591 26B-4-201.
- 592 (47) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
- 593 (48) "Recommending medical provider" means the same as that term is defined in Section
594 26B-4-201.
- 595 (49) "Research university" means the same as that term is defined in Section 53H-8-202
596 and a private, nonprofit college or university in the state that:
- 597 (a) is accredited by the Northwest Commission on Colleges and Universities;
598 (b) grants doctoral degrees; and
599 (c) has a laboratory containing or a program researching a schedule I controlled
600 substance described in Section ~~[58-37-4]~~ 58-37-108.
- 601 (50) "State electronic verification system" means the system described in Section 26B-4-202.
- 602 (51) "Targeted marketing" means the promotion of medical cannabis, a medical cannabis
603 brand, or a medical cannabis device using any of the following methods:
- 604 (a) electronic communication to an individual who is at least 21 years old and has
605 requested to receive promotional information;
- 606 (b) an in-person marketing event that is:
- 607 (i) held inside a medical cannabis pharmacy; and
608 (ii) in an area where only a medical cannabis cardholder may access the event;

- 609 (c) other marketing material that is physically available or digitally displayed in a
 610 medical cannabis pharmacy; or
- 611 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
 612 provided to an individual when obtaining medical cannabis:
- 613 (i) in the medical cannabis pharmacy;
- 614 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
- 615 (iii) in a medical cannabis shipment.
- 616 (52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section
 617 4-41-102.
- 618 (53) "Tier one cannabis processing facility" means a cannabis processing facility that is
 619 able to:
- 620 (a) create cannabis concentrate;
- 621 (b) create cannabis derivative product; and
- 622 (c) package and label medical cannabis.
- 623 (54) "Tier two cannabis processing facility" means a cannabis processing facility that is
 624 able to package and label medical cannabis only if the medical cannabis is a cannabis
 625 plant product.
- 626 (55) "THC analog" means the same as that term is defined in Section 4-41-102.
- 627 (56) "Total composite tetrahydrocannabinol" means all detectable forms of
 628 tetrahydrocannabinol.
- 629 (57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in
 630 Section 4-41-102.
- 631 Section 4. Section **4-41a-302** is amended to read:
- 632 **4-41a-302 (Effective 05/06/26). Cannabis production establishment agent**
 633 **registration card -- Rebuttable presumption.**
- 634 (1) A cannabis production establishment agent whom the department registers under
 635 Section 4-41a-301 shall carry the individual's cannabis production establishment agent
 636 registration card with the agent at all times when:
- 637 (a) the agent is on the premises of a cannabis production establishment where the agent
 638 is registered;
- 639 (b) the agent is transporting cannabis in a medicinal dosage form, a cannabis product in
 640 a medicinal dosage form, or a medical cannabis device between:
- 641 (i) two cannabis production establishments; or
- 642 (ii) a cannabis production establishment and a medical cannabis pharmacy; and

- 643 (c) if the cannabis production establishment agent is an agent of a cannabis cultivation
644 facility, the agent is transporting raw cannabis plants to a cannabis processing facility
645 or an independent cannabis testing laboratory.
- 646 (2) If a cannabis processing facility agent possesses cannabis in a medicinal dosage form, a
647 cannabis product in a medicinal dosage form, or a medical cannabis device and produces
648 the registration card in the agent's possession in compliance with Subsection (1) while
649 handling, at a cannabis production establishment, or transporting the cannabis, cannabis
650 product, or medical cannabis device in compliance with Subsection (1):
- 651 (a) there is a rebuttable presumption that the agent possesses the cannabis, cannabis
652 product, or medical cannabis device legally; and
- 653 (b) a law enforcement officer does not have probable cause, based solely on the agent's
654 possession of the cannabis in medicinal dosage form, cannabis product in medicinal
655 dosage form, or medical cannabis device in compliance with Subsection (1), to
656 believe that the individual is engaging in illegal activity.
- 657 (3)(a) A cannabis production establishment agent who fails to carry the agent's cannabis
658 production establishment agent registration card in accordance with Subsection (1) is:
- 659 (i) for a first or second offense in a two-year period:
- 660 (A) guilty of an infraction; and
661 (B) subject to a \$100 fine; or
- 662 (ii) for a third or subsequent offense in a two-year period:
- 663 (A) guilty of a class C misdemeanor; and
664 (B) subject to a \$750 fine.
- 665 (b)(i) The prosecuting entity shall notify the department and the relevant cannabis
666 production establishment of each conviction under Subsection (3)(a).
- 667 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess
668 the relevant cannabis production establishment a fine of up to \$5,000, in
669 accordance with a fine schedule that the department establishes by rule in
670 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 671 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not guilty
672 for a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
673 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
674 Concerning Controlled Substances, for the conduct underlying the violation
675 described in Subsection (3)(a).

676 Section 5. Section **4-41a-404** is amended to read:

- 677 **4-41a-404 (Effective 05/06/26). Medical cannabis transportation.**
- 678 (1)(a) Except as provided in Part 12, Medical Cannabis Home Delivery and Couriers,
679 the following individuals may transport cannabis or a cannabis product under this
680 chapter:
- 681 (i) a cannabis production establishment agent;
 - 682 (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment
683 that the cardholder is authorized to possess under this chapter;
 - 684 (iii) a registered medical cannabis pharmacy agent;
 - 685 (iv) a registered medical cannabis courier agent; and
 - 686 (v) a registered pharmacy medical provider.
- 687 (b) Only an agent of a cannabis cultivation facility, when the agent is transporting
688 cannabis plants to a cannabis processing facility or an independent cannabis testing
689 laboratory, may transport unprocessed cannabis outside of a medicinal dosage form.
- 690 (2) Except for an individual with a valid medical cannabis card under Title 26B, Chapter 4,
691 Part 2, Cannabinoid Research and Medical Cannabis, who is transporting a medical
692 cannabis treatment, an individual transporting cannabis or a cannabis product shall:
- 693 (a) be employed by the entity licensed under this chapter that is authorizing the
694 transportation of the cannabis or cannabis product; and
 - 695 (b) possess a transportation manifest that:
 - 696 (i) includes a unique identifier that links the cannabis or cannabis product to a
697 relevant inventory control system;
 - 698 (ii) includes origin and destination information for any cannabis or cannabis product
699 that the individual is transporting; and
 - 700 (iii) identifies the departure and arrival times and locations of the individual
701 transporting the cannabis or cannabis product.
- 702 (3)(a) In addition to the requirements in Subsections (1) and (2), the department may
703 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
704 Rulemaking Act, requirements for transporting cannabis or cannabis product to
705 ensure that the cannabis or cannabis product remains safe for human consumption.
- 706 (b) The transportation described in Subsection (3)(a) is limited to transportation:
- 707 (i) between a cannabis production establishment and another cannabis production
708 establishment;
 - 709 (ii) between a cannabis processing facility and a medical cannabis pharmacy; and
 - 710 (iii) between a medical cannabis pharmacy and:

- 711 (A) another medical cannabis pharmacy; or
712 (B) for a medical cannabis shipment, a delivery address.
- 713 (4)(a) It is unlawful for a registered cannabis production establishment agent to make a
714 transport described in this section with a manifest that does not meet the requirements
715 of this section.
- 716 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:
717 (i) guilty of an infraction; and
718 (ii) subject to a \$100 fine.
- 719 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not guilty
720 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
721 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
722 Concerning Controlled Substances, for the conduct underlying the violation
723 described in Subsection (4)(b).
- 724 (d) If the agent described in Subsection (4)(a) is transporting more cannabis or cannabis
725 product than the manifest identifies, except for a de minimis administrative error:
726 (i) the penalty described in Subsection (4)(b) does not apply; and
727 (ii) the agent is subject to penalties under [~~Title 58, Chapter 37, Utah Controlled~~
728 ~~Substances Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter
729 18, Part 2, Offenses Concerning Controlled Substances.
- 730 (5) Nothing in this section prevents the department from taking administrative enforcement
731 action against a cannabis production establishment, medical cannabis pharmacy, medical
732 cannabis courier, or another person for failing to make a transport in compliance with
733 the requirements of this section.
- 734 (6) An individual other than an individual described in Subsection (1) may transport a
735 medical cannabis device within the state if the transport does not also contain medical
736 cannabis.

737 Section 6. Section **4-41a-801** is amended to read:

738 **4-41a-801 (Effective 05/06/26). Enforcement -- Fine -- Citation.**

- 739 (1)(a) If a person that is a cannabis production establishment, a cannabis production
740 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy
741 agent, or a medical cannabis courier, violates this chapter, the department may:
742 (i) revoke the person's license or agent registration card;
743 (ii) decline to renew the person's license or agent registration card;
744 (iii) assess the person an administrative penalty that the department establishes by

- 745 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
746 Act; or
- 747 (iv) provide a letter of concern in accordance with Subsection (8).
- 748 (b) Except for a violation that threatens public health or for the third violation of the
749 same rule or statute in a 24-month period, the department shall issue a letter of
750 concern before taking other administrative action under this section.
- 751 (2) The department shall deposit an administrative penalty imposed under this section into
752 the General Fund.
- 753 (3)(a) The department may take an action described in Subsection (3)(b) if the
754 department concludes, upon investigation, that, for a person that is a cannabis
755 production establishment, a cannabis production establishment agent, a medical
756 cannabis pharmacy, a medical cannabis pharmacy agent, or a medical cannabis
757 courier:
- 758 (i) the person has violated the provisions of this chapter, a rule made under this
759 chapter, or an order issued under this chapter; or
- 760 (ii) the person produced cannabis or a cannabis product batch that contains a
761 substance, other than cannabis, that poses a significant threat to human health.
- 762 (b) If the department makes the determination about a person described in Subsection
763 (3)(a), the department may:
- 764 (i) issue the person a written administrative citation;
- 765 (ii) attempt to negotiate a stipulated settlement;
- 766 (iii) order the person to cease and desist from the action that creates a violation; or
- 767 (iv) direct the person to appear before an adjudicative proceeding conducted under
768 Title 63G, Chapter 4, Administrative Procedures Act.
- 769 (c) If the department concludes, upon investigation, that a cannabis production
770 establishment or a cannabis production establishment agent has produced a cannabis
771 batch or a cannabis product batch that contains a substance that poses a significant
772 threat to human health, the department shall seize, embargo, or destroy the cannabis
773 batch or cannabis product batch.
- 774 (4) The department may, for a person subject to an uncontested citation, a stipulated
775 settlement, or a finding of a violation in an adjudicative proceeding under this section,
776 for a fine amount not already specified in law, assess the person, who is not an
777 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that
778 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah

- 779 Administrative Rulemaking Act.
- 780 (5) The department may not revoke a license without first directing the licensee to appear
781 before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative
782 Procedures Act.
- 783 (6) If within 30 calendar days after the day on which a department serves a citation for a
784 violation of this chapter, the person that is the subject of the citation fails to request a
785 hearing to contest the citation, the citation becomes the department's final order.
- 786 (7) The department may, for a person who fails to comply with a citation under this section:
787 (a) refuse to issue or renew the person's license or agent registration card; or
788 (b) suspend, revoke, or place on probation the person's license or registration card.
- 789 (8)(a) A letter of concern shall describe:
790 (i) the violation including the statute or rule being violated;
791 (ii) possible options to remedy the issue; and
792 (iii) possible consequences for not remedying the violation.
- 793 (b) Under a letter of concern, the department shall provide the person at least 30 days to
794 remedy the violation.
- 795 (c) If the person fails to remedy the violation described in a letter of concern, the
796 department may take other enforcement action as described in this section.
- 797 (d) If a letter of concern is resolved without an enforcement action being taken under
798 Subsection (8)(c), the department may not report that a letter of concern was issued to
799 the licensing board.
- 800 (9)(a) Except where a criminal penalty is expressly provided for a specific violation of
801 this chapter, or where civil and criminal penalties are provided for violations of
802 Section 76-10-31, if an individual:
803 (i) violates a provision of this chapter, the individual is:
804 (A) guilty of an infraction; and
805 (B) subject to a \$100 fine; or
806 (ii) intentionally or knowingly violates a provision of this chapter or violates this
807 chapter three or more times, the individual is:
808 (A) guilty of a class B misdemeanor; and
809 (B) subject to a \$1,000 fine.
- 810 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not guilty
811 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
812 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses

- 813 Concerning Controlled Substances, for the conduct underlying the violation
814 described in Subsection (9)(a).
- 815 (10) Nothing in this section prohibits:
- 816 (a) the department from referring potential criminal activity to law enforcement; or
817 (b) the attorney general from investigating or prosecuting individuals or businesses for
818 violations of [~~Title 76, Chapter 10, Part 31, Utah Antitrust Act~~] Title 76, Chapter 16,
819 Part 5, Antitrust Offenses.
- 820 (11) An appeal of administrative action taken under this chapter shall be heard by an
821 administrative law judge as an informal proceeding in accordance with Title 63G,
822 Chapter 4, Administrative Procedures Act.
- 823 Section 7. Section **4-41a-1107** is amended to read:
- 824 **4-41a-1107 (Effective 05/06/26). Medical cannabis pharmacy agent registration**
825 **card -- Rebuttable presumption.**
- 826 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis
827 pharmacy agent registration card with the individual at all times when:
- 828 (a) the individual is on the premises of a medical cannabis pharmacy; and
829 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
830 product in a medicinal dosage form, or a medical cannabis device between a cannabis
831 production establishment and a medical cannabis pharmacy.
- 832 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
833 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
834 device or transporting cannabis in a medicinal dosage form, a cannabis product in a
835 medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis
836 product, or medical cannabis device in compliance with Subsection (1):
- 837 (a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis
838 product, or medical cannabis device legally; and
839 (b) there is no probable cause, based solely on the individual's possession of the
840 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or
841 medical cannabis device in compliance with Subsection (1), that the individual is
842 engaging in illegal activity.
- 843 (3)(a) A medical cannabis pharmacy agent who fails to carry the agent's medical
844 cannabis pharmacy agent registration card in accordance with Subsection (1) is:
- 845 (i) for a first or second offense in a two-year period:
846 (A) guilty of an infraction; and

- 847 (B) is subject to a \$100 fine; or
848 (ii) for a third or subsequent offense in a two-year period:
849 (A) guilty of a class C misdemeanor; and
850 (B) subject to a \$750 fine.
- 851 (b)(i) The prosecuting entity shall notify the department and the relevant medical
852 cannabis pharmacy of each conviction under Subsection (3)(a).
853 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess
854 the relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with
855 a fine schedule that the department establishes by rule in accordance with Title
856 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 857 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not guilty
858 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
859 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
860 Concerning Controlled Substances, for the conduct underlying the violation
861 described in Subsection (3)(a).

862 Section 8. Section **4-41a-1203** is amended to read:

863 **4-41a-1203 (Effective 05/06/26). Medical cannabis shipment transportation.**

- 864 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
865 capable of delivering, directly or through a medical cannabis courier, medical cannabis
866 shipments in a secure manner.
- 867 (2)(a) A home delivery medical cannabis pharmacy may contract with a licensed
868 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic
869 medical cannabis orders.
- 870 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
871 Subsection (2)(a), the pharmacy shall:
- 872 (i) impose security and personnel requirements on the medical cannabis courier
873 sufficient to ensure the security and safety of medical cannabis shipments; and
874 (ii) provide regular oversight of the medical cannabis courier.
- 875 (3) Notwithstanding Subsection 4-41a-404(1), an individual may transport a medical
876 cannabis shipment if the individual is:
- 877 (a) a registered pharmacy medical provider;
878 (b) a registered medical cannabis pharmacy agent; or
879 (c) a registered agent of the medical cannabis courier described in Subsection (2).
- 880 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall

- 881 comply with the requirements of Subsection 4-41a-404(3).
- 882 (5) In addition to the requirements in Subsections (3) and (4), the department may establish
- 883 by rule, in collaboration with the Division of Professional Licensing and the Board of
- 884 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
- 885 Rulemaking Act, requirements for transporting medical cannabis shipments that are
- 886 related to safety for human consumption of medical cannabis.
- 887 (6)(a) It is unlawful for an individual to transport a medical cannabis shipment with a
- 888 manifest that does not meet the requirements of Subsection (4).
- 889 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a)
- 890 is:
- 891 (i) guilty of an infraction; and
- 892 (ii) subject to a \$100 fine.
- 893 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty
- 894 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
- 895 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 896 Concerning Controlled Substances, for the conduct underlying the violation
- 897 described in Subsection (6)(b).
- 898 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
- 899 cannabis product, or medical cannabis devices than the manifest identifies, except for
- 900 a de minimis administrative error:
- 901 (i) this chapter does not apply; and
- 902 (ii) the individual is subject to penalties under [~~Title 58, Chapter 37, Utah Controlled~~
- 903 Substances Act] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter
- 904 18, Part 2, Offenses Concerning Controlled Substances.

905 Section 9. Section **4-41a-1204** is amended to read:

906 **4-41a-1204 (Effective 05/06/26). Medical cannabis courier agent -- Background**

907 **check -- Registration card -- Rebuttable presumption.**

- 908 (1) An individual may not serve as a medical cannabis courier agent unless the department
- 909 registers the individual as a medical cannabis courier agent.
- 910 (2)(a) The department shall, within 15 days after the day on which the department
- 911 receives a complete application from a medical cannabis courier on behalf of a
- 912 medical cannabis courier agent, register and issue a medical cannabis courier agent
- 913 registration card to the prospective agent if the medical cannabis courier:
- 914 (i) provides to the department:

- 915 (A) the prospective agent's name and address;
- 916 (B) the name and address of the medical cannabis courier;
- 917 (C) the name and address of each home delivery medical cannabis pharmacy with
- 918 which the medical cannabis courier contracts to deliver medical cannabis
- 919 shipments; and
- 920 (D) the submission required under Subsection (2)(b);
- 921 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
- 922 law of:
- 923 (A) a felony; or
- 924 (B) after December 3, 2018, a misdemeanor for drug distribution; and
- 925 (iii) pays the department a fee in an amount that, subject to Subsection 4-41a-104(5),
- 926 the department sets in accordance with Section 63J-1-504.
- 927 (b) Each prospective agent described in Subsection (2)(a) shall:
- 928 (i) submit to the department:
- 929 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 930 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
- 931 the registration of the prospective agent's fingerprints in the Federal Bureau of
- 932 Investigation Next Generation Identification System's Rap Back Service; and
- 933 (ii) consent to a fingerprint background check by:
- 934 (A) the Bureau of Criminal Identification; and
- 935 (B) the Federal Bureau of Investigation.
- 936 (c) The Bureau of Criminal Identification shall:
- 937 (i) check the fingerprints the prospective agent submits under Subsection (2)(b)
- 938 against the applicable state, regional, and national criminal records databases,
- 939 including the Federal Bureau of Investigation Next Generation Identification
- 940 System;
- 941 (ii) report the results of the background check to the department;
- 942 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 943 Subsection (2)(b) for search by future submissions to the local and regional
- 944 criminal records databases, including latent prints;
- 945 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 946 Next Generation Identification System's Rap Back Service for search by future
- 947 submissions to national criminal records databases, including the Next Generation
- 948 Identification System and latent prints; and

- 949 (v) establish a privacy risk mitigation strategy to ensure that the department only
950 receives notifications for an individual with whom the department maintains an
951 authorizing relationship.
- 952 (d) The department shall:
- 953 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
954 amount that the department sets in accordance with Section 63J-1-504 for the
955 services that the Bureau of Criminal Identification or another authorized agency
956 provides under this section; and
- 957 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
958 Identification.
- 959 (3)(a) A medical cannabis courier agent shall comply with a certification standard that
960 the department develops, in collaboration with the Division of Professional Licensing
961 and the Board of Pharmacy, or a third-party certification standard that the department
962 designates by rule in collaboration with the Division of Professional Licensing and
963 the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
964 Administrative Rulemaking Act.
- 965 (b) The department shall ensure that the certification standard described in Subsection
966 (3)(a) includes training in:
- 967 (i) Utah medical cannabis law;
- 968 (ii) the medical cannabis shipment process; and
- 969 (iii) medical cannabis courier agent best practices.
- 970 (4)(a) A medical cannabis courier agent registration card expires two years after the day
971 on which the department issues or renews the card.
- 972 (b) A medical cannabis courier agent may renew the agent's registration card if the agent:
- 973 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 974 (ii) certifies to the department in a renewal application that the information in
975 Subsection (2)(a) is accurate or updates the information; and
- 976 (iii) pays to the department a renewal fee in an amount that:
- 977 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with
978 Section 63J-1-504; and
- 979 (B) may not exceed the cost of the relatively lower administrative burden of
980 renewal in comparison to the original application process.
- 981 (5) The department may revoke or refuse to issue or renew the medical cannabis courier
982 agent registration card of an individual who:

- 983 (a) violates the requirements of this chapter; or
 984 (b) is convicted under state or federal law of:
 985 (i) a felony within the preceding 10 years; or
 986 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 987 (6) A medical cannabis courier agent whom the department has registered under this section
 988 shall carry the agent's medical cannabis courier agent registration card with the agent at
 989 all times when:
 990 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
 991 pharmacy, or a delivery address; and
 992 (b) the agent is handling a medical cannabis shipment.
- 993 (7) If a medical cannabis courier agent handling a medical cannabis shipment possesses the
 994 shipment in compliance with Subsection (6):
 995 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
 996 (b) there is no probable cause, based solely on the agent's possession of the medical
 997 cannabis shipment that the agent is engaging in illegal activity.
- 998 (8)(a) A medical cannabis courier agent who violates Subsection (6) is:
 999 (i) guilty of an infraction; and
 1000 (ii) subject to a \$100 fine.
- 1001 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty
 1002 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
 1003 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
 1004 Concerning Controlled Substances, for the conduct underlying the violation
 1005 described in Subsection (8)(a).
- 1006 (9) A medical cannabis courier shall:
 1007 (a) maintain a list of employees who have a medical cannabis courier agent card; and
 1008 (b) provide the list to the department upon request.
- 1009 Section 10. Section **4-45-104** is amended to read:
 1010 **4-45-104 (Effective 05/06/26). Kratom processor requirements -- Criminal**
 1011 **penalty.**
- 1012 (1) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product:
 1013 (a) that is mixed or packed with a nonkratom substance that affects the quality or
 1014 strength of the kratom product to such a degree as to render the kratom product
 1015 injurious to a consumer;
 1016 (b) that contains a poisonous or otherwise deleterious nonkratom ingredient, including a

- 1017 controlled substance as defined in Section ~~[58-37-2]~~ 58-37-101;
- 1018 (c) containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater
1019 than 2% of the alkaloid composition of the kratom product;
- 1020 (d) containing a synthetic alkaloid, including synthetic mitragynine, synthetic
1021 7-hydroxymitragynine, or any other synthetically derived compound of the kratom
1022 plant; or
- 1023 (e) that does not include a product label on the kratom product packaging that states the
1024 amount of mitragynine and 7-hydroxymitragynine contained in the packaged kratom
1025 product.
- 1026 (2) A kratom processor who violates Subsection (1) is guilty of a class C misdemeanor for
1027 each violation.
- 1028 (3) A kratom processor does not violate Subsection (1) if the kratom processor shows by a
1029 preponderance of the evidence that the kratom processor relied in good faith upon the
1030 representation of a manufacturer, processor, packer, or distributor of food represented to
1031 be a kratom product.
- 1032 (4) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product
1033 that is not registered with the department in accordance with this chapter.
- 1034 (5) A kratom processor shall register as a food establishment in accordance with Section
1035 4-5-301.
- 1036 Section 11. Section **10-8-47** is amended to read:
- 1037 **10-8-47 (Effective 05/06/26). Intoxication -- Fights -- Disorderly conduct --**
1038 **Assault and battery -- Petit larceny -- Riots and disorderly assemblies -- Firearms and**
1039 **fireworks -- False pretenses and embezzlement -- Sale of liquor, narcotics, tobacco**
1040 **products, electronic cigarette products, or nicotine products to minors -- Possession of**
1041 **controlled substances -- Treatment of alcoholics and narcotics or drug addicts.**
- 1042 (1) A municipal legislative body may:
- 1043 (a) prevent intoxication, fighting, quarreling, dog fights, cockfights, prize fights,
1044 bullfights, and all disorderly conduct and provide against and punish the offenses of
1045 assault and battery and petit larceny;
- 1046 (b) restrain riots, routs, noises, disturbances, or disorderly assemblies in any street,
1047 house, or place in the city;
- 1048 (c) regulate and prevent the discharge of firearms, rockets, powder, fireworks in
1049 accordance with Section 53-7-225, or any other dangerous or combustible material;
- 1050 (d) provide against and prevent the offense of obtaining money or property under false

- 1051 pretenses and the offense of embezzling money or property in the cases when the
 1052 money or property embezzled or obtained under false pretenses does not exceed in
 1053 value the sum of \$500;
- 1054 (e) prohibit the sale, giving away, or furnishing of narcotics or alcoholic beverages to an
 1055 individual younger than 21 years old; or
- 1056 (f) prohibit the sale, giving away, or furnishing of a tobacco product, an electronic
 1057 cigarette product, or a nicotine product as those terms are defined in Section
 1058 76-9-1101 to an individual younger than 21 years old.
- 1059 (2) A city may:
- 1060 (a) by ordinance, prohibit the possession of controlled substances as defined in [~~the Utah~~
 1061 ~~Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76,
 1062 Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any other
 1063 endangering or impairing substance, provided the conduct is not a class A
 1064 misdemeanor or felony; and
- 1065 (b) provide for treatment of alcoholics, narcotic addicts, and other individuals who are
 1066 addicted to the use of drugs or intoxicants such that an individual substantially lacks
 1067 the capacity to control the individual's use of the drugs or intoxicants, and judicial
 1068 supervision may be imposed as a means of effecting the individual's rehabilitation.
- 1069 Section 12. Section **17-72-101** is amended to read:
- 1070 **17-72-101 (Effective 05/06/26). Definitions.**
- 1071 As used in this chapter:
- 1072 (1) "Commissary account" means an account from which a prisoner may withdraw money,
 1073 deposited by the prisoner or another individual, to purchase discretionary items for sale
 1074 by a correctional facility.
- 1075 (2) "Commissary purchase" means a transaction initiated by a prisoner by which the
 1076 prisoner obtains an item or items offered for sale by the correctional facility in exchange
 1077 for money withdrawn from the prisoner's commissary account.
- 1078 (3) "Commission" means the State Commission on Criminal and Juvenile Justice created in
 1079 Section 63M-7-201.
- 1080 (4) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 1081 (5) "County inmate" means an inmate who is sentenced to a county jail.
- 1082 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section
 1083 26B-4-1001.281-12(6)
- 1084 (7)(a) "In-custody death" means a prisoner death that occurs while the prisoner is in the

- 1085 custody of a county jail.
- 1086 (b) "In-custody death" includes a prisoner death that occurs while the prisoner is:
- 1087 (i) being transported for health care; or
- 1088 (ii) receiving health care outside of a county jail.
- 1089 (8) "Inmate" means a prisoner who is in the custody of a correctional facility following a
- 1090 criminal conviction.
- 1091 (9) "Medication assisted treatment plan" means a prescription plan to use prescribed
- 1092 medication approved by the Food and Drug Administration, such as buprenorphine,
- 1093 methadone, or naltrexone to treat substance use withdrawal symptoms or an opioid use
- 1094 disorder.
- 1095 (10) "Notice" means all papers and orders, except process, required to be served in any
- 1096 proceeding before any court, board, commission, or officer, or when required by law to
- 1097 be served independently of a court proceeding.
- 1098 (11) "Opiate" means the same as that term is defined in Section ~~58-37-2~~ 58-37-101.
- 1099 (12) "Primary sex characteristic surgical procedure" means the same as that term is defined
- 1100 in Section 26B-4-1001.
- 1101 (13) "Prisoner" means an individual who is:
- 1102 (a) in custody of a peace officer in accordance with a lawful arrest; or
- 1103 (b) confined in a county jail.
- 1104 (14) "Police interlocal entity" means the same as that term is defined in Sections 17-76-201
- 1105 and 17-76-301.
- 1106 (15) "Police special district" means the same as that term is defined in Section 17-76-201.
- 1107 (16) "Probationer" means an individual on probation under the supervision of the county
- 1108 sheriff.
- 1109 (17) "Process" means all writs, warrants, summonses and orders of the courts of justice or
- 1110 judicial officers.
- 1111 (18)(a) "Qualifying domestic violence offense" means the same as that term is defined in
- 1112 Section 77-36-1.1.
- 1113 (b) "Qualifying domestic violence offense" does not include criminal mischief as that
- 1114 term is defined in Section 76-6-106.
- 1115 (19) "State inmate" means an inmate who is sentenced to the Department of Corrections,
- 1116 created in Section 64-13-2, even if the inmate is in the custody of a county jail.
- 1117 (20) "Secondary sex characteristic surgical procedure" means the same as that term is
- 1118 defined in Section 26B-4-1001.

- 1119 (21) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
1120 Section 13. Section **19-6-902** is amended to read:
1121 **19-6-902 (Effective 05/06/26). Definitions.**
1122 As used in this part:
- 1123 (1) "Board" means the Waste Management and Radiation Control Board, as defined in
1124 Section 19-1-106, within the Department of Environmental Quality.
- 1125 (2) "Certified decontamination specialist" means an individual who has met the standards
1126 for certification as a decontamination specialist and has been certified by the board
1127 under Subsection 19-6-906(2).
- 1128 (3) "Contaminated" or "contamination" means:
1129 (a) polluted by hazardous materials that cause property to be unfit for human habitation
1130 or use due to immediate or long-term health hazards; or
1131 (b) that a property is polluted by hazardous materials as a result of the use, production,
1132 or presence of methamphetamine in excess of decontamination standards adopted by
1133 the Department of Health and Human Services under Section 26B-7-409.
- 1134 (4) "Contamination list" means a list maintained by the local health department of
1135 properties:
1136 (a) reported to the local health department under Section 19-6-903; and
1137 (b) determined by the local health department to be contaminated.
- 1138 (5)(a) "Decontaminated" means property that at one time was contaminated, but the
1139 contaminants have been removed.
1140 (b) "Decontaminated" for a property that was contaminated by the use, production, or
1141 presence of methamphetamine means that the property satisfies decontamination
1142 standards adopted by the Department of Health and Human Services under Section
1143 26B-7-409.
- 1144 (6) "Hazardous materials":
1145 (a) has the same meaning as "hazardous or dangerous material" as defined in Section [
1146 ~~58-37d-3~~] 76-18-501; and
1147 (b) includes any illegally manufactured controlled substances.
- 1148 (7) "Health department" means a local health department under Title 26A, Local Health
1149 Authorities.
- 1150 (8) "Owner of record":
1151 (a) means the owner of real property as shown on the records of the county recorder in
1152 the county where the property is located; and

1153 (b) may include an individual, financial institution, company, corporation, or other entity.

1154 (9) "Property":

1155 (a) means any real property, site, structure, part of a structure, or the grounds
1156 surrounding a structure; and

1157 (b) includes single-family residences, outbuildings, garages, units of multiplexes,
1158 condominiums, apartment buildings, warehouses, hotels, motels, boats, motor
1159 vehicles, trailers, manufactured housing, shops, or booths.

1160 (10) "Reported property" means property that is the subject of a law enforcement report
1161 under Section 19-6-903.

1162 Section 14. Section **26B-2-120** is amended to read:

1163 **26B-2-120 (Effective 05/06/26). Background check -- Direct access to children or**
1164 **vulnerable adults.**

1165 (1) As used in this section:

1166 (a)(i) "Applicant" means an individual who is associated with a certification,
1167 contract, or licensee with the department under this part and has direct access,
1168 including:

1169 (A) an adoptive parent or prospective adoptive parent, including an applicant for
1170 an adoption in accordance with Section 78B-6-128;

1171 (B) a foster parent or prospective foster parent;

1172 (C) an individual who provides respite care to a foster parent or an adoptive parent
1173 on more than one occasion;

1174 (D) an individual who transports a child for a youth transportation company;

1175 (E) an individual who provides certified peer support, as defined in Section
1176 26B-5-610;

1177 (F) an individual who provides peer supports, has a disability or a family member
1178 with a disability, or is in recovery from a mental illness or a substance use
1179 disorder;

1180 (G) an individual who has lived experience with the services provided by the
1181 department, and uses that lived experience to provide support, guidance, or
1182 services to promote resiliency and recovery;

1183 (H) an individual who is identified as a mental health professional, licensed under
1184 Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in
1185 the practice of mental health therapy, as defined in Section 58-60-102;

1186 (I) an individual, other than the child or vulnerable adult receiving the service,

- 1187 who is 12 years old or older and resides in a home, that is licensed or certified
1188 by the division;
- 1189 (J) an individual who is 12 years old or older and is associated with a certification,
1190 contract, or licensee with the department under this part and has or will likely
1191 have direct access;
- 1192 (K) a foster home licensee that submits an application for an annual background
1193 screening as required by Subsection 26B-2-105(4)(d)(iii); or
- 1194 (L) a short-term relief care provider.
- 1195 (ii) "Applicant" does not include:
- 1196 (A) an individual who is in the custody of the Division of Child and Family
1197 Services or the Division of Juvenile Justice and Youth Services;
- 1198 (B) an individual who applies for employment with, or is employed by, the
1199 Department of Health and Human Services;
- 1200 (C) a parent of a person receiving services from the Division of Services for
1201 People with Disabilities, if the parent provides direct care to and resides with
1202 the person, including if the parent provides direct care to and resides with the
1203 person pursuant to a court order; or
- 1204 (D) an individual or a department contractor who provides services in an adults
1205 only substance use disorder program, as defined by rule adopted by the
1206 Department of Health and Human Services in accordance with Title 63G,
1207 Chapter 3, Utah Administrative Rulemaking Act, and who is not a program
1208 director or a member, as defined by Section 26B-2-105, of the program.
- 1209 (b) "Application" means a background check application to the office.
- 1210 (c) "Bureau" means the Bureau of Criminal Identification within the Department of
1211 Public Safety, created in Section 53-10-201.
- 1212 (d) "Criminal finding" means a record of:
- 1213 (i) an arrest for a criminal offense;
- 1214 (ii) a warrant for a criminal arrest;
- 1215 (iii) charges for a criminal offense; or
- 1216 (iv) a criminal conviction.
- 1217 (e) "Direct access" means that an individual has, or likely will have:
- 1218 (i) contact with or access to a child or vulnerable adult by which the individual will
1219 have the opportunity for personal communication or touch with the child or
1220 vulnerable adult; or

- 1221 (ii) an opportunity to view medical, financial, or other confidential personal
1222 identifying information of the child, the child's parent or legal guardian, or the
1223 vulnerable adult.
- 1224 (f)(~~+~~) "Direct access qualified" means that:
- 1225 (i) [-]the applicant has an eligible determination by the office within the license and
1226 renewal time period; and
- 1227 (ii) no more than 180 days have passed since the date on which the applicant's
1228 association with a certification, contract, or licensee with the department expires.
- 1229 (g) "Incidental care" means occasional care, not in excess of five hours per week and
1230 never overnight, for a foster child.
- 1231 (h) "Licensee" means an individual or a human services program licensed by the
1232 division.
- 1233 (i) "Non-criminal finding" means a record maintained in:
- 1234 (i) the Division of Child and Family Services' Management Information System
1235 described in Section 80-2-1001;
- 1236 (ii) the Division of Child and Family Services' Licensing Information System
1237 described in Section 80-2-1002;
- 1238 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or
1239 exploitation database described in Section 26B-6-210;
- 1240 (iv) juvenile court arrest, adjudication, and disposition records;
- 1241 (v) the Sex, Kidnap, and Child Abuse Offender Registry described in Title 53,
1242 Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
1243 offender registry; or
- 1244 (vi) a state child abuse or neglect registry.
- 1245 (j) "Office" means the Office of Background Processing within the department.
- 1246 (k) "Personal identifying information" means:
- 1247 (i) current name, former names, nicknames, and aliases;
- 1248 (ii) date of birth;
- 1249 (iii) physical address and email address;
- 1250 (iv) telephone number;
- 1251 (v) driver license or other government-issued identification;
- 1252 (vi) social security number;
- 1253 (vii) only for applicants who are 18 years old or older, fingerprints, in a form
1254 specified by the office; and

1255 (viii) other information specified by the office by rule made in accordance with Title
1256 63G, Chapter 3, Utah Administrative Rulemaking Act.

1257 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the
1258 following to the office:

1259 (a) personal identifying information;

1260 (b) a fee established by the office under Section 63J-1-504;

1261 (c) a disclosure form, specified by the office, for consent for:

1262 (i) an initial background check upon association with a certification, contract, or
1263 licensee with the department;

1264 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a
1265 certification, contract, or licensee with the department for 180 days;

1266 (iii) a background check when the office determines that reasonable cause exists; and

1267 (iv) retention of personal identifying information, including fingerprints, for
1268 monitoring and notification as described in Subsections (3)(c) and (4);

1269 (d) if an applicant resided outside of the United States and its territories during the five
1270 years immediately preceding the day on which the information described in
1271 Subsections (2)(a) through (c) is submitted to the office, documentation establishing
1272 whether the applicant was convicted of a crime during the time that the applicant
1273 resided outside of the United States or its territories; and

1274 (e) an application showing an applicant's association with a certification, contract, or a
1275 licensee with the department, for the purpose of the office tracking the direct access
1276 qualified status of the applicant, which expires 180 days after the date on which the
1277 applicant is no longer associated with a certification, contract, or a licensee with the
1278 department.

1279 (3) The office:

1280 (a) shall perform the following duties as part of a background check of an applicant
1281 before the office grants or denies direct access qualified status to an applicant:

1282 (i) check state and regional criminal background databases for the applicant's
1283 criminal history by:

1284 (A) submitting personal identifying information to the bureau for a search; or

1285 (B) using the applicant's personal identifying information to search state and
1286 regional criminal background databases as authorized under Section 53-10-108;

1287 (ii) submit the applicant's personal identifying information and fingerprints to the
1288 bureau for a criminal history search of applicable national criminal background

- 1289 databases;
- 1290 (iii) search the Division of Child and Family Services' Licensing Information System
1291 described in Section 80-2-1002;
- 1292 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in Title
1293 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national
1294 sex offender registry for an applicant 18 years old or older;
- 1295 (v) search the Division of Child and Family Services' Management Information
1296 System in Section 80-2-1001, if the applicant is:
- 1297 (A) a prospective foster or adoptive parent;
- 1298 (B) an employee of a congregate care program; or
- 1299 (C) an adult who lives in a foster home.
- 1300 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,
1301 or exploitation database described in Section 26B-6-210;
- 1302 (vii) search the juvenile court records for substantiated findings of severe child abuse
1303 or neglect described in Section 80-3-404 or 80-3-504; and
- 1304 (viii) search the juvenile court arrest, adjudication, and disposition records, as
1305 provided under Section 78A-6-209;
- 1306 (b) may conduct all or portions of a background check in connection with determining
1307 whether an applicant is direct access qualified, as provided by rule, made by the
1308 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 1309 (i) for an annual renewal; or
- 1310 (ii) when the office determines that reasonable cause exists;
- 1311 (c) may submit an applicant's personal identifying information, including fingerprints, to
1312 the bureau for checking, retaining, and monitoring of state and national criminal
1313 background databases and for notifying the office of new criminal activity associated
1314 with the applicant;
- 1315 (d) shall track the status of an applicant under this section to ensure that the applicant is
1316 not required to duplicate the submission of the applicant's fingerprints if the applicant
1317 is associated with more than one certification, contract, or licensee with the
1318 department;
- 1319 (e) shall notify the bureau when a direct access qualified individual has not been
1320 associated with a certification, contract, or licensee with the department for a period
1321 of 180 days;
- 1322 (f) shall adopt measures to strictly limit access to personal identifying information solely

1323 to the individuals responsible for processing and entering the applications for
1324 background checks and to protect the security of the personal identifying information
1325 the office reviews under this Subsection (3);

1326 (g) as necessary to comply with the federal requirement to check a state's child abuse
1327 and neglect registry regarding any applicant working in a congregate care program,
1328 shall:

1329 (i) search the Division of Child and Family Services' Licensing Information System
1330 described in Section 80-2-1002; and

1331 (ii) require the child abuse and neglect registry be checked in each state where an
1332 applicant resided at any time during the five years immediately preceding the day
1333 on which the application is submitted to the office; and

1334 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
1335 Rulemaking Act, to implement the provisions of this Subsection (3) relating to
1336 background checks.

1337 (4)(a) With the personal identifying information the office submits to the bureau under
1338 Subsection (3), the bureau shall check against state and regional criminal background
1339 databases for the applicant's criminal history.

1340 (b) With the personal identifying information and fingerprints the office submits to the
1341 bureau under Subsection (3), the bureau shall check against national criminal
1342 background databases for the applicant's criminal history.

1343 (c) Upon direction from the office, and with the personal identifying information and
1344 fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:

1345 (i) maintain a separate file of the fingerprints for search by future submissions to the
1346 local and regional criminal records databases, including latent prints; and

1347 (ii) monitor state and regional criminal background databases and identify criminal
1348 activity associated with the applicant.

1349 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of
1350 Investigation Next Generation Identification System, to be retained in the Federal
1351 Bureau of Investigation Next Generation Identification System for the purpose of:

1352 (i) being searched by future submissions to the national criminal records databases,
1353 including the Federal Bureau of Investigation Next Generation Identification
1354 System and latent prints; and

1355 (ii) monitoring national criminal background databases and identifying criminal
1356 activity associated with the applicant.

- 1357 (e) The bureau shall notify and release to the office all information of criminal activity
1358 associated with the applicant.
- 1359 (f) Upon notice that an individual who has direct access qualified status will no longer
1360 be associated with a certification, contract, or licensee with the department, the
1361 bureau shall:
- 1362 (i) discard and destroy any retained fingerprints; and
- 1363 (ii) notify the Federal Bureau of Investigation when the license has expired or an
1364 individual's direct access to a child or a vulnerable adult has ceased, so that the
1365 Federal Bureau of Investigation will discard and destroy the retained fingerprints
1366 from the Federal Bureau of Investigation Next Generation Identification System.
- 1367 (5)(a) Except as provided in Subsection (5)(b), the office shall deny direct access
1368 qualified status to an applicant who, within three years from the date on which the
1369 office conducts the background check, was convicted of:
- 1370 (i) a felony or misdemeanor involving conduct that constitutes any of the following:
- 1371 (A) an offense identified as domestic violence, lewdness, voyeurism, battery,
1372 cruelty to animals, or bestiality;
- 1373 (B) a violation of any pornography law, including sexual exploitation of a minor
1374 or aggravated sexual exploitation of a minor;
- 1375 (C) sexual solicitation or prostitution;
- 1376 (D) a violent offense committed in the presence of a child, as described in Section
1377 76-3-203.10;
- 1378 (E) an offense included in Title 76, Chapter 5, Part 1, 2, 3, 4, or 7;
- 1379 (F) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act, other
1380 than Section 76-5b-206;
- 1381 (G) an offense included in Title 76, Chapter 7, Offenses Against the Family;
- 1382 (H) an offense included in Title 76, Chapter 12, Part 3, Privacy Offenses;
- 1383 (I) an offense included in Title 76, Chapter 15, Part 3, Weapons of Mass
1384 Destruction;
- 1385 (J) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking
1386 Injunctions;
- 1387 (K) aggravated arson, as described in Section 76-6-103;
- 1388 (L) aggravated burglary, as described in Section 76-6-203;
- 1389 (M) aggravated exploitation of prostitution, as described in Section 76-5d-208;
- 1390 (N) aggravated robbery, as described in Section 76-6-302;

- 1391 (O) endangering persons in a human services program, as described in Section
1392 26B-2-113;
- 1393 (P) failure to report, as described in Section 80-2-609;
- 1394 (Q) identity fraud crime, as described in Section 76-6-1102;
- 1395 (R) riot, as described in Section 76-9-101; or
- 1396 (S) threatening with or using a dangerous weapon in a fight or quarrel, as
1397 described in Section 76-11-207; or
- 1398 (ii) a felony or misdemeanor offense committed outside of the state that, if committed
1399 in the state, would constitute a violation of an offense described in Subsection
1400 (5)(a)(i).
- 1401 (b)(i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a
1402 peer support provider or a mental health professional, if the applicant provides
1403 services in a program that serves only adults with a primary mental health
1404 diagnosis, with or without a co-occurring substance use disorder.
- 1405 (ii) The office shall conduct a comprehensive review of an applicant described in
1406 Subsection (5)(b)(i) in accordance with Subsection (7).
- 1407 (c) Subject to Subsection (5)(d), the office shall deny direct access qualified status to an
1408 applicant who:
- 1409 (i) a court order prohibits from having direct access to a child or vulnerable adult; or
1410 (ii) is an applicant for a congregate care program and:
- 1411 (A) is subject to an open investigation for a non-criminal finding; or
1412 (B) has a supported non-criminal finding, excluding a supported finding for
1413 dependency, as defined in Section 80-1-102, within three years from the date
1414 on which the office conducts the background check.
- 1415 (d)(i) Subsection (5)(c) does not apply retrospectively for congregate care program
1416 employees who have an approved background screening on or before July 1,
1417 2025; or
- 1418 (ii) notwithstanding Subsection (5)(c)(ii)(A), the division may grant temporary direct
1419 access qualified status to an applicant subject to a condition that the applicant is
1420 directly supervised at all times.
- 1421 (6) The office shall conduct a comprehensive review of an applicant's background check if
1422 the applicant:
- 1423 (a) has a felony or class A misdemeanor conviction that is more than three years from
1424 the date on which the office conducts the background check, for an offense described

- 1425 in Subsection (5)(a);
- 1426 (b) has a felony charge or conviction that is no more than 10 years from the date on
1427 which the office conducts the background check for an offense not described in
1428 Subsection (5)(a);
- 1429 (c) has a felony charge or conviction that is more than 10 years from the date on which
1430 the office conducts the background check, for an offense not described in Subsection
1431 (5)(a), with criminal or non-criminal findings after the date of the felony charge or
1432 conviction;
- 1433 (d) has a class B misdemeanor or class C misdemeanor conviction that is more than
1434 three years and no more than 10 years from the date on which the office conducts the
1435 background check for an offense described in Subsection (5)(a);
- 1436 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10
1437 years from the date on which the office conducts the background check, for an
1438 offense described in Subsection (5)(a), with criminal or non-criminal findings after
1439 the date of conviction;
- 1440 (f) has a misdemeanor charge or conviction that is no more than three years from the
1441 date on which the office conducts the background check for an offense not described
1442 in Subsection (5)(a);
- 1443 (g) has a misdemeanor charge or conviction that is more than three years from the date
1444 on which the office conducts the background check, for an offense not described in
1445 Subsection (5)(a), with criminal or non-criminal findings after the date of charge or
1446 conviction;
- 1447 (h) is currently subject to a plea in abeyance or diversion agreement for an offense
1448 described in Subsection (5)(a);
- 1449 (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in Title
1450 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
1451 offender registry;
- 1452 (j) has a record of an adjudication in juvenile court for an act that, if committed by an
1453 adult, would be a felony or misdemeanor, if the applicant is:
- 1454 (i) under 28 years old; or
- 1455 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is
1456 currently subject to a plea in abeyance or diversion agreement for a felony or a
1457 misdemeanor offense described in Subsection (5)(a);
- 1458 (k) has a pending charge for an offense described in Subsection (5)(a);

- 1459 (l) has a supported finding that occurred no more than 15 years from the date on which
1460 the office conducts the background check in the Division of Child and Family
1461 Services' Licensing Information System described in Section 80-2-1002;
- 1462 (m) has a supported finding that occurred more than 15 years from the date on which the
1463 office conducts the background check in the Division of Child and Family Services'
1464 Licensing Information System described in Section 80-2-1002, with criminal or
1465 non-criminal findings after the date of the listing;
- 1466 (n) has a listing that occurred no more than 15 years from the date on which the office
1467 conducts the background check in the Division of Aging and Adult Services'
1468 vulnerable adult abuse, neglect, or exploitation database described in Section
1469 26B-6-210;
- 1470 (o) has a listing that occurred more than 15 years from the date on which the office
1471 conducts the background check in the Division of Aging and Adult Services'
1472 vulnerable adult abuse, neglect, or exploitation database described in Section
1473 26B-6-210, with criminal or non-criminal findings after the date of the listing;
- 1474 (p) has a substantiated finding that occurred no more than 15 years from the date on
1475 which the office conducts the background check of severe child abuse or neglect
1476 under Section 80-3-404 or 80-3-504; or
- 1477 (q) has a substantiated finding that occurred more than 15 years from the date on which
1478 the office conducts the background check of severe child abuse or neglect under
1479 Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of
1480 the listing.
- 1481 (7)(a) The comprehensive review shall include an examination of:
- 1482 (i) the date of the offense or incident;
- 1483 (ii) the nature and seriousness of the offense or incident;
- 1484 (iii) the circumstances under which the offense or incident occurred;
- 1485 (iv) the age of the perpetrator when the offense or incident occurred;
- 1486 (v) whether the offense or incident was an isolated or repeated incident;
- 1487 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable
1488 adult, including:
- 1489 (A) actual or threatened, nonaccidental physical, mental, or financial harm;
- 1490 (B) sexual abuse;
- 1491 (C) sexual exploitation; or
- 1492 (D) negligent treatment;

- 1493 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric
1494 treatment received, or additional academic or vocational schooling completed;
- 1495 (viii) the applicant's risk of harm to clientele in the program or in the capacity for
1496 which the applicant is applying; and
- 1497 (ix) if the background check of an applicant is being conducted for the purpose of
1498 giving direct access qualified status to an applicant seeking a position in a
1499 congregate care program or to become a prospective foster or adoptive parent, any
1500 listing in the Division of Child and Family Services' Management Information
1501 System described in Section 80-2-1001.
- 1502 (b) At the conclusion of the comprehensive review, the office shall deny direct access
1503 qualified status to an applicant if the office finds the approval would likely create a
1504 risk of harm to a child or vulnerable adult.
- 1505 (8) The office shall grant direct access qualified status to an applicant who is not denied
1506 under this section.
- 1507 (9)(a) The office may conditionally grant direct access qualified status to an applicant,
1508 for a maximum of 60 days after the day on which the office sends written notice,
1509 without requiring that the applicant be directly supervised, if the office:
- 1510 (i) is awaiting the results of the criminal history search of national criminal
1511 background databases; and
- 1512 (ii) would otherwise grant direct access qualified status to the applicant under this
1513 section.
- 1514 (b) The office may conditionally grant direct access qualified status to an applicant, for a
1515 maximum of one year after the day on which the office sends written notice, without
1516 requiring that the applicant be directly supervised if the office:
- 1517 (i) is awaiting the results of an out-of-state registry for providers other than foster and
1518 adoptive parents; and
- 1519 (ii) would otherwise grant direct access qualified status to the applicant under this
1520 section.
- 1521 (c) Upon receiving the results of the criminal history search of a national criminal
1522 background database, the office shall grant or deny direct access qualified status to
1523 the applicant in accordance with this section.
- 1524 (10)(a) Each time an applicant is associated with a licensee, the department shall review
1525 the current status of the applicant's background check to ensure the applicant is still
1526 eligible for direct access qualified status in accordance with this section.

- 1527 (b) A licensee may not permit an individual to have direct access to a child or a
1528 vulnerable adult without being directly supervised unless:
- 1529 (i) the individual is the parent or guardian of the child, or the guardian of the
1530 vulnerable adult;
- 1531 (ii) the individual is approved by the parent or guardian of the child, or the guardian
1532 of the vulnerable adult, to have direct access to the child or the vulnerable adult;
- 1533 (iii) the individual is only permitted to have direct access to a vulnerable adult who
1534 voluntarily invites the individual to visit; or
- 1535 (iv) the individual only provides incidental care for a foster child on behalf of a foster
1536 parent who has used reasonable and prudent judgment to select the individual to
1537 provide the incidental care for the foster child.
- 1538 (c) Notwithstanding any other provision of this section, an applicant who is denied direct
1539 access qualified status shall not have direct access to a child or vulnerable adult
1540 unless the office grants direct access qualified status to the applicant through a
1541 subsequent application in accordance with this section.
- 1542 (11) If the office denies direct access qualified status to an applicant, the applicant may
1543 request a hearing in the department's Office of Administrative Hearings to challenge the
1544 office's decision.
- 1545 (12)(a) This Subsection (12) applies to an applicant associated with a certification,
1546 contract, or licensee serving adults only.
- 1547 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee
1548 shall comply with this section.
- 1549 (c) The office shall conduct a comprehensive review for an applicant if:
- 1550 (i) the applicant is seeking a position:
- 1551 (A) as a peer support provider;
- 1552 (B) as a mental health professional; or
- 1553 (C) in a program that serves only adults with a primary mental health diagnosis,
1554 with or without a co-occurring substance use disorder; and
- 1555 (ii) within three years from the date on which the office conducts the background
1556 check, the applicant has a felony or misdemeanor charge or conviction or a
1557 non-criminal finding.
- 1558 (13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate
1559 care program, an applicant seeking to provide a prospective foster home, an applicant
1560 seeking to provide a prospective adoptive home, and each adult living in the home of

- 1561 the prospective foster or prospective adoptive home.
- 1562 (b) As federally required, the office shall:
- 1563 (i) check the child abuse and neglect registry in each state where each applicant
- 1564 resided in the five years immediately preceding the day on which the applicant
- 1565 applied to be a foster or adoptive parent, to determine whether the prospective
- 1566 foster or adoptive parent is listed in the registry as having a substantiated or
- 1567 supported finding of child abuse or neglect; and
- 1568 (ii) except for applicants seeking a position in a congregate care program, check the
- 1569 child abuse and neglect registry in each state where each adult living in the home
- 1570 of the prospective foster or adoptive home resided in the five years immediately
- 1571 preceding the day on which the applicant applied to be a foster or adoptive parent,
- 1572 to determine whether the adult is listed in the registry as having a substantiated or
- 1573 supported finding of child abuse or neglect.
- 1574 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:
- 1575 (i) federal law or rule permits otherwise; or
- 1576 (ii) the requirements would prohibit the Division of Child and Family Services or a
- 1577 court from placing a child with:
- 1578 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or
- 1579 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302,
- 1580 or 80-3-303, pending completion of the background check described in
- 1581 Subsections (5), (6), and (7).
- 1582 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 1583 qualified status if the applicant has been convicted of:
- 1584 (i) a felony involving conduct that constitutes any of the following:
- 1585 (A) child abuse, as described in Section 76-5-109;
- 1586 (B) aggravated child abuse, as described in Section 76-5-109.2;
- 1587 (C) child abandonment, as described in Section 76-5-109.3;
- 1588 (D) child torture, as described in Section 76-5-109.4;
- 1589 (E) commission of domestic violence in the presence of a child, as described in
- 1590 Section 76-5-114;
- 1591 (F) abuse or neglect of a child with a disability, as described in Section 76-5-110;
- 1592 (G) intentional aggravated abuse of a vulnerable adult, as described in Section
- 1593 76-5-111;
- 1594 (H) endangerment of a child or vulnerable adult, as described in Section

- 1595 76-5-112.5;
- 1596 (I) aggravated murder, as described in Section 76-5-202;
- 1597 (J) murder, as described in Section 76-5-203;
- 1598 (K) manslaughter, as described in Section 76-5-205;
- 1599 (L) child abuse homicide, as described in Section 76-5-208;
- 1600 (M) homicide by assault, as described in Section 76-5-209;
- 1601 (N) kidnapping, as described in Section 76-5-301;
- 1602 (O) child kidnapping, as described in Section 76-5-301.1;
- 1603 (P) aggravated kidnapping, as described in Section 76-5-302;
- 1604 (Q) human trafficking of a child, as described in Section 76-5-308.5;
- 1605 (R) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than
- 1606 Section 76-5-417, 76-5-418, or 76-5-419;
- 1607 (S) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual
- 1608 Exploitation Act;
- 1609 (T) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
- 1610 (U) aggravated arson, as described in Section 76-6-103;
- 1611 (V) aggravated burglary, as described in Section 76-6-203;
- 1612 (W) aggravated robbery, as described in Section 76-6-302;
- 1613 (X) incest, as described in Section 76-7-102; or
- 1614 (Y) domestic violence, as described in Section 77-36-1; or
- 1615 (ii) an offense committed outside the state that, if committed in the state, would
- 1616 constitute a violation of an offense described in Subsection (13)(d)(i).
- 1617 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 1618 qualified status to an applicant if, within the five years from the date on which the
- 1619 office conducts the background check, the applicant was convicted of a felony
- 1620 involving conduct that constitutes a violation of any of the following:
- 1621 (i) aggravated assault, as described in Section 76-5-103;
- 1622 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
- 1623 (iii) mayhem, as described in Section 76-5-105;
- 1624 (iv) an offense described in [~~Title 58, Chapter 37, Utah Controlled Substances Act~~]
- 1625 Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2,
- 1626 Offenses Concerning Controlled Substances;
- 1627 (v) an offense described in [~~Title 58, Chapter 37a, Utah Drug Paraphernalia Act~~] Title
- 1628 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;

- 1629 (vi) an offense described in [~~Title 58, Chapter 37b, Imitation Controlled Substances~~
 1630 ~~Act~~] Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled
 1631 Substances;
- 1632 (vii) an offense described in [~~Title 58, Chapter 37c, Utah Controlled Substance~~
 1633 ~~Precursor Act~~] Title 58, Chapter 37c, Controlled Substance Precursors; [~~or~~]
- 1634 (viii) an offense described in [~~Title 58, Chapter 37d, Clandestine Drug Lab Act~~] Title
 1635 76, Chapter 18, Part 5, Clandestine Drug Labs; or
- 1636 (ix) an offense described in a statute previously in effect in this state that is the same
 1637 or substantially similar to an offense described in Subsections (13)(e)(i) through
 1638 (viii).
- 1639 (f) In addition to the circumstances described in Subsection (6), the office shall conduct
 1640 a comprehensive review of an applicant's background check under this section if the
 1641 applicant:
- 1642 (i) has an offense described in Subsection (5)(a);
- 1643 (ii) has an infraction conviction entered on a date that is no more than three years
 1644 before the date on which the office conducts the background check;
- 1645 (iii) has a listing in the Division of Child and Family Services' Licensing Information
 1646 System described in Section 80-2-1002;
- 1647 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult,
 1648 neglect, or exploitation database described in Section 26B-2-210;
- 1649 (v) has a substantiated finding of severe child abuse or neglect under Section
 1650 80-3-404 or 80-3-504; or
- 1651 (vi) has a listing on the registry check described in Subsection (13)(b) as having a
 1652 substantiated or supported finding of a severe type of child abuse or neglect, as
 1653 defined in Section 80-1-102.
- 1654 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 1655 office may make rules, consistent with this part, to:
- 1656 (a) establish procedures for, and information to be examined in, the comprehensive
 1657 review described in Subsections (6), (7), and (13); and
- 1658 (b) determine whether to consider an offense or incident that occurred while an
 1659 individual was in the custody of the Division of Child and Family Services or the
 1660 Division of Juvenile Justice and Youth Services for purposes of granting or denying
 1661 direct access qualified status to an applicant.
- 1662 Section 15. Section **26B-2-229** is amended to read:

1663 **26B-2-229 (Effective 05/06/26). Disposal of controlled substances at nursing care**
1664 **facilities.**

1665 (1) As used in this section:

1666 (a) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]
1667 58-37-101.

1668 (b)(i) "Irretrievable" means a state in which the physical or chemical condition of a
1669 controlled substance is permanently altered through irreversible means so that the
1670 controlled substance is unavailable and unusable for all practical purposes.

1671 (ii) A controlled substance is irretrievable if the controlled substance is
1672 non-retrievable as that term is defined in 21 C.F.R. Sec. 1300.05.

1673 (2) A nursing care facility that is in lawful possession of a controlled substance in the
1674 nursing care facility's inventory that desires to dispose of the controlled substance shall
1675 dispose of the controlled substance in a manner that:

1676 (a) renders the controlled substance irretrievable; and

1677 (b) complies with all applicable federal and state requirements for the disposal of a
1678 controlled substance.

1679 (3) A nursing care facility shall:

1680 (a) develop a written plan for the disposal of a controlled substance in accordance with
1681 this section; and

1682 (b) make the plan described in Subsection (3)(a) available to the department and the
1683 committee for inspection.

1684 Section 16. Section **26B-3-131** is amended to read:

1685 **26B-3-131 (Effective 05/06/26). Screening, Brief Intervention, and Referral to**
1686 **Treatment Medicaid reimbursement.**

1687 (1) As used in this section:

1688 (a) "Controlled substance prescriber" means a controlled substance prescriber, as that
1689 term is defined in Section [~~58-37-6.5~~] 58-37-303, who:

1690 (i) has a record of having completed SBIRT training, in accordance with Subsection [~~58-37-6.5(2)~~]
1691 58-37-303(2), before providing the SBIRT services; and

1692 (ii) is a Medicaid enrolled health care provider.

1693 (b) "SBIRT" means the same as that term is defined in Section [~~58-37-6.5~~] 58-37-303.

1694 (2) The department shall reimburse a controlled substance prescriber who provides SBIRT
1695 services to a Medicaid enrollee who is 13 years old or older for the SBIRT services.

1696 Section 17. Section **26B-4-201** is amended to read:

1697 **26B-4-201 (Effective 05/06/26). Definitions.**

1698 As used in this part:

- 1699 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
1700 tetrahydrocannabinolic acid.
- 1701 (2) "Administration of criminal justice" means the performance of detection, apprehension,
1702 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1703 (3) "Advertise" means information provided by a person in any medium:
1704 (a) to the public; and
1705 (b) that is not age restricted to an individual who is at least 21 years old.
- 1706 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
1707 Section 26B-1-435.
- 1708 (5) "Cannabis" means marijuana.
- 1709 (6) "Cannabis processing facility" means the same as that term is defined in Section
1710 4-41a-102.
- 1711 (7) "Cannabis product" means a product that:
1712 (a) is intended for human use; and
1713 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
1714 concentration of 0.3% or greater on a dry weight basis.
- 1715 (8) "Cannabis production establishment" means the same as that term is defined in Section
1716 4-41a-102.
- 1717 (9) "Cannabis production establishment agent" means the same as that term is defined in
1718 Section 4-41a-102.
- 1719 (10) "Cannabis production establishment agent registration card" means the same as that
1720 term is defined in Section 4-41a-102.
- 1721 (11) "Conditional medical cannabis card" means an electronic medical cannabis card that
1722 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1723 applicant for a medical cannabis card to access medical cannabis during the department's
1724 review of the application.
- 1725 (12) "Controlled substance database" means the controlled substance database created in
1726 Section 58-37f-201.
- 1727 (13) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1728 (14) "Department" means the Department of Health and Human Services.
- 1729 (15) "Designated caregiver" means:
1730 (a) an individual:

- 1731 (i) whom an individual with a medical cannabis patient card or a medical cannabis
1732 guardian card designates as the patient's caregiver; and
- 1733 (ii) who registers with the department under Section 26B-4-214; or
- 1734 (b)(i) a facility that an individual designates as a designated caregiver in accordance
1735 with Subsection 26B-4-214(1)(b); or
- 1736 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1737 (16) "Directions of use" means recommended routes of administration for a medical
1738 cannabis treatment and suggested usage guidelines.
- 1739 (17) "Dosing guidelines" means a quantity range and frequency of administration for a
1740 recommended treatment of medical cannabis.
- 1741 (18) "Government issued photo identification" means any of the following forms of
1742 identification:
- 1743 (a) a valid state-issued driver license or identification card;
- 1744 (b) a valid United States federal-issued photo identification, including:
- 1745 (i) a United States passport;
- 1746 (ii) a United States passport card;
- 1747 (iii) a United States military identification card; or
- 1748 (iv) a permanent resident card or alien registration receipt card; or
- 1749 (c) a foreign passport.
- 1750 (19) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
1751 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
1752 shipments to a delivery address to fulfill electronic orders.
- 1753 (20) "Inventory control system" means the system described in Section 4-41a-103.
- 1754 (21) "Legal dosage limit" means an amount that:
- 1755 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
1756 relevant recommending medical provider or pharmacy medical provider, in
1757 accordance with Subsection 26B-4-231(5), recommends; and
- 1758 (b) may not exceed:
- 1759 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 1760 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
1761 total, greater than 20 grams of active tetrahydrocannabinol.
- 1762 (22) "Legal use termination date" means a date on the label of a container of unprocessed
1763 cannabis flower:
- 1764 (a) that is 60 days after the date of purchase of the cannabis; and

- 1765 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
1766 primary residence of the relevant medical cannabis patient cardholder.
- 1767 (23) "Marijuana" means the same as that term is defined in Section [~~58-37-2~~] 58-37-101.
- 1768 (24) "Medical cannabis" or "medical cannabis product" means cannabis in a medicinal
1769 dosage form or a cannabis product in a medicinal dosage form.
- 1770 (25) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis
1771 guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- 1772 (26) "Medical cannabis cardholder" means:
- 1773 (a) a holder of a medical cannabis card; or
- 1774 (b) a facility or assigned employee, described in Subsection (15)(b), only:
- 1775 (i) within the scope of the facility's or assigned employee's performance of the role of
1776 a medical cannabis patient cardholder's caregiver designation under Subsection
1777 26B-4-214(1)(b); and
- 1778 (ii) while in possession of documentation that establishes:
- 1779 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
- 1780 (B) the identity of the individual presenting the documentation; and
- 1781 (C) the relation of the individual presenting the documentation to the caregiver
1782 designation.
- 1783 (27) "Medical cannabis caregiver card" means an electronic document that a cardholder
1784 may print or store on an electronic device or a physical card or document that:
- 1785 (a) the department issues to an individual whom a medical cannabis patient cardholder
1786 or a medical cannabis guardian cardholder designates as a designated caregiver; and
- 1787 (b) is connected to the electronic verification system.
- 1788 (28) "Medical cannabis courier" means the same as that term is defined in Section
1789 4-41a-102.
- 1790 (29)(a) "Medical cannabis device" means a device that an individual uses to ingest or
1791 inhale medical cannabis.
- 1792 (b) "Medical cannabis device" does not include a device that:
- 1793 (i) facilitates cannabis combustion; or
- 1794 (ii) an individual uses to ingest substances other than cannabis.
- 1795 (30) "Medical cannabis guardian card" means an electronic document that a cardholder may
1796 print or store on an electronic device or a physical card or document that:
- 1797 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1798 condition; and

- 1799 (b) is connected to the electronic verification system.
- 1800 (31) "Medical cannabis patient card" means an electronic document that a cardholder may
1801 print or store on an electronic device or a physical card or document that:
1802 (a) the department issues to an individual with a qualifying condition; and
1803 (b) is connected to the electronic verification system.
- 1804 (32) "Medical cannabis pharmacy" means a person that:
1805 (a)(i) acquires or intends to acquire medical cannabis from a cannabis processing
1806 facility or another medical cannabis pharmacy or a medical cannabis device; or
1807 (ii) possesses medical cannabis or a medical cannabis device; and
1808 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1809 cannabis cardholder.
- 1810 (33) "Medical cannabis pharmacy agent" means an individual who holds a valid medical
1811 cannabis pharmacy agent registration card issued by the department.
- 1812 (34) "Medical cannabis pharmacy agent registration card" means a registration card issued
1813 by the department that authorizes an individual to act as a medical cannabis pharmacy
1814 agent.
- 1815 (35) "Medical cannabis shipment" means the same as that term is defined in Section
1816 4-41a-102.
- 1817 (36) "Medical cannabis treatment" means medical cannabis or a medical cannabis device.
- 1818 (37)(a) "Medicinal dosage form" means:
1819 (i) for processed medical cannabis, the following with a specific and consistent
1820 cannabinoid content:
1821 (A) a tablet;
1822 (B) a capsule;
1823 (C) a concentrated liquid or viscous oil;
1824 (D) a liquid suspension that does not exceed 30 milliliters;
1825 (E) a topical preparation;
1826 (F) a transdermal preparation;
1827 (G) a sublingual preparation;
1828 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
1829 rectangular cuboid shape;
1830 (I) a resin or wax;
1831 (J) an aerosol;
1832 (K) a suppository preparation; or

- 1833 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
1834 spherical shape, is homogeneous in color and texture, and each piece is a single
1835 serving; or
- 1836 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
1837 (A) contains cannabis flower in a quantity that varies by no more than 10% from
1838 the stated weight at the time of packaging;
1839 (B) at any time the medical cannabis cardholder transports or possesses the
1840 container in public, is contained within an opaque bag or box that the medical
1841 cannabis pharmacy provides; and
1842 (C) is labeled with the container's content and weight, the date of purchase, the
1843 legal use termination date, and a barcode that provides information connected
1844 to an inventory control system.
- 1845 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
1846 (i) the medical cannabis cardholder has recently removed from the container
1847 described in Subsection (37)(a)(ii) for use; and
1848 (ii) does not exceed the quantity described in Subsection (37)(a)(ii).
- 1849 (c) "Medicinal dosage form" does not include:
1850 (i) any unprocessed cannabis flower outside of the container described in Subsection
1851 (37)(a)(ii), except as provided in Subsection (37)(b);
1852 (ii) any unprocessed cannabis flower in a container described in Subsection (37)(a)(ii)
1853 after the legal use termination date;
1854 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
1855 cannabis on a nail or other metal object that is heated by a flame, including a
1856 blowtorch;
1857 (iv) a liquid suspension that is branded as a beverage;
1858 (v) a substance described in Subsection (37)(a)(i) or (ii) if the substance is not
1859 measured in grams, milligrams, or milliliters; or
1860 (vi) a substance that contains or is covered to any degree with chocolate.
- 1861 (38) "Nonresident patient" means an individual who:
1862 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
1863 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
1864 card under the laws of another state, district, territory, commonwealth, or insular
1865 possession of the United States; and
1866 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.

- 1867 (39) "Patient product information insert" means a single page document or webpage that
1868 contains information about a medical cannabis product regarding:
1869 (a) how to use the product;
1870 (b) common side effects;
1871 (c) serious side effects;
1872 (d) dosage;
1873 (e) contraindications;
1874 (f) safe storage;
1875 (g) information on when a product should not be used; and
1876 (h) other information the department deems appropriate in consultation with the
1877 cannabis processing facility that created the product.
- 1878 (40) "Pharmacy medical provider" means the medical provider required to be on site at a
1879 medical cannabis pharmacy under Section 26B-4-219.
- 1880 (41) "Provisional patient card" means a card that:
1881 (a) the department issues to a minor with a qualifying condition for whom:
1882 (i) a recommending medical provider has recommended a medical cannabis
1883 treatment; and
1884 (ii) the department issues a medical cannabis guardian card to the minor's parent or
1885 legal guardian; and
1886 (b) is connected to the electronic verification system.
- 1887 (42) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
1888 26B-1-310.
- 1889 (43) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1890 (44) "Recommend" or "recommendation" means, for a recommending medical provider, the
1891 act of suggesting the use of medical cannabis treatment, which:
1892 (a) certifies the patient's eligibility for a medical cannabis card; and
1893 (b) may include, at the recommending medical provider's discretion, directions of use,
1894 with or without dosing guidelines.
- 1895 (45) "Recommending medical provider" means an individual who:
1896 (a) meets the recommending qualifications;
1897 (b) completes four hours of continuing medical education specific to medical cannabis
1898 through formal or informal sources; and
1899 (c) every two years, provides an acknowledgment to the department that the individual
1900 completed four hours of continuing medical education.

- 1901 (46) "Recommending qualifications" means that an individual:
- 1902 (a)(i) has the authority to write a prescription;
- 1903 (ii) is licensed to prescribe a controlled substance under [~~Title 58, Chapter 37, Utah~~
- 1904 ~~Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances; and
- 1905 (iii) possesses the authority, in accordance with the individual's scope of practice, to
- 1906 prescribe a Schedule II controlled substance; and
- 1907 (b) is licensed as:
- 1908 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1909 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
- 1910 Act;
- 1911 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
- 1912 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1913 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 1914 (47) "State electronic verification system" means the system described in Section 26B-4-202.
- 1915 (48) "Targeted marketing" means the promotion by a recommending medical provider,
- 1916 medical clinic, or medical office that employs a recommending medical provider of a
- 1917 medical cannabis recommendation service using any of the following methods:
- 1918 (a) electronic communication to an individual who is at least 21 years old and has
- 1919 requested to receive promotional information;
- 1920 (b) an in-person marketing event that is held in an area where only an individual who is
- 1921 at least 21 years old may access the event;
- 1922 (c) other marketing material that is physically or digitally displayed in the office of the
- 1923 medical clinic or office that employs a recommending medical provider; or
- 1924 (d) a leaflet that a recommending medical provider, medical clinic, or medical office that
- 1925 employs a recommending medical provider shares with an individual who is at least
- 1926 21 years old.
- 1927 (49) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
- 1928 synthetic equivalent as described in Subsection [~~58-37-4(2)(a)(iii)(AA)]~~
- 1929 58-37-108(2)(a)(iii)(AA).
- 1930 (50) "THC analog" means the same as that term is defined in Section 4-41-102.
- 1931 Section 18. Section **26B-4-211** is amended to read:
- 1932 **26B-4-211 (Effective 05/06/26). Analogous to prescribed controlled substances.**
- 1933 When an employee, officer, or agent of the state or a political subdivision makes a
- 1934 finding, determination, or otherwise considers an individual's possession or use of cannabis, a

1935 cannabis product, or a medical cannabis device, the employee, officer, or agent may not
1936 consider the individual's possession or use any differently than the lawful possession or use of
1937 any prescribed controlled substance, if the individual's possession or use complies with:

- 1938 (1) this part;
1939 (2) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; or
1940 (3) Subsection [~~58-37-3.7(2)~~] 58-37-404(2) or (3).

1941 Section 19. Section **26B-4-212** is amended to read:

1942 **26B-4-212 (Effective 05/06/26). Institutional review board -- Approved study of**
1943 **cannabis, a cannabinoid product, or an expanded cannabinoid product.**

1944 (1) As used in this section:

1945 (a) "Approved study" means a medical research study:

- 1946 (i) the purpose of which is to investigate the medical benefits and risks of
1947 cannabinoid products; and
1948 (ii) that is approved by an IRB.

1949 (b) "Cannabinoid product" means the same as that term is defined in Section [~~58-37-3.6~~]
1950 58-37-403.

1951 (c) "Cannabis" means the same as that term is defined in Section [~~58-37-3.6~~] 58-37-403.

1952 (d) "Expanded cannabinoid product" means the same as that term is defined in Section [
1953 ~~58-37-3.6~~] 58-37-403.

1954 (e) "Institutional review board" or "IRB" means an institutional review board that is
1955 registered for human subject research by the United States Department of Health and
1956 Human Services.

1957 (2) A person conducting an approved study may, for the purposes of the study:

- 1958 (a) process a cannabinoid product or an expanded cannabinoid product;
1959 (b) possess a cannabinoid product or an expanded cannabinoid product; and
1960 (c) administer a cannabinoid product, or an expanded cannabinoid product to an
1961 individual in accordance with the approved study.

1962 (3) A person conducting an approved study may:

1963 (a) import cannabis, a cannabinoid product, or an expanded cannabinoid product from
1964 another state if:

- 1965 (i) the importation complies with federal law; and
1966 (ii) the person uses the cannabis, cannabinoid product, or expanded cannabinoid
1967 product in accordance with the approved study; or

1968 (b) obtain cannabis, a cannabinoid product, or an expanded cannabinoid product from

1969 the National Institute on Drug Abuse.

1970 (4) A person conducting an approved study may distribute cannabis, a cannabinoid product,
1971 or an expanded cannabinoid product outside the state if:

1972 (a) the distribution complies with federal law; and

1973 (b) the distribution is for the purposes of, and in accordance with, the approved study.

1974 Section 20. Section **26B-4-216** is amended to read:

1975 **26B-4-216 (Effective 05/06/26). Medical cannabis card -- Patient and designated**
1976 **caregiver requirements -- Rebuttable presumption.**

1977 (1)(a) A medical cannabis cardholder who possesses medical cannabis that the
1978 cardholder purchased under this part:

1979 (i) shall carry:

1980 (A) at all times the cardholder's medical cannabis card; and

1981 (B) with the medical cannabis, a label that identifies that the medical cannabis was
1982 sold from a licensed medical cannabis pharmacy and includes an identification
1983 number that links the medical cannabis to the inventory control system;

1984 (ii) may possess up to the legal dosage limit of:

1985 (A) unprocessed cannabis in medicinal dosage form; and

1986 (B) a cannabis product in medicinal dosage form;

1987 (iii) may not possess more medical cannabis than described in Subsection (1)(a)(ii);

1988 (iv) may only possess the medical cannabis in the container in which the cardholder
1989 received the medical cannabis from the medical cannabis pharmacy; and

1990 (v) may not alter or remove any label described in Section 4-41a-602 from the
1991 container described in Subsection (1)(a)(iv).

1992 (b) Except as provided in Subsection (1)(c) or (e), a medical cannabis cardholder who
1993 possesses medical cannabis in violation of Subsection (1)(a) is:

1994 (i) guilty of an infraction; and

1995 (ii) subject to a \$100 fine.

1996 (c) A medical cannabis cardholder or a nonresident patient who possesses medical
1997 cannabis in an amount that is greater than the legal dosage limit and equal to or less
1998 than twice the legal dosage limit is:

1999 (i) for a first offense:

2000 (A) guilty of an infraction; and

2001 (B) subject to a fine of up to \$100; and

2002 (ii) for a second or subsequent offense:

- 2003 (A) guilty of a class B misdemeanor; and
- 2004 (B) subject to a fine of \$1,000.
- 2005 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is not
- 2006 guilty of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title
- 2007 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 2008 Concerning Controlled Substances, for the conduct underlying the penalty described
- 2009 in Subsection (1)(b) or (c).
- 2010 (e) A nonresident patient who possesses medical cannabis that is not in a medicinal
- 2011 dosage form is:
- 2012 (i) for a first offense:
- 2013 (A) guilty of an infraction; and
- 2014 (B) subject to a fine of up to \$100; and
- 2015 (ii) for a second or subsequent offense, is subject to the penalties described in [~~Title~~
- 2016 ~~58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled
- 2017 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
- 2018 Substances.
- 2019 (f) A medical cannabis cardholder or a nonresident patient who possesses medical
- 2020 cannabis in an amount that is greater than twice the legal dosage limit is subject to
- 2021 the penalties described in [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title
- 2022 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 2023 Concerning Controlled Substances.
- 2024 (2)(a) As used in this Subsection (2), "emergency medical condition" means the same as
- 2025 that term is defined in Section 31A-1-301.
- 2026 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder, a
- 2027 provisional patient cardholder, or a nonresident patient may not use, in public view,
- 2028 medical cannabis or a cannabis product.
- 2029 (c) In the event of an emergency medical condition, an individual described in
- 2030 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a
- 2031 medical cannabis caregiver card may administer to the cardholder's charge, in public
- 2032 view, cannabis in a medicinal dosage form or a cannabis product in a medicinal
- 2033 dosage form.
- 2034 (d) An individual described in Subsection (2)(b) who violates Subsection (2)(b) is:
- 2035 (i) for a first offense:
- 2036 (A) guilty of an infraction; and

- 2037 (B) subject to a fine of up to \$100; and
 2038 (ii) for a second or subsequent offense:
 2039 (A) guilty of a class B misdemeanor; and
 2040 (B) subject to a fine of \$1,000.
- 2041 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis in a
 2042 medicinal dosage form or a cannabis product in compliance with Subsection (1), or a
 2043 medical cannabis device that corresponds with the cannabis or cannabis product:
 2044 (a) there is a rebuttable presumption that the cardholder possesses the cannabis, cannabis
 2045 product, or medical cannabis device legally; and
 2046 (b) there is no probable cause, based solely on the cardholder's possession of the
 2047 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or
 2048 medical cannabis device, to believe that the cardholder is engaging in illegal activity.
- 2049 (4)(a) If a law enforcement officer stops an individual who possesses cannabis in a
 2050 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical
 2051 cannabis device, and the individual represents to the law enforcement officer that the
 2052 individual holds a valid medical cannabis card, but the individual does not have the
 2053 medical cannabis card in the individual's possession at the time of the stop by the law
 2054 enforcement officer, the law enforcement officer shall attempt to access the state
 2055 electronic verification system to determine whether the individual holds a valid
 2056 medical cannabis card.
- 2057 (b) If the law enforcement officer is able to verify that the individual described in
 2058 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:
 2059 (i) may not arrest or take the individual into custody for the sole reason that the
 2060 individual is in possession of cannabis in a medicinal dosage form, a cannabis
 2061 product in a medicinal dosage form, or a medical cannabis device; and
 2062 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.
- 2063 Section 21. Section **26B-4-220** is amended to read:
 2064 **26B-4-220 (Effective 05/06/26). Enforcement -- Misdemeanor.**
- 2065 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments and
 2066 Pharmacies, it is unlawful for a medical cannabis cardholder to sell or otherwise give to
 2067 another medical cannabis cardholder cannabis in a medicinal dosage form, a cannabis
 2068 product in a medicinal dosage form, a medical cannabis device, or any cannabis residue
 2069 remaining in or from a medical cannabis device.
- 2070 (2)(a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who

- 2071 violates Subsection (1) is:
- 2072 (i) guilty of a class B misdemeanor; and
- 2073 (ii) subject to a \$1,000 fine.
- 2074 (b) An individual is not guilty under Subsection (2)(a) if the individual:
- 2075 (i)(A) is a designated caregiver; and
- 2076 (B) gives the product described in Subsection (1) to the medical cannabis
- 2077 cardholder who designated the individual as a designated caregiver; or
- 2078 (ii)(A) is a medical cannabis guardian cardholder; and
- 2079 (B) gives the product described in Subsection (1) to the relevant provisional
- 2080 patient cardholder.
- 2081 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not guilty
- 2082 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
- 2083 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 2084 Concerning Controlled Substances, for the conduct underlying the violation
- 2085 described in Subsection (2)(a).

2086 Section 22. Section **26B-4-501** is amended to read:

2087 **26B-4-501 (Effective 05/06/26). Definitions.**

2088 As used in this part:

- 2089 (1) "Controlled substance" means the same as that term is defined in [~~Title 58, Chapter 37~~
- 2090 ~~, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances.
- 2091 (2) "Critical access hospital" means a critical access hospital that meets the criteria of 42
- 2092 U.S.C. Sec. 1395i-4(c)(2).
- 2093 (3) "Designated facility" means:
- 2094 (a) a freestanding urgent care center;
- 2095 (b) a general acute hospital; or
- 2096 (c) a critical access hospital.
- 2097 (4) "Dispense" means the same as that term is defined in Section 58-17b-102.
- 2098 (5) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 2099 (6) "Emergency contraception" means the use of a substance, approved by the United States
- 2100 Food and Drug Administration, to prevent pregnancy after sexual intercourse.
- 2101 (7) "Freestanding urgent care center" means the same as that term is defined in Section
- 2102 59-12-801.
- 2103 (8) "General acute hospital" means the same as that term is defined in Section 26B-2-201.
- 2104 (9) "Health care facility" means a hospital, a hospice inpatient residence, a nursing facility,

2105 a dialysis treatment facility, an assisted living residence, an entity that provides home-
2106 and community-based services, a hospice or home health care agency, or another facility
2107 that provides or contracts to provide health care services, which facility is licensed under
2108 Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

2109 (10) "Health care provider" means:

2110 (a) a physician, as defined in Section 58-67-102;

2111 (b) an advanced practice registered nurse, as defined in Section 58-31b-102;

2112 (c) a physician assistant, as defined in Section 58-70a-102; or

2113 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
2114 58-69-102.

2115 (11) "Increased risk" means risk exceeding the risk typically experienced by an individual
2116 who is not using, and is not likely to use, an opiate.

2117 (12) "Opiate" means the same as that term is defined in Section ~~58-37-2~~ 58-37-101.

2118 (13) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that is
2119 not a controlled substance and that is approved by the federal Food and Drug
2120 Administration for the diagnosis or treatment of an opiate-related drug overdose.

2121 (14) "Opiate-related drug overdose event" means an acute condition, including a decreased
2122 level of consciousness or respiratory depression resulting from the consumption or use
2123 of a controlled substance, or another substance with which a controlled substance was
2124 combined, and that a person would reasonably believe to require medical assistance.

2125 (15) "Overdose outreach provider" means:

2126 (a) a law enforcement agency;

2127 (b) a fire department;

2128 (c) an emergency medical service provider, as defined in Section 53-2d-101;

2129 (d) emergency medical service personnel, as defined in Section 53-2d-101;

2130 (e) an organization providing treatment or recovery services for drug or alcohol use;

2131 (f) an organization providing support services for an individual, or a family of an
2132 individual, with a substance use disorder;

2133 (g) a certified peer support specialist, as defined in Section 26B-5-610;

2134 (h) an organization providing substance use or mental health services under contract
2135 with a local substance abuse authority, as defined in Section 26B-5-101, or a local
2136 mental health authority, as defined in Section 26B-5-101;

2137 (i) an organization providing services to the homeless;

2138 (j) a local health department;

- 2139 (k) an individual licensed to practice under:
- 2140 (i) Title 58, Chapter 17b, Pharmacy Practice Act;
- 2141 (ii) Title 58, Chapter 60, Part 2, Social Worker Licensing Act; or
- 2142 (iii) Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act; or
- 2143 (l) an individual.
- 2144 (16) "Patient counseling" means the same as that term is defined in Section 58-17b-102.
- 2145 (17) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 2146 (18) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- 2147 (19) "Physician" means the same as that term is defined in Section 58-67-102.
- 2148 (20) "Practitioner" means:
- 2149 (a) a physician; or
- 2150 (b) any other person who is permitted by law to prescribe emergency contraception.
- 2151 (21) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- 2152 (22)(a) "Self-administered hormonal contraceptive" means a self-administered hormonal
- 2153 contraceptive that is approved by the United States Food and Drug Administration to
- 2154 prevent pregnancy.
- 2155 (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive,
- 2156 a hormonal vaginal ring, and a hormonal contraceptive patch.
- 2157 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
- 2158 induce an abortion, as that term is defined in Section 76-7-301.
- 2159 (23)(a) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5,
- 2160 Part 4, Sexual Offenses, that may result in a pregnancy.
- 2161 (b) "Sexual assault" does not include criminal conduct described in:
- 2162 (i) Section 76-5-417, enticing a minor;
- 2163 (ii) Section 76-5-418, sexual battery;
- 2164 (iii) Section 76-5-419, lewdness; or
- 2165 (iv) Section 76-5-420, lewdness involving a child.
- 2166 (24) "Victim of sexual assault" means any person who presents to receive, or receives,
- 2167 medical care in consequence of being subjected to sexual assault.
- 2168 Section 23. Section **26B-4-513** is amended to read:
- 2169 **26B-4-513 (Effective 05/06/26). Coprescription guidelines.**
- 2170 (1) As used in this section:
- 2171 (a) "Controlled substance prescriber" means the same as that term is defined in Section [
- 2172 58-37-6.5] 58-37-303.

- 2173 (b) "Coprescribe" means to issue a prescription for an opiate antagonist with a
 2174 prescription for an opiate.
- 2175 (2) The department shall, in consultation with the Medical Licensing Board created in
 2176 Section 58-67-201, and the Division of Professional Licensing created in Section
 2177 58-1-103, establish by rule, made in accordance with Title 63G, Chapter 3, Utah
 2178 Administrative Rulemaking Act, scientifically based guidelines for controlled substance
 2179 prescribers to coprescribe an opiate antagonist to a patient.

2180 Section 24. Section **29-2-102** is amended to read:

2181 **29-2-102 (Effective 05/06/26). Definitions.**

2182 As used in this chapter:

- 2183 (1) "Alcoholic beverage" has the same meaning as provided in Section 32B-1-102.
- 2184 (2) "Controlled substance" has the same meaning as provided in Section [~~58-37-2~~] 58-37-101.
- 2185 (3) "Guest" means a person for whom an innkeeper was paid to provide temporary sleeping
 2186 accommodations in a lodging establishment.
- 2187 (4) "Innkeeper" means the proprietor or designated employee of a proprietor of a lodging
 2188 establishment.
- 2189 (5) "Lodging establishment" means a place providing temporary sleeping accommodations
 2190 to the public, including any of the following:
- 2191 (a) a bed and breakfast establishment;
- 2192 (b) a boarding house;
- 2193 (c) a hotel;
- 2194 (d) an inn;
- 2195 (e) a lodging house;
- 2196 (f) a motel;
- 2197 (g) a resort; or
- 2198 (h) a rooming house.
- 2199 (6) "Minor" means an unemancipated person younger than 18 years [~~of age~~] old.

2200 Section 25. Section **32B-3-303** is amended to read:

2201 **32B-3-303 (Effective 05/06/26). Acts making a person subject to this part.**

- 2202 (1) One or more of the following acts constitute a nuisance activity:
- 2203 (a) a single felony conviction within the last two years of:
- 2204 (i) a retail licensee; or
- 2205 (ii) supervisory or managerial level staff of the retail licensee;
- 2206 (b) a single conviction under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~]

- 2207 Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
2208 Concerning Controlled Substances:
- 2209 (i)(A) of a retail licensee; or
2210 (B) staff of the retail licensee;
2211 (ii) within the last two years; and
2212 (iii) made on the basis of an act that occurs on the licensed premises;
- 2213 (c) three or more convictions of patrons of a retail licensee under [~~Title 58, Chapter 37,~~
2214 ~~Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, or Title
2215 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, if:
- 2216 (i) the convictions are made on the basis of an act that occurs on the licensed
2217 premises; and
2218 (ii) there is evidence that the retail licensee knew or should have known of the illegal
2219 activity;
- 2220 (d) a single conviction within the last two years of a retail licensee or staff of the retail
2221 licensee that is made on the basis of:
- 2222 (i) pornographic and harmful materials:
2223 (A) that violate Title 76, Chapter 5c, Pornographic and Harmful Materials and
2224 Performances; and
2225 (B) if the violation occurs on the licensed premises;
2226 (ii) prostitution;
2227 (iii) engaging in or permitting gambling, as defined and proscribed in Title 76,
2228 Chapter 9, Part 14, Gambling, on the licensed premises;
2229 (iv) having any fringe gaming device, video gaming device, or gambling device or
2230 record as defined in Section 76-9-1401 on the licensed premises;
2231 (v) on the licensed premises engaging in or permitting a contest, game, gaming
2232 scheme, or gaming device that requires the risking of something of value for a
2233 return or for an outcome when the return or outcome is based upon an element of
2234 chance, excluding the playing of an amusement device that confers only an
2235 immediate and unrecorded right of replay not exchangeable for value;
2236 (vi) a disturbance of the peace that occurs on the licensed premises; or
2237 (vii) disorderly conduct that occurs on the licensed premises; or
- 2238 (e) three or more adjudicated violations of this title within the last two years by a retail
2239 licensee or by staff of the retail licensee that result in a criminal citation or an
2240 administrative referral to the department relating to:

- 2241 (i) the sale, offer for sale, or furnishing of an alcoholic product to a minor;
- 2242 (ii) the sale, offer for sale, or furnishing of an alcoholic product to a person actually,
- 2243 apparently, or obviously intoxicated;
- 2244 (iii) the sale, offer for sale, or furnishing of an alcoholic product after the lawful
- 2245 hours for the sale or furnishing; or
- 2246 (iv) acts or conduct on the licensed premises contrary to the public welfare and
- 2247 morals involving lewd acts or lewd entertainment prohibited by this title.
- 2248 (2) For purposes of Subsection (1), in the case of a retail licensee that is a partnership,
- 2249 corporation, or limited liability company, a conviction under Subsection (1)(c) includes
- 2250 a conviction of any of the following for an offense described in Subsection (1)(c):
- 2251 (a) a partner;
- 2252 (b) a managing agent;
- 2253 (c) a manager;
- 2254 (d) an officer;
- 2255 (e) a director;
- 2256 (f) a stockholder who holds at least 20% of the total issued and outstanding stock of a
- 2257 corporate retail licensee; or
- 2258 (g) a member who owns at least 20% of a limited liability company retail licensee.
- 2259 Section 26. Section **32B-5-301** is amended to read:
- 2260 **32B-5-301 (Effective 05/06/26). General operational requirements.**
- 2261 (1)(a) A retail licensee and staff of a retail licensee shall comply with this title and the
- 2262 rules of the commission, including the relevant chapter or part for the specific type of
- 2263 retail license.
- 2264 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
- 2265 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
- 2266 (i) a retail licensee;
- 2267 (ii) individual staff of a retail licensee; or
- 2268 (iii) both a retail licensee and staff of the retail licensee.
- 2269 (2)(a) If there is a conflict between this part and the relevant chapter or part for the
- 2270 specific type of retail license, the relevant chapter or part for the specific type of retail
- 2271 license governs.
- 2272 (b) Notwithstanding that this part refers to "liquor" or an "alcoholic product," a retail
- 2273 licensee may only sell, offer for sale, furnish, or allow the consumption of an
- 2274 alcoholic product specifically authorized by the relevant chapter or part for the retail

- 2275 licensee's specific type of retail license.
- 2276 (c) Notwithstanding that this part or the relevant chapter or part for a specific retail
2277 licensee refers to "retail licensee," staff of the retail licensee is subject to the same
2278 requirement or prohibition.
- 2279 (3)(a) A retail licensee shall display in a prominent place in the licensed premises the
2280 retail license that is issued by the department.
- 2281 (b) A retail licensee shall display in a prominent place a sign in large letters that consists
2282 of text in the following order:
- 2283 (i) a header that reads: "WARNING";
- 2284 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
2285 can cause birth defects and permanent brain damage for the child.";
- 2286 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
2287 Human Services at [insert most current toll-free number] with questions or for
2288 more information.";
- 2289 (iv) a header that reads: "WARNING"; and
- 2290 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
2291 a serious crime that is prosecuted aggressively in Utah."
- 2292 (c)(i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different
2293 font style than the text described in Subsections (3)(b)(iv) and (v).
- 2294 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the
2295 same font size.
- 2296 (d) The Department of Health and Human Services shall work with the commission and
2297 department to facilitate consistency in the format of a sign required under this section.
- 2298 (4) A retail licensee may not on the licensed premises:
- 2299 (a) engage in or permit any form of gambling, as defined in Section 76-9-1401, or fringe
2300 gambling, as defined in Section 76-9-1401;
- 2301 (b) have any fringe gaming device, video gaming device, or gambling device or record
2302 as defined in Section 76-9-1401; or
- 2303 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
2304 the risking of something of value for a return or for an outcome when the return or
2305 outcome is based upon an element of chance, excluding the playing of an amusement
2306 device that confers only an immediate and unrecorded right of replay not
2307 exchangeable for value.
- 2308 (5) A retail licensee may not knowingly allow a person on the licensed premises to, in

- 2309 violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah~~
 2310 ~~Drug Paraphernalia Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76,
 2311 Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Part 3, Offenses
 2312 Concerning Drug Paraphernalia:
- 2313 (a) sell, distribute, possess, or use a controlled substance, as defined in Section [~~58-37-2~~]
 2314 58-37-101; or
- 2315 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in
 2316 Section [~~58-37a-3~~] 76-18-301.
- 2317 (6) Upon the presentation of credentials, at any time during which a retail licensee is open
 2318 for the transaction of business, the retail licensee shall immediately:
- 2319 (a) admit a commissioner, authorized department employee, or law enforcement officer
 2320 to the retail licensee's premises; and
- 2321 (b) permit, without hindrance or delay, the person described in Subsection (6)(a) to
 2322 inspect completely:
- 2323 (i) the entire premises of the retail licensee; and
 2324 (ii) the records of the retail licensee.
- 2325 (7) An individual may not consume an alcoholic product on the licensed premises of a retail
 2326 licensee on any day during the period:
- 2327 (a) beginning one hour after the time of day that the period during which a retail licensee
 2328 may not sell, offer for sale, or furnish an alcoholic product on the licensed premises
 2329 begins; and
- 2330 (b) ending at the time specified in the relevant chapter or part for the retail licensee's
 2331 specific type of retail license when the retail licensee may first sell, offer for sale, or
 2332 furnish an alcoholic product on the licensed premises on that day.
- 2333 (8) An employee of a retail licensee who sells, offers for sale, or furnishes an alcoholic
 2334 product to a patron shall wear an identification badge.
- 2335 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 2336 commission shall make rules:
- 2337 (a) related to the requirement described in Subsection (8); and
 2338 (b) for dispensing systems and dispensing areas of restaurant licensees, bar licensees,
 2339 and taverns, establishing standards:
- 2340 (i) in accordance with the provisions of this title; and
 2341 (ii) prohibiting a dispensing system to remain at a patron's table.
- 2342 Section 27. Section **32B-6-406.1** is amended to read:

2343 **32B-6-406.1 (Effective 05/06/26). Specific operational restrictions related to**
2344 **dance or concert hall.**

- 2345 (1) A minor who is at least 18 years [~~of age~~] old may be admitted into, use, or be on the
2346 premises of a dance or concert hall if:
- 2347 (a) the dance or concert hall is located:
 - 2348 (i) on the licensed premises of a bar licensee; or
 - 2349 (ii) on the property that immediately adjoins the licensed premises of and is operated
2350 by a bar licensee; and
 - 2351 (b) the bar licensee holds a permit to operate a dance or concert hall that was issued on
2352 or before May 11, 2009:
 - 2353 (i) on the basis of the operational requirements described in Subsection (2); and
 - 2354 (ii) when the bar licensee was licensed as a class D private club.
- 2355 (2) A bar licensee that holds a dance or concert hall permit shall operate in such a way that:
- 2356 (a) the bar licensee's lounge, dispensing structure, or other area for alcoholic product
2357 consumption is:
 - 2358 (i) not accessible to a minor;
 - 2359 (ii) clearly defined; and
 - 2360 (iii) separated from the dance or concert hall area by one or more walls, multiple
2361 floor levels, or other substantial physical barriers;
 - 2362 (b) a dispensing structure or area where alcoholic product is dispensed is not visible to a
2363 minor;
 - 2364 (c) consumption of an alcoholic product may not occur in:
 - 2365 (i) the dance or concert hall area; or
 - 2366 (ii) an area of the bar license premises accessible to a minor;
 - 2367 (d) the bar licensee maintains sufficient security personnel to prevent the passing of
2368 beverages from the bar licensee's lounge, dispensing structure, or other area for
2369 alcoholic product consumption to:
 - 2370 (i) the dance or concert hall area; or
 - 2371 (ii) an area of the bar licensee premises accessible to a minor;
 - 2372 (e) there are one or more separate entrances, exits, and restroom facilities from the bar
2373 licensee's lounge, dispensing structure, or other area for alcoholic product
2374 consumption than for:
 - 2375 (i) the dance or concert hall area; or
 - 2376 (ii) an area accessible to a minor; and

- 2377 (f) the bar licensee complies with any other requirements imposed by the commission by
 2378 rule.
- 2379 (3)(a) A minor under 18 years [~~of age~~] old who is accompanied at all times by a parent or
 2380 legal guardian may be admitted into, use, or be on the premises of a concert hall
 2381 described in Subsection (1) if:
- 2382 (i) the requirements of Subsection (2) are met; and
 2383 (ii) signage, product, and dispensing equipment containing recognition of an
 2384 alcoholic product is not visible to the minor.
- 2385 (b) A minor under 18 years [~~of age~~] old but who is 14 years [~~of age~~] old or older who is
 2386 not accompanied by a parent or legal guardian may be admitted into, use, or be on the
 2387 premises of a concert hall described in Subsection (1) if:
- 2388 (i) the requirements of Subsections (2) and (3)(a) are met; and
 2389 (ii) there is no alcoholic product, sales, furnishing, or consumption on the premises of
 2390 the bar licensee.
- 2391 (4) The commission may suspend or revoke a dance or concert permit issued to a bar
 2392 licensee and suspend or revoke the license of the bar licensee if:
- 2393 (a) the bar licensee fails to comply with the requirements in this section;
 2394 (b) the bar licensee sells, offers for sale, or furnishes an alcoholic product to a minor;
 2395 (c) the bar licensee or a supervisory or managerial level staff of the bar licensee is
 2396 convicted under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
 2397 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
 2398 Concerning Controlled Substances, on the basis of an activity that occurs on:
 2399 (i) the licensed premises; or
 2400 (ii) the dance or concert hall that is located on property that immediately adjoins the
 2401 licensed premises of and is operated by the bar licensee;
- 2402 (d) there are three or more convictions of patrons of the bar licensee under [~~Title 58,~~
 2403 Chapter 37, Utah Controlled Substances Act] Title 58, Chapter 37, Controlled
 2404 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 2405 Substances, on the basis of activities that occur on:
 2406 (i) the licensed premises; or
 2407 (ii) the dance or concert hall that is located on property that immediately adjoins the
 2408 licensed premises of and is operated by the bar licensee;
 2409 (iii) there is more than one conviction:
 2410 (A) of:

- 2411 (I) the bar licensee;
- 2412 (II) staff of the bar licensee;
- 2413 (III) an entertainer contracted by the bar licensee; or
- 2414 (IV) a patron of the bar licensee; and
- 2415 (B) made on the basis of a lewd act or lewd entertainment prohibited by this title
- 2416 that occurs on:
- 2417 (I) the licensed premises; or
- 2418 (II) the dance or concert hall that is located on property that immediately
- 2419 adjoins the licensed premises of and is operated by the bar licensee; or
- 2420 (e) the commission finds acts or conduct contrary to the public welfare and morals
- 2421 involving lewd acts or lewd entertainment prohibited by this title that occurs on:
- 2422 (i) the licensed premises; or
- 2423 (ii) the dance or concert hall that is located on property that immediately adjoins the
- 2424 licensed premises of and is operated by the bar licensee.
- 2425 (5) Nothing in this section prohibits a bar licensee from selling, offering for sale, or
- 2426 furnishing an alcoholic product in a dance or concert area located on the bar licensed
- 2427 premises on days and times when the bar licensee does not allow a minor into those
- 2428 areas.

2429 Section 28. Section **32B-7-202** is amended to read:

2430 **32B-7-202 (Effective 05/06/26). General operational requirements for**

2431 **off-premise beer retailer.**

- 2432 (1) An off-premise beer retailer or staff of the off-premise beer retailer shall comply with
- 2433 the provisions of this title and any applicable rules made by the commission.
- 2434 (2) Failure to comply with this section may result in a suspension or revocation of a local
- 2435 license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3,
- 2436 Disciplinary Actions and Enforcement Act.
- 2437 (3)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the
- 2438 purpose of resale, or sell beer, except beer that the off-premise beer retailer
- 2439 lawfully purchases from:
- 2440 (A) a beer wholesaler licensee; or
- 2441 (B) a small brewer that manufactures the beer.
- 2442 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.
- 2443 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
- 2444 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only

2445 from a beer wholesaler licensee who is designated by the manufacturer to sell beer
2446 in the geographical area in which the off-premise beer retailer is located, unless an
2447 alternate wholesaler is authorized by the department to sell to the off-premise beer
2448 retailer as provided in Section 32B-13-301.

2449 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.

2450 (4) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
2451 container larger than two liters.

2452 (5)(a) Staff of an off-premise beer retailer, while on duty, may not:

2453 (i) consume an alcoholic product; or

2454 (ii) be intoxicated.

2455 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
2456 unless:

2457 (i) the sale is done under the supervision of a person 21 years old or older who is on
2458 the licensed premises; and

2459 (ii) the minor is at least 16 years old.

2460 (6) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product
2461 to:

2462 (a) a minor;

2463 (b) a person actually, apparently, or obviously intoxicated;

2464 (c) a known interdicted person; or

2465 (d) a known habitual drunkard.

2466 (7)(a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer
2467 shall:

2468 (i) display all beer accessible by and visible to a patron in no more than two locations
2469 on the retail sales floor, each of which is:

2470 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
2471 beverage displayed; and

2472 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
2473 cooler with a door from which the nonalcoholic beverages are not accessible,
2474 or the beer is separated from the display of nonalcoholic beverages by a display
2475 of one or more nonbeverage products or another physical divider; and

2476 (ii) display a sign in the area described in Subsection (6)(a)(i) that:

2477 (A) is prominent;

2478 (B) is easily readable by a consumer;

- 2479 (C) meets the requirements for format established by the commission by rule; and
2480 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
2481 contain alcohol. Please read the label carefully."
- 2482 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
2483 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 2484 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
2485 labeled, packaged, or advertised as:
- 2486 (i) a malt cooler; or
2487 (ii) a beverage that may provide energy.
- 2488 (d) A violation of this Subsection (6) is an infraction.
- 2489 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
2490 (6)(a)(i) apply on and after May 9, 2017.
- 2491 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
2492 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 2493 (8)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
2494 who sells beer to a patron for consumption off the premises of the off-premise beer
2495 retailer shall wear a unique identification badge:
- 2496 (i) on the front of the staff's clothing;
2497 (ii) visible above the waist;
2498 (iii) bearing the staff's:
- 2499 (A) first or last name;
2500 (B) initials; or
2501 (C) unique identification in letters or numbers; and
2502 (iv) with the number or letters on the unique identification badge being sufficiently
2503 large to be clearly visible and identifiable while engaging in or directly
2504 supervising the retail sale of beer.
- 2505 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
2506 unique identification badge assigned by the off-premise beer retailer that includes the
2507 staff's:
- 2508 (i) full name;
2509 (ii) address; and
2510 (iii)(A) driver license number; or
2511 (B) similar identification number.
- 2512 (c) An off-premise beer retailer shall make available a record required to be made or

- 2513 maintained under this Subsection (7) for immediate inspection by:
- 2514 (i) a peace officer;
- 2515 (ii) a representative of the local authority that issues the off-premise beer retailer
- 2516 license; or
- 2517 (iii) for an off-premise beer retailer state license, a representative of the commission
- 2518 or department.
- 2519 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
- 2520 retailer that does not comply or require its staff to comply with this Subsection (7).
- 2521 (9)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 2522 (i) at a drive-through window;
- 2523 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the
- 2524 off-premise beer retailer's licensed premises; or
- 2525 (iii) subject to Subsection (8)(b), at a designated parking stall.
- 2526 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
- 2527 Subsection (8)(a)(iii) is:
- 2528 (A) located on property that the off-premise beer retailer owns or has a legal right
- 2529 to occupy;
- 2530 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
- 2531 and
- 2532 (C) labeled in a conspicuous manner that communicates the purpose described in
- 2533 Subsection (8)(b)(ii).
- 2534 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
- 2535 designated parking stall described in Subsection (8)(a)(iii) unless:
- 2536 (A) the off-premise beer retailer ensures that the individual purchasing the beer
- 2537 purchases the beer before parking in the designated parking stall;
- 2538 (B) the off-premise beer retailer delivers the beer directly from the off-premise
- 2539 beer retailer's licensed premises to the designated parking stall;
- 2540 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
- 2541 purchaser's age in accordance with Section 32B-1-407; and
- 2542 (D) the off-premise beer retailer maintains video surveillance of the designated
- 2543 parking stall.
- 2544 (c) Nothing in this Subsection (8) modifies the other requirements of this section.
- 2545 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
- 2546 accordance with this Subsection (8) shall comply with the training requirements

2547 described in Section 32B-1-703.

2548 (10) An off-premise beer retailer may not on the licensed premises:

2549 (a) engage in or permit any form of:

2550 (i) gambling, as defined in Section 76-9-1401; or

2551 (ii) fringe gambling, as defined in Section 76-9-1401;

2552 (b) have any fringe gaming device, video gaming device, or gambling device or record
2553 as defined in Section 76-9-1401; or

2554 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
2555 the risking of something of value for a return or for an outcome when the return or
2556 outcome is based upon an element of chance, excluding the playing of an amusement
2557 device that confers only an immediate and unrecorded right of replay not
2558 exchangeable for value.

2559 (11) An off-premise beer retailer may not knowingly allow a person on the licensed
2560 premises to, in violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act, or~~
2561 ~~Chapter 37a, Utah Drug Paraphernalia Act]~~ Title 58, Chapter 37, Controlled Substances,
2562 or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Part 3,
2563 Offenses Concerning Drug Paraphernalia:

2564 (a) sell, distribute, possess, or use a controlled substance, as defined in Section [~~58-37-2]~~
2565 58-37-101; or

2566 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
2567 Section [~~58-37a-3]~~ 76-18-301.

2568 (12) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
2569 intended to be frozen and consumed in a manner other than as a beverage, including beer
2570 in the form of a freeze pop, popsicle, ice cream, or sorbet.

2571 Section 29. Section **32B-9-204** is amended to read:

2572 **32B-9-204 (Effective 05/06/26). General operational requirements for an event**
2573 **permit.**

2574 (1)(a) An event permittee and a person involved in the storage, sale, offer for sale, or
2575 furnishing of an alcoholic product at an event for which an event permit is issued,
2576 shall comply with this title and rules of the commission.

2577 (b) Failure to comply as provided in Subsection (1)(a):

2578 (i) may result in:

2579 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
2580 Enforcement Act, against:

- 2581 (I) an event permittee;
- 2582 (II) a person involved in the storage, sale, offer for sale, or furnishing of an
- 2583 alcoholic product at the event; or
- 2584 (III) any combination of the persons listed in this Subsection (1)(b);
- 2585 (B) immediate revocation of the event permit;
- 2586 (C) forfeiture of a bond; or
- 2587 (D) immediate seizure of an alcoholic product present at the event; and
- 2588 (ii) if the event permit is revoked, disqualifies the event permittee from applying for
- 2589 an event permit for a period of three years from the date of revocation of the event
- 2590 permit.
- 2591 (c) An alcoholic product seized under this Subsection (1) shall be returned to the event
- 2592 permittee after an event if forfeiture proceedings are not instituted under Section
- 2593 32B-4-206.
- 2594 (2)(a) If there is a conflict between this part and the relevant part under this chapter for
- 2595 the specific type of special use permit held by the special use permittee, the relevant
- 2596 part governs.
- 2597 (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," an
- 2598 event permittee may only sell, offer for sale, or furnish an alcoholic product specified
- 2599 in the relevant part under this chapter for the type of event permit that is held by the
- 2600 event permittee.
- 2601 (c) Notwithstanding that this part or the relevant part under this chapter for the type of
- 2602 event permit held by an event permittee refers to "event permittee," a person involved
- 2603 in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event
- 2604 for which the event permit is issued is subject to the same requirement or prohibition.
- 2605 (3) An event permittee shall display a copy of the event permit in a prominent place in the
- 2606 area in which an alcoholic product is sold, offered for sale, furnished, and consumed.
- 2607 (4) An event permittee may not on the premises of the event:
- 2608 (a) engage in or allow any form of gambling, as defined in Section 76-9-1401, or fringe
- 2609 gambling, as defined in Section 76-9-1401;
- 2610 (b) have any fringe gaming device, video gaming device, or gambling device or record
- 2611 as defined in Section 76-9-1401; or
- 2612 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
- 2613 the risking of something of value for a return or for an outcome when the return or
- 2614 outcome is based upon an element of chance, excluding the playing of an amusement

- 2615 device that confers only an immediate and unrecorded right of replay not
2616 exchangeable for value.
- 2617 (5) An event permittee may not knowingly allow a person at an event to, in violation of [
2618 ~~Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug~~
2619 ~~Paraphernalia Act]~~ Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18,
2620 Part 2, Offenses Concerning Controlled Substances, or Part 3, Offenses Concerning
2621 Drug Paraphernalia:
- 2622 (a) sell, distribute, possess, or use a controlled substance, as defined in Section [~~58-37-2]~~
2623 ~~58-37-101~~; or
- 2624 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in
2625 Section [~~58-37a-3]~~ 76-18-301.
- 2626 (6) An event permittee may not sell, offer for sale, or furnish beer except beer purchases
2627 from:
- 2628 (a) a beer wholesaler licensee;
- 2629 (b) a beer retailer; or
- 2630 (c) a small brewer.
- 2631 (7) An event permittee may not store, sell, offer for sale, furnish, or allow the consumption
2632 of an alcoholic product purchased for an event in a location other than that described in
2633 the application and designated on the event permit unless the event permittee first
2634 applies for and receives approval from the director, with the approval of the
2635 Compliance, Licensing, and Enforcement Subcommittee, for a change of location.
- 2636 (8)(a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or furnish
2637 beer for on-premise consumption:
- 2638 (i) in an open original container; and
- 2639 (ii) in a container on draft.
- 2640 (b) An event permittee may not sell, offer for sale, or furnish beer sold pursuant to
2641 Subsection (8)(a):
- 2642 (i) in a size of container that exceeds two liters; or
- 2643 (ii) to an individual patron in a size of container that exceeds one liter.
- 2644 (9)(a) An event permittee may not sell or offer for sale an alcoholic product at less than
2645 the cost of the alcoholic product to the event permittee.
- 2646 (b) An event permittee may not sell an alcoholic product at a discount price on any date
2647 or at any time.
- 2648 (c) An event permittee may not sell or offer for sale an alcoholic product at a price that

- 2649 encourages overconsumption or intoxication.
- 2650 (d) An event permittee may not sell or offer for sale an alcoholic product at a special or
2651 reduced price for only certain hours of the day of an event.
- 2652 (e) An event permittee may not sell, offer for sale, or furnish more than one alcoholic
2653 product at the price of a single alcoholic product.
- 2654 (f) An event permittee, or a person operating, selling, offering, or furnishing an alcoholic
2655 product under an event permit, may not sell, offer for sale, or furnish an indefinite or
2656 unlimited number of alcoholic products during a set period for a fixed price, unless:
2657 (i) the alcoholic product is served to a patron at a seated event;
2658 (ii) food is available whenever the alcoholic product is sold, offered for sale, or
2659 furnished; and
2660 (iii) no person advertises that at the event a person may be sold or furnished an
2661 indefinite or unlimited number of alcoholic products during a set period for a
2662 fixed price.
- 2663 (g) An event permittee may not engage in a public promotion involving or offering a
2664 free alcoholic product to the general public.
- 2665 (10) An event permittee may not sell, offer for sale, or furnish an alcoholic product to:
2666 (a) a minor;
2667 (b) a person actually, apparently, or obviously intoxicated;
2668 (c) a known interdicted person; or
2669 (d) a known habitual drunkard.
- 2670 (11)(a) An alcoholic product is considered under the control of the event permittee
2671 during an event.
- 2672 (b) A patron at an event may not bring an alcoholic product onto the premises of the
2673 event.
- 2674 (12) An event permittee may not permit a patron to carry from the premises an open
2675 container that:
2676 (a) is used primarily for drinking purposes; and
2677 (b) contains an alcoholic product.
- 2678 (13)(a) A person involved in the storage, sale, or furnishing of an alcoholic product at an
2679 event is considered under the supervision and direction of the event permittee.
- 2680 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at
2681 an event may not, while on duty:
2682 (i) consume an alcoholic product; or

- 2683 (ii) be intoxicated.
- 2684 (14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an event.
- 2685 (15) The location specified in an event permit may not be changed without prior written
2686 approval of the commission.
- 2687 (16) An event permittee may not sell, transfer, assign, exchange, barter, give, or attempt in
2688 any way to dispose of the event permit to another person whether for monetary gain or
2689 not.
- 2690 (17)(a) An event permittee may not sell, offer for sale, furnish, or allow the consumption
2691 of an alcoholic product during a period that:
- 2692 (i) begins at 1 a.m.; and
- 2693 (ii) ends at 9:59 a.m.
- 2694 (b) This Subsection (17) does not preclude a local authority from being more restrictive
2695 with respect to the hours of sale, offer for sale, furnishing, or consumption of an
2696 alcoholic product at an event.
- 2697 (18) A patron may have no more than one alcoholic product of any kind at a time before the
2698 patron.
- 2699 (19)(a) An event permittee shall display, in a prominent place, a sign in large letters that
2700 consists of text in the following order:
- 2701 (i) a header that reads: "WARNING";
- 2702 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
2703 can cause birth defects and permanent brain damage for the child.";
- 2704 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
2705 Human Services at [insert most current toll-free number] with questions or for
2706 more information.";
- 2707 (iv) a header that reads: "WARNING"; and
- 2708 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
2709 a serious crime that is prosecuted aggressively in Utah."
- 2710 (b)(i) The text described in Subsections (19)(a)(i) through (iii) shall be in a different
2711 font style than the text described in Subsections (19)(a)(iv) and (v).
- 2712 (ii) The warning statements in the sign described in Subsection (19)(a) shall be in the
2713 same font size.
- 2714 (c) The Department of Health and Human Services shall work with the commission and
2715 department to facilitate consistency in the format of a sign required under this section.
- 2716 Section 30. Section **32B-10-404** is amended to read:

2717 **32B-10-404 (Effective 05/06/26). Specific operational requirements for industrial**
2718 **or manufacturing use permit.**

2719 (1)(a) In addition to complying with Section 32B-10-206, an industrial or manufacturing
2720 use permittee and staff of the industrial or manufacturing use permittee shall comply
2721 with this section.

2722 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2723 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2724 (i) an industrial or manufacturing use permittee;

2725 (ii) individual staff of an industrial or manufacturing use permittee; or

2726 (iii) an industrial or manufacturing use permittee and staff of the industrial or
2727 manufacturing use permittee.

2728 (2) An industrial or manufacturing use permittee may produce for lawful use and sale the
2729 following:

2730 (a) vinegar;

2731 (b) preserved nonintoxicating cider;

2732 (c) a food preparation;

2733 (d) a United States Pharmacopoeia or national formulary preparation in conformity with
2734 Title 58, Chapter 17b, Pharmacy Practice Act, [~~Chapter 37, Utah Controlled~~
2735 ~~Substances Act, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation~~
2736 ~~Controlled Substances Act, and Chapter 37c, Utah Controlled Substance Precursor~~
2737 ~~Act]~~ Title 58, Chapter 37, Controlled Substances, Title 58, Chapter 37c, Controlled
2738 Substance Precursors, and Title 76, Chapter 18, Part 2, Offenses Concerning
2739 Controlled Substances, Part 3, Offenses Concerning Drug Paraphernalia, and Part 4,
2740 Offenses Concerning Imitation Controlled Substances, if the preparation:

2741 (i) conforms to standards established by:

2742 (A) the Department of Agriculture and Food; and

2743 (B) the Department of Health and Human Services; and

2744 (ii) contains no more alcohol than is necessary to preserve or extract the medicinal,
2745 flavoring, or perfumed properties of the treated substances; and

2746 (e) wood and denatured alcohol if manufactured in compliance with the formulas and
2747 regulations under Title 27, C.F.R. Parts 19, 20, and 21.

2748 (3)(a) An industrial or manufacturing use permittee that produces patent or proprietary
2749 medicines containing alcohol may sell or offer for sale the medicines in the original
2750 and unbroken container if the medicine contains sufficient medication to prevent its

2751 use as an alcoholic product.

2752 (b) An industrial or manufacturing use permittee described in this Subsection (3) shall,
2753 upon request by the department, provide a sufficient sample of the medicine to enable
2754 the department to have the medicine analyzed for purposes of this section.

2755 Section 31. Section **34-41-101** is amended to read:

2756 **34-41-101 (Effective 05/06/26). Definitions.**

2757 As used in this chapter:

- 2758 (1) "Donor" means an employee, a volunteer, a prospective employee, or a prospective
2759 volunteer of a local government entity or an institution of higher education.
- 2760 (2) "Drug" means any substance recognized as a drug in the United States Pharmacopeia,
2761 the National Formulary, the Homeopathic Pharmacopeia, or other drug compendia,
2762 including [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
2763 Controlled Substances, or supplement to any of those compendia.
- 2764 (3) "Drug testing" means the scientific analysis for the presence of drugs or their
2765 metabolites in the human body in accordance with the definitions and terms of this
2766 chapter.
- 2767 (4) "Institution of higher education" means the same as that term is defined in Section
2768 53H-1-101.
- 2769 (5) "Local governmental employee" means any person or officer in the service of a local
2770 governmental entity or institution of higher education for compensation.
- 2771 (6)(a) "Local governmental entity" means any political subdivision of Utah including
2772 any county, municipality, local school district, special district, special service district,
2773 or any administrative subdivision of those entities.
- 2774 (b) "Local governmental entity" does not mean Utah state government or its
2775 administrative subdivisions provided for in Sections 63A-17-1001 through
2776 63A-17-1006.
- 2777 (7) "Periodic testing" means preselected and preannounced drug testing of employees or
2778 volunteers conducted on a regular schedule.
- 2779 (8) "Prospective employee" means any person who has made a written or oral application to
2780 become an employee of a local governmental entity or an institution of higher education.
- 2781 (9) "Random testing" means the unannounced drug testing of an employee or volunteer
2782 who was selected for testing by using a method uninfluenced by any personal
2783 characteristics other than job category.
- 2784 (10) "Reasonable suspicion for drug testing" means an articulated belief based on the

- 2785 recorded specific facts and reasonable inferences drawn from those facts that a local
 2786 government employee or volunteer is in violation of the drug-free workplace policy.
- 2787 (11) "Rehabilitation testing" means unannounced but preselected drug testing done as part
 2788 of a program of counseling, education, and treatment of an employee or volunteer in
 2789 conjunction with the drug-free workplace policy.
- 2790 (12) "Safety sensitive position" means any local governmental or institution of higher
 2791 education position involving duties which directly affects the safety of governmental
 2792 employees, the general public, or positions where there is access to controlled
 2793 substances, as defined in [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
 2794 Chapter 37, Controlled Substances, during the course of performing job duties.
- 2795 (13) "Sample" means urine, blood, breath, saliva, or hair.
- 2796 (14) "Volunteer" means any person who donates services as authorized by the local
 2797 governmental entity or institution of higher education without pay or other
 2798 compensation except expenses actually and reasonably incurred.
- 2799 Section 32. Section **34A-2-302** is amended to read:
- 2800 **34A-2-302 (Effective 05/06/26). Employee's willful misconduct -- Penalty.**
- 2801 (1) For purposes of this section:
- 2802 (a) "Controlled substance" [~~is as~~] means the same as that term is defined in Section [
 2803 58-37-2] 58-37-101.
- 2804 (b) "Local government employee" [~~is as~~] means the same as that term is defined in
 2805 Section 34-41-101.
- 2806 (c) "Local governmental entity" [~~is as~~] means the same as that term is defined in Section
 2807 34-41-101.
- 2808 (d) "State institution of higher education" [~~is as~~] means the same as that term is defined
 2809 in Section 34-41-101.
- 2810 (e) "Valid prescription" is a prescription, as defined in Section [~~58-37-2] 58-37-101, that:
 2811 (i) is prescribed for a controlled substance for use by the employee for whom it was
 2812 prescribed; and
 2813 (ii) has not been altered or forged.~~
- 2814 (2) An employee may not:
- 2815 (a) remove, displace, damage, destroy, or carry away any safety device or safeguard
 2816 provided for use in any employment or place of employment;
- 2817 (b) interfere in any way with the use of a safety device or safeguard described in
 2818 Subsection (2)(a) by any other person;

- 2819 (c) interfere with the use of any method or process adopted for the protection of any
2820 employee in the employer's employment or place of employment; or
- 2821 (d) fail or neglect to follow and obey orders and to do every other thing reasonably
2822 necessary to protect the life, health, and safety of employees.
- 2823 (3) Except in case of injury resulting in death:
- 2824 (a) compensation provided for by this chapter shall be reduced 15% when injury is
2825 caused by the willful failure of the employee:
- 2826 (i) to use safety devices when provided by the employer; or
- 2827 (ii) to obey any order or reasonable rule adopted by the employer for the safety of the
2828 employee; and
- 2829 (b) except when the employer permitted, encouraged, or had actual knowledge of the
2830 conduct described in Subsection (4):
- 2831 (i) disability compensation may not be awarded under this chapter or Chapter 3, Utah
2832 Occupational Disease Act, to an employee when the major contributing cause of
2833 the employee's injury is the employee's conduct described in Subsection (4); or
- 2834 (ii) disability compensation to an employee under this chapter or Chapter 3, Utah
2835 Occupational Disease Act, shall be reduced by 15% when the employee's conduct
2836 is a contributing cause of the employee's injury but not the major contributing
2837 cause.
- 2838 (4) The conduct described in Subsection (3)(b) is the employee's:
- 2839 (a) knowing use of a controlled substance that the employee did not obtain under a valid
2840 prescription;
- 2841 (b) intentional abuse of a controlled substance that the employee obtained under a valid
2842 prescription if the employee uses the controlled substance intentionally:
- 2843 (i) in excess of prescribed therapeutic amounts; or
- 2844 (ii) in an otherwise abusive manner; or
- 2845 (c) intoxication from alcohol with a blood or breath alcohol concentration of .05 grams
2846 or greater as shown by a chemical test.
- 2847 (5)(a) For purposes of Subsections (3) and (4), as shown by a chemical test that
2848 conforms to scientifically accepted analytical methods and procedures and includes
2849 verification or confirmation of any positive test result by gas chromatography, gas
2850 chromatography-mass spectroscopy, or other comparably reliable analytical method,
2851 before the result of the test may be used as a basis for the presumption, it is presumed
2852 that the major contributing cause of the employee's injury is the employee's conduct

- 2853 described in Subsection (4) if at the time of the injury:
- 2854 (i) the employee has in the employee's system:
- 2855 (A) any amount of a controlled substance or its metabolites if the employee did
- 2856 not obtain the controlled substance under a valid prescription; or
- 2857 (B) a controlled substance the employee obtained under a valid prescription or the
- 2858 metabolites of the controlled substance if the amount in the employee's system
- 2859 is consistent with the employee using the controlled substance intentionally:
- 2860 (I) in excess of prescribed therapeutic amounts; or
- 2861 (II) in an otherwise abusive manner; or
- 2862 (ii) the employee has a blood or breath alcohol concentration of .05 grams or greater.
- 2863 (b) The presumption created under Subsection (5)(a) may be rebutted by a
- 2864 preponderance of the evidence showing that:
- 2865 (i) the chemical test creating the presumption is inaccurate because the employer
- 2866 failed to comply with:
- 2867 (A) Sections 34-38-4 through 34-38-6; or
- 2868 (B) if the employer is a local governmental entity or state institution of higher
- 2869 education, Section 34-41-104, Subsection 34-41-103(7), or, if applicable,
- 2870 Subsection 34-41-103(6);
- 2871 (ii) the employee did not engage in the conduct described in Subsection (4);
- 2872 (iii) the test results do not exclude the possibility of passive inhalation of marijuana
- 2873 because the concentration of total urinary cannabinoids is less than 50
- 2874 nanograms/ml as determined by a test conducted in accordance with:
- 2875 (A) Sections 34-38-4 through 34-38-6; or
- 2876 (B) if the employer is a local governmental entity or state institution of higher
- 2877 education, Section 34-41-104, Subsection 34-41-103(7), or, if applicable,
- 2878 Subsection 34-41-103(6);
- 2879 (iv) a competent medical opinion from a physician verifies that the amount of
- 2880 controlled substances, metabolites, or alcohol in the employee's system does not
- 2881 support a finding that the conduct described in Subsection (4) was the major
- 2882 contributing cause of the employee's injury or a contributing cause of the
- 2883 employee's injury; or
- 2884 (v)(A) the conduct described in Subsection (4) was not a contributing cause of the
- 2885 employee's injury; or
- 2886 (B) the employee's mental and physical condition were not impaired at the time of

2887 the injury.

2888 (c)(i) Except as provided in Subsections (5)(c)(ii) and (iii), if a chemical test that
2889 creates the presumption under Subsection (5)(a) is taken at the request of the
2890 employer, the employer shall comply with:

2891 (A) Title 34, Chapter 38, Drug and Alcohol Testing; or

2892 (B) if the employee is a local governmental employee or an employee of a state
2893 institution of higher education, Title 34, Chapter 41, Local Governmental
2894 Entity Drug-Free Workplace Policies.

2895 (ii) Notwithstanding Section 34-38-13, the results of a test taken under Title 34,
2896 Chapter 38, Drug and Alcohol Testing, may be disclosed to the extent necessary
2897 to establish or rebut the presumption created under Subsection (5)(a).

2898 (iii) Notwithstanding Section 34-41-103, the results of a test taken under Title 34,
2899 Chapter 41, Local Governmental Entity Drug-Free Workplace Policies, may be
2900 disclosed to the extent necessary to establish or rebut the presumption created
2901 under Subsection (5)(a).

2902 (6)(a) A test sample taken pursuant to this section shall be taken as a split sample.

2903 (b) One part of the sample is to be used by the employer for testing pursuant to
2904 Subsection (5)(a):

2905 (i) at a testing facility selected by the employer; and

2906 (ii) at the employer's or the employer's workers' compensation carrier's expense.

2907 (c) The testing facility selected under Subsection (6)(b) shall hold the part of the sample
2908 not used under Subsection (6)(b) until the sooner of:

2909 (i) six months from the date of the original test; or

2910 (ii) when the employee requests that the sample be tested.

2911 (d) The employee has only six months from the date of the original test to have the
2912 remaining sample tested:

2913 (i) at the employee's expense; and

2914 (ii) at the testing facility selected by the employee, except that the test shall meet the
2915 requirements of Subsection (5)(a).

2916 (7) If any provision of this section, or the application of any provision of this section to any
2917 person or circumstance, is held invalid, the remainder of this section shall be given
2918 effect without the invalid provision or application.

2919 Section 33. Section **34A-2-410.5** is amended to read:

2920 **34A-2-410.5 (Effective 05/06/26). Employee cooperation with reemployment.**

- 2921 (1) As used in this section:
- 2922 (a) "Controlled substance" is as defined in Section [~~58-37-2~~] 58-37-101.
- 2923 (b) "Correctional facility" means:
- 2924 (i) a correctional facility as defined in Section 76-8-311.3; or
- 2925 (ii) a facility operated by or contracting with the federal government to house a
- 2926 criminal offender in either a secure or nonsecure setting.
- 2927 (c) "Disability claim" means a claim for compensation for:
- 2928 (i) a temporary total disability benefit; or
- 2929 (ii) a temporary partial disability benefit.
- 2930 (d) "Institution of higher education" means the same as that term is defined in Section
- 2931 53H-1-101.
- 2932 (e) "Local governmental entity" is as defined in Section 34-41-101.
- 2933 (f) "Reemployment" means employment that:
- 2934 (i) is after an accident or occupational disease that is the basis for a disability claim;
- 2935 and
- 2936 (ii) in a manner consistent with Subsection (2)(a), offers to an employee an
- 2937 opportunity for earnings, considering the employee's:
- 2938 (A) education;
- 2939 (B) experience; and
- 2940 (C) physical and mental impairment or condition.
- 2941 (g) "Valid prescription" is a prescription, as defined in Section [~~58-37-2~~] 58-37-101, that
- 2942 is:
- 2943 (i) prescribed for a controlled substance for use by the employee for whom it is
- 2944 prescribed; and
- 2945 (ii) not altered or forged.
- 2946 (2) In accordance with this section, the commission may reduce or terminate an employee's
- 2947 disability compensation for a disability claim for good cause shown by the employer
- 2948 including if:
- 2949 (a) the employer terminates the employee from the reemployment and the termination is:
- 2950 (i) reasonable;
- 2951 (ii) for cause; and
- 2952 (iii) as a result, in whole or in part, of:
- 2953 (A) criminal conduct;
- 2954 (B) violent conduct; or

- 2955 (C) a violation of a reasonable, written workplace health, safety, licensure, or
2956 nondiscrimination rule that is applied in a manner that is reasonable and
2957 nondiscriminatory;
- 2958 (b) the employee is incarcerated in a correctional facility for a period of time that would
2959 result in the termination of the employee's reemployment in accordance with a
2960 reasonable, written workplace rule that is applied in a manner that is reasonable and
2961 nondiscriminatory; or
- 2962 (c) subject to Subsection (6), the employee is terminated from the reemployment:
- 2963 (i)(A) for use of a controlled substance that the employee did not obtain under a
2964 valid prescription;
- 2965 (B) for intentional abuse of a controlled substance that the employee obtained
2966 under a valid prescription, if the employee uses the controlled substance
2967 intentionally:
- 2968 (I) in excess of a prescribed therapeutic amount; or
2969 (II) in an otherwise abusive manner; or
- 2970 (C) for the use of alcohol that results in intoxication from alcohol with a blood or
2971 breath alcohol concentration of .05 grams or greater; and
- 2972 (ii) in accordance with a reasonable, written workplace rule that is applied in a
2973 manner that is reasonable and nondiscriminatory.
- 2974 (3) Notwithstanding the other provisions of this section, the employee described in
2975 Subsection (2) is eligible for medical benefits to the extent otherwise allowed under this
2976 title.
- 2977 (4)(a) An employer or the employer's insurance carrier may file an application for a
2978 hearing with the Division of Adjudication to request that an employee's disability
2979 compensation for a disability claim be reduced or terminated under this section.
- 2980 (b) An action under this Subsection (4) is barred if an application for a hearing is not
2981 filed within one year from the day on which the employer terminates the employee
2982 from reemployment as described in Subsection (2).
- 2983 (c) An employer or the employer's insurance carrier shall notify the employee that the
2984 employer or employer's insurance carrier has filed a request for a hearing under this
2985 section within three business days of the day on which the filing is made.
- 2986 (5)(a) The commission may reduce or terminate the disability compensation of an
2987 employee for a disability claim if after a hearing requested under Subsection (4), the
2988 commission determines that the conditions of Subsection (2) are met.

- 2989 (b) The commission shall issue an order as to whether or not an employee's disability
2990 compensation is reduced or terminated under this section by no later than 45 days
2991 from the day on which an application for a hearing is filed.
- 2992 (c) A reduction or termination of disability compensation under this Subsection (5) takes
2993 effect on the day determined by the commission.
- 2994 (d) If the disability compensation is ordered terminated or reduced, the employer or
2995 employer's insurance carrier shall treat a resulting overpayment as an offset against
2996 the employer's or employer's insurance carrier's future obligations to pay disability
2997 compensation to the employee.
- 2998 (6)(a) For purposes of Subsection (2)(c), the commission may consider a chemical test
2999 that conforms to scientifically accepted analytical methods and procedures and
3000 includes verification or confirmation of any positive test result by gas
3001 chromatography, gas chromatography-mass spectroscopy, or other comparably
3002 reliable analytical method showing that the employee has:
- 3003 (i) in the employee's system during employment:
- 3004 (A) any amount of a controlled substance or its metabolites if the employee did
3005 not obtain the controlled substance under a valid prescription; or
- 3006 (B) a controlled substance the employee obtained under a valid prescription or the
3007 metabolites of the controlled substance if the amount in the employee's system
3008 is consistent with the employee using the controlled substance intentionally:
- 3009 (I) in excess of prescribed therapeutic amounts; or
- 3010 (II) in an otherwise abusive manner; or
- 3011 (ii) a blood or breath alcohol concentration of .05 grams or greater during
3012 employment.
- 3013 (b) A local governmental entity or an institution of higher education shall comply with
3014 Title 34, Chapter 41, Local Governmental Entity Drug-Free Workplace Policies, in
3015 engaging in a test for a controlled substance that is the basis of a presumption under
3016 this section.
- 3017 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3018 commission may make rules:
- 3019 (a) describing factors to be considered under Subsection (2); and
- 3020 (b) related to the procedures for a request for a hearing under this section.
- 3021 (8) The adjudication of a dispute arising under this section is governed by Part 8,
3022 Adjudication.

3023 (9) An issue related to an employee's cooperation with regard to a claim for compensation
3024 for permanent total disability benefits is governed by Section 34A-2-413.

3025 Section 34. Section **35A-3-311** is amended to read:

3026 **35A-3-311 (Effective 05/06/26). Cash assistance to noncitizen legal residents and**
3027 **drug dependent persons.**

3028 (1) If barred from using federal funds under federal law, the department may provide cash
3029 assistance to a legal resident who is not a citizen of the United States using funds
3030 appropriated from the General Fund.

3031 (2)(a) The State exercises the opt out provision in Section 115 of the Personal
3032 Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No.
3033 104-193.

3034 (b) Consistent with Subsection (2)(a), the department may provide cash assistance and
3035 SNAP benefits to a person who has been convicted of a felony involving a controlled
3036 substance, as defined in Section ~~[58-37-2]~~ 58-37-101.

3037 (c) As a condition for receiving cash assistance under this part, a drug dependant person,
3038 as defined in Section ~~[58-37-2]~~ 58-37-101, shall:

3039 (i) receive available treatment for the dependency; and

3040 (ii) make progress toward overcoming the dependency.

3041 (d) The department may only refer a recipient who is a drug dependent person to a
3042 treatment provider for treating drug dependency if the provider has achieved an
3043 objective level of success, as defined by department rules made in accordance with
3044 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3045 Section 35. Section **41-6a-501** is amended to read:

3046 **41-6a-501 (Effective 05/06/26). Definitions.**

3047 (1) As used in this part:

3048 (a) "Actual physical control" is determined by a consideration of the totality of the
3049 circumstances, but does not include a circumstance in which:

3050 (i) the person is asleep inside the vehicle;

3051 (ii) the person is not in the driver's seat of the vehicle;

3052 (iii) the engine of the vehicle is not running;

3053 (iv) the vehicle is lawfully parked; and

3054 (v) under the facts presented, it is evident that the person did not drive the vehicle to
3055 the location while under the influence of alcohol, a drug, or the combined
3056 influence of alcohol and any drug.

- 3057 (b) "Assessment" means an in-depth clinical interview with a licensed mental health
3058 therapist:
- 3059 (i) used to determine if a person is in need of:
- 3060 (A) substance abuse treatment that is obtained at a substance abuse program;
- 3061 (B) an educational series; or
- 3062 (C) a combination of Subsections (1)(b)(i)(A) and (B); and
- 3063 (ii) that is approved by the Division of Integrated Healthcare in accordance with
3064 Section 26B-5-104.
- 3065 (c) "Driving under the influence court" means a court that is approved as a driving under
3066 the influence court by the Judicial Council according to standards established by the
3067 Judicial Council.
- 3068 (d) "Drug" or "drugs" means:
- 3069 (i) a controlled substance as defined in Section ~~58-37-2~~ 58-37-101;
- 3070 (ii) a drug as defined in Section 58-17b-102; or
- 3071 (iii) a substance that, when knowingly, intentionally, or recklessly taken into the
3072 human body, can impair the ability of a person to safely operate a motor vehicle.
- 3073 (e) "Educational series" means an educational series obtained at a substance abuse
3074 program that is approved by the Division of Integrated Healthcare in accordance with
3075 Section 26B-5-104.
- 3076 (f) "Extreme DUI" means an offense of driving under the influence under Section
3077 41-1a-502 where there is admissible evidence that the individual:
- 3078 (i) had a blood or breath alcohol level of .16 or higher;
- 3079 (ii) had a blood or breath alcohol level of .05 or higher in addition to any measurable
3080 controlled substance; or
- 3081 (iii) had a combination of two or more controlled substances in the individual's body
3082 that were not:
- 3083 (A) recommended in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid
3084 Research and Medical Cannabis; or
- 3085 (B) prescribed.
- 3086 (g) "Negligence" means simple negligence, the failure to exercise that degree of care
3087 that an ordinarily reasonable and prudent person exercises under like or similar
3088 circumstances.
- 3089 (h) "Novice learner driver" means an individual who:
- 3090 (i) has applied for a Utah driver license;

- 3091 (ii) has not previously held a driver license in this state or another state; and
3092 (iii) has not completed the requirements for issuance of a Utah driver license.
- 3093 (i) "Screening" means a preliminary appraisal of a person:
3094 (i) used to determine if the person is in need of:
3095 (A) an assessment; or
3096 (B) an educational series; and
3097 (ii) that is approved by the Division of Integrated Healthcare in accordance with
3098 Section 26B-5-104.
- 3099 (j) "Serious bodily injury" means bodily injury that creates or causes:
3100 (i) serious permanent disfigurement;
3101 (ii) protracted loss or impairment of the function of any bodily member or organ; or
3102 (iii) a substantial risk of death.
- 3103 (k) "Substance abuse treatment" means treatment obtained at a substance abuse program
3104 that is approved by the Division of Integrated Healthcare in accordance with Section
3105 26B-5-104.
- 3106 (l) "Substance abuse treatment program" means a state licensed substance abuse
3107 program.
- 3108 (m)(i) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in
3109 Section 41-6a-102; and
3110 (ii) "Vehicle" or "motor vehicle" includes:
3111 (A) an off-highway vehicle as defined under Section 41-22-2; and
3112 (B) a motorboat as defined in Section 73-18-2.
- 3113 (2) As used in Sections 41-6a-502 and 41-6a-520.1:
3114 (a) "Conviction" means any conviction arising from a separate episode of driving for a
3115 violation of:
3116 (i) driving under the influence under Section 41-6a-502;
3117 (ii)(A) for an offense committed before July 1, 2008, alcohol, any drug, or a
3118 combination of both-related reckless driving under Sections 41-6a-512 and
3119 41-6a-528; or
3120 (B) for an offense committed on or after July 1, 2008, impaired driving under
3121 Section 41-6a-502.5;
3122 (iii) driving with any measurable controlled substance that is taken illegally in the
3123 body under Section 41-6a-517;
3124 (iv) local ordinances similar to Section 41-6a-502, alcohol, any drug, or a

- 3125 combination of both-related reckless driving, or impaired driving under Section
 3126 41-6a-502.5 adopted in compliance with Section 41-6a-510;
- 3127 (v) Section 76-5-207;
- 3128 (vi) operating a motor vehicle with any amount of a controlled substance in an
 3129 individual's body and causing serious bodily injury or death, as codified before
 3130 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
 3131 58-37-8(2)(g);
- 3132 (vii) negligently operating a vehicle resulting in injury under Section 76-5-102.1;
- 3133 (viii) a violation described in Subsections (2)(a)(i) through (vii), which judgment of
 3134 conviction is reduced under Section 76-3-402;
- 3135 (ix) refusal of a chemical test under Subsection 41-6a-520.1(1); or
- 3136 (x) statutes or ordinances previously in effect in this state or in effect in any other
 3137 state, the United States, or any district, possession, or territory of the United States
 3138 which would constitute a violation of Section 41-6a-502 or alcohol, any drug, or a
 3139 combination of both-related reckless driving if committed in this state, including
 3140 punishments administered under 10 U.S.C. Sec. 815.
- 3141 (b) A plea of guilty or no contest to a violation described in Subsections (2)(a)(i)
 3142 through (x) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in
 3143 Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge
 3144 has been subsequently reduced or dismissed in accordance with the plea in abeyance
 3145 agreement, for purposes of:
- 3146 (i) enhancement of penalties under this part; and
- 3147 (ii) expungement under Title 77, Chapter 40a, Expungement of Criminal Records.
- 3148 (c) An admission to a violation of Section 41-6a-502 in juvenile court is the equivalent
 3149 of a conviction even if the charge has been subsequently dismissed in accordance
 3150 with the Utah Rules of Juvenile Procedure for the purposes of enhancement of
 3151 penalties under:
- 3152 (i) this part;
- 3153 (ii) negligently operating a vehicle resulting in injury under Section 76-5-102.1; and
- 3154 (iii) automobile homicide under Section 76-5-207.
- 3155 (3) As used in Section 41-6a-505, "controlled substance" does not include an inactive
 3156 metabolite of a controlled substance.

3157 Section 36. Section **41-6a-517** is amended to read:

3158 **41-6a-517 (Effective 05/06/26). Definitions -- Driving with any measurable**

3159 **controlled substance in the body -- Penalties -- Arrest without warrant.**

3160 (1) As used in this section:

3161 (a) "Controlled substance" means the same as that term is defined in Section ~~[58-37-2]~~
3162 58-37-101.

3163 (b) "Practitioner" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.

3164 (c) "Prescribe" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.

3165 (d) "Prescription" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.

3166 (2)(a) Except as provided in Subsection (2)(b), in cases not amounting to a violation of
3167 Section 41-6a-502, 76-5-102.1, or 76-5-207, a person may not operate or be in actual
3168 physical control of a motor vehicle within this state if the person has any measurable
3169 controlled substance or metabolite of a controlled substance in the person's body.

3170 (b) Subsection (2)(a) does not apply to a person that has
3171 11-nor-9-carboxy-tetrahydrocannabinol as the only controlled substance present in
3172 the person's body.

3173 (3) It is an affirmative defense to prosecution under this section that the controlled
3174 substance was:

3175 (a) involuntarily ingested by the accused;

3176 (b) prescribed by a practitioner for use by the accused;

3177 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
3178 form that the accused ingested in accordance with Title 26B, Chapter 4, Part 2,
3179 Cannabinoid Research and Medical Cannabis; or

3180 (d) otherwise legally ingested.

3181 (4)(a) A person convicted of a violation of Subsection (2) is guilty of a class B
3182 misdemeanor.

3183 (b) A person who violates this section is subject to conviction and sentencing under both
3184 this section and any applicable offense under Section ~~[58-37-8]~~ 76-18-204, 76-18-207,
3185 76-18-208, 76-18-209, 76-18-210, 76-18-211, 76-18-212, 76-18-213, 76-18-214,
3186 76-18-215, 76-18-216, 76-18-217, 76-18-218, or 76-18-219.

3187 (5) A peace officer may, without a warrant, arrest a person for a violation of this section
3188 when the officer has probable cause to believe the violation has occurred, although not
3189 in the officer's presence, and if the officer has probable cause to believe that the
3190 violation was committed by the person.

3191 (6) The Driver License Division shall, if the person is 21 years old or older on the date of
3192 arrest:

- 3193 (a) suspend, for a period of 120 days, the driver license of a person convicted under
3194 Subsection (2) of an offense committed on or after July 1, 2009; or
3195 (b) revoke, for a period of two years, the driver license of a person if:
3196 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
3197 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3198 and within a period of 10 years after the date of the prior violation.
- 3199 (7) The Driver License Division shall, if the person is 19 years old or older but under 21
3200 years old on the date of arrest:
3201 (a) suspend, until the person is 21 years old or for a period of one year, whichever is
3202 longer, the driver license of a person convicted under Subsection (2) of an offense
3203 committed on or after July 1, 2011; or
3204 (b) revoke, until the person is 21 years old or for a period of two years, whichever is
3205 longer, the driver license of a person if:
3206 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
3207 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3208 and within a period of 10 years after the date of the prior violation.
- 3209 (8) The Driver License Division shall, if the person is under 19 years old on the date of
3210 arrest:
3211 (a) suspend, until the person is 21 years old, the driver license of a person convicted
3212 under Subsection (2) of an offense committed on or after July 1, 2009; or
3213 (b) revoke, until the person is 21 years old, the driver license of a person if:
3214 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
3215 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3216 and within a period of 10 years after the date of the prior violation.
- 3217 (9) The Driver License Division shall subtract from any suspension or revocation period the
3218 number of days for which a license was previously suspended under Section 53-3-223 or
3219 53-3-231, if the previous suspension was based on the same occurrence upon which the
3220 record of conviction is based.
- 3221 (10) The Driver License Division shall:
3222 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in
3223 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that
3224 was committed prior to July 1, 2009; or
3225 (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension,
3226 or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

- 3227 (i) the person was 20 years old or older but under 21 years old at the time of arrest;
3228 and
- 3229 (ii) the conviction under Subsection (2) is for an offense that was committed on or
3230 after July 1, 2009, and prior to July 1, 2011.
- 3231 (11) A court that reported a conviction of a violation of this section for a violation that
3232 occurred on or after July 1, 2009, to the Driver License Division may shorten the
3233 suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the
3234 suspension period if the person:
- 3235 (a) completes at least six months of the license suspension;
3236 (b) completes a screening;
3237 (c) completes an assessment, if it is found appropriate by a screening under Subsection
3238 (11)(b);
3239 (d) completes substance abuse treatment if it is found appropriate by the assessment
3240 under Subsection (11)(c);
3241 (e) completes an educational series if substance abuse treatment is not required by the
3242 assessment under Subsection (11)(c) or the court does not order substance abuse
3243 treatment;
3244 (f) has not been convicted of a violation of any motor vehicle law in which the person
3245 was involved as the operator of the vehicle during the suspension period imposed
3246 under Subsection (7)(a) or (8)(a);
3247 (g) has complied with all the terms of the person's probation or all orders of the court if
3248 not ordered to probation; and
3249 (h)(i) is 18 years old or older and provides a sworn statement to the court that the
3250 person has not consumed a controlled substance not prescribed by a practitioner
3251 for use by the person or unlawfully consumed alcohol during the suspension
3252 period imposed under Subsection (7)(a) or (8)(a); or
3253 (ii) is under 18 years old and has the person's parent or legal guardian provide an
3254 affidavit or other sworn statement to the court certifying that to the parent or legal
3255 guardian's knowledge the person has not consumed a controlled substance not
3256 prescribed by a practitioner for use by the person or unlawfully consumed alcohol
3257 during the suspension period imposed under Subsection (7)(a) or (8)(a).
- 3258 (12) If the court shortens a person's license suspension period in accordance with the
3259 requirements of Subsection (11), the court shall forward the order shortening the
3260 person's license suspension period to the Driver License Division in a manner specified

- 3261 by the division prior to the completion of the suspension period imposed under
3262 Subsection (7)(a) or (8)(a).
- 3263 (13)(a) The court shall notify the Driver License Division if a person fails to complete
3264 all court ordered screening and assessment, educational series, and substance abuse
3265 treatment.
- 3266 (b) Subject to Subsection 53-3-218(3), upon receiving the notification, the division shall
3267 suspend the person's driving privilege in accordance with Subsection 53-3-221(2).
- 3268 (14) The court:
- 3269 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
3270 convicted under Subsection (2); and
- 3271 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
3272 program as defined in Section 41-6a-515.5 if the person is 21 years old or older.
- 3273 (15)(a) A court that reported a conviction of a violation of this section to the Driver
3274 License Division may shorten the suspension period imposed under Subsection (6)
3275 before completion of the suspension period if the person is participating in or has
3276 successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.
- 3277 (b) If the court shortens a person's license suspension period in accordance with the
3278 requirements of this Subsection (15), the court shall forward to the Driver License
3279 Division, in a manner specified by the division, the order shortening the person's
3280 suspension period.
- 3281 (c) The court shall notify the Driver License Division, in a manner specified by the
3282 division, if a person fails to complete all requirements of a 24-7 sobriety program.
- 3283 (d)(i)(A) Upon receiving the notification described in Subsection (15)(c), for a
3284 first offense, the division shall suspend the person's driving privilege for a
3285 period of 120 days from the date of notice.
- 3286 (B) For a suspension described in Subsection (15)(d)(i)(A), no days shall be
3287 subtracted from the 120-day suspension period for which a driving privilege
3288 was suspended under this section or under Section 53-3-223, if the previous
3289 suspension was based on the same occurrence upon which the conviction under
3290 this section is based.
- 3291 (ii)(A) Upon receiving the notification described in Subsection (15)(c), for a
3292 second or subsequent offense, the division shall revoke the person's driving
3293 privilege for a period of two years from the date of notice.
- 3294 (B) For a revocation described in Subsection (15)(d)(ii)(A), no days shall be

3295 subtracted from the two-year revocation period for which a driving privilege
 3296 was previously revoked under this section or under Section 53-3-223, if the
 3297 previous revocation was based on the same occurrence upon which the
 3298 conviction under this section is based.

3299 Section 37. Section **49-20-416** is amended to read:

3300 **49-20-416 (Effective 05/06/26). Screening, Brief Intervention, and Referral to**
 3301 **Treatment program reimbursement.**

3302 (1) As used in this section:

3303 (a) "Controlled substance prescriber" means a controlled substance prescriber, as that
 3304 term is defined in Section [~~58-37-6.5~~] 58-37-303, who:

3305 (i) has a record of having completed SBIRT training, in accordance with Subsection [
 3306 ~~58-37-6.5(2)~~] 58-37-303(2), before providing the SBIRT services; and

3307 (ii) is a program enrolled controlled substance prescriber.

3308 (b) "SBIRT" means the same as that term is defined in Section [~~58-37-6.5~~] 58-37-303.

3309 (2) The health program offered to the state employee risk pool under Section 49-20-202
 3310 shall reimburse a controlled substance prescriber who provides SBIRT services to a
 3311 covered individual who is 13 years [~~of age~~] old or older for the SBIRT services.

3312 Section 38. Section **53-3-220** is amended to read:

3313 **53-3-220 (Effective 05/06/26). Offenses requiring mandatory revocation, denial,**
 3314 **suspension, or disqualification of license -- Offense requiring an extension of period --**
 3315 **Hearing -- Limited driving privileges.**

3316 (1)(a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 1a,
 3317 Motor Vehicle Act, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303,
 3318 specifically provides for denial, suspension, or disqualification, the division shall
 3319 deny, suspend, or disqualify the license or endorsement of a person upon receiving a
 3320 record of the person's conviction for:

3321 (i) manslaughter or negligent homicide resulting from driving a motor vehicle,
 3322 automobile homicide under Section 76-5-207, or automobile homicide involving
 3323 using a handheld wireless communication device while driving under Section
 3324 76-5-207.5;

3325 (ii) driving or being in actual physical control of a motor vehicle while under the
 3326 influence of alcohol, any drug, or combination of them to a degree that renders the
 3327 person incapable of safely driving a motor vehicle as prohibited in Section
 3328 41-6a-502 or as prohibited in an ordinance that complies with the requirements of

- 3329 Subsection 41-6a-510(1);
- 3330 (iii) driving or being in actual physical control of a motor vehicle while having a
- 3331 blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited
- 3332 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- 3333 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
- 3334 41, Motor Vehicles, or any other law of this state requiring the registration of
- 3335 motor vehicles or regulating driving on highways;
- 3336 (v) any felony under the motor vehicle laws of this state;
- 3337 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 3338 (vii) failure to stop and render aid as required under the laws of this state if a motor
- 3339 vehicle accident results in the death or personal injury of another;
- 3340 (viii) two charges of reckless driving, impaired driving, or any combination of
- 3341 reckless driving and impaired driving committed within a period of 12 months;
- 3342 but if upon a first conviction of reckless driving or impaired driving the judge or
- 3343 justice recommends suspension of the convicted person's license, the division may
- 3344 after a hearing suspend the license for a period of three months;
- 3345 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement
- 3346 officer as required in Section 41-6a-210;
- 3347 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
- 3348 requires disqualification;
- 3349 (xi) a violation of Section 76-11-209 involving the discharging or allowing the
- 3350 discharging of a firearm from a vehicle or a violation of Section 76-11-210;
- 3351 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
- 3352 incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii);
- 3353 (xiii) operating or being in actual physical control of a motor vehicle while having
- 3354 any measurable controlled substance or metabolite of a controlled substance in the
- 3355 person's body in violation of Section 41-6a-517;
- 3356 (xiv) operating or being in actual physical control of a motor vehicle while having
- 3357 any measurable or detectable amount of alcohol in the person's body in violation
- 3358 of Section 41-6a-530;
- 3359 (xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
- 3360 violation of Section 41-6a-606;
- 3361 (xvi) operating or being in actual physical control of a motor vehicle in this state
- 3362 without an ignition interlock system in violation of Section 41-6a-518.2;

- 3363 (xvii) refusal of a chemical test under Subsection 41-6a-520.1(1);
- 3364 (xviii) failure to properly display a license plate on a motorcycle under Section
- 3365 41-1a-404.1;
- 3366 (xix) performing a wheelie on a highway under Section 41-6a-606.1;
- 3367 (xx) engaging in lane splitting under Section 41-6a-704.1; or
- 3368 (xxi) two or more offenses that:
- 3369 (A) are committed within a period of one year;
- 3370 (B) are enhanced under Section 76-3-203.17; and
- 3371 (C) arose from separate incidents.
- 3372 (b) The division shall immediately revoke the license of a person upon receiving a
- 3373 record of an adjudication under Section 80-6-701 for:
- 3374 (i) a violation of Section 76-11-209 involving the discharging or allowing the
- 3375 discharging of a firearm from a vehicle or a violation of Section 76-11-210
- 3376 involving discharging or allowing the discharge of a firearm from a vehicle; or
- 3377 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
- 3378 incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii).
- 3379 (c)(i) Except when action is taken under Section 53-3-219 for the same offense, upon
- 3380 receiving a record of conviction, the division shall immediately suspend for six
- 3381 months the license of the convicted person if the person was convicted of
- 3382 violating ~~[any one of the following offenses]~~ an offense contained in one of the
- 3383 following provisions while the person was an operator of a motor vehicle, and the
- 3384 court finds that a driver license suspension is likely to reduce recidivism and is in
- 3385 the interest of public safety:
- 3386 (A) ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37,
- 3387 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
- 3388 Controlled Substances;
- 3389 (B) Title 58, Chapter 37c, Controlled Substance Precursors;
- 3390 (C) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
- 3391 (D) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled
- 3392 Substances;
- 3393 (E) Title 76, Chapter 18, Part 5, Clandestine Drug Labs; or
- 3394 ~~[(B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;]~~
- 3395 ~~[(C) Title 58, Chapter 37b, Imitation Controlled Substances Act;]~~
- 3396 ~~[(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;]~~

- 3397 [~~E~~] Title 58, Chapter 37d, Clandestine Drug Lab Act; or]
- 3398 (F) any criminal offense that prohibits possession, distribution, manufacture,
- 3399 cultivation, sale, or transfer of any substance that is prohibited under the acts
- 3400 described in Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy
- 3401 to possess, distribute, manufacture, cultivate, sell, or transfer any substance that
- 3402 is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E).
- 3403 (ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate
- 3404 a person's driving privilege before completion of the suspension period imposed
- 3405 under Subsection (1)(c)(i) if the reporting court notifies the Driver License
- 3406 Division, in a manner specified by the division, that the defendant is participating
- 3407 in or has successfully completed a drug court program as defined in Section
- 3408 78A-5-201.
- 3409 (iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person
- 3410 is required to pay the license reinstatement fees under Subsection 53-3-105(26).
- 3411 (iv) The court shall notify the division, in a manner specified by the division, if a
- 3412 person fails to complete all requirements of the drug court program.
- 3413 (v) Upon receiving the notification described in Subsection (1)(c)(iv), the division
- 3414 shall suspend the person's driving privilege for a period of six months from the
- 3415 date of the notice, and no days shall be subtracted from the six-month suspension
- 3416 period for which a driving privilege was previously suspended under Subsection
- 3417 (1)(c)(i).
- 3418 (d)(i) The division shall immediately suspend a person's driver license for conviction
- 3419 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the
- 3420 division receives:
- 3421 (A) an order from the sentencing court requiring that the person's driver license be
- 3422 suspended; and
- 3423 (B) a record of the conviction.
- 3424 (ii) An order of suspension under this section is at the discretion of the sentencing
- 3425 court, and may not be for more than 90 days for each offense.
- 3426 (e)(i) The division shall immediately suspend for one year the license of a person
- 3427 upon receiving a record of:
- 3428 (A) conviction for the first time for a violation under Section 32B-4-411; or
- 3429 (B) an adjudication under Section 80-6-701 for a violation under Section
- 3430 32B-4-411.

- 3431 (ii) The division shall immediately suspend for a period of two years the license of a
3432 person upon receiving a record of:
- 3433 (A)(I) conviction for a second or subsequent violation under Section 32B-4-411;
3434 and
3435 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a
3436 prior conviction for a violation under Section 32B-4-411; or
- 3437 (B)(I) a second or subsequent adjudication under Section 80-6-701 for a
3438 violation under Section 32B-4-411; and
3439 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years
3440 of a prior adjudication under Section 80-6-701 for a violation under Section
3441 32B-4-411.
- 3442 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
- 3443 (A) for a conviction or adjudication described in Subsection (1)(e)(i):
3444 (I) impose a suspension for one year beginning on the date of conviction; or
3445 (II) if the person is under the age of eligibility for a driver license, impose a
3446 suspension that begins on the date of conviction and continues for one year
3447 beginning on the date of eligibility for a driver license; or
- 3448 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):
3449 (I) impose a suspension for a period of two years; or
3450 (II) if the person is under the age of eligibility for a driver license, impose a
3451 suspension that begins on the date of conviction and continues for two years
3452 beginning on the date of eligibility for a driver license.
- 3453 (iv) Upon receipt of the first order suspending a person's driving privileges under
3454 Section 32B-4-411, the division shall reduce the suspension period under
3455 Subsection (1)(e)(i) if ordered by the court in accordance with Subsection
3456 32B-4-411(3)(a).
- 3457 (v) Upon receipt of the second or subsequent order suspending a person's driving
3458 privileges under Section 32B-4-411, the division shall reduce the suspension
3459 period under Subsection (1)(e)(ii) if ordered by the court in accordance with
3460 Subsection 32B-4-411(3)(b).
- 3461 (f) The division shall immediately suspend a person's driver license for the conviction of
3462 an offense that is enhanced under Section 76-3-203.17 if the division receives:
- 3463 (i) an order from the sentencing court requiring the person's driver license to be
3464 suspended; and

- 3465 (ii) a record of the conviction.
- 3466 (2) The division shall extend the period of the first denial, suspension, revocation, or
3467 disqualification for an additional like period, to a maximum of one year for each
3468 subsequent occurrence, upon receiving:
- 3469 (a) a record of the conviction of any person on a charge of driving a motor vehicle while
3470 the person's license is denied, suspended, revoked, or disqualified;
- 3471 (b) a record of a conviction of the person for any violation of the motor vehicle law in
3472 which the person was involved as a driver;
- 3473 (c) a report of an arrest of the person for any violation of the motor vehicle law in which
3474 the person was involved as a driver; or
- 3475 (d) a report of an accident in which the person was involved as a driver.
- 3476 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
3477 driving while the person's license is denied, suspended, disqualified, or revoked, the
3478 person is entitled to a hearing regarding the extension of the time of denial, suspension,
3479 disqualification, or revocation originally imposed under Section 53-3-221.
- 3480 (4)(a) The division may extend to a person the limited privilege of driving a motor
3481 vehicle to and from the person's place of employment or within other specified limits
3482 on recommendation of the judge in any case where a person is convicted of any of
3483 the offenses referred to in Subsections (1) and (2) except:
- 3484 (i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b),
3485 and (1)(c)(i); and
- 3486 (ii) those offenses referred to in Subsection (2) when the original denial, suspension,
3487 revocation, or disqualification was imposed because of a violation of Section
3488 41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of
3489 Subsection 41-6a-510(1), Section 41-6a-520, 41-6a-520.1, 76-5-102.1, or 76-5-207,
3490 or a criminal prohibition that the person was charged with violating as a result of a
3491 plea bargain after having been originally charged with violating one or more of
3492 these sections or ordinances, unless:
- 3493 (A) the person has had the period of the first denial, suspension, revocation, or
3494 disqualification extended for a period of at least three years;
- 3495 (B) the division receives written verification from the person's primary care
3496 physician or physician assistant that:
- 3497 (I) to the physician's or physician assistant's knowledge the person has not used
3498 any narcotic drug or other controlled substance except as prescribed by a

- 3499 licensed medical practitioner within the last three years; and
 3500 (II) the physician or physician assistant is not aware of any physical,
 3501 emotional, or mental impairment that would affect the person's ability to
 3502 operate a motor vehicle safely; and
 3503 (C) for a period of one year prior to the date of the request for a limited driving
 3504 privilege:
 3505 (I) the person has not been convicted of a violation of any motor vehicle law in
 3506 which the person was involved as the operator of the vehicle;
 3507 (II) the division has not received a report of an arrest for a violation of any
 3508 motor vehicle law in which the person was involved as the operator of the
 3509 vehicle; and
 3510 (III) the division has not received a report of an accident in which the person
 3511 was involved as an operator of a vehicle.

3512 (b)(i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
 3513 authorized in this Subsection (4):

- 3514 (A) is limited to when undue hardship would result from a failure to grant the
 3515 privilege; and
 3516 (B) may be granted only once to any person during any single period of denial,
 3517 suspension, revocation, or disqualification, or extension of that denial,
 3518 suspension, revocation, or disqualification.

3519 (ii) The discretionary privilege authorized in Subsection (4)(a)(ii):

- 3520 (A) is limited to when the limited privilege is necessary for the person to commute
 3521 to school or work; and
 3522 (B) may be granted only once to any person during any single period of denial,
 3523 suspension, revocation, or disqualification, or extension of that denial,
 3524 suspension, revocation, or disqualification.

3525 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
 3526 Commercial Driver License Act, or whose license has been revoked, suspended,
 3527 cancelled, or denied under this chapter.

3528 Section 39. Section **53-10-113** is amended to read:

3529 **53-10-113 (Effective 05/06/26). Other agencies to cooperate with division.**

3530 (1) All agencies of the state and local governments shall cooperate with the division in
 3531 discharging [its] the division's responsibilities under:

3532 (a) this chapter;

- 3533 (b) Title 32B, Alcoholic Beverage Control Act;
- 3534 (c) [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
- 3535 Controlled Substances;
- 3536 (d) Title 58, Chapter 37c, Controlled Substance Precursors;
- 3537 (e) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
- 3538 [(d)] (f) [~~Title 58, Chapter 37a, Utah Drug Paraphernalia Act~~] Title 76, Chapter 18, Part 3,
- 3539 Offenses Concerning Drug Paraphernalia; and
- 3540 [(e)] (g) [~~Title 58, Chapter 37b, Imitation Controlled Substances Act; and~~] Title 76,
- 3541 Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances.
- 3542 [(f) ~~Title 58, Chapter 37c, Utah Controlled Substance Precursor Act.~~]
- 3543 (2) This part does not relieve local law enforcement agencies or officers of the
- 3544 responsibility of enforcing laws relating to alcoholic beverages and alcoholic products or
- 3545 any other laws.
- 3546 (3) The powers and duties conferred upon the director and the officers of the division are
- 3547 not a limitation upon the powers and duties of other peace officers in the state.
- 3548 Section 40. Section **53-10-114** is amended to read:
- 3549 **53-10-114 (Effective 05/06/26). Authority regarding drug precursors.**
- 3550 (1) As used in this section, "acts" means:
- 3551 (a) [~~Title 58, Chapter 37c, Utah Controlled Substance Precursor Act~~] Title 58, Chapter
- 3552 37c, Controlled Substance Precursors; and
- 3553 (b) [~~Title 58, Chapter 37d, Clandestine Drug Lab Act~~] Title 76, Chapter 18, Part 5,
- 3554 Clandestine Drug Labs.
- 3555 (2) The division has authority to enforce the drug lab and precursor acts. To carry out this
- 3556 purpose, the division may:
- 3557 (a) inspect, copy, and audit any records, inventories of controlled substance precursors,
- 3558 and reports required under the acts and rules adopted under the acts;
- 3559 (b) enter the premises of regulated distributors and regulated purchasers during normal
- 3560 business hours to conduct administrative inspections;
- 3561 (c) assist the law enforcement agencies of the state in enforcing the acts;
- 3562 (d) conduct investigations to enforce the acts;
- 3563 (e) present evidence obtained from investigations conducted in conjunction with
- 3564 appropriate county and district attorneys and the Office of the Attorney General for
- 3565 civil or criminal prosecution or for administrative action against a licensee; and
- 3566 (f) work in cooperation with the Division of Professional Licensing, created under

3567 Section 58-1-103, to accomplish the purposes of this section.

3568 Section 41. Section **53-10-211** is amended to read:

3569 **53-10-211 (Effective 05/06/26). Notice required of arrest of school employee for**
 3570 **controlled substance or sex offense.**

3571 (1) The chief administrative officer of the law enforcement agency making the arrest or
 3572 receiving notice under Subsection (2) shall immediately notify:

3573 (a) the State Board of Education; and

3574 (b) the superintendent of schools of the employing public school district or, if the
 3575 offender is an employee of a private school, the administrator of that school.

3576 (2) Subsection (1) applies upon:

3577 (a) the arrest of any school employee for any offense:

3578 (i) in Section [58-37-8] 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210,
 3579 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217,
 3580 76-18-218, or 76-18-219;

3581 (ii) in Title 76, Chapter 5, Part 4, Sexual Offenses; or

3582 (iii) involving sexual conduct; or

3583 (b) upon receiving notice from any other jurisdiction that a school employee has
 3584 committed an act which would, if committed in Utah, be an offense under Subsection
 3585 (2)(a).

3586 Section 42. Section **53-10-304** is amended to read:

3587 **53-10-304 (Effective 05/06/26). Narcotics and alcoholic product enforcement --**
 3588 **Responsibility and jurisdiction.**

3589 The bureau shall:

3590 (1) have specific responsibility for the enforcement of all laws of the state pertaining to
 3591 alcoholic beverages and alcoholic products;

3592 (2) have general law enforcement jurisdiction throughout the state;

3593 (3) have concurrent law enforcement jurisdiction with all local law enforcement agencies
 3594 and their officers;

3595 (4) cooperate and exchange information with any other state agency and with other law
 3596 enforcement agencies of government, both within and outside this state, to obtain
 3597 information that may achieve more effective results in the prevention, detection, and
 3598 control of crime and apprehension of criminals;

3599 (5) sponsor or supervise programs or projects related to prevention, detection, and control
 3600 of violations of:

- 3601 (a) Title 32B, Alcoholic Beverage Control Act;
- 3602 (b) [~~Title 58, Chapter 37, Utah Controlled Substances Act;~~] Title 58, Chapter 37,
- 3603 Controlled Substances;
- 3604 (c) Title 58, Chapter 37c, Controlled Substance Precursors;
- 3605 (d) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
- 3606 (e) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
- 3607 (f) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances;
- 3608 and
- 3609 (g) Title 76, Chapter 18, Part 5, Clandestine Drug Labs; and
- 3610 [~~(e) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;~~]
- 3611 [~~(d) Title 58, Chapter 37b, Imitation Controlled Substances Act;~~]
- 3612 [~~(e) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; and~~]
- 3613 [~~(f) Title 58, Chapter 37d, Clandestine Drug Lab Act; and~~]
- 3614 (6) assist the governor in an emergency or as the governor may require.

3615 Section 43. Section **53G-8-205** is amended to read:

3616 **53G-8-205 (Effective 05/06/26). Grounds for suspension or expulsion from a**

3617 **public school.**

3618 (1) A student may be suspended or expelled from a public school for the following reasons:

- 3619 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive
- 3620 behavior, including the use of foul, profane, vulgar, or abusive language;
- 3621 (b) willful destruction or defacing of school property;
- 3622 (c) behavior or threatened behavior which poses an immediate and significant threat to
- 3623 the welfare, safety, or morals of other students or school personnel or to the operation
- 3624 of the school;
- 3625 (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
- 3626 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the
- 3627 school or school property, to a person associated with the school, or property
- 3628 associated with that person, regardless of where it occurs; or
- 3629 (f) possession or use of pornographic material on school property.

3630 (2)(a) A student shall be suspended or expelled from a public school for the following

3631 reasons:

- 3632 (i) a serious violation affecting another student or a staff member, or a serious
- 3633 violation occurring in a school building, in or on school property, or in
- 3634 conjunction with a school activity, including:

- 3635 (A) the possession, control, or actual or threatened use of a real weapon,
3636 explosive, or noxious or flammable material;
- 3637 (B) the actual use of violence or sexual misconduct;
- 3638 (C) the actual or threatened use of a look alike weapon with intent to intimidate
3639 another person or to disrupt normal school activities; or
- 3640 (D) the sale, control, or distribution of a drug or controlled substance as defined in
3641 Section [~~58-37-2~~] 58-37-101, an imitation controlled substance defined in
3642 Section [~~58-37b-2~~] 76-18-401, or drug paraphernalia as defined in Section [
3643 ~~58-37a-3~~] 76-18-301;
- 3644 (ii) the commission of an act involving the use of force or the threatened use of force
3645 which if committed by an adult would be a felony or class A misdemeanor; or
- 3646 (iii) making a false report of an emergency at a school under Subsection
3647 76-9-105.5(2)(b).
- 3648 (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike
3649 weapon, explosive, or flammable material shall be expelled from school for a period
3650 of not less than one year subject to the following:
- 3651 (i) within 45 days after the expulsion the student shall appear before the student's
3652 superintendent, the superintendent's designee, chief administrative officer of a
3653 charter school, or the chief administrative officer's designee, accompanied by a
3654 parent; and
- 3655 (ii) the superintendent, chief administrator, or designee shall determine:
- 3656 (A) what conditions must be met by the student and the student's parent for the
3657 student to return to school, including any provided for in the policies described
3658 in Section 53G-8-203;
- 3659 (B) if the student should be placed on probation in a regular or alternative school
3660 setting consistent with Section 53G-8-208, and what conditions must be met by
3661 the student in order to ensure the safety of students and faculty at the school the
3662 student is placed in; and
- 3663 (C) if it would be in the best interest of both the LEA, and the student, to modify
3664 the expulsion term to less than a year, conditioned on approval by the local
3665 governing board and giving highest priority to providing a safe school
3666 environment for all students.
- 3667 (3) A student may be denied admission to a public school on the basis of having been
3668 expelled from that or any other school during the preceding 12 months.

3669 (4) A suspension or expulsion under this section is not subject to the age limitations under
3670 Subsection 53G-6-204(1).

3671 (5) A local governing board shall prepare an annual report for the state board on:

3672 (a) each violation committed under this section; and

3673 (b) each action taken by the LEA against a student who committed the violation.

3674 Section 44. Section **53G-8-501** is amended to read:

3675 **53G-8-501 (Effective 05/06/26). Definitions.**

3676 For purposes of Sections 53G-8-502 through 53G-8-504:

3677 (1) "Educator" means a person employed by a public school, but excludes those employed
3678 by institutions of higher education.

3679 (2) "Prohibited act" means an act prohibited by:

3680 (a) Section 53G-8-602, relating to alcohol;

3681 (b) Section ~~[58-37-8]~~ 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210,
3682 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217,
3683 76-18-218, or 76-18-219, relating to controlled substances; or

3684 (c) Section ~~[58-37a-5]~~ 76-18-304, 76-18-305, or 76-18-306, relating to drug
3685 paraphernalia.

3686 Section 45. Section **53G-8-505** is amended to read:

3687 **53G-8-505 (Effective 05/06/26). Definitions.**

3688 For purposes of Sections 53G-8-506 through 53G-8-509:

3689 (1) The definitions in Sections ~~[58-37-2, 58-37a-3, and 58-37b-2]~~ 58-37-101, 76-18-301,
3690 and 76-18-401 apply to Sections 53G-8-506 through 53G-8-509.

3691 (2) "Prohibited act" means:

3692 (a) an act punishable under:

3693 (i) Section 53G-8-602~~[- Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b,~~
3694 ~~Imitation Controlled Substances Act; or]~~ ;

3695 (ii) Section 76-18-204;

3696 (iii) Section 76-18-207;

3697 (iv) Section 76-18-208;

3698 (v) Section 76-18-209;

3699 (vi) Section 76-18-210;

3700 (vii) Section 76-18-211;

3701 (viii) Section 76-18-212;

3702 (ix) Section 76-18-213;

3703 (x) Section 76-18-214;
 3704 (xi) Section 76-18-215;
 3705 (xii) Section 76-18-216;
 3706 (xiii) Section 76-18-217;
 3707 (xiv) Section 76-18-218;
 3708 (xv) Section 76-18-219;
 3709 (xvi) Section 76-18-304;
 3710 (xvii) Section 76-18-305;
 3711 (xviii) Section 76-18-306; or
 3712 (xix) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled
 3713 Substances; or

3714 (b) possession of an electronic cigarette product by a student on school property.

3715 (3) "School" means a public or private elementary or secondary school.

3716 Section 46. Section **58-1-501.7** is amended to read:

3717 **58-1-501.7 (Effective 05/06/26). Standards of conduct for prescription drug**
 3718 **education -- Academic and commercial detailing.**

3719 (1) For purposes of this section:

3720 (a) "Academic detailing":

3721 (i) means a health care provider who is licensed under this title to prescribe or
 3722 dispense a prescription drug and employed by someone other than a
 3723 pharmaceutical manufacturer:

3724 (A) for the purpose of countering information provided in commercial detailing;
 3725 and

3726 (B) to disseminate educational information about prescription drugs to other
 3727 health care providers in an effort to better align clinical practice with scientific
 3728 research; and

3729 (ii) does not include a health care provider who:

3730 (A) is disseminating educational information about a prescription drug as part of
 3731 teaching or supervising students or graduate medical education students at an
 3732 institution of higher education or through a medical residency program;

3733 (B) is disseminating educational information about a prescription drug to a patient
 3734 or a patient's representative; or

3735 (C) is acting within the scope of practice for the health care provider regarding the
 3736 prescribing or dispensing of a prescription drug.

- 3737 (b) "Commercial detailing" means an educational practice employed by a
3738 pharmaceutical manufacturer in which clinical information and evidence about a
3739 prescription drug is shared with health care professionals.
- 3740 (c) "Manufacture" [is-as] means the same as that term is defined in Section [58-37-2]
3741 58-37-101.
- 3742 (d) "Pharmaceutical manufacturer" is a person who manufactures a prescription drug.
- 3743 (2)(a) Except as provided in Subsection (3), the provisions of this section apply to an
3744 academic detailer beginning July 1, 2013.
- 3745 (b) An academic detailer and a commercial detailer who educate another health care
3746 provider about prescription drugs through written or oral educational material is
3747 subject to federal regulations regarding:
- 3748 (i) false and misleading advertising in 21 C.F.R., Part 201 (2007);
3749 (ii) prescription drug advertising in 21 C.F.R., Part 202 (2007); and
3750 (iii) the federal Office of the Inspector General's Compliance Program Guidance for
3751 Pharmaceutical Manufacturers issued in April 2003, as amended.
- 3752 (c) A person who is injured by a violation of this section has a private right of action
3753 against a person engaged in academic detailing, if:
- 3754 (i) the actions of the person engaged in academic detailing, that are a violation of this
3755 section, are:
- 3756 (A) the result of gross negligence by the person; or
3757 (B) willful and wanton behavior by the person; and
- 3758 (ii) the damages to the person are reasonable, foreseeable, and proximately caused by
3759 the violations of this section.
- 3760 (3)(a) For purposes of this Subsection, "accident and health insurance":
- 3761 (i) means the same as that term is defined in Section 31A-1-301; and
3762 (ii) includes a self-funded health benefit plan and an administrator for a self-funded
3763 health benefit plan.
- 3764 (b) This section does not apply to a person who engages in academic detailing if that
3765 person is engaged in academic detailing on behalf of:
- 3766 (i) a person who provides accident and health insurance, including when the person
3767 who provides accident and health insurance contracts with or offers:
- 3768 (A) the state Medicaid program, including the Primary Care Network within the
3769 state's Medicaid program;
3770 (B) the Children's Health Insurance Program created in Section 26B-3-902;

- 3771 (C) a Medicare plan; or
 3772 (D) a Medicare supplement plan;
 3773 (ii) a hospital as defined in Section 26B-2-201;
 3774 (iii) any class of pharmacy as defined in Section 58-17b-102, including any affiliated
 3775 pharmacies;
 3776 (iv) an integrated health system as defined in Section 13-5b-102; or
 3777 (v) a medical clinic.

- 3778 (c) This section does not apply to communicating or disseminating information about a
 3779 prescription drug for the purpose of conducting research using prescription drugs at a
 3780 health care facility as defined in Section 26B-2-201, or a medical clinic.

3781 Section 47. Section **58-5a-102** is amended to read:

3782 **58-5a-102 (Effective 05/06/26). Definitions.**

3783 In addition to the definitions under Section 58-1-102, as used in this chapter:

- 3784 (1) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.
 3785 (2) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
 3786 (3) "Indirect supervision" means the same as that term is defined by the division by rule
 3787 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 3788 (4) "Medical assistant" means an unlicensed individual working under the indirect
 3789 supervision of a licensed podiatric physician and engaging in specific tasks assigned by
 3790 the licensed podiatric physician in accordance with the standards and ethics of the
 3791 podiatry profession.
 3792 (5) "Practice of podiatry" means, subject to Section 58-5a-103, the diagnosis and treatment
 3793 of conditions affecting the human foot and ankle and their manifestations of systemic
 3794 conditions, and wound debridement on the limbs and torso, by all appropriate and lawful
 3795 means.
 3796 (6) "Unlawful conduct" includes:
 3797 (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and
 3798 (b) for an individual who is not licensed under this chapter:
 3799 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot
 3800 doctor, foot specialist, or D.P.M.; or
 3801 (ii) implying or representing that the individual is qualified to practice podiatry.
 3802 (7)(a) "Unprofessional conduct" includes, for an individual licensed under this chapter:
 3803 (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;
 3804 (ii) communicating to a third party, without the consent of the patient, information

- 3805 the individual acquires in treating the patient, except as necessary for professional
 3806 consultation regarding treatment of the patient;
- 3807 (iii) allowing the individual's name or license to be used by an individual who is not
 3808 licensed to practice podiatry under this chapter;
- 3809 (iv) except as described in Section 58-5a-306, employing, directly or indirectly, any
 3810 unlicensed individual to practice podiatry;
- 3811 (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs
 3812 impairs the individual's ability to practice podiatry;
- 3813 (vi) unlawfully prescribing, selling, or giving away any prescription drug, including
 3814 controlled substances, as defined in Section ~~[58-37-2]~~ 58-37-101;
- 3815 (vii) gross incompetency in the practice of podiatry;
- 3816 (viii) willfully and intentionally making a false statement or entry in hospital records,
 3817 medical records, or reports;
- 3818 (ix) willfully making a false statement in reports or claim forms to governmental
 3819 agencies or insurance companies with the intent to secure payment not rightfully
 3820 due;
- 3821 (x) willfully using false or fraudulent advertising;
- 3822 (xi) conduct the division defines as unprofessional conduct by rule made in
 3823 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 3824 (xii) falsely making an entry in, or altering, a medical record with the intent to
 3825 conceal:
- 3826 (A) a wrongful or negligent act or omission of an individual licensed under this
 3827 chapter or an individual under the direction or control of an individual licensed
 3828 under this chapter; or
- 3829 (B) conduct described in Subsections (7)(a)(i) through (xi) or Subsection
 3830 58-1-501(1); or
- 3831 (xiii) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid
 3832 Research and Medical Cannabis.
- 3833 (b) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4,
 3834 Part 2, Cannabinoid Research and Medical Cannabis, when acting as a
 3835 recommending medical provider, as that term is defined in Section 26B-4-201,
 3836 recommending the use of medical cannabis within the scope of practice of podiatry.
 3837 Section 48. Section **58-16a-601** is amended to read:
 3838 **58-16a-601 (Effective 05/06/26). Scope of practice.**

- 3839 (1) An optometrist may:
- 3840 (a) provide optometric services not specifically prohibited under this chapter or division
- 3841 rules if the services are within the optometrist's training, skills, and scope of
- 3842 competence; and
- 3843 (b) prescribe or administer pharmaceutical agents for the eye and its adnexa, including
- 3844 oral agents, subject to the following conditions:
- 3845 (i) an optometrist may prescribe oral antibiotics for only eyelid related ocular
- 3846 conditions or diseases, and other ocular conditions or diseases specified by
- 3847 division rule; and
- 3848 (ii) an optometrist may administer or prescribe a hydrocodone combination drug, or a
- 3849 Schedule III controlled substance, as defined in Section ~~[58-37-4]~~ 58-37-108, only
- 3850 if:
- 3851 (A) the substance is administered or prescribed for pain of the eye or adnexa;
- 3852 (B) the substance is administered orally or topically or is prescribed for oral or
- 3853 topical use;
- 3854 (C) the amount of the substance administered or prescribed does not exceed a
- 3855 72-hour quantity; and
- 3856 (D) if the substance is prescribed, the prescription does not include refills.
- 3857 (2) An optometrist may not:
- 3858 (a) perform surgery, including laser surgery; or
- 3859 (b) prescribe or administer a Schedule II controlled substance, as defined in Section [
- 3860 ~~58-37-4]~~ 58-37-108, except for a hydrocodone combination drug, if so scheduled and
- 3861 prescribed or administered in accordance with Subsection (1)(b).
- 3862 (3) For purposes of Sections 31A-22-618 and 31A-45-303, an optometrist is a health care
- 3863 provider.
- 3864 Section 49. Section **58-17b-102** is amended to read:
- 3865 **58-17b-102 (Effective 05/06/26). Definitions.**
- 3866 In addition to the definitions in Section 58-1-102, as used in this chapter:
- 3867 (1) "Administering" means:
- 3868 (a) the direct application of a prescription drug or device, whether by injection,
- 3869 inhalation, ingestion, or by any other means, to the body of a human patient or
- 3870 research subject by another person; or
- 3871 (b) the placement by a veterinarian with the owner or caretaker of an animal or group of
- 3872 animals of a prescription drug for the purpose of injection, inhalation, ingestion, or

- 3873 any other means directed to the body of the animal by the owner or caretaker in
3874 accordance with written or verbal directions of the veterinarian.
- 3875 (2) "Adulterated drug or device" means a drug or device considered adulterated under 21
3876 U.S.C. Sec. 351 (2003).
- 3877 (3)(a) "Analytical laboratory" means a facility in possession of prescription drugs for the
3878 purpose of analysis.
- 3879 (b) "Analytical laboratory" does not include a laboratory possessing prescription drugs
3880 used as standards and controls in performing drug monitoring or drug screening
3881 analysis if the prescription drugs are prediluted in a human or animal body fluid,
3882 human or animal body fluid components, organic solvents, or inorganic buffers at a
3883 concentration not exceeding one milligram per milliliter when labeled or otherwise
3884 designated as being for in vitro diagnostic use.
- 3885 (4) "Animal euthanasia agency" means an agency performing euthanasia on animals by the
3886 use of prescription drugs.
- 3887 (5) "Automated pharmacy systems" includes mechanical systems which perform operations
3888 or activities, other than compounding or administration, relative to the storage,
3889 packaging, dispensing, or distribution of medications, and which collect, control, and
3890 maintain all transaction information.
- 3891 (6) "Beyond use date" means the date determined by a pharmacist and placed on a
3892 prescription label at the time of dispensing that indicates to the patient or caregiver a
3893 time beyond which the contents of the prescription are not recommended to be used.
- 3894 (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created in
3895 Section 58-17b-201.
- 3896 (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically
3897 underserved area, used for the storage and dispensing of prescription drugs, which is
3898 dependent upon, stocked by, and supervised by a pharmacist in another licensed
3899 pharmacy designated and approved by the division as the parent pharmacy.
- 3900 (9) "Centralized prescription processing" means the processing by a pharmacy of a request
3901 from another pharmacy to fill or refill a prescription drug order or to perform processing
3902 functions such as dispensing, drug utilization review, claims adjudication, refill
3903 authorizations, and therapeutic interventions.
- 3904 (10) "Class A pharmacy" means a pharmacy located in Utah that is authorized as a retail
3905 pharmacy to compound or dispense a drug or dispense a device to the public under a
3906 prescription order.

- 3907 (11) "Class B pharmacy":
3908 (a) means a pharmacy located in Utah:
3909 (i) that is authorized to provide pharmaceutical care for patients in an institutional
3910 setting; and
3911 (ii) whose primary purpose is to provide a physical environment for patients to obtain
3912 health care services; and
3913 (b)(i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and
3914 (ii) pharmaceutical administration and sterile product preparation facilities.
- 3915 (12) "Class C pharmacy" means a pharmacy that engages in the manufacture, production,
3916 wholesale, or distribution of drugs or devices in Utah.
- 3917 (13) "Class D pharmacy" means a nonresident pharmacy.
- 3918 (14) "Class E pharmacy" means all other pharmacies.
- 3919 (15)(a) "Closed-door pharmacy" means a pharmacy that:
3920 (i) provides pharmaceutical care to a defined and exclusive group of patients who
3921 have access to the services of the pharmacy because they are treated by or have an
3922 affiliation with a specific entity, including a health maintenance organization or an
3923 infusion company; or
3924 (ii) engages exclusively in the practice of telepharmacy and does not serve walk-in
3925 retail customers.
- 3926 (b) "Closed-door pharmacy" does not include a hospital pharmacy, a retailer of goods to
3927 the general public, or the office of a practitioner.
- 3928 (16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or more
3929 pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or
3930 more practitioners under protocol whereby the pharmacist may perform certain
3931 pharmaceutical care functions authorized by the practitioner or practitioners under
3932 certain specified conditions or limitations.
- 3933 (17) "Collaborative pharmacy practice agreement" means a written and signed agreement
3934 between one or more pharmacists and one or more practitioners that provides for
3935 collaborative pharmacy practice for the purpose of drug therapy management of patients
3936 and prevention of disease of human subjects.
- 3937 (18)(a) "Compounding" means the preparation, mixing, assembling, packaging, or
3938 labeling of a limited quantity drug, sterile product, or device:
3939 (i) as the result of a practitioner's prescription order or initiative based on the
3940 practitioner, patient, or pharmacist relationship in the course of professional

- 3941 practice;
- 3942 (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis
- 3943 and not for sale or dispensing; or
- 3944 (iii) in anticipation of prescription drug orders based on routine, regularly observed
- 3945 prescribing patterns.
- 3946 (b) "Compounding" does not include:
- 3947 (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale
- 3948 to another pharmacist or pharmaceutical facility;
- 3949 (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a
- 3950 dosage form which is regularly and commonly available from a manufacturer in
- 3951 quantities and strengths prescribed by a practitioner; or
- 3952 (iii) the preparation of a prescription drug, sterile product, or device which has been
- 3953 withdrawn from the market for safety reasons.
- 3954 (19) "Confidential information" has the same meaning as "protected health information"
- 3955 under the Standards for Privacy of Individually Identifiable Health Information, 45
- 3956 C.F.R. Parts 160 and 164.
- 3957 (20) "Controlled substance" means the same as that term is defined in Section [58-37-2]
- 3958 58-37-101.
- 3959 (21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter 417,
- 3960 Sec. 3a(ff) which is incorporated by reference.
- 3961 (22) "Dispense" means the interpretation, evaluation, and implementation of a prescription
- 3962 drug order or device or nonprescription drug or device under a lawful order of a
- 3963 practitioner in a suitable container appropriately labeled for subsequent administration to
- 3964 or use by a patient, research subject, or an animal.
- 3965 (23) "Dispensing medical practitioner" means an individual who is:
- 3966 (a) currently licensed as:
- 3967 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;
- 3968 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic
- 3969 Medical Practice Act;
- 3970 (iii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
- 3971 (iv) a nurse practitioner under Chapter 31b, Nurse Practice Act; or
- 3972 (v) an optometrist under Chapter 16a, Utah Optometry Practice Act, if the
- 3973 optometrist is acting within the scope of practice for an optometrist; and
- 3974 (b) licensed by the division under the Pharmacy Practice Act to engage in the practice of

- 3975 a dispensing medical practitioner.
- 3976 (24) "Dispensing medical practitioner clinic pharmacy" means a closed-door pharmacy
3977 located within a licensed dispensing medical practitioner's place of practice.
- 3978 (25) "Distribute" means to deliver a drug or device other than by administering or
3979 dispensing.
- 3980 (26)(a) "Drug" means:
- 3981 (i) a substance recognized in the official United States Pharmacopoeia, official
3982 Homeopathic Pharmacopoeia of the United States, or official National Formulary,
3983 or any supplement to any of them, intended for use in the diagnosis, cure,
3984 mitigation, treatment, or prevention of disease in humans or animals;
- 3985 (ii) a substance that is required by any applicable federal or state law or rule to be
3986 dispensed by prescription only or is restricted to administration by practitioners
3987 only;
- 3988 (iii) a substance other than food intended to affect the structure or any function of the
3989 body of humans or other animals; and
- 3990 (iv) substances intended for use as a component of any substance specified in
3991 Subsections (26)(a)(i) through (iii).
- 3992 (b) "Drug" does not include dietary supplements.
- 3993 (27) "Drug regimen review" includes the following activities:
- 3994 (a) evaluation of the prescription drug order and patient record for:
- 3995 (i) known allergies;
- 3996 (ii) rational therapy-contraindications;
- 3997 (iii) reasonable dose and route of administration; and
- 3998 (iv) reasonable directions for use;
- 3999 (b) evaluation of the prescription drug order and patient record for duplication of therapy;
- 4000 (c) evaluation of the prescription drug order and patient record for the following
4001 interactions:
- 4002 (i) drug-drug;
- 4003 (ii) drug-food;
- 4004 (iii) drug-disease; and
- 4005 (iv) adverse drug reactions; and
- 4006 (d) evaluation of the prescription drug order and patient record for proper utilization,
4007 including over- or under-utilization, and optimum therapeutic outcomes.
- 4008 (28) "Drug sample" means a prescription drug packaged in small quantities consistent with

4009 limited dosage therapy of the particular drug, which is marked "sample", is not intended
4010 to be sold, and is intended to be provided to practitioners for the immediate needs of
4011 patients for trial purposes or to provide the drug to the patient until a prescription can be
4012 filled by the patient.

4013 (29) "Electronic signature" means a trusted, verifiable, and secure electronic sound, symbol,
4014 or process attached to or logically associated with a record and executed or adopted by a
4015 person with the intent to sign the record.

4016 (30) "Electronic transmission" means transmission of information in electronic form or the
4017 transmission of the exact visual image of a document by way of electronic equipment.

4018 (31) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to inpatients of
4019 a general acute hospital or specialty hospital licensed by the Department of Health and
4020 Human Services under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and
4021 Inspection.

4022 (32) "Legend drug" has the same meaning as prescription drug.

4023 (33) "Licensed pharmacy technician" means an individual licensed with the division, that
4024 may, under the supervision of a pharmacist, perform the activities involved in the
4025 technician practice of pharmacy.

4026 (34) "Manufacturer" means a person or business physically located in Utah licensed to be
4027 engaged in the manufacturing of drugs or devices.

4028 (35)(a) "Manufacturing" means:

4029 (i) the production, preparation, propagation, conversion, or processing of a drug or
4030 device, either directly or indirectly, by extraction from substances of natural origin
4031 or independently by means of chemical or biological synthesis, or by a
4032 combination of extraction and chemical synthesis, and includes any packaging or
4033 repackaging of the substance or labeling or relabeling of its container; and

4034 (ii) the promotion and marketing of such drugs or devices.

4035 (b) "Manufacturing" includes the preparation and promotion of commercially available
4036 products from bulk compounds for resale by pharmacies, practitioners, or other
4037 persons.

4038 (c) "Manufacturing" does not include the preparation or compounding of a drug by a
4039 pharmacist, pharmacy intern, or practitioner for that individual's own use or the
4040 preparation, compounding, packaging, labeling of a drug, or incident to research,
4041 teaching, or chemical analysis.

4042 (36) "Medical order" means a lawful order of a practitioner which may include a

- 4043 prescription drug order.
- 4044 (37) "Medication profile" or "profile" means a record system maintained as to drugs or
4045 devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to
4046 analyze the profile to provide pharmaceutical care.
- 4047 (38) "Misbranded drug or device" means a drug or device considered misbranded under 21
4048 U.S.C. Sec. 352 (2003).
- 4049 (39)(a) "Nonprescription drug" means a drug which:
4050 (i) may be sold without a prescription; and
4051 (ii) is labeled for use by the consumer in accordance with federal law.
- 4052 (b) "Nonprescription drug" includes homeopathic remedies.
- 4053 (40) "Nonresident pharmacy" means a pharmacy located outside of Utah that sells to a
4054 person in Utah.
- 4055 (41) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical service.
- 4056 (42) "Out-of-state mail service pharmacy" means a pharmaceutical facility located outside
4057 the state that is licensed and in good standing in another state, that:
4058 (a) ships, mails, or delivers by any lawful means a dispensed legend drug to a patient in
4059 this state pursuant to a lawfully issued prescription;
- 4060 (b) provides information to a patient in this state on drugs or devices which may include,
4061 but is not limited to, advice relating to therapeutic values, potential hazards, and uses;
4062 or
- 4063 (c) counsels pharmacy patients residing in this state concerning adverse and therapeutic
4064 effects of drugs.
- 4065 (43) "Patient counseling" means the written and oral communication by the pharmacist or
4066 pharmacy intern of information, to the patient or caregiver, in order to ensure proper use
4067 of drugs, devices, and dietary supplements.
- 4068 (44) "Pharmaceutical administration facility" means a facility, agency, or institution in
4069 which:
4070 (a) prescription drugs or devices are held, stored, or are otherwise under the control of
4071 the facility or agency for administration to patients of that facility or agency;
- 4072 (b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist or
4073 pharmacy intern with whom the facility has established a prescription drug
4074 supervising relationship under which the pharmacist or pharmacy intern provides
4075 counseling to the facility or agency staff as required, and oversees drug control,
4076 accounting, and destruction; and

- 4077 (c) prescription drugs are professionally administered in accordance with the order of a
4078 practitioner by an employee or agent of the facility or agency.
- 4079 (45)(a) "Pharmaceutical care" means carrying out the following in collaboration with a
4080 prescribing practitioner, and in accordance with division rule:
- 4081 (i) designing, implementing, and monitoring a therapeutic drug plan intended to
4082 achieve favorable outcomes related to a specific patient for the purpose of curing
4083 or preventing the patient's disease;
 - 4084 (ii) eliminating or reducing a patient's symptoms; or
 - 4085 (iii) arresting or slowing a disease process.
- 4086 (b) "Pharmaceutical care" does not include prescribing of drugs without consent of a
4087 prescribing practitioner.
- 4088 (46) "Pharmaceutical facility" means a business engaged in the dispensing, delivering,
4089 distributing, manufacturing, or wholesaling of prescription drugs or devices within or
4090 into this state.
- 4091 (47)(a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical facility
4092 engaged in the business of wholesale vending or selling of a prescription drug or
4093 device to other than a consumer or user of the prescription drug or device that the
4094 pharmaceutical facility has not produced, manufactured, compounded, or dispensed.
- 4095 (b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical facility
4096 carrying out the following business activities:
- 4097 (i) intracompany sales;
 - 4098 (ii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
4099 purchase, or trade a prescription drug or device, if the activity is carried out
4100 between one or more of the following entities under common ownership or
4101 common administrative control, as defined by division rule:
 - 4102 (A) hospitals;
 - 4103 (B) pharmacies;
 - 4104 (C) chain pharmacy warehouses, as defined by division rule; or
 - 4105 (D) other health care entities, as defined by division rule;
 - 4106 (iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
4107 purchase, or trade a prescription drug or device, for emergency medical reasons,
4108 including supplying another pharmaceutical facility with a limited quantity of a
4109 drug, if:
 - 4110 (A) the facility is unable to obtain the drug through a normal distribution channel

- 4111 in sufficient time to eliminate the risk of harm to a patient that would result
4112 from a delay in obtaining the drug; and
- 4113 (B) the quantity of the drug does not exceed an amount reasonably required for
4114 immediate dispensing to eliminate the risk of harm;
- 4115 (iv) the distribution of a prescription drug or device as a sample by representatives of
4116 a manufacturer; and
- 4117 (v) the distribution of prescription drugs, if:
- 4118 (A) the facility's total distribution-related sales of prescription drugs does not
4119 exceed 5% of the facility's total prescription drug sales; and
- 4120 (B) the distribution otherwise complies with 21 C.F.R. Sec. 1307.11.
- 4121 (48) "Pharmacist" means an individual licensed by this state to engage in the practice of
4122 pharmacy.
- 4123 (49) "Pharmacist-in-charge" means a pharmacist currently licensed in good standing who
4124 accepts responsibility for the operation of a pharmacy in conformance with all laws and
4125 rules pertinent to the practice of pharmacy and the distribution of drugs, and who is
4126 personally in full and actual charge of the pharmacy and all personnel.
- 4127 (50) "Pharmacist preceptor" means a licensed pharmacist in good standing with one or
4128 more years of licensed experience. The preceptor serves as a teacher, example of
4129 professional conduct, and supervisor of interns in the professional practice of pharmacy.
- 4130 (51) "Pharmacy" means any place where:
- 4131 (a) drugs are dispensed;
- 4132 (b) pharmaceutical care is provided;
- 4133 (c) drugs are processed or handled for eventual use by a patient; or
- 4134 (d) drugs are used for the purpose of analysis or research.
- 4135 (52) "Pharmacy benefits manager or coordinator" means a person or entity that provides a
4136 pharmacy benefits management service as defined in Section 31A-46-102 on behalf of a
4137 self-insured employer, insurance company, health maintenance organization, or other
4138 plan sponsor, as defined by rule.
- 4139 (53) "Pharmacy intern" means an individual licensed by this state to engage in practice as a
4140 pharmacy intern.
- 4141 (54) "Pharmacy manager" means:
- 4142 (a) a pharmacist-in-charge;
- 4143 (b) a licensed pharmacist designated by a licensed pharmacy to consult on the
4144 pharmacy's administration;

- 4145 (c) an individual who manages the facility in which a licensed pharmacy is located;
4146 (d) an individual who oversees the operations of a licensed pharmacy;
4147 (e) an immediate supervisor of an individual described in Subsections (54)(a) through (d);
4148 or
4149 (f) another operations or site manager of a licensed pharmacy.
- 4150 (55) "Pharmacy technician training program" means an approved technician training
4151 program providing education for pharmacy technicians.
- 4152 (56)(a) "Practice as a dispensing medical practitioner" means the practice of pharmacy,
4153 specifically relating to the dispensing of a prescription drug in accordance with Part
4154 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic
4155 Pharmacy, and division rule adopted after consultation with the Board of pharmacy
4156 and the governing boards of the practitioners described in Subsection (23)(a).
- 4157 (b) "Practice as a dispensing medical practitioner" does not include:
4158 (i) using a vending type of dispenser as defined by the division by administrative
4159 rule; or
4160 (ii) except as permitted by Section 58-17b-805, dispensing of a controlled substance
4161 as defined in Section ~~[58-37-2]~~ 58-37-101.
- 4162 (57) "Practice as a licensed pharmacy technician" means engaging in practice as a
4163 pharmacy technician under the general supervision of a licensed pharmacist and in
4164 accordance with a scope of practice defined by division rule made in collaboration with
4165 the board.
- 4166 (58) "Practice of pharmacy" includes the following:
4167 (a) providing pharmaceutical care;
4168 (b) collaborative pharmacy practice in accordance with a collaborative pharmacy
4169 practice agreement;
4170 (c) compounding, packaging, labeling, dispensing, administering, and the coincident
4171 distribution of prescription drugs or devices, provided that the administration of a
4172 prescription drug or device is:
4173 (i) pursuant to a lawful order of a practitioner when one is required by law; and
4174 (ii) in accordance with written guidelines or protocols:
4175 (A) established by the licensed facility in which the prescription drug or device is
4176 to be administered on an inpatient basis; or
4177 (B) approved by the division, in collaboration with the board and, when
4178 appropriate, the Medical Licensing Board, created in Section 58-67-201, if the

4179 prescription drug or device is to be administered on an outpatient basis solely
4180 by a licensed pharmacist;

4181 (d) participating in drug utilization review;

4182 (e) ensuring proper and safe storage of drugs and devices;

4183 (f) maintaining records of drugs and devices in accordance with state and federal law
4184 and the standards and ethics of the profession;

4185 (g) providing information on drugs or devices, which may include advice relating to
4186 therapeutic values, potential hazards, and uses;

4187 (h) providing drug product equivalents;

4188 (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy
4189 technicians;

4190 (j) providing patient counseling, including adverse and therapeutic effects of drugs;

4191 (k) providing emergency refills as defined by rule;

4192 (l) telepharmacy;

4193 (m) formulary management intervention;

4194 (n) prescribing and dispensing a self-administered hormonal contraceptive in accordance
4195 with Title 26B, Chapter 4, Part 5, Treatment Access; and

4196 (o) issuing a prescription in accordance with Section 58-17b-610.8 or 58-17b-627.

4197 (59) "Practice of telepharmacy" means the practice of pharmacy through the use of
4198 telecommunications and information technologies.

4199 (60) "Practice of telepharmacy across state lines" means the practice of pharmacy through
4200 the use of telecommunications and information technologies that occurs when the
4201 patient is physically located within one jurisdiction and the pharmacist is located in
4202 another jurisdiction.

4203 (61) "Practitioner" means an individual currently licensed, registered, or otherwise
4204 authorized by the appropriate jurisdiction to prescribe and administer drugs in the course
4205 of professional practice.

4206 (62) "Prescribe" means to issue a prescription:

4207 (a) orally or in writing; or

4208 (b) by telephone, facsimile transmission, computer, or other electronic means of
4209 communication as defined by division rule.

4210 (63) "Prescription" means an order issued:

4211 (a) by a licensed practitioner in the course of that practitioner's professional practice or
4212 by collaborative pharmacy practice agreement; and

- 4213 (b) for a controlled substance or other prescription drug or device for use by a patient or
4214 an animal.
- 4215 (64) "Prescription device" means an instrument, apparatus, implement, machine,
4216 contrivance, implant, in vitro reagent, or other similar or related article, and any
4217 component part or accessory, which is required under federal or state law to be
4218 prescribed by a practitioner and dispensed by or through a person or entity licensed
4219 under this chapter or exempt from licensure under this chapter.
- 4220 (65) "Prescription drug" means a drug that is required by federal or state law or rule to be
4221 dispensed only by prescription or is restricted to administration only by practitioners.
- 4222 (66) "Repackage":
- 4223 (a) means changing the container, wrapper, or labeling to further the distribution of a
4224 prescription drug; and
- 4225 (b) does not include:
- 4226 (i) Subsection (66)(a) when completed by the pharmacist responsible for dispensing
4227 the product to a patient; or
- 4228 (ii) changing or altering a label as necessary for a dispensing practitioner under Part
4229 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic
4230 Pharmacy, for dispensing a product to a patient.
- 4231 (67) "Research using pharmaceuticals" means research:
- 4232 (a) conducted in a research facility, as defined by division rule, that is associated with a
4233 university or college in the state accredited by the Northwest Commission on
4234 Colleges and Universities;
- 4235 (b) requiring the use of a controlled substance, prescription drug, or prescription device;
- 4236 (c) that uses the controlled substance, prescription drug, or prescription device in
4237 accordance with standard research protocols and techniques, including, if required,
4238 those approved by an institutional review committee; and
- 4239 (d) that includes any documentation required for the conduct of the research and the
4240 handling of the controlled substance, prescription drug, or prescription device.
- 4241 (68) "Retail pharmacy" means a pharmaceutical facility dispensing prescription drugs and
4242 devices to the general public.
- 4243 (69)(a) "Self-administered hormonal contraceptive" means a self-administered hormonal
4244 contraceptive that is approved by the United States Food and Drug Administration to
4245 prevent pregnancy.
- 4246 (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive,

- 4247 a hormonal vaginal ring, and a hormonal contraceptive patch.
- 4248 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
4249 induce an abortion, as that term is defined in Section 76-7-301.
- 4250 (70) "Self-audit" means an internal evaluation of a pharmacy to determine compliance with
4251 this chapter.
- 4252 (71) "Supervising pharmacist" means a pharmacist who is overseeing the operation of the
4253 pharmacy during a given day or shift.
- 4254 (72) "Supportive personnel" means unlicensed individuals who:
- 4255 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed
4256 pharmacy technician in nonjudgmental duties not included in the definition of the
4257 practice of pharmacy, practice of a pharmacy intern, or practice of a licensed
4258 pharmacy technician, and as those duties may be further defined by division rule
4259 adopted in collaboration with the board; and
- 4260 (b) are supervised by a pharmacist in accordance with rules adopted by the division in
4261 collaboration with the board.
- 4262 (73) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
4263 58-17b-501.
- 4264 (74) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
4265 and 58-17b-502 and may be further defined by rule.
- 4266 (75) "Veterinary pharmaceutical facility" means a pharmaceutical facility that dispenses
4267 drugs intended for use by animals or for sale to veterinarians for the administration for
4268 animals.
- 4269 (76) "Written communication" means a physical document, or an electronic
4270 communication, by or from which the recipient may read or access the information
4271 intended to be communicated, including:
- 4272 (a) email;
- 4273 (b) text message; and
- 4274 (c) quick response (QR) code.
- 4275 Section 50. Section **58-17b-103** is amended to read:
- 4276 **58-17b-103 (Effective 05/06/26). Administrative inspections.**
- 4277 (1) The division may for the purpose of ascertaining compliance with the provisions of this
4278 chapter, require a self-audit or enter and inspect the business premises of a person:
- 4279 (a) licensed under Part 3, Licensing; or
- 4280 (b) who is engaged in activities that require a license under Part 3, Licensing.

- 4281 (2) Before conducting an inspection under Subsection (1), the division shall, after
 4282 identifying the person in charge:
 4283 (a) give proper identification;
 4284 (b) request to see the applicable license or licenses;
 4285 (c) describe the nature and purpose of the inspection; and
 4286 (d) provide upon request, the authority of the division to conduct the inspection and the
 4287 penalty for refusing to permit the inspection as provided in Section 58-17b-504.
- 4288 (3) In conducting an inspection under Subsection (1), the division may, after meeting the
 4289 requirements of Subsection (2):
 4290 (a) examine any record, prescription, order, drug, device, equipment, machine, electronic
 4291 device or media, or area related to activities for which a license has been issued or is
 4292 required by Part 3, Licensing, for the purpose of ascertaining compliance with the
 4293 applicable provisions of this chapter;
 4294 (b) reproduce any record or media at the division's own cost;
 4295 (c) take a drug or device for further analysis if considered necessary;
 4296 (d) temporarily seize a drug or device that is suspected to be adulterated, misbranded,
 4297 outdated, or otherwise in violation of this chapter, pending an adjudicative
 4298 proceeding on the matter;
 4299 (e) box and seal drugs suspected to be adulterated, outdated, misbranded, or otherwise in
 4300 violation of this chapter; and
 4301 (f) dispose of or return a drug or device obtained under this Subsection (3) in accordance
 4302 with procedures established by division rule.
- 4303 (4) An inspection described in Subsection (1) shall be conducted during regular business
 4304 hours.
- 4305 (5) If, upon inspection, the division concludes that a person has violated the provisions of
 4306 this chapter or [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled
 4307 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances,
 4308 or a rule or order issued with respect to those chapters, and that disciplinary action is
 4309 appropriate, the director or the director's designee shall promptly issue a fine or citation
 4310 to the licensee in accordance with Section 58-17b-504.

4311 Section 51. Section **58-17b-201** is amended to read:

4312 **58-17b-201 (Effective 05/06/26). Board -- Membership -- Qualifications -- Terms.**

- 4313 (1) There is created the Utah State Board of Pharmacy consisting of five pharmacists, one
 4314 pharmacy technician, and one member of the general public.

- 4315 (a) The public member of the board shall be a Utah resident who:
- 4316 (i) is 21 years [~~of age~~] old or older;
- 4317 (ii) has never been licensed to engage in the practice of pharmacy;
- 4318 (iii) has never been the spouse of a person licensed to engage in the practice of
- 4319 pharmacy;
- 4320 (iv) has never held any material financial interest in pharmacy practice; and
- 4321 (v) has never engaged in any activity directly related to the practice of pharmacy.
- 4322 (b) The licensed pharmacist and licensed pharmacy technician members of the board
- 4323 shall:
- 4324 (i) have been Utah residents continuously for at least three years;
- 4325 (ii) have at least five years experience in the practice of pharmacy in good standing
- 4326 with the division in Utah after licensure; and
- 4327 (iii) maintain licensure in good standing to engage in the practice of pharmacy or
- 4328 practice as a pharmacy technician in Utah for the duration of the appointment.
- 4329 (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- 4330 (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202
- 4331 and 58-1-203, and as required under Section 58-37f-202 regarding the controlled
- 4332 substance database. In addition, the board shall designate an appropriate member on a
- 4333 permanent or rotating basis to:
- 4334 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional
- 4335 conduct of a licensee; and
- 4336 (b) advise the division in its investigation of these complaints.
- 4337 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its
- 4338 investigation may be disqualified from participating with the board when the board
- 4339 serves as a presiding officer in an adjudicative proceeding concerning the complaint.
- 4340 (5) A board member may be removed in accordance with Subsection 58-1-201(2)(e) or
- 4341 upon one of the following grounds:
- 4342 (a) refusal or inability for any reason of a board member to perform his duties as a
- 4343 member of the Board in an efficient, responsible, and professional manner;
- 4344 (b) misuse of appointment to obtain personal, pecuniary, or material gain or advantage
- 4345 for himself or another through such appointment; or
- 4346 (c) violation of the laws governing the practice of pharmacy or [~~Chapter 37, Utah~~
- 4347 ~~Controlled Substances Act~~] Chapter 37, Controlled Substances, or Title 76, Chapter
- 4348 18, Part 2, Offenses Concerning Controlled Substances.

- 4349 Section 52. Section **58-17b-502** is amended to read:
- 4350 **58-17b-502 (Effective 05/06/26). Unprofessional conduct.**
- 4351 (1) "Unprofessional conduct" includes:
- 4352 (a) willfully deceiving or attempting to deceive the division, the board, or their agents as
- 4353 to any relevant matter regarding compliance under this chapter;
- 4354 (b) except as provided in Subsection (2):
- 4355 (i) paying or offering rebates to practitioners or any other health care providers, or
- 4356 receiving or soliciting rebates from practitioners or any other health care provider;
- 4357 or
- 4358 (ii) paying, offering, receiving, or soliciting compensation in the form of a
- 4359 commission, bonus, rebate, kickback, or split fee arrangement with practitioners
- 4360 or any other health care provider, for the purpose of obtaining referrals;
- 4361 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
- 4362 dispensing of any outdated, misbranded, or adulterated drug or device;
- 4363 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
- 4364 bearing the inscription "sample" or "not for resale" or similar words or phrases;
- 4365 (e) except as provided in Section 58-17b-503, accepting back and redistributing any
- 4366 unused drug, or a part of it, after it has left the premises of a pharmacy;
- 4367 (f) an act in violation of this chapter committed by a person for any form of
- 4368 compensation if the act is incidental to the person's professional activities, including
- 4369 the activities of a pharmacist, pharmacy intern, or pharmacy technician;
- 4370 (g) violating:
- 4371 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;
- 4372 (ii) [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled
- 4373 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
- 4374 Substances; or
- 4375 (iii) rules or regulations adopted under either act;
- 4376 (h) requiring or permitting pharmacy interns or technicians to engage in activities
- 4377 outside the scope of practice for their respective license classifications, as defined in
- 4378 this chapter and division rules made in collaboration with the board, or beyond their
- 4379 scope of training and ability;
- 4380 (i) administering:
- 4381 (i) without appropriate training, as defined by rule;
- 4382 (ii) without a physician's order, when one is required by law; and

- 4383 (iii) in conflict with a practitioner's written guidelines or written protocol for
4384 administering;
- 4385 (j) disclosing confidential patient information in violation of the provisions of the Health
4386 Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
4387 1936, as amended, or other applicable law;
- 4388 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as the
4389 pharmacist-in-charge;
- 4390 (l) failing to report to the division any adverse action taken by another licensing
4391 jurisdiction, government agency, law enforcement agency, or court for conduct that
4392 in substance would be considered unprofessional conduct under this section;
- 4393 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
4394 form which is regularly and commonly available from a manufacturer in quantities
4395 and strengths prescribed by a practitioner;
- 4396 (n) failing to act in accordance with Title 26B, Chapter 4, Part 5, Treatment Access,
4397 when dispensing a self-administered hormonal contraceptive under a standing order;
- 4398 (o) violating the requirements of Title 4, Chapter 41a, Cannabis Production
4399 Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid
4400 Research and Medical Cannabis; or
- 4401 (p) falsely making an entry in, or altering, a medical record with the intent to conceal:
4402 (i) a wrongful or negligent act or omission of an individual licensed under this
4403 chapter or an individual under the direction or control of an individual licensed
4404 under this chapter; or
4405 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).
- 4406 (2) Subsection (1)(b) does not apply to:
4407 (a) giving or receiving a price discount based on purchase volume;
4408 (b) passing along a pharmaceutical manufacturer's rebate; or
4409 (c) providing compensation for services to a veterinarian.
- 4410 (3) "Unprofessional conduct" does not include:
4411 (a) in accordance with
4412 Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis when
4413 registered as a pharmacy medical provider, as that term is defined in Section 26B-4-201,
4414 providing pharmacy medical provider services in a medical cannabis pharmacy; or
4415 (b) if a pharmacist reasonably believes that a prescription drug will have adverse or
4416 harmful effects on an individual and warns the individual of the potential effects,

- 4417 filling a prescription prescribed by a health care provider who:
- 4418 (i) is operating within the health care provider's scope of practice; and
- 4419 (ii) is deviating from a medical norm or established practice in accordance with
- 4420 Subsection 58-1-501(2)(b)(i).
- 4421 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
- 4422 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
- 4423 define unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).
- 4424 Section 53. Section **58-17b-504** is amended to read:
- 4425 **58-17b-504 (Effective 05/06/26). Penalty for unlawful or unprofessional conduct**
- 4426 **-- Fines -- Citations.**
- 4427 (1) Any person who violates any of the unlawful conduct provisions of Subsection
- 4428 58-1-501(1)(a)(i) and Subsections 58-17b-501(7) and (11) is guilty of a third degree
- 4429 felony.
- 4430 (2) Any person who violates any of the unlawful conduct provisions of Subsection
- 4431 58-1-501(1)(a)(ii), Subsections 58-1-501(1)(b) through (e), and Section 58-17b-501,
- 4432 except Subsections 58-17b-501(7) and (11), is guilty of a class A misdemeanor.
- 4433 (3)(a) Subject to Subsection (5) and in accordance with Section 58-17b-401, for acts of
- 4434 unprofessional or unlawful conduct, the division may:
- 4435 (i) assess administrative penalties; and
- 4436 (ii) take any other appropriate administrative action.
- 4437 (b) An administrative penalty imposed pursuant to this section shall be deposited in the
- 4438 General Fund as a dedicated credit to be used by the division for pharmacy licensee
- 4439 education and enforcement as provided in Section 58-17b-505.
- 4440 (4) If a licensee has been convicted of violating Section 58-17b-501 prior to an
- 4441 administrative finding of a violation of the same section, the licensee may not be
- 4442 assessed an administrative fine under this chapter for the same offense for which the
- 4443 conviction was obtained.
- 4444 (5)(a) If upon inspection or investigation, the division concludes that a person has
- 4445 violated the provisions of Section 58-17b-501 or 58-17b-502, [~~Chapter 37, Utah~~
- 4446 ~~Controlled Substances Act~~] Chapter 37, Controlled Substances, Chapter 37f,
- 4447 Controlled Substance Database Act, Chapter 1, Division of Professional Licensing
- 4448 Act, Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any
- 4449 rule or order issued with respect to these provisions, and that disciplinary action is
- 4450 appropriate, the director or the director's designee from within the division shall

- 4451 promptly issue a citation to the person according to this chapter and any pertinent
4452 rules, attempt to negotiate a stipulated settlement, or notify the person to appear
4453 before an adjudicative proceeding conducted under Title 63G, Chapter 4,
4454 Administrative Procedures Act.
- 4455 (b) Any person who is in violation of the provisions of Section 58-17b-501 or
4456 58-17b-502, [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled
4457 Substances, Chapter 37f, Controlled Substance Database Act, Chapter 1, Division of
4458 Professional Licensing Act, Title 76, Chapter 18, Part 2, Offenses Concerning
4459 Controlled Substances, or any rule or order issued with respect to these provisions, as
4460 evidenced by an uncontested citation, a stipulated settlement, or a finding of violation
4461 in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (5)
4462 of up to \$10,000 per single violation or up to \$2,000 per day of ongoing violation,
4463 whichever is greater, in accordance with a fine schedule established by rule, and may,
4464 in addition to or in lieu of, be ordered to cease and desist from violating the
4465 provisions of Section 58-17b-501 or 58-17b-502, [~~Chapter 37, Utah Controlled~~
4466 ~~Substances Act~~] Chapter 37, Controlled Substances, Chapter 1, Division of
4467 Professional Licensing Act, Title 76, Chapter 18, Part 2, Offenses Concerning
4468 Controlled Substances, or any rule or order issued with respect to these provisions.
- 4469 (c) Except for an administrative fine and a cease and desist order, the licensure sanctions
4470 cited in Section 58-17b-401 may not be assessed through a citation.
- 4471 (d) Each citation shall be in writing and specifically describe with particularity the
4472 nature of the violation, including a reference to the provision of the chapter, rule, or
4473 order alleged to have been violated. The citation shall clearly state that the recipient
4474 must notify the division in writing within 20 calendar days of service of the citation
4475 in order to contest the citation at a hearing conducted under Title 63G, Chapter 4,
4476 Administrative Procedures Act. The citation shall clearly explain the consequences
4477 of failure to timely contest the citation or to make payment of any fines assessed by
4478 the citation within the time specified in the citation.
- 4479 (e) Each citation issued under this section, or a copy of each citation, may be served
4480 upon any person upon whom a summons may be served:
- 4481 (i) in accordance with the Utah Rules of Civil Procedure;
- 4482 (ii) personally or upon the person's agent by a division investigator or by any person
4483 specially designated by the director; or
- 4484 (iii) by mail.

- 4485 (f) If within 20 calendar days from the service of a citation, the person to whom the
 4486 citation was issued fails to request a hearing to contest the citation, the citation
 4487 becomes the final order of the division and is not subject to further agency review.
 4488 The period to contest the citation may be extended by the division for cause.
- 4489 (g) The division may refuse to issue or renew, suspend, revoke, or place on probation the
 4490 license of a licensee who fails to comply with the citation after it becomes final.
- 4491 (h) The failure of an applicant for licensure to comply with a citation after it becomes
 4492 final is a ground for denial of license.
- 4493 (i) No citation may be issued under this section after the expiration of one year
 4494 following the date on which the violation that is the subject of the citation is reported
 4495 to the division.
- 4496 (6)(a) The director may collect a penalty that is not paid by:
- 4497 (i) referring the matter to a collection agency; or
- 4498 (ii) bringing an action in the district court of the county where the person against
 4499 whom the penalty is imposed resides or in the county where the office of the
 4500 director is located.
- 4501 (b) A county attorney or the attorney general of the state shall provide legal assistance
 4502 and advice to the director in an action to collect a penalty.
- 4503 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
 4504 action brought by the division to collect a penalty.

4505 Section 54. Section **58-17b-609** is amended to read:

4506 **58-17b-609 (Effective 05/06/26). Limitation on prescriptions and refills --**

4507 **Controlled Substances Act not affected -- Legend drugs.**

- 4508 (1) Except as provided in Sections 58-16a-102 and 58-17b-608.2, a prescription for any
 4509 prescription drug or device may not be dispensed after one year from the date it was
 4510 initiated except as otherwise provided in [~~Chapter 37, Utah Controlled Substances Act~~]
 4511 Chapter 37, Controlled Substances.
- 4512 (2) Except as provided in Section 58-17b-608.2, a prescription authorized to be refilled may
 4513 not be refilled after one year from the original issue date.
- 4514 (3) A practitioner may not be prohibited from issuing a new prescription for the same drug
 4515 orally, in writing, or by electronic transmission.
- 4516 (4) Nothing in this chapter affects [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
 4517 Controlled Substances.
- 4518 (5) A prescription for a legend drug written by a licensed prescribing practitioner in another

4519 state may be filled or refilled by a pharmacist or pharmacy intern in this state if the
4520 pharmacist or pharmacy intern verifies that the prescription is valid.

4521 Section 55. Section **58-17b-610.6** is amended to read:

4522 **58-17b-610.6 (Effective 05/06/26). Hospital pharmacy dispensing prescription**
4523 **drugs.**

4524 (1) As used in this section, "controlled substance" means a substance classified as a
4525 controlled substance under the Controlled Substances Act, Title II, Pub. L. No. 91-513 et
4526 seq., or Section [~~58-37-4~~] 58-37-108.

4527 (2)(a) Subject to Subsection (2)(b), the division shall make rules, in accordance with
4528 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in consultation with
4529 hospital pharmacies, to establish guidelines under which a hospital pharmacy may
4530 dispense a limited supply of a prescription drug to an individual who is no longer a
4531 patient in the hospital setting if:

- 4532 (i) the individual is discharged from the hospital on the same day that the hospital
4533 pharmacy dispenses the prescription drug to the individual;
- 4534 (ii) in the professional judgment of the practitioner, dispensing the drug is necessary
4535 for the patient's immediate needs;
- 4536 (iii) the class A pharmacy with which the patient has an established pharmacy-patient
4537 relationship:
 - 4538 (A) is not open at the time of the patient's discharge; or
 - 4539 (B) unable to dispense the medication for any reason;
- 4540 (iv) the hospital pharmacy dispenses a quantity of the prescription drug that is not
4541 more than a 72-hour supply; and
- 4542 (v) dispensing the prescription drug complies with protocols established by the
4543 hospital pharmacy.

4544 (b)(i) A hospital pharmacy may dispense an opioid antagonist to a patient without
4545 satisfying Subsection (2)(a)(iii).

4546 (ii) A hospital pharmacy that dispenses an opioid antagonist to a patient under
4547 Subsection (2)(b)(i) shall accept as payment the wholesale acquisition cost at the
4548 time of dispensing.

4549 (3) A hospital pharmacy, or a practitioner or pharmacist in the hospital, may dispense a
4550 prescription drug in accordance with rules made under Subsection (2).

4551 Section 56. Section **58-17b-610.7** is amended to read:

4552 **58-17b-610.7 (Effective 05/06/26). Partial filling of a Schedule II controlled**

4553 **substance prescription.**

- 4554 (1) For purposes of this section, "Schedule II controlled substance" means a substance
 4555 classified as a Schedule II controlled substance by the federal Controlled Substances
 4556 Act, Title II, Pub. L. No. 91-513 et seq., or Section [~~58-37-4~~] 58-37-108.
- 4557 (2) A prescription for a Schedule II controlled substance for a patient in a long-term care
 4558 facility or a patient with a terminal illness may be partially filled in accordance with
 4559 federal law.
- 4560 (3) A prescription for a Schedule II controlled substance for a patient other than a patient
 4561 described in Subsection (2) may be partially filled:
 4562 (a) in accordance with federal law and rules made under Subsection (5); and
 4563 (b) at the request of the practitioner who issued the prescription, or the patient.
- 4564 (4) For purposes of Subsection (3), "partially filled" means that less than the full amount of
 4565 the prescription is dispensed.
- 4566 (5) For purposes of Subsection (3), the division shall make rules in accordance with Title
 4567 63G, Chapter 3, Utah Administrative Rulemaking Act:
 4568 (a) specifying how to record the date, quantity supplied, and quantity remaining of a
 4569 prescription partially filled under Subsection (3); and
 4570 (b) otherwise necessary for the implementation of Subsections (2) and (3).

4571 Section 57. Section **58-17b-627** is amended to read:

4572 **58-17b-627 (Effective 05/06/26). Prescription of drugs or devices by a**
 4573 **pharmacist.**

- 4574 (1) Beginning January 1, 2022, a pharmacist may prescribe a prescription drug or device if:
 4575 (a) prescribing the prescription drug or device is within the scope of the pharmacist's
 4576 training and experience;
 4577 (b) the prescription drug or device is designated by the division by rule under Subsection
 4578 (3)(a); and
 4579 (c) the prescription drug or device is not a controlled substance that is included in
 4580 Schedules I, II, III, or IV of:
 4581 (i) Section [~~58-37-4~~] 58-37-108; or
 4582 (ii) the federal Controlled Substances Act, Title II, P.L. 91-513.
- 4583 (2) Nothing in this section requires a pharmacist to issue a prescription for a prescription
 4584 drug or device.
- 4585 (3) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
 4586 Administrative Rulemaking Act, to:

- 4587 (a) designate the prescription drugs or devices that may be prescribed by a pharmacist
4588 under this section, beginning with prescription drugs or devices that address a public
4589 health concern that is designated by the Department of Health and Human Services,
4590 including:
- 4591 (i) post-exposure HIV prophylaxis;
 - 4592 (ii) pre-exposure HIV prophylaxis;
 - 4593 (iii) self-administered hormonal contraceptives;
 - 4594 (iv) smoking cessation;
 - 4595 (v) naloxone; and
 - 4596 (vi) fluoride;
- 4597 (b) create guidelines that a pharmacist must follow when prescribing a prescription drug
4598 or device, including guidelines:
- 4599 (i) for notifying the patient's primary care or other health care provider about the
4600 prescription; and
 - 4601 (ii) to prevent the over-prescription of drugs or devices including but not limited to
4602 antibiotics;
- 4603 (c) address when a pharmacist should refer the patient to an appropriate health care
4604 provider or otherwise encourage the patient to seek further medical care; and
- 4605 (d) implement the provisions of this section.
- 4606 (4) The division shall make rules under Subsection (3) in collaboration with:
- 4607 (a) individuals representing pharmacies and pharmacists;
 - 4608 (b) individuals representing physicians and advanced practice clinicians; and
 - 4609 (c)(i) if the executive director of the Department of Health and Human Services is a
4610 physician, the executive director of the Department of Health and Human Services;
 - 4611 (ii) if the executive director of the Department of Health and Human Services is not a
4612 physician, a deputy director who is a physician in accordance with Subsection
4613 26B-1-203(4); or
 - 4614 (iii) a designee of the individual described in Section 26B-1-203.
- 4615 (5) Before November 1 of each year, the division, in consultation with the individuals
4616 described in Subsection (4), shall:
- 4617 (a) develop recommendations for statutory changes to improve patient access to
4618 prescribed drugs in the state; and
 - 4619 (b) report the recommendations developed under Subsection (5)(a) to the Health and
4620 Human Services Interim Committee.

4621 Section 58. Section **58-24b-102** is amended to read:

4622 **58-24b-102 (Effective 05/06/26). Definitions.**

4623 As used in this chapter:

- 4624 (1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an
4625 animal.
- 4626 (2) "Board" means the Physical Therapies Licensing Board, created in Section 58-24b-201.
- 4627 (3) "Consultation by telecommunication" means the provision of expert or professional
4628 advice by a physical therapist who is licensed outside of Utah to a licensed physical
4629 therapist or a health care provider by telecommunication or electronic communication.
- 4630 (4) "General supervision" means supervision and oversight of an individual by a licensed
4631 physical therapist when the licensed physical therapist is immediately available in
4632 person, by telephone, or by electronic communication to assist the individual.
- 4633 (5) "Licensed physical therapist" means an individual licensed under this chapter to engage
4634 in the practice of physical therapy.
- 4635 (6) "Licensed physical therapist assistant" means an individual licensed under this chapter
4636 to engage in the practice of physical therapy, subject to the provisions of Subsection
4637 58-24b-401(2)(a).
- 4638 (7) "Licensing examination" means a nationally recognized physical therapy examination
4639 that is approved by the division, in consultation with the board.
- 4640 (8) "On-site supervision" means supervision and oversight of an individual by a licensed
4641 physical therapist or a licensed physical therapist assistant when the licensed physical
4642 therapist or licensed physical therapist assistant is:
- 4643 (a) continuously present at the facility where the individual is providing services;
4644 (b) immediately available to assist the individual; and
4645 (c) regularly involved in the services being provided by the individual.
- 4646 (9) "Physical impairment" means:
- 4647 (a) a mechanical impairment;
4648 (b) a physiological impairment;
4649 (c) a developmental impairment;
4650 (d) a functional limitation;
4651 (e) a disability;
4652 (f) a mobility impairment; or
4653 (g) a bodily malfunction.
- 4654 (10)(a) "Physical therapy" or "physiotherapy" means:

- 4655 (i) examining, evaluating, and testing an individual who has a physical impairment or
4656 injury;
- 4657 (ii) identifying or labeling a physical impairment or injury;
- 4658 (iii) formulating a therapeutic intervention plan for the treatment of a physical
4659 impairment, injury, or pain;
- 4660 (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a
4661 physical impairment or injury;
- 4662 (v) treating or alleviating a physical impairment by designing, modifying, or
4663 implementing a therapeutic intervention;
- 4664 (vi) reducing the risk of an injury or physical impairment;
- 4665 (vii) providing instruction on the use of physical measures, activities, or devices for
4666 preventative and therapeutic purposes;
- 4667 (viii) promoting and maintaining health and fitness;
- 4668 (ix) the administration of a prescription drug pursuant to Section 58-24b-403;
- 4669 (x) subject to Subsection 58-28-307(12)(b), engaging in the functions described in
4670 Subsections (10)(a)(i) through (ix) in relation to an animal, in accordance with the
4671 requirements of Section 58-24b-405;
- 4672 (xi) engaging in administration, consultation, education, and research relating to the
4673 practices described in this Subsection (10)(a); or
- 4674 (xii) applying dry needling to enhance an individual's physical performance if the
4675 physical therapy practitioner has received the necessary training as determined by
4676 division rule in collaboration with the board.
- 4677 (b) "Physical therapy" or "physiotherapy" does not include:
- 4678 (i) diagnosing disease;
- 4679 (ii) performing surgery;
- 4680 (iii) performing acupuncture;
- 4681 (iv) taking x-rays; or
- 4682 (v) prescribing or dispensing a drug, as defined in Section ~~[58-37-2]~~ 58-37-101.
- 4683 (11) "Physical therapy aide" means an individual who:
- 4684 (a) is trained, on-the-job, by a licensed physical therapist; and
- 4685 (b) provides routine assistance to a licensed physical therapist or licensed physical
4686 therapist assistant, while the licensed physical therapist or licensed physical therapist
4687 assistant practices physical therapy, within the scope of the licensed physical
4688 therapist's or licensed physical therapist assistant's license.

- 4689 (12) "Recognized accreditation agency" means an accreditation agency that:
4690 (a) grants accreditation, nationally, in the United States of America; and
4691 (b) is approved by the division, in consultation with the board.
- 4692 (13)(a) "Testing" means a standard method or technique used to gather data regarding a
4693 patient that is generally and nationally accepted by physical therapists for the practice
4694 of physical therapy.
- 4695 (b) "Testing" includes measurement or evaluation of:
4696 (i) muscle strength, force, endurance, or tone;
4697 (ii) cardiovascular fitness;
4698 (iii) physical work capacity;
4699 (iv) joint motion, mobility, or stability;
4700 (v) reflexes or autonomic reactions;
4701 (vi) movement skill or accuracy;
4702 (vii) sensation;
4703 (viii) perception;
4704 (ix) peripheral nerve integrity;
4705 (x) locomotor skills, stability, and endurance;
4706 (xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;
4707 (xii) posture;
4708 (xiii) body mechanics;
4709 (xiv) limb length, circumference, and volume;
4710 (xv) thoracic excursion and breathing patterns;
4711 (xvi) activities of daily living related to physical movement and mobility;
4712 (xvii) functioning in the physical environment at home or work, as it relates to
4713 physical movement and mobility; and
4714 (xviii) neural muscular responses.
- 4715 (14)(a) "Trigger point dry needling" means the stimulation of a trigger point using a dry
4716 needle to treat neuromuscular pain and functional movement deficits.
- 4717 (b) "Trigger point dry needling" does not include the stimulation of auricular or distal
4718 points.
- 4719 (15) "Therapeutic intervention" includes:
4720 (a) therapeutic exercise, with or without the use of a device;
4721 (b) functional training in self-care, as it relates to physical movement and mobility;
4722 (c) community or work integration, as it relates to physical movement and mobility;

- 4723 (d) manual therapy, including:
- 4724 (i) soft tissue mobilization;
- 4725 (ii) therapeutic massage; or
- 4726 (iii) joint mobilization, as defined by the division, by rule;
- 4727 (e) prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic,
- 4728 protective, or supportive device;
- 4729 (f) airway clearance techniques, including postural drainage;
- 4730 (g) integumentary protection and repair techniques;
- 4731 (h) wound debridement, cleansing, and dressing;
- 4732 (i) the application of a physical agent, including:
- 4733 (i) light;
- 4734 (ii) heat;
- 4735 (iii) cold;
- 4736 (iv) water;
- 4737 (v) air;
- 4738 (vi) sound;
- 4739 (vii) compression;
- 4740 (viii) electricity; and
- 4741 (ix) electromagnetic radiation;
- 4742 (j) mechanical or electrotherapeutic modalities;
- 4743 (k) positioning;
- 4744 (l) instructing or training a patient in locomotion or other functional activities, with or
- 4745 without an assistive device;
- 4746 (m) manual or mechanical traction;
- 4747 (n) correction of posture, body mechanics, or gait; and
- 4748 (o) trigger point dry needling, under the conditions described in Section 58-24b-505.
- 4749 Section 59. Section **58-28-502** is amended to read:
- 4750 **58-28-502 (Effective 05/06/26). Unprofessional conduct.**
- 4751 (1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:
- 4752 (a) applying unsanitary methods or procedures in the treatment of any animal, contrary
- 4753 to rules adopted by the board and approved by the division;
- 4754 (b) procuring any fee or recompense on the assurance that a manifestly incurable
- 4755 diseased condition of the body of an animal can be permanently cured;
- 4756 (c) selling any biologics containing living or dead organisms or products or such

- 4757 organisms, except in a manner which will prevent indiscriminate use of such
4758 biologics;
- 4759 (d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the
4760 practice of veterinary medicine, surgery, or dentistry;
- 4761 (e) willful failure to report any dangerous, infectious, or contagious disease, as required
4762 by law;
- 4763 (f) willful failure to report the results of any medical tests, as required by law, or rule
4764 adopted pursuant to law;
- 4765 (g) violating [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled
4766 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
4767 Substances;
- 4768 (h) delegating to unlicensed assistive personnel:
- 4769 (i) a task that violates the standards of the profession or Subsection (2); or
4770 (ii) the administration of anesthesia or sedation if the delegating veterinarian is not
4771 providing direct supervision of the administration; and
- 4772 (i) making any unsubstantiated claim of superiority in training or skill as a veterinarian
4773 in the performance of professional services.
- 4774 (2)(a) "Unprofessional conduct" does not include the following:
- 4775 (i) delegating to a veterinary technologist, while under the indirect supervision of a
4776 veterinarian, patient care and treatment that requires a technical understanding of
4777 veterinary medicine if written or oral instructions are provided to the technologist
4778 by the veterinarian;
- 4779 (ii) delegating to a state certified veterinary technician or a veterinary technician,
4780 while under the direct or indirect supervision of a veterinarian, patient care and
4781 treatment that requires a technical understanding of veterinary medicine if the
4782 veterinarian provides written or oral instructions to the state certified veterinary
4783 technician;
- 4784 (iii) delegating to a veterinary assistant, under the immediate supervision of a
4785 licensed veterinarian, tasks that are consistent with the standards and ethics of the
4786 profession;
- 4787 (iv) delegating to an individual described in Subsection 58-28-307(16), under the
4788 direct supervision of a licensed veterinarian, the administration of a sedative drug
4789 for teeth floating; or
- 4790 (v) discussing the effects of the following on an animal with the owner of an animal:

- 4791 (A) a cannabinoid or industrial hemp product, as those terms are defined in
4792 Section 4-41-102; or
- 4793 (B) THC or medical cannabis, as those terms are defined in Section 26B-4-201.
- 4794 (b) The delegation of tasks permitted under Subsections (2)(a)(i) through (iv) does not
4795 include:
- 4796 (i) diagnosing;
- 4797 (ii) prognosing;
- 4798 (iii) surgery; or
- 4799 (iv) prescribing drugs, medicines, or appliances.
- 4800 (3) Notwithstanding any provision of this section, a veterinarian is not prohibited from
4801 engaging in a discussion described in Subsection (2)(a)(v).
- 4802 Section 60. Section **58-31b-503** is amended to read:
- 4803 **58-31b-503 (Effective 05/06/26). Penalties and administrative actions for**
4804 **unlawful conduct and unprofessional conduct.**
- 4805 (1) Any person who violates the unlawful conduct provision specifically defined in
4806 Subsection 58-1-501(1)(a) is guilty of a third degree felony.
- 4807 (2) Any person who violates any of the unlawful conduct provisions specifically defined in
4808 Subsections 58-1-501(1)(b) through (f) and 58-31b-501(1)(d) is guilty of a class A
4809 misdemeanor.
- 4810 (3) Any person who violates any of the unlawful conduct provisions specifically defined in
4811 this chapter and not set forth in Subsection (1) or (2) is guilty of a class B misdemeanor.
- 4812 (4)(a) Subject to Subsection (6) and in accordance with Section 58-31b-401, for acts of
4813 unprofessional or unlawful conduct, the division may:
- 4814 (i) assess administrative penalties; and
- 4815 (ii) take any other appropriate administrative action.
- 4816 (b) An administrative penalty imposed pursuant to this section shall be deposited into
4817 the "Nurse Education and Enforcement Account" as provided in Section 58-31b-103.
- 4818 (5) If a licensee has been convicted of violating Section 58-31b-501 prior to an
4819 administrative finding of a violation of the same section, the licensee may not be
4820 assessed an administrative fine under this chapter for the same offense for which the
4821 conviction was obtained.
- 4822 (6)(a) If upon inspection or investigation, the division concludes that a person has
4823 violated the provisions of Section 58-31b-401, 58-31b-501, or 58-31b-502, Chapter
4824 1, Division of Professional Licensing Act, [~~Chapter 37, Utah Controlled Substances~~

- 4825 ~~Aet]~~ Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
4826 Concerning Controlled Substances, or any rule or order issued with respect to these
4827 provisions, and that disciplinary action is appropriate, the director or the director's
4828 designee from within the division shall:
- 4829 (i) promptly issue a citation to the person according to this chapter and any pertinent
4830 administrative rules;
 - 4831 (ii) attempt to negotiate a stipulated settlement; or
 - 4832 (iii) notify the person to appear before an adjudicative proceeding conducted under
4833 Title 63G, Chapter 4, Administrative Procedures Act.
- 4834 (b) Any person who is in violation of a provision described in Subsection (6)(a), as
4835 evidenced by an uncontested citation, a stipulated settlement, or a finding of violation
4836 in an adjudicative proceeding may be assessed a fine:
- 4837 (i) pursuant to this Subsection (6) of up to \$10,000 per single violation or up to
4838 \$2,000 per day of ongoing violation, whichever is greater, in accordance with a
4839 fine schedule established by rule; and
 - 4840 (ii) in addition to or in lieu of the fine imposed under Subsection (6)(b)(i), be ordered
4841 to cease and desist from violating a provision of Sections 58-31b-501 and
4842 58-31b-502, Chapter 1, Division of Professional Licensing Act, [~~Chapter 37, Utah~~
4843 ~~Controlled Substances Act]~~ Chapter 37, Controlled Substances, or Title 76,
4844 Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any rule or
4845 order issued with respect to those provisions.
- 4846 (c) Except for an administrative fine and a cease and desist order, the licensure sanctions
4847 cited in Section 58-31b-401 may not be assessed through a citation.
- 4848 (d) Each citation issued under this section shall:
- 4849 (i) be in writing; and
 - 4850 (ii) clearly describe or explain:
 - 4851 (A) the nature of the violation, including a reference to the provision of the
4852 chapter, rule, or order alleged to have been violated;
 - 4853 (B) that the recipient must notify the division in writing within 20 calendar days of
4854 service of the citation in order to contest the citation at a hearing conducted
4855 under Title 63G, Chapter 4, Administrative Procedures Act; and
 - 4856 (C) the consequences of failure to timely contest the citation or to make payment
4857 of any fines assessed by the citation within the time specified in the citation;
4858 and

- 4859 (iii) be served upon any person upon whom a summons may be served:
 4860 (A) in accordance with the Utah Rules of Civil Procedure;
 4861 (B) personally or upon the person's agent by a division investigator or by any
 4862 person specially designated by the director; or
 4863 (C) by mail.
- 4864 (e) If within 20 calendar days from the service of a citation, the person to whom the
 4865 citation was issued fails to request a hearing to contest the citation, the citation
 4866 becomes the final order of the division and is not subject to further agency review.
 4867 The period to contest the citation may be extended by the division for cause.
- 4868 (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the
 4869 license of a licensee who fails to comply with the citation after it becomes final.
- 4870 (g) The failure of an applicant for licensure to comply with a citation after it becomes
 4871 final is a ground for denial of license.
- 4872 (h) No citation may be issued under this section after the expiration of one year
 4873 following the date on which the violation that is the subject of the citation is reported
 4874 to the division.
- 4875 (7)(a) The director may collect a penalty that is not paid by:
 4876 (i) referring the matter to a collection agency; or
 4877 (ii) bringing an action in the district court of the county where the person against
 4878 whom the penalty is imposed resides or in the county where the office of the
 4879 director is located.
- 4880 (b) A county attorney or the attorney general of the state shall provide legal assistance
 4881 and advice to the director in an action to collect a penalty.
- 4882 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
 4883 action brought by the division to collect a penalty.

4884 Section 61. Section **58-37-101**, which is renumbered from Section 58-37-2 is renumbered
 4885 and amended to read:

4886 **CHAPTER 37. Controlled Substances**

4887 **Part 1. General Provisions**

4888 **[58-37-2] 58-37-101 (Effective 05/06/26). Definitions.**

- 4889 (1) As used in this chapter:
- 4890 (a) "Administer" means the direct application of a controlled substance, whether by
 4891 injection, inhalation, ingestion, or any other means, to the body of a patient or

- 4892 research subject by:
- 4893 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized
4894 agent; or
- 4895 (ii) the patient or research subject at the direction, and in the presence, of the
4896 practitioner.
- 4897 (b)(i) "Agent" means an authorized person who acts on behalf of, or at the direction of,
4898 a manufacturer, distributor, or practitioner.
- 4899 (ii) ~~[-but]~~ "Agent" does not include a motor carrier~~[-]~~ or public warehouseman, or an
4900 employee of [any of them] a motor carrier or public warehouseman.
- 4901 (c) "Consumption" means ingesting or having any measurable amount of a controlled
4902 substance in ~~[a person's]~~ an individual's body, but this Subsection (1)(c) does not
4903 include the metabolite of a controlled substance.
- 4904 ~~[(d) "Continuing criminal enterprise" means any individual, sole proprietorship,~~
4905 ~~partnership, corporation, business trust, association, or other legal entity, and any~~
4906 ~~union or groups of individuals associated in fact although not a legal entity, and~~
4907 ~~includes illicit as well as licit entities created or maintained for the purpose of~~
4908 ~~engaging in conduct which constitutes the commission of episodes of activity made~~
4909 ~~unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b,~~
4910 ~~Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance~~
4911 ~~Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not~~
4912 ~~isolated, but have the same or similar purposes, results, participants, victims, methods~~
4913 ~~of commission, or otherwise are interrelated by distinguishing characteristics. Taken~~
4914 ~~together, the episodes shall demonstrate continuing unlawful conduct and be related~~
4915 ~~either to each other or to the enterprise.]~~
- 4916 ~~[(e)]~~ (d) "Control" means to add, remove, or change the placement of a drug, substance,
4917 or immediate precursor under Section ~~[58-37-3]~~ 58-37-107.
- 4918 ~~[(f)]~~ (e)(i) "Controlled substance" means a drug or substance:
- 4919 (A) included in Schedules I, II, III, IV, or V of Section ~~[58-37-4]~~ 58-37-108;
- 4920 (B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances
4921 Act, Title II, P.L. 91-513;
- 4922 (C) that is a controlled substance analog; or
- 4923 (D) listed in Section ~~[58-37-4.2]~~ 58-37-109.
- 4924 (ii) "Controlled substance" does not include:
- 4925 (A) distilled spirits, wine, or malt beverages, as those terms are defined in Title

4926 32B, Alcoholic Beverage Control Act;

4927 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
4928 or prevention of disease in human or other animals, which contains ephedrine,
4929 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
4930 lawfully purchased, sold, transferred, or furnished as an over-the-counter
4931 medication without prescription; or

4932 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances
4933 including concentrates or extracts, which:

4934 (I) are not otherwise regulated by law; and

4935 (II) may contain naturally occurring amounts of chemical or substances listed
4936 in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah
4937 Administrative Rulemaking Act.

4938 [~~(g)~~] (f)(i) "Controlled substance analog" means:

4939 (A) a substance the chemical structure of which is substantially similar to the
4940 chemical structure of a controlled substance listed in Schedules I and II of
4941 Section ~~[58-37-4]~~ 58-37-108, a substance listed in Section ~~[58-37-4.2]~~ 58-37-109,
4942 or in Schedules I and II of the federal Controlled Substances Act, Title II, P.L.
4943 91-513;

4944 (B) a substance that has a stimulant, depressant, or hallucinogenic effect on the
4945 central nervous system substantially similar to the stimulant, depressant, or
4946 hallucinogenic effect on the central nervous system of controlled substances
4947 listed in Schedules I and II of Section ~~[58-37-4]~~ 58-37-108, substances listed in
4948 Section ~~[58-37-4.2]~~ 58-37-109, or substances listed in Schedules I and II of the
4949 federal Controlled Substances Act, Title II, P.L. 91-513; or

4950 (C) A substance that, with respect to a particular individual, is represented or
4951 intended to have a stimulant, depressant, or hallucinogenic effect on the central
4952 nervous system substantially similar to the stimulant, depressant, or
4953 hallucinogenic effect on the central nervous system of controlled substances
4954 listed in Schedules I and II of Section ~~[58-37-4]~~ 58-37-108, substances listed in
4955 Section ~~[58-37-4.2]~~ 58-37-109, or substances listed in Schedules I and II of the
4956 federal Controlled Substances Act, Title II, P.L. 91-513.

4957 (ii) "Controlled substance analog" does not include:

4958 (A) a controlled substance currently scheduled in Schedules I through V of
4959 Section ~~[58-37-4]~~ 58-37-108;

- 4960 (B) a substance for which there is an approved new drug application;
- 4961 (C) a substance with respect to which an exemption is in effect for investigational
- 4962 use by a particular person under Section 505 of the Food, Drug, and Cosmetic
- 4963 Act, 21 U.S.C. 355, to the extent the conduct with respect to the substance is
- 4964 permitted by the exemption;
- 4965 (D) any substance to the extent not intended for human consumption before an
- 4966 exemption takes effect with respect to the substance;
- 4967 (E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
- 4968 or prevention of disease in man or other animals, which contains ephedrine,
- 4969 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
- 4970 lawfully purchased, sold, transferred, or furnished as an over-the-counter
- 4971 medication without prescription; or
- 4972 (F) dietary supplements, vitamins, minerals, herbs, or other similar substances
- 4973 including concentrates or extracts, which are not otherwise regulated by law,
- 4974 which may contain naturally occurring amounts of chemical or substances
- 4975 listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah
- 4976 Administrative Rulemaking Act.

4977 ~~(h)~~ (g)(i) "Conviction" means a determination of guilt by verdict, whether jury or

4978 bench, or plea, whether guilty or no contest, for any offense proscribed by:

- 4979 (A) this chapter;
- 4980 ~~[(B) Chapter 37a, Utah Drug Paraphernalia Act;]~~
- 4981 ~~[(C) Chapter 37b, Imitation Controlled Substances Act;]~~
- 4982 ~~[(D)] (B) [Chapter 37c, Utah Controlled Substance Precursor Act; or] Chapter 37c,~~
- 4983 Controlled Substance Precursors;
- 4984 (C) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
- 4985 (D) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
- 4986 (E) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled
- 4987 Substances;
- 4988 (F) Title 76, Chapter 18, Part 5, Clandestine Drug Labs; or
- 4989 (G) a statute previously in effect in this state that is the same or substantially
- 4990 similar to a violation of an offense described in Subsections (1)(g)(i)(A)
- 4991 through (F); or
- 4992 ~~[(E) Chapter 37d, Clandestine Drug Lab Act; or]~~
- 4993 (ii) for any offense under the laws of the United States and any other state ~~[which]~~ that,

4994 if committed in this state, would be an offense under~~[:]~~ Subsection (1)(g)(i).

4995 [~~(A) this chapter;~~]

4996 [~~(B) Chapter 37a, Utah Drug Paraphernalia Act;~~]

4997 [~~(C) Chapter 37b, Imitation Controlled Substances Act;~~]

4998 [~~(D) Chapter 37c, Utah Controlled Substance Precursor Act; or]~~

4999 [~~(E) Chapter 37d, Clandestine Drug Lab Act.]~~

5000 [(+) (h) "Counterfeit substance" means:

5001 (i) any controlled substance or container or labeling of any controlled substance that:

5002 (A) without authorization bears the trademark, trade name, or other identifying

5003 mark, imprint, number, device, or any likeness of them, of a manufacturer,

5004 distributor, or dispenser other than the person or persons who in fact

5005 manufactured, distributed, or dispensed the substance [~~which~~] that falsely

5006 purports to be a controlled substance distributed by any other manufacturer,

5007 distributor, or dispenser; and

5008 (B) a reasonable person would believe to be a controlled substance distributed by

5009 an authorized manufacturer, distributor, or dispenser based on the appearance

5010 of the substance as described under Subsection [~~(+)(i)(i)(A)]~~ (1)(h)(i)(A) or the

5011 appearance of the container of that controlled substance; or

5012 (ii) any substance other than under Subsection [~~(+)(i)(i)~~] (1)(h)(i) that:

5013 (A) is falsely represented to be any legally or illegally manufactured controlled

5014 substance; and

5015 (B) a reasonable person would believe to be a legal or illegal controlled substance.

5016 [(+) (i) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a

5017 controlled substance or a listed chemical, whether or not an agency relationship exists.

5018 [~~(k)~~] (j) "Department" means the Department of Commerce.

5019 [(+) (k) "Depressant or stimulant substance" means:

5020 (i) a drug which contains any quantity of barbituric acid or any of the salts of

5021 barbituric acid;

5022 (ii) a drug which contains any quantity of:

5023 (A) amphetamine or any of its optical isomers;

5024 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or

5025 (C) any substance [~~which~~] that the Secretary of Health and Human Services or the

5026 Attorney General of the United States after investigation has found, and by

5027 regulation designated, habit-forming because of its stimulant effect on the

5028 central nervous system;
 5029 (iii) lysergic acid diethylamide; or
 5030 (iv) any drug ~~[which]~~ that contains any quantity of a substance ~~[which]~~ that the
 5031 Secretary of Health and Human Services or the Attorney General of the United
 5032 States after investigation has found to have, and by regulation designated as
 5033 having, a potential for abuse because of its depressant or stimulant effect on the
 5034 central nervous system or its hallucinogenic effect.

5035 ~~[(m)]~~ (l) "Dispense" means the delivery of a controlled substance by a pharmacist to an
 5036 ultimate user pursuant to the lawful order or prescription of a practitioner, and
 5037 includes distributing to, leaving with, giving away, or disposing of that substance as
 5038 well as the packaging, labeling, or compounding necessary to prepare the substance
 5039 for delivery.

5040 ~~[(n)]~~ (m) "Dispenser" means a pharmacist who dispenses a controlled substance.

5041 ~~[(o)]~~ (n) "Distribute" means to deliver other than by administering or dispensing a
 5042 controlled substance or a listed chemical.

5043 ~~[(p)]~~ (o) "Distributor" means a person who distributes controlled substances.

5044 ~~[(q)]~~ (p) "Division" means the Division of Professional Licensing created in Section
 5045 58-1-103.

5046 ~~[(r)]~~ (q)(i) "Drug" means:

5047 (A) a substance recognized in the official United States Pharmacopoeia, Official
 5048 Homeopathic Pharmacopoeia of the United States, or Official National
 5049 Formulary, or any supplement to any of them, intended for use in the
 5050 diagnosis, cure, mitigation, treatment, or prevention of disease in humans or
 5051 animals;

5052 (B) a substance that is required by any applicable federal or state law or rule to be
 5053 dispensed by prescription only or is restricted to administration by practitioners
 5054 only;

5055 (C) a substance other than food intended to affect the structure or any function of
 5056 the body of humans or other animals; and

5057 (D) substances intended for use as a component of any substance specified in
 5058 Subsections ~~[(1)(r)(i)(A)]~~ (1)(q)(i)(A), (B), and (C).

5059 (ii) "Drug" does not include dietary supplements.

5060 (iii) "Drug" includes a food intended for human consumption that intentionally
 5061 contains a vaccine or vaccine material as provided in Section 4-5-107.

5062 ~~[(s)]~~ (r) "Drug dependent person" means any individual who unlawfully and habitually
5063 uses any controlled substance to endanger the public morals, health, safety, or
5064 welfare, or who is so dependent upon the use of controlled substances as to have lost
5065 the power of self-control with reference to the individual's dependency.

5066 ~~[(t)]~~ ~~(s)~~(i) "Food" means:

5067 (A) any nutrient or substance of plant, mineral, or animal origin other than a drug
5068 as specified in this chapter, and normally ingested by human beings; and

5069 (B) foods for special dietary uses as exist by reason of a physical, physiological,
5070 pathological, or other condition including the conditions of disease,
5071 convalescence, pregnancy, lactation, allergy, hypersensitivity to food,
5072 underweight, and overweight; uses for supplying a particular dietary need
5073 which exist by reason of age including the ages of infancy and childbirth, and
5074 also uses for supplementing and for fortifying the ordinary or unusual diet with
5075 any vitamin, mineral, or other dietary property for use of a food.

5076 (ii) Any particular use of a food is a special dietary use regardless of the nutritional
5077 purposes.

5078 ~~[(u)]~~ (t) "Immediate precursor" means a substance ~~[which]~~ that the Attorney General of
5079 the United States has found to be, and by regulation designated as being, the principal
5080 compound used or produced primarily for use in the manufacture of a controlled
5081 substance, or ~~[which]~~ that is an immediate chemical intermediary used or likely to be
5082 used in the manufacture of a controlled substance, the control of which is necessary
5083 to prevent, curtail, or limit the manufacture of the controlled substance.

5084 ~~[(v)]~~ "Indian" means a member of an Indian tribe.]

5085 ~~[(w)]~~ "Indian religion" means a religion:]

5086 ~~[(i) the origin and interpretation of which is from within a traditional Indian culture
5087 or community; and]~~

5088 ~~[(ii) that is practiced by Indians.]~~

5089 ~~[(x)]~~ "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or
5090 community of Indians, including any Alaska Native village, which is legally
5091 recognized as eligible for and is consistent with the special programs, services, and
5092 entitlements provided by the United States to Indians because of their status as
5093 Indians.]

5094 ~~[(y)]~~ (u) "Manufacture" means the production, preparation, propagation, compounding,
5095 or processing of a controlled substance, either directly or indirectly by extraction

5096 from substances of natural origin, or independently by means of chemical synthesis
 5097 or by a combination of extraction and chemical synthesis.

5098 ~~[(z)]~~ (v) "Manufacturer" includes any person who packages, repackages, or labels any
 5099 container of any controlled substance, except pharmacists who dispense or compound
 5100 prescription orders for delivery to the ultimate consumer.

5101 ~~[(aa)]~~ (w)(i) "Marijuana" means all species of the genus cannabis and all parts of the
 5102 genus, whether growing or not, including:

5103 (A) seeds;

5104 (B) resin extracted from any part of the plant, including the resin extracted from
 5105 the mature stalks;

5106 (C) every compound, manufacture, salt, derivative, mixture, or preparation of the
 5107 plant, seeds, or resin;

5108 (D) any synthetic equivalents of the substances contained in the plant cannabis
 5109 sativa or any other species of the genus cannabis ~~[which]~~ that are chemically
 5110 indistinguishable and pharmacologically active; and

5111 (E) any component part or cannabinoid extracted or isolated from the plant,
 5112 including extracted or isolated tetrahydrocannabinols.

5113 (ii) "Marijuana" does not include:

5114 (A) the mature stalks of the plant;

5115 (B) fiber produced from the stalks;

5116 (C) oil or cake made from the seeds of the plant;

5117 (D) except as provided in Subsection ~~[(1)(aa)(i)]~~ (1)(w)(i), any other compound,
 5118 manufacture, salt, derivative, mixture, or preparation of the mature stalks,
 5119 fiber, oil or cake;

5120 (E) the sterilized seed of the plant ~~[which]~~ that is incapable of germination;

5121 (F) any compound, mixture, or preparation approved by the federal Food and
 5122 Drug Administration under the federal Food, Drug, and Cosmetic Act, 21
 5123 U.S.C. Sec. 301 et seq. that is not listed in a schedule of controlled substances
 5124 in Section ~~[58-37-4]~~ 58-37-108 or in the federal Controlled Substances Act,
 5125 Title II, P.L. 91-513; or

5126 (G) transportable industrial hemp concentrate as that term is defined in Section
 5127 4-41-102.

5128 ~~[(bb)]~~ (x) "Money" means officially issued coin and currency of the United States or any
 5129 foreign country.

- 5130 ~~[(ee)]~~ (y) "Narcotic drug" means any of the following, whether produced directly or
5131 indirectly by extraction from substances of vegetable origin, or independently by
5132 means of chemical synthesis, or by a combination of extraction and chemical
5133 synthesis:
- 5134 (i) opium, coca leaves, and opiates;
 - 5135 (ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves,
5136 or opiates;
 - 5137 (iii) opium poppy and poppy straw; or
 - 5138 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of
5139 the substance, which is chemically identical with any of the substances referred to
5140 in Subsection ~~[(1)(ee)(i)]~~ (1)(y)(i), (ii), or (iii), except narcotic drug does not
5141 include decocainized coca leaves or extracts of coca leaves ~~[which]~~ that do not
5142 contain cocaine or ecgonine.
- 5143 ~~[(dd)]~~ (z) "Negotiable instrument" means ~~[documents]~~ a document, containing an
5144 unconditional promise to pay a sum of money, ~~[which are]~~ that is legally transferable
5145 to another party by endorsement or delivery.
- 5146 ~~[(ee)]~~ (aa) "Opiate" means any drug or other substance having an addiction-forming or
5147 addiction-sustaining liability similar to morphine or being capable of conversion into
5148 a drug having addiction-forming or addiction-sustaining liability.
- 5149 ~~[(ff)]~~ (bb) "Opium poppy" means the plant of the species *papaver somniferum* L., except
5150 the seeds of the plant.
- 5151 ~~[(gg)]~~ (cc) "Person" means any corporation, association, partnership, trust, other
5152 institution or entity or one or more individuals.
- 5153 ~~[(hh)]~~ (dd) "Poppy straw" means all parts, except the seeds, of the opium poppy, after
5154 mowing.
- 5155 ~~[(ii)]~~ (ee) "Possession" or "use" means the joint or individual ownership, control,
5156 occupancy, holding, retaining, belonging, maintaining, or the application, inhalation,
5157 swallowing, injection, or consumption, as distinguished from distribution, of
5158 controlled substances and includes individual, joint, or group possession or use of
5159 controlled substances. For a person to be a possessor or user of a controlled
5160 substance, it is not required that the person be shown to have individually possessed,
5161 used, or controlled the substance, but it is sufficient if it is shown that the person
5162 jointly participated with one or more persons in the use, possession, or control of any
5163 substances with knowledge that the activity was occurring, or the controlled

5164 substance is found in a place or under circumstances indicating that the person had
 5165 the ability and the intent to exercise dominion and control over the controlled
 5166 substance.

5167 ~~[(jj)]~~ (ff) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian,
 5168 pharmacist, scientific investigator, pharmacy, hospital, or other person licensed,
 5169 registered, or otherwise permitted to distribute, dispense, conduct research with
 5170 respect to, administer, or use in teaching or chemical analysis a controlled substance
 5171 in the course of professional practice or research in this state.

5172 ~~[(kk)]~~ (gg) "Prescribe" means to issue a prescription:

5173 (i) orally or in writing; or

5174 (ii) by telephone, facsimile transmission, computer, or other electronic means of
 5175 communication as defined by division rule.

5176 ~~[(H)]~~ (hh) "Prescription" means an order issued:

5177 (i) by a licensed practitioner, in the course of that practitioner's professional practice
 5178 or by collaborative pharmacy practice agreement; and

5179 (ii) for a controlled substance or other prescription drug or device for use by a patient
 5180 or an animal.

5181 ~~[(mm)]~~ (ii) "Production" means the manufacture, planting, cultivation, growing, or
 5182 harvesting of a controlled substance.

5183 ~~[(nn)]~~ (jj) "Securities" means any stocks, bonds, notes, or other evidences of debt or of
 5184 property.

5185 ~~[(oo)]~~ (kk) "State" means the state of Utah.

5186 ~~[(pp)]~~ (ll) "Ultimate user" means any person who lawfully possesses a controlled
 5187 substance for the person's own use, for the use of a member of the person's
 5188 household, or for administration to an animal owned by the person or a member of
 5189 the person's household.

5190 (2) If a term used in this chapter is not defined, the definition and terms of Title 76, Utah
 5191 Criminal Code, shall apply.

5192 Section 62. Section **58-37-102**, which is renumbered from Section 58-37-18 is renumbered
 5193 and amended to read:

5194 **[58-37-18] 58-37-102 (Effective 05/06/26). Applicability of chapter -- Uniform**
 5195 **construction.**

5196 (1)(a) Prosecution for a violation of any law or offense occurring ~~[prior to the effective~~
 5197 ~~date of this act shall not be]~~ before January 1, 1972, is not affected by this ~~[act;]~~

5198 chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances,
 5199 provided, that sentences imposed after [the effective date of this act] January 1, 1972,
 5200 may not exceed the maximum terms specified and the judge has discretion to impose
 5201 any minimum sentence.

5202 (b) Civil seizures, forfeitures, and injunctive proceedings commenced [~~prior to the~~
 5203 ~~effective date of this act shall not be~~] before January 1, 1972, are not affected by this [
 5204 aet] chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 5205 Substances.

5206 (c)(i) All administrative proceedings pending before any agency or court on [~~the~~
 5207 ~~effective date of this act] January 1, 1972, shall be continued and brought to final
 5208 determination in accordance with laws and regulations in effect [prior to the
 5209 effective date of this act] before January 1, 1972.~~

5210 (ii) Drugs placed under control [~~prior to enactment of this act which~~] before January
 5211 1, 1972, that are not listed within schedules I through V shall be automatically
 5212 controlled and listed in the appropriate schedule without further proceedings.

5213 (2) [~~This act does not affect-~~] Neither this chapter nor Title 76, Chapter 18, Part 2, Offenses
 5214 Concerning Controlled Substances, affects rights and duties that mature, penalties that
 5215 are incurred, and proceedings that are begun before [its effective date] January 1, 1972.

5216 (3) This [~~aet~~] chapter and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 5217 Substances, shall be construed to effectuate [its] the general purpose to make uniform the
 5218 law of those states [which] that enact it where laws are similar to this [aet] chapter and
 5219 Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

5220 Section 63. Section **58-37-103** is enacted to read:

5221 **58-37-103 (Effective 05/06/26). Restrictions on less restrictive ordinances.**

5222 A legislative body of a political subdivision may not enact an ordinance that is less
 5223 restrictive than any provision of:

5224 (1) this chapter; or

5225 (2) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

5226 Section 64. Section **58-37-104** is enacted to read:

5227 **58-37-104 (Effective 05/06/26). Severability.**

5228 If any provision, or the application of any provision to a person or circumstance, of this
 5229 chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, is held
 5230 invalid, the remainder of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning
 5231 Controlled Substances, shall be given effect without the invalid provision or application.

5232 Section 65. Section **58-37-105**, which is renumbered from Section 58-37-6 is renumbered
5233 and amended to read:

5234 **[58-37-6] 58-37-105 (Effective 05/06/26) (Partially Repealed 07/01/32). Division**
5235 **responsibilities -- Licensing -- Records required.**

5236 (1)(a) The division may adopt rules relating to the licensing and control of the
5237 manufacture, distribution, production, prescription, administration, dispensing,
5238 conducting of research with, and performing of laboratory analysis upon controlled
5239 substances within this state.

5240 (b) The division may assess reasonable fees to defray the cost of issuing original and
5241 renewal licenses under this chapter pursuant to Section 63J-1-504.

5242 (2)(a)(i) Every person who manufactures, produces, distributes, prescribes, dispenses,
5243 administers, conducts research with, or performs laboratory analysis upon any
5244 controlled substance in Schedules I through V within this state, or who proposes
5245 to engage in manufacturing, producing, distributing, prescribing, dispensing,
5246 administering, conducting research with, or performing laboratory analysis upon
5247 controlled substances included in Schedules I through V within this state shall
5248 obtain a license issued by the division.

5249 (ii)(A) The division shall issue each license under this chapter in accordance with
5250 a two-year renewal cycle established by rule.

5251 (B) The division may by rule extend or shorten a renewal period by as much as
5252 one year to stagger the renewal cycles [it] the division administers.

5253 (b) Persons licensed to manufacture, produce, distribute, prescribe, dispense, administer,
5254 conduct research with, or perform laboratory analysis upon controlled substances in
5255 Schedules I through V within this state may possess, manufacture, produce,
5256 distribute, prescribe, dispense, administer, conduct research with, or perform
5257 laboratory analysis upon those substances to the extent authorized by their license
5258 and in conformity with this chapter and Title 76, Chapter 18, Part 2, Offenses
5259 Concerning Controlled Substances.

5260 (c) The following persons are not required to obtain a license and may lawfully possess
5261 controlled substances included in Schedules II through V under this section:

5262 (i) an agent or employee, except a sales representative, of any registered
5263 manufacturer, distributor, or dispenser of any controlled substance, if the agent or
5264 employee is acting in the usual course of the agent or employee's business or
5265 employment; however, nothing in this subsection shall be interpreted to permit an

- 5266 agent, employee, sales representative, or detail man to maintain an inventory of
5267 controlled substances separate from the location of the person's employer's
5268 registered and licensed place of business;
- 5269 (ii) a motor carrier or warehouseman, or an employee of a motor carrier or
5270 warehouseman, who possesses a controlled substance in the usual course of the
5271 person's business or employment; and
- 5272 (iii) an ultimate user, or a person who possesses any controlled substance pursuant to
5273 a lawful order of a practitioner.
- 5274 (d) The division may enact rules waiving the license requirement for certain
5275 manufacturers, producers, distributors, prescribers, dispensers, administrators,
5276 research practitioners, or laboratories performing analysis if waiving the license
5277 requirement is consistent with public health and safety.
- 5278 (e) A separate license is required at each principal place of business or professional
5279 practice where the applicant manufactures, produces, distributes, dispenses, conducts
5280 research with, or performs laboratory analysis upon controlled substances.
- 5281 (f) The division may enact rules providing for the inspection of a licensee or applicant's
5282 establishment, and may inspect the establishment according to those rules.
- 5283 (3)(a)(i) Upon proper application, the division shall license a qualified applicant to
5284 manufacture, produce, distribute, conduct research with, or perform laboratory
5285 analysis upon controlled substances included in Schedules I through V, unless [it]
5286 the division determines that issuance of a license is inconsistent with the public
5287 interest.
- 5288 (ii) The division may not issue a license to any person to prescribe, dispense, or
5289 administer a Schedule I controlled substance except under Subsection (3)(a)(i).
- 5290 (iii) In determining public interest under this Subsection (3)(a), the division shall
5291 consider whether the applicant has:
- 5292 (A) maintained effective controls against diversion of controlled substances and
5293 any Schedule I or II substance compounded from any controlled substance into
5294 channels other than legitimate medical, scientific, or industrial channels;
- 5295 (B) complied with applicable state and local law;
- 5296 (C) been convicted under federal or state laws relating to the manufacture,
5297 distribution, or dispensing of substances;
- 5298 (D) past experience in the manufacture of controlled dangerous substances;
- 5299 (E) established effective controls against diversion; and

- 5300 (F) complied with any other factors that the division establishes that promote the
5301 public health and safety.
- 5302 (b) Licenses granted under Subsection (3)(a) do not entitle a licensee to manufacture,
5303 produce, distribute, conduct research with, or perform laboratory analysis upon
5304 controlled substances in Schedule I other than those specified in the license.
- 5305 (c)(i) [~~Practitioners~~] A practitioner shall be licensed to administer, dispense, or
5306 conduct research with substances in Schedules II through V if [~~they are~~] the
5307 practitioner is authorized to administer, dispense, or conduct research under the
5308 laws of this state.
- 5309 (ii) The division need not require a separate license for [~~practitioners~~] a practitioner
5310 engaging in research with nonnarcotic controlled substances in Schedules II
5311 through V where the licensee is already licensed under this chapter in another
5312 capacity.
- 5313 (iii) With respect to research involving narcotic substances in Schedules II through V,
5314 or where the division by rule requires a separate license for research of
5315 nonnarcotic substances in Schedules II through V, a practitioner shall apply to the
5316 division [~~prior to~~] before conducting research.
- 5317 (iv) Licensing for purposes of bona fide research with controlled substances by a
5318 practitioner considered qualified may be denied only on a ground specified in
5319 Subsection (4), or upon evidence that the applicant will abuse or unlawfully
5320 transfer or fail to safeguard adequately the practitioner's supply of substances
5321 against diversion from medical or scientific use.
- 5322 (v) [~~Practitioners~~] A practitioner registered under federal law to conduct research in
5323 Schedule I substances may conduct research in Schedule I substances within this
5324 state upon providing the division with evidence of federal registration.
- 5325 (d) Compliance by [~~manufacturers, producers, and distributors~~] a manufacturer,
5326 producer, or distributor with the provisions of federal law respecting registration,
5327 excluding fees, entitles [~~them~~] the manufacturer, producer, or distributor to be
5328 licensed under this chapter.
- 5329 (e) The division shall initially license those persons who own or operate an
5330 establishment engaged in the manufacture, production, distribution, dispensation, or
5331 administration of controlled substances prior to April 3, 1980, and who are licensed
5332 by the state.
- 5333 (4)(a) Any license issued [~~pursuant to~~] under Subsection (2) or (3) may be denied,

- 5334 suspended, placed on probation, or revoked by the division upon finding that the
5335 applicant or licensee has:
- 5336 (i) materially falsified any application filed or required pursuant to this chapter;
 - 5337 (ii) been convicted of an offense under this chapter or Title 76, Chapter 18, Part 2,
5338 Offenses Concerning Controlled Substances, or any law of the United States, or
5339 any state, relating to any substance defined as a controlled substance;
 - 5340 (iii) been convicted of a felony under any other law of the United States or any state
5341 within five years of the date of the issuance of the license;
 - 5342 (iv) had a federal registration or license denied, suspended, or revoked by competent
5343 federal authority and is no longer authorized to manufacture, distribute, prescribe,
5344 or dispense controlled substances;
 - 5345 (v) had the licensee's license suspended or revoked by competent authority of another
5346 state for violation of laws or regulations comparable to those of this state relating
5347 to the manufacture, distribution, or dispensing of controlled substances;
 - 5348 (vi) violated any division rule that reflects adversely on the licensee's reliability and
5349 integrity with respect to controlled substances;
 - 5350 (vii) refused inspection of records required to be maintained under this chapter by a
5351 person authorized to inspect them; or
 - 5352 (viii) prescribed, dispensed, administered, or injected an anabolic steroid for the
5353 purpose of manipulating human hormonal structure so as to:
 - 5354 (A) increase muscle mass, strength, or weight without medical necessity and
5355 without a written prescription by any practitioner in the course of the
5356 practitioner's professional practice; or
 - 5357 (B) improve performance in any form of human exercise, sport, or game.
 - 5358 (b) The division may limit revocation or suspension of a license to a particular
5359 controlled substance with respect to which grounds for revocation or suspension exist.
 - 5360 (c)(i) Proceedings to deny, revoke, or suspend a license shall be conducted pursuant
5361 to this section and in accordance with the procedures set forth in Title 58, Chapter
5362 1, Division of Professional Licensing Act, and conducted in conjunction with the
5363 appropriate representative committee designated by the director of the department.
 - 5364 (ii) Nothing in this Subsection (4)(c) gives the Division of Professional Licensing
5365 exclusive authority in proceedings to deny, revoke, or suspend licenses, except
5366 where the division is designated by law to perform those functions, or, when not
5367 designated by law, is designated by the executive director of the Department of

- 5368 Commerce to conduct the proceedings.
- 5369 (d)(i) The division may suspend any license simultaneously with the institution of
5370 proceedings under this section if [it] the division finds there is an imminent danger
5371 to the public health or safety.
- 5372 (ii) Suspension shall continue in effect until the conclusion of proceedings, including
5373 judicial review, unless withdrawn by the division or dissolved by a court of
5374 competent jurisdiction.
- 5375 (e)(i) If a license is suspended or revoked under this Subsection (4), all controlled
5376 substances owned or possessed by the licensee may be placed under seal in the
5377 discretion of the division.
- 5378 (ii) Disposition may not be made of substances under seal until the time for taking an
5379 appeal has lapsed, or until all appeals have been concluded, unless a court, upon
5380 application, orders the sale of perishable substances and the proceeds deposited
5381 with the court.
- 5382 (iii) If a revocation order becomes final, all controlled substances shall be forfeited.
- 5383 (f) The division shall notify promptly the Drug Enforcement Administration of all orders
5384 suspending or revoking a license and all forfeitures of controlled substances.
- 5385 (g) If an individual's Drug Enforcement Administration registration is denied, revoked,
5386 surrendered, or suspended, the division shall immediately suspend the individual's
5387 controlled substance license, which shall only be reinstated by the division upon
5388 reinstatement of the federal registration, unless the division has taken further
5389 administrative action under Subsection (4)(a)(iv), which would be grounds for the
5390 continued denial of the controlled substance license.
- 5391 (5)(a) A person licensed under Subsection (2) or (3) shall maintain records and
5392 inventories in conformance with the record keeping and inventory requirements of
5393 federal and state law and any additional rules issued by the division.
- 5394 (b)(i) A physician, dentist, naturopathic physician, veterinarian, practitioner, or other
5395 individual who is authorized to administer or professionally use a controlled
5396 substance, shall keep a record of the drugs received by the individual and a record
5397 of all drugs administered, dispensed, or professionally used by the individual
5398 otherwise than by a prescription.
- 5399 (ii) An individual using small quantities or solutions or other preparations of those
5400 drugs for local application has complied with this Subsection (5)(b) if the
5401 individual keeps a record of the quantity, character, and potency of those solutions

5402 or preparations purchased or prepared by the individual, and of the dates when
5403 purchased or prepared.

5404 (6) Controlled substances in Schedules I through V may be distributed only by a licensee
5405 and pursuant to an order form prepared in compliance with division rules or a lawful
5406 order under the rules and regulations of the United States.

5407 ~~[(7)(a) An individual may not write or authorize a prescription for a controlled
5408 substance unless the individual is:]~~

5409 ~~[(i) a practitioner authorized to prescribe drugs and medicine under the laws of this
5410 state or under the laws of another state having similar standards; and]~~

5411 ~~[(ii) licensed under this chapter or under the laws of another state having similar
5412 standards.]~~

5413 ~~[(b) An individual other than a pharmacist licensed under the laws of this state, or the
5414 pharmacist's licensed intern, as required by Sections 58-17b-303 and 58-17b-304,
5415 may not dispense a controlled substance.]~~

5416 ~~[(e)(i) A controlled substance may not be dispensed without the written prescription
5417 of a practitioner, if the written prescription is required by the federal Controlled
5418 Substances Act.]~~

5419 ~~[(ii) That written prescription shall be made in accordance with Subsection (7)(a) and
5420 in conformity with Subsection (7)(d).]~~

5421 ~~[(iii) In emergency situations, as defined by division rule, controlled substances may
5422 be dispensed upon oral prescription of a practitioner, if reduced promptly to
5423 writing on forms designated by the division and filed by the pharmacy.]~~

5424 ~~[(iv) Prescriptions reduced to writing by a pharmacist shall be in conformity with
5425 Subsection (7)(d).]~~

5426 ~~[(d) Except for emergency situations designated by the division, an individual may not
5427 issue, fill, compound, or dispense a prescription for a controlled substance unless the
5428 prescription is signed by the prescriber in ink or indelible pencil or is signed with an
5429 electronic signature of the prescriber as authorized by division rule, and contains the
5430 following information:]~~

5431 ~~[(i) the name, address, and registry number of the prescriber;]~~

5432 ~~[(ii) the name, address, and age of the person to whom or for whom the prescription
5433 is issued;]~~

5434 ~~[(iii) the date of issuance of the prescription; and]~~

5435 ~~[(iv) the name, quantity, and specific directions for use by the ultimate user of the~~

5436 ~~controlled substance.]~~

5437 ~~[(e) A prescription may not be written, issued, filled, or dispensed for a Schedule I~~

5438 ~~controlled substance unless:]~~

5439 ~~[(i) the individual who writes the prescription is licensed under Subsection (2); and]~~

5440 ~~[(ii) the prescribed controlled substance is to be used in research.]~~

5441 ~~[(f) Except when administered directly to an ultimate user by a licensed practitioner,~~

5442 ~~controlled substances are subject to the restrictions of this Subsection (7)(f).]~~

5443 ~~[(i) A prescription for a Schedule II substance may not be refilled.]~~

5444 ~~[(ii) A Schedule II controlled substance may not be filled in a quantity to exceed a~~

5445 ~~one-month's supply, as directed on the daily dosage rate of the prescriptions.]~~

5446 ~~[(iii)(A) A prescription for a Schedule II or Schedule III controlled substance that~~

5447 ~~is an opiate and that is issued for an acute condition shall be completely or~~

5448 ~~partially filled in a quantity not to exceed a seven-day supply as directed on the~~

5449 ~~daily dosage rate of the prescription.]~~

5450 ~~[(B) Subsection (7)(f)(iii)(A) does not apply to prescriptions issued for complex or~~

5451 ~~chronic conditions which are documented as being complex or chronic in the~~

5452 ~~medical record.]~~

5453 ~~[(C) A pharmacist is not required to verify that a prescription is in compliance~~

5454 ~~with Subsection (7)(f)(iii).]~~

5455 ~~[(iv) A Schedule III or IV controlled substance may be filled only within six months~~

5456 ~~of issuance, and may not be refilled more than six months after the date of its~~

5457 ~~original issuance or be refilled more than five times after the date of the~~

5458 ~~prescription unless renewed by the practitioner.]~~

5459 ~~[(v) All other controlled substances in Schedule V may be refilled as the prescriber's~~

5460 ~~prescription directs, but they may not be refilled one year after the date the~~

5461 ~~prescription was issued unless renewed by the practitioner.]~~

5462 ~~[(vi) Any prescription for a Schedule II substance may not be dispensed if it is not~~

5463 ~~presented to a pharmacist for dispensing by a pharmacist or a pharmacy intern~~

5464 ~~within 30 days after the date the prescription was issued, or 30 days after the~~

5465 ~~dispensing date, if that date is specified separately from the date of issue.]~~

5466 ~~[(vii) A practitioner may issue more than one prescription at the same time for the~~

5467 ~~same Schedule II controlled substance, but only under the following conditions:]~~

5468 ~~[(A) no more than three prescriptions for the same Schedule II controlled~~

5469 ~~substance may be issued at the same time;]~~

- 5470 ~~[(B) no one prescription may exceed a 30-day supply; and]~~
- 5471 ~~[(C) a second or third prescription shall include the date of issuance and the date~~
- 5472 ~~for dispensing.]~~
- 5473 ~~[(g) An order for a controlled substance in Schedules II through V for use by an~~
- 5474 ~~inpatient or an outpatient of a licensed hospital is exempt from all requirements of~~
- 5475 ~~this Subsection (7) if the order is:]~~
- 5476 ~~[(i) issued or made by a prescribing practitioner who holds an unrestricted~~
- 5477 ~~registration with the federal Drug Enforcement Administration, and an active Utah~~
- 5478 ~~controlled substance license in good standing issued by the division under this~~
- 5479 ~~section, or a medical resident who is exempted from licensure under Subsection~~
- 5480 ~~58-1-307(1)(e);]~~
- 5481 ~~[(ii) authorized by the prescribing practitioner treating the patient and the prescribing~~
- 5482 ~~practitioner designates the quantity ordered;]~~
- 5483 ~~[(iii) entered upon the record of the patient, the record is signed by the prescriber~~
- 5484 ~~affirming the prescriber's authorization of the order within 48 hours after filling or~~
- 5485 ~~administering the order, and the patient's record reflects the quantity actually~~
- 5486 ~~administered; and]~~
- 5487 ~~[(iv) filled and dispensed by a pharmacist practicing the pharmacist's profession~~
- 5488 ~~within the physical structure of the hospital, or the order is taken from a supply~~
- 5489 ~~lawfully maintained by the hospital and the amount taken from the supply is~~
- 5490 ~~administered directly to the patient authorized to receive it.]~~
- 5491 ~~[(h) A practitioner licensed under this chapter may not prescribe, administer, or dispense~~
- 5492 ~~a controlled substance to a child, without first obtaining the consent required in~~
- 5493 ~~Section 78B-3-406 of a parent, guardian, or person standing in loco parentis of the~~
- 5494 ~~child except in cases of an emergency. For purposes of Subsection (7)(h), "child" has~~
- 5495 ~~the same meaning as defined in Section 80-1-102, and "emergency" means any~~
- 5496 ~~physical condition requiring the administration of a controlled substance for~~
- 5497 ~~immediate relief of pain or suffering.]~~
- 5498 ~~[(i) A practitioner licensed under this chapter may not prescribe or administer dosages of~~
- 5499 ~~a controlled substance in excess of medically recognized quantities necessary to treat~~
- 5500 ~~the ailment, malady, or condition of the ultimate user.]~~
- 5501 ~~[(j) A practitioner licensed under this chapter may not prescribe, administer, or dispense~~
- 5502 ~~any controlled substance to another person knowing that the other person is using a~~
- 5503 ~~false name, address, or other personal information for the purpose of securing the~~

- 5504 controlled substance.]
- 5505 ~~[(k) A person who is licensed under this chapter to manufacture, distribute, or dispense a~~
- 5506 ~~controlled substance may not manufacture, distribute, or dispense a controlled~~
- 5507 ~~substance to another licensee or any other authorized person not authorized by this~~
- 5508 ~~license.]~~
- 5509 ~~[(t) A person licensed under this chapter may not omit, remove, alter, or obliterate a~~
- 5510 ~~symbol required by this chapter or by a rule issued under this chapter.]~~
- 5511 ~~[(m) A person licensed under this chapter may not refuse or fail to make, keep, or~~
- 5512 ~~furnish any record notification, order form, statement, invoice, or information~~
- 5513 ~~required under this chapter.]~~
- 5514 ~~[(n) A person licensed under this chapter may not refuse entry into any premises for~~
- 5515 ~~inspection as authorized by this chapter.]~~
- 5516 ~~[(o) A person licensed under this chapter may not furnish false or fraudulent material~~
- 5517 ~~information in any application, report, or other document required to be kept by this~~
- 5518 ~~chapter or willfully make any false statement in any prescription, order, report, or~~
- 5519 ~~record required by this chapter.]~~
- 5520 ~~[(8)(a)(i) Any person licensed under this chapter who is found by the division to~~
- 5521 ~~have violated any of the provisions of Subsections (7)(k) through (o) or~~
- 5522 ~~Subsection (10) is subject to a penalty not to exceed \$5,000. The division shall~~
- 5523 ~~determine the procedure for adjudication of any violations in accordance with~~
- 5524 ~~Sections 58-1-106 and 58-1-108.]~~
- 5525 ~~[(ii) The division shall deposit all penalties collected under Subsection (8)(a)(i) into~~
- 5526 ~~the General Fund as a dedicated credit to be used by the division under Subsection~~
- 5527 ~~58-37f-502(1).]~~
- 5528 ~~[(iii) The director may collect a penalty that is not paid by:]~~
- 5529 ~~[(A) referring the matter to a collection agency; or]~~
- 5530 ~~[(B) bringing an action in the district court of the county where the person against~~
- 5531 ~~whom the penalty is imposed resides or in the county where the office of the~~
- 5532 ~~director is located.]~~
- 5533 ~~[(iv) A county attorney or the attorney general of the state shall provide legal~~
- 5534 ~~assistance and advice to the director in an action to collect a penalty.]~~
- 5535 ~~[(v) A court shall award reasonable attorney fees and costs to the prevailing party in~~
- 5536 ~~an action brought by the division to collect a penalty.]~~
- 5537 ~~[(b) Any person who knowingly and intentionally violates Subsections (7)(h) through (j)~~

5538 or Subsection (10) is:]
5539 [(i) upon first conviction, guilty of a class B misdemeanor;]
5540 [(ii) upon second conviction, guilty of a class A misdemeanor; and]
5541 [(iii) on third or subsequent conviction, guilty of a third degree felony.]
5542 [(e) Any person who knowingly and intentionally violates Subsections (7)(k) through (o)
5543 shall upon conviction be guilty of a third degree felony.]
5544 [(9) Any information communicated to any licensed practitioner in an attempt to unlawfully
5545 procure, or to procure the administration of, a controlled substance is not considered to
5546 be a privileged communication.]
5547 [(10) A person holding a valid license under this chapter who is engaged in medical
5548 research may produce, possess, administer, prescribe, or dispense a controlled substance
5549 for research purposes as licensed under Subsection (2) but may not otherwise prescribe
5550 or dispense a controlled substance listed in Section 58-37-4.2.]
5551 [(11)(a) As used in this Subsection (11):]
5552 [(i) "High risk prescription" means a prescription for an opiate or a benzodiazepine
5553 that is written to continue for longer than 30 consecutive days.]
5554 [(ii) "Database" means the controlled substance database created in Section
5555 58-37f-201.]
5556 [(b) A practitioner who issues a high risk prescription to a patient shall, before issuing
5557 the high risk prescription to the patient, verify in the database that the patient does
5558 not have a high risk prescription from a different practitioner that is currently active.]
5559 [(e) If the database shows that the patient has received a high risk prescription that is
5560 currently active from a different practitioner, the practitioner may not issue a high
5561 risk prescription to the patient unless the practitioner:]
5562 [(i) contacts and consults with each practitioner who issued a high risk prescription
5563 that is currently active to the patient;]
5564 [(ii) documents in the patient's medical record that the practitioner made contact with
5565 each practitioner in accordance with Subsection (11)(e)(i); and]
5566 [(iii) documents in the patient's medical record the reason why the practitioner
5567 believes that the patient needs multiple high risk prescriptions from different
5568 practitioners.]
5569 [(d) A practitioner shall satisfy the requirement described in Subsection (11)(e) in a
5570 timely manner, which may be after the practitioner issues the high risk prescription to
5571 the patient.]

5572 Section 66. Section **58-37-106**, which is renumbered from Section 58-37-17 is renumbered
5573 and amended to read:

5574 **[58-37-17] 58-37-106 (Effective 05/06/26). Judicial review.**

5575 (1) ~~[Any]~~ A person aggrieved by a department's final order may obtain judicial review.

5576 (2) Venue for judicial review of an informal adjudicative ~~[proceedings]~~ proceeding is in the
5577 district court of Salt Lake County.

5578 Section 67. Section **58-37-107**, which is renumbered from Section 58-37-3 is renumbered
5579 and amended to read:

5580 **[58-37-3] 58-37-107 (Effective 05/06/26). Controlled substances.**

5581 (1) All substances listed in Section ~~[58-37-4 or 58-37-4.2]~~ 58-37-108 or 58-37-109 are
5582 controlled.

5583 (2) All substances listed in the federal Controlled Substances Act, Title II, P.L. 91-513, are
5584 controlled.

5585 Section 68. Section **58-37-108**, which is renumbered from Section 58-37-4 is renumbered
5586 and amended to read:

5587 **[58-37-4] 58-37-108 (Effective 05/06/26). Schedules of controlled substances --**
5588 **Schedules I through V -- Findings required -- Specific substances included in schedules.**

5589 (1) There are established five schedules of controlled substances known as Schedules I, II,
5590 III, IV, and V, which consist of substances listed in this section.

5591 (2) Schedules I, II, III, IV, and V consist of the following drugs or other substances by the
5592 official name, common or usual name, chemical name, or brand name designated:

5593 (a) Schedule I:

5594 (i) Unless specifically excepted or unless listed in another schedule, any of the
5595 following opiates, including their isomers, esters, ethers, salts, and salts of
5596 isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and
5597 salts is possible within the specific chemical designation:

5598 (A) Acetyl-alpha-methylfentanyl

5599 (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

5600 (B) Acetyl fentanyl: (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);

5601 (C) Acetylmethadol;

5602 (D) Acryl fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenylacrylamide);

5603 (E) Allylprodine;

5604 (F) Alphacetylmethadol, except levo-alphacetylmethadol also known as
5605 levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

- 5606 (G) Alphameprodine;
- 5607 (H) Alphamethadol;
- 5608 (I) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
- 5609 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- 5610 (J) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
- 5611 piperidinyl]-N-phenylpropanamide);
- 5612 (K) Benzylpiperazine;
- 5613 (L) Benzethidine;
- 5614 (M) Betacetylmethadol;
- 5615 (N) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 5616 piperidinyl]-N-phenylpropanamide);
- 5617 (O) Beta-hydroxy-3-methylfentanyl, other name: N-[1-(2-hydroxy-2-
- 5618 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
- 5619 (P) Betameprodine;
- 5620 (Q) Betamethadol;
- 5621 (R) Betaprodine;
- 5622 (S) Butyryl fentanyl (N-(1-(2-phenylethyl)-4-piperidinyl)-N-phenylbutyramide);
- 5623 (T) Clonitazene;
- 5624 (U) Cyclopropyl fentanyl
- 5625 (N-(1-Phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- 5626 (V) Dextromoramide;
- 5627 (W) Diampromide;
- 5628 (X) Diethylthiambutene;
- 5629 (Y) Difenoxin;
- 5630 (Z) Dimenoxadol;
- 5631 (AA) Dimepheptanol;
- 5632 (BB) Dimethylthiambutene;
- 5633 (CC) Dioxaphetyl butyrate;
- 5634 (DD) Dipipanone;
- 5635 (EE) Ethylmethylthiambutene;
- 5636 (FF) Etizolam
- 5637 (1-Methyl-6-o-chlorophenyl-8-ethyl-4H-s-triazolo[3,4-c]thieno[2,3-e]1,4-diazepine);
- 5638 (GG) Etonitazene;
- 5639 (HH) Etoxidine;

- 5640 (II) Furanyl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]
5641 furan-2-carboxamide);
- 5642 (JJ) Furethidine;
- 5643 (KK) Hydroxypethidine;
- 5644 (LL) Ketobemidone;
- 5645 (MM) Levomoramide;
- 5646 (NN) Levophenacilmorphan;
- 5647 (OO) Methoxyacetyl fentanyl
5648 (2-Methoxy-N-(1-phenylethylpiperidinyl-4-yl)-N-acetamide);
- 5649 (PP) Morpheridine;
- 5650 (QQ) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 5651 (RR) Noracymethadol;
- 5652 (SS) Norlevorphanol;
- 5653 (TT) Normethadone;
- 5654 (UU) Norpipanone;
- 5655 (VV) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]
5656 propanamide);
- 5657 (WW) Para-fluoroisobutyryl fentanyl
5658 (N-(4-Fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- 5659 (XX) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 5660 (YY) Phenadoxone;
- 5661 (ZZ) Phenampromide;
- 5662 (AAA) Phenibut;
- 5663 (BBB) Phenomorphan;
- 5664 (CCC) Phenoperidine;
- 5665 (DDD) Piritramide;
- 5666 (EEE) Proheptazine;
- 5667 (FFF) Properidine;
- 5668 (GGG) Propiram;
- 5669 (HHH) Racemoramide;
- 5670 (III) Tetrahydrofuran fentanyl
5671 (N-(1-Phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
- 5672 (JJJ) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide);
- 5673 (KKK) Tianeptine;

- 5674 (LLL) Tilidine;
- 5675 (MMM) Trimeperidine;
- 5676 (NNN) 3-methylfentanyl, including the optical and geometric isomers
- 5677 (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- 5678 (OOO) 3-methylthiofentanyl
- 5679 (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- 5680 (PPP) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide also
- 5681 known as U-47700; and
- 5682 (QQQ) 4-cyano CUMYL-BUTINACA.
- 5683 (ii) Unless specifically excepted or unless listed in another schedule, any of the
- 5684 following opium derivatives, their salts, isomers, and salts of isomers when the
- 5685 existence of the salts, isomers, and salts of isomers is possible within the specific
- 5686 chemical designation:
- 5687 (A) Acetorphine;
- 5688 (B) Acetyldihydrocodeine;
- 5689 (C) Benzylmorphine;
- 5690 (D) Codeine methylbromide;
- 5691 (E) Codeine-N-Oxide;
- 5692 (F) Cyprenorphine;
- 5693 (G) Desomorphine;
- 5694 (H) Dihydromorphine;
- 5695 (I) Drotebanol;
- 5696 (J) Etorphine (except hydrochloride salt);
- 5697 (K) Heroin;
- 5698 (L) Hydromorphanol;
- 5699 (M) Methyldesorphine;
- 5700 (N) Methylhydromorphine;
- 5701 (O) Morphine methylbromide;
- 5702 (P) Morphine methylsulfonate;
- 5703 (Q) Morphine-N-Oxide;
- 5704 (R) Myrophine;
- 5705 (S) Nicocodeine;
- 5706 (T) Nicomorphine;
- 5707 (U) Normorphine;

- 5708 (V) Pholcodine; and
5709 (W) Thebacon.
- 5710 (iii) Unless specifically excepted or unless listed in another schedule, any material,
5711 compound, mixture, or preparation [~~which~~] that contains any quantity of the
5712 following hallucinogenic substances, or [~~which~~] that contains any of their salts,
5713 isomers, and salts of isomers when the existence of the salts, isomers, and salts of
5714 isomers is possible within the specific chemical designation; as used in this
5715 Subsection (2)(a)(iii) only, "isomer" includes the optical, position, and geometric
5716 isomers:
- 5717 (A) Alpha-ethyltryptamine, some trade or other names: etryptamine; Monase; α
5718 -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET;
- 5719 (B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names:
5720 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;
- 5721 (C) 4-bromo-2,5-dimethoxyphenethylamine, some trade or other names:
5722 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB;
5723 2C-B, Nexus;
- 5724 (D) 2,5-dimethoxyamphetamine, some trade or other names: 2,5-dimethoxy- α
5725 -methylphenethylamine; 2,5-DMA;
- 5726 (E) 2,5-dimethoxy-4-ethylamphetamine, some trade or other names: DOET;
- 5727 (F) 4-methoxyamphetamine, some trade or other names: 4-methoxy- α
5728 -methylphenethylamine; paramethoxyamphetamine, PMA;
- 5729 (G) 5-methoxy-3,4-methylenedioxyamphetamine;
- 5730 (H) 4-methyl-2,5-dimethoxy-amphetamine, some trade and other names:
5731 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP";
- 5732 (I) 3,4-methylenedioxy amphetamine;
- 5733 (J) 3,4-methylenedioxymethamphetamine (MDMA);
- 5734 (K) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-
5735 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE,
5736 MDEA;
- 5737 (L) N-hydroxy-3,4-methylenedioxyamphetamine, also known as
5738 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy
5739 MDA;
- 5740 (M) 3,4,5-trimethoxy amphetamine;
- 5741 (N) Bufotenine, some trade and other names: 3-(β

- 5742 -Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol;
5743 N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
5744 (O) Diethyltryptamine, some trade and other names: N,N-Diethyltryptamine; DET;
5745 (P) Dimethyltryptamine, some trade or other names: DMT;
5746 (Q) Ibogaine, some trade and other names: 7-Ethyl-6,6 β
5747 ,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2]
5748 azepino [5,4-b] indole; Tabernanthe iboga;
5749 (R) Lysergic acid diethylamide;
5750 (S) Marijuana;
5751 (T) Mescaline;
5752 (U) Parahexyl, some trade or other names:
5753 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;
5754 Synhexyl;
5755 (V) Peyote, meaning all parts of the plant presently classified botanically as
5756 *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any
5757 extract from any part of such plant, and every compound, manufacture, salts,
5758 derivative, mixture, or preparation of such plant, its seeds or extracts
5759 (Interprets 21 USC 812(c), Schedule I(c) (12));
5760 (W) N-ethyl-3-piperidyl benzilate;
5761 (X) N-methyl-3-piperidyl benzilate;
5762 (Y) Psilocybin;
5763 (Z) Psilocyn;
5764 (AA) Tetrahydrocannabinols, naturally contained in a plant of the genus *Cannabis*
5765 (*cannabis* plant), except for marijuana as defined in Subsection [
5766 ~~58-37-2(1)(aa)(i)(E)~~] 58-37-101(1)(w)(i)(E), as well as synthetic equivalents of
5767 the substances contained in the cannabis plant, or in the resinous extractives of
5768 *Cannabis*, sp. and/or synthetic substances, derivatives, and their isomers with
5769 similar chemical structure and pharmacological activity to those substances
5770 contained in the plant, such as the following: Δ 1 cis or trans
5771 tetrahydrocannabinol, and their optical isomers Δ 6 cis or trans
5772 tetrahydrocannabinol, and their optical isomers Δ 3,4 cis or trans
5773 tetrahydrocannabinol, and its optical isomers, and since nomenclature of these
5774 substances is not internationally standardized, compounds of these structures,
5775 regardless of numerical designation of atomic positions covered;

- 5776 (BB) Ethylamine analog of phencyclidine, some trade or other names:
5777 N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine,
5778 N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;
- 5779 (CC) Pyrrolidine analog of phencyclidine, some trade or other names:
5780 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;
- 5781 (DD) Thiophene analog of phencyclidine, some trade or other names:
5782 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine,
5783 TPCP, TCP; and
- 5784 (EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.
- 5785 (iv) Unless specifically excepted or unless listed in another schedule, any material
5786 compound, mixture, or preparation [~~which~~] that contains any quantity of the
5787 following substances having a depressant effect on the central nervous system,
5788 including its salts, isomers, and salts of isomers when the existence of the salts,
5789 isomers, and salts of isomers is possible within the specific chemical designation:
- 5790 (A) Mecloqualone; and
5791 (B) Methaqualone.
- 5792 (v) Any material, compound, mixture, or preparation containing any quantity of the
5793 following substances having a stimulant effect on the central nervous system,
5794 including their salts, isomers, and salts of isomers:
- 5795 (A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
5796 or 4,5-dihydro-5-phenyl-2-oxazolamine;
- 5797 (B) Cathinone, some trade or other names: 2-amino-1-phenyl-1-propanone,
5798 alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;
- 5799 (C) Fenethylamine;
- 5800 (D) Methcathinone, some other names: 2-(methylamino)-propionophenone;
5801 alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one;
5802 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone;
5803 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432,
5804 its salts, optical isomers, and salts of optical isomers;
- 5805 (E) (±)cis-4-methylaminorex ((±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
5806 (F) N-ethylamphetamine; and
5807 (G) N,N-dimethylamphetamine, also known as
5808 N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.
- 5809 (vi) Any material, compound, mixture, or preparation [~~which~~] that contains any

- 5810 quantity of the following substances, including their optical isomers, salts, and
5811 salts of isomers, subject to temporary emergency scheduling:
- 5812 (A) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl); and
5813 (B) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl).
- 5814 (vii) Unless specifically excepted or unless listed in another schedule, any material,
5815 compound, mixture, or preparation [~~which~~] that contains any quantity of gamma
5816 hydroxy butyrate (gamma hydrobutyric acid), including its salts, isomers, and
5817 salts of isomers.
- 5818 (b) Schedule II:
- 5819 (i) Unless specifically excepted or unless listed in another schedule, any of the
5820 following substances whether produced directly or indirectly by extraction from
5821 substances of vegetable origin, or independently by means of chemical synthesis,
5822 or by a combination of extraction and chemical synthesis:
- 5823 (A) Opium and opiate, and any salt, compound, derivative, or preparation of
5824 opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene,
5825 naloxone, and naltrexone, and their respective salts, but including:
- 5826 (I) Raw opium;
5827 (II) Opium extracts;
5828 (III) Opium fluid;
5829 (IV) Powdered opium;
5830 (V) Granulated opium;
5831 (VI) Tincture of opium;
5832 (VII) Codeine;
5833 (VIII) Ethylmorphine;
5834 (IX) Etorphine hydrochloride;
5835 (X) Hydrocodone;
5836 (XI) Hydromorphone;
5837 (XII) Metopon;
5838 (XIII) Morphine;
5839 (XIV) Oxycodone;
5840 (XV) Oxymorphone; and
5841 (XVI) Thebaine;
- 5842 (B) Any salt, compound, derivative, or preparation [~~which~~] that is chemically
5843 equivalent or identical with any of the substances referred to in Subsection

- 5844 (2)(b)(i)(A), except that these substances may not include the isoquinoline
5845 alkaloids of opium;
- 5846 (C) Opium poppy and poppy straw;
- 5847 (D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves,
5848 and any salt, compound, derivative, or preparation [~~which~~] that is chemically
5849 equivalent or identical with any of these substances, and includes cocaine and
5850 ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives,
5851 whether derived from the coca plant or synthetically produced, except the
5852 substances may not include decocainized coca leaves or extraction of coca
5853 leaves, which extractions do not contain cocaine or ecgonine; and
- 5854 (E) Concentrate of poppy straw, which means the crude extract of poppy straw in
5855 either liquid, solid, or powder form [~~which~~] that contains the phenanthrene
5856 alkaloids of the opium poppy.
- 5857 (ii) Unless specifically excepted or unless listed in another schedule, any of the
5858 following opiates, including their isomers, esters, ethers, salts, and salts of
5859 isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and
5860 salts is possible within the specific chemical designation, except dextrophan and
5861 levopropoxyphene:
- 5862 (A) Alfentanil;
- 5863 (B) Alphaprodine;
- 5864 (C) Anileridine;
- 5865 (D) Bezitramide;
- 5866 (E) Bulk dextropropoxyphene (nondosage forms);
- 5867 (F) Carfentanil;
- 5868 (G) Dihydrocodeine;
- 5869 (H) Diphenoxylate;
- 5870 (I) Fentanyl;
- 5871 (J) Isomethadone;
- 5872 (K) Levo-alpha-acetylmethadol, some other names: levo-alpha-acetylmethadol,
5873 levomethadyl acetate, or LAAM;
- 5874 (L) Levomethorphan;
- 5875 (M) Levorphanol;
- 5876 (N) Metazocine;
- 5877 (O) Methadone;

- 5878 (P) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- 5879 (Q) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 5880 1-diphenylpropane-carboxylic acid;
- 5881 (R) Pethidine (meperidine);
- 5882 (S) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 5883 (T) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 5884 (U) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 5885 (V) Phenazocine;
- 5886 (W) Piminodine;
- 5887 (X) Racemethorphan;
- 5888 (Y) Racemorphan;
- 5889 (Z) Remifentanil; and
- 5890 (AA) Sufentanil.
- 5891 (iii) Unless specifically excepted or unless listed in another schedule, any material,
- 5892 compound, mixture, or preparation [~~which~~] that contains any quantity of the
- 5893 following substances having a stimulant effect on the central nervous system:
- 5894 (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 5895 (B) Methamphetamine, its salts, isomers, and salts of its isomers;
- 5896 (C) Phenmetrazine and its salts; and
- 5897 (D) Methylphenidate.
- 5898 (iv) Unless specifically excepted or unless listed in another schedule, any material,
- 5899 compound, mixture, or preparation [~~which~~] that contains any quantity of the
- 5900 following substances having a depressant effect on the central nervous system,
- 5901 including its salts, isomers, and salts of isomers when the existence of the salts,
- 5902 isomers, and salts of isomers is possible within the specific chemical designation:
- 5903 (A) Amobarbital;
- 5904 (B) Glutethimide;
- 5905 (C) Pentobarbital;
- 5906 (D) Phencyclidine;
- 5907 (E) Phencyclidine immediate precursors: 1-phenylcyclohexylamine and
- 5908 1-piperidinocyclohexanecarbonitrile (PCC); and
- 5909 (F) Secobarbital.
- 5910 (v)(A) Unless specifically excepted or unless listed in another schedule, any
- 5911 material, compound, mixture, or preparation [~~which~~] that contains any quantity

- 5912 of Phenylacetone.
- 5913 (B) Some of these substances may be known by trade or other names:
- 5914 phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone.
- 5915 (vi) Nabilone, another name for nabilone: (\pm
- 5916)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,
- 5917 6-dimethyl-9H-dibenzo[b,d]pyran-9-one.
- 5918 (vii) A drug product or preparation that contains any component of marijuana,
- 5919 including tetrahydrocannabinol, and is approved by the United States Food and
- 5920 Drug Administration and scheduled by the Drug Enforcement Administration in
- 5921 Schedule II of the federal Controlled Substances Act, Title II, P.L. 91-513.
- 5922 (c) Schedule III:
- 5923 (i) Unless specifically excepted or unless listed in another schedule, any material,
- 5924 compound, mixture, or preparation [~~which~~] that contains any quantity of the
- 5925 following substances having a stimulant effect on the central nervous system,
- 5926 including its salts, isomers whether optical, position, or geometric, and salts of the
- 5927 isomers when the existence of the salts, isomers, and salts of isomers is possible
- 5928 within the specific chemical designation:
- 5929 (A) [~~Those~~] those compounds, mixtures, or preparations in dosage unit form
- 5930 containing any stimulant substances listed in Schedule II, which compounds,
- 5931 mixtures, or preparations were listed on August 25, 1971, as excepted
- 5932 compounds under Section 1308.32 of Title 21 of the Code of Federal
- 5933 Regulations, and any other drug of the quantitative composition shown in that
- 5934 list for those drugs or [~~which~~] that is the same except that it contains a lesser
- 5935 quantity of controlled substances;
- 5936 (B) Benzphetamine;
- 5937 (C) Chlorphentermine;
- 5938 (D) Clortermine; and
- 5939 (E) Phendimetrazine.
- 5940 (ii) Unless specifically excepted or unless listed in another schedule, any material,
- 5941 compound, mixture, or preparation [~~which~~] that contains any quantity of the
- 5942 following substances having a depressant effect on the central nervous system:
- 5943 (A) [~~Any~~] any compound, mixture, or preparation containing amobarbital,
- 5944 secobarbital, pentobarbital, or any salt of any of them, and one or more other
- 5945 active medicinal ingredients [~~which~~] that are not listed in any schedule;

- 5946 (B) [~~Any~~] any suppository dosage form containing amobarbital, secobarbital, or
5947 pentobarbital, or any salt of any of these drugs [~~which~~] that is approved by the
5948 United States Food and Drug Administration for marketing only as a
5949 suppository;
- 5950 (C) [~~Any~~] any substance [~~which~~] that contains any quantity of a derivative of
5951 barbituric acid or any salt of any of them;
- 5952 (D) Chlorhexadol;
- 5953 (E) Buprenorphine;
- 5954 (F) [~~Any~~] any drug product containing gamma hydroxybutyric acid, including its
5955 salts, isomers, and salts of isomers, for which an application is approved under
5956 the federal Food, Drug, and Cosmetic Act, Section 505;
- 5957 (G) Ketamine, its salts, isomers, and salts of isomers, some other names for
5958 ketamine: \pm -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;
- 5959 (H) Lysergic acid;
- 5960 (I) Lysergic acid amide;
- 5961 (J) Methyprylon;
- 5962 (K) Sulfondiethylmethane;
- 5963 (L) Sulfonethylmethane;
- 5964 (M) Sulfonmethane; and
- 5965 (N) Tiletamine and zolazepam or any of their salts, some trade or other names for
5966 a tiletamine-zolazepam combination product: Telazol, some trade or other
5967 names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, some trade
5968 or other names for zolazepam:
5969 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]
5970 [1,4]-diazepin-7(1H)-one, flupyrazapon.
- 5971 (iii) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in
5972 a U.S. Food and Drug Administration approved drug product, some other names
5973 for dronabinol:
5974 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol,
5975 or (-)-delta-9-(trans)-tetrahydrocannabinol.
- 5976 (iv) Nalorphine.
- 5977 (v) Unless specifically excepted or unless listed in another schedule, any material,
5978 compound, mixture, or preparation containing limited quantities of any of the
5979 following narcotic drugs, or their salts calculated as the free anhydrous base or

- 5980 alkaloid:
- 5981 (A) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90
- 5982 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline
- 5983 alkaloid of opium;
- 5984 (B) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90
- 5985 milligrams per dosage unit, with one or more active non-narcotic ingredients in
- 5986 recognized therapeutic amounts;
- 5987 (C) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not
- 5988 more than 15 milligrams per dosage unit, with a fourfold or greater quantity of
- 5989 an isoquinoline alkaloid of opium;
- 5990 (D) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not
- 5991 more than 15 milligrams per dosage unit, with one or more active, non-narcotic
- 5992 ingredients in recognized therapeutic amounts;
- 5993 (E) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more
- 5994 than 90 milligrams per dosage unit, with one or more active non-narcotic
- 5995 ingredients in recognized therapeutic amounts;
- 5996 (F) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more
- 5997 than 15 milligrams per dosage unit, with one or more active, non-narcotic
- 5998 ingredients in recognized therapeutic amounts;
- 5999 (G) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams,
- 6000 or not more than 25 milligrams per dosage unit, with one or more active,
- 6001 non-narcotic ingredients in recognized therapeutic amounts; and
- 6002 (H) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams
- 6003 with one or more active, non-narcotic ingredients in recognized therapeutic
- 6004 amounts.
- 6005 (vi) Unless specifically excepted or unless listed in another schedule, anabolic
- 6006 steroids including any of the following or any isomer, ester, salt, or derivative of
- 6007 the following that promotes muscle growth:
- 6008 (A) Boldenone;
- 6009 (B) Chlorotestosterone (4-chlortestosterone);
- 6010 (C) Clostebol;
- 6011 (D) Dehydrochlormethyltestosterone;
- 6012 (E) Dihydrotestosterone (4-dihydrotestosterone);
- 6013 (F) Drostanolone;

6014 (G) Ethylestrenol;
6015 (H) Fluoxymesterone;
6016 (I) Formebolone (formebolone);
6017 (J) Mesterolone;
6018 (K) Methandienone;
6019 (L) Methandranone;
6020 (M) Methandriol;
6021 (N) Methandrostenolone;
6022 (O) Methenolone;
6023 (P) Methyltestosterone;
6024 (Q) Mibolerone;
6025 (R) Nandrolone;
6026 (S) Norethandrolone;
6027 (T) Oxandrolone;
6028 (U) Oxymesterone;
6029 (V) Oxymetholone;
6030 (W) Stanolone;
6031 (X) Stanozolol;
6032 (Y) Testolactone;
6033 (Z) Testosterone; and
6034 (AA) Trenbolone.

6035 (vii) Anabolic steroids expressly intended for administration through implants to
6036 cattle or other nonhuman species, and approved by the Secretary of Health and
6037 Human Services for use, may not be classified as a controlled substance.

6038 (viii) A drug product or preparation that contains any component of marijuana,
6039 including tetrahydrocannabinol, and is approved by the United States Food and
6040 Drug Administration and scheduled by the Drug Enforcement Administration in
6041 Schedule III of the federal Controlled Substances Act, Title II, P.L. 91-513.

6042 (ix) Nabiximols.

6043 (d) Schedule IV:

6044 (i) Unless specifically excepted or unless listed in another schedule, any material,
6045 compound, mixture, or preparation containing not more than 1 milligram of
6046 difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or
6047 any salts of any of them.

- 6048 (ii) Unless specifically excepted or unless listed in another schedule, any material,
6049 compound, mixture, or preparation [~~which~~] that contains any quantity of the
6050 following substances, including its salts, isomers, and salts of isomers when the
6051 existence of the salts, isomers, and salts of isomers is possible within the specific
6052 chemical designation:
- 6053 (A) Alprazolam;
 - 6054 (B) Barbital;
 - 6055 (C) Bromazepam;
 - 6056 (D) Butorphanol;
 - 6057 (E) Camazepam;
 - 6058 (F) Carisoprodol;
 - 6059 (G) Chloral betaine;
 - 6060 (H) Chloral hydrate;
 - 6061 (I) Chlordiazepoxide;
 - 6062 (J) Clobazam;
 - 6063 (K) Clonazepam;
 - 6064 (L) Clorazepate;
 - 6065 (M) Clotiazepam;
 - 6066 (N) Cloxazolam;
 - 6067 (O) Delorazepam;
 - 6068 (P) Diazepam;
 - 6069 (Q) Dichloralphenazone;
 - 6070 (R) Estazolam;
 - 6071 (S) Ethchlorvynol;
 - 6072 (T) Ethinamate;
 - 6073 (U) Ethyl loflazepate;
 - 6074 (V) Fludiazepam;
 - 6075 (W) Flunitrazepam;
 - 6076 (X) Flurazepam;
 - 6077 (Y) Halazepam;
 - 6078 (Z) Haloxazolam;
 - 6079 (AA) Ketazolam;
 - 6080 (BB) Loprazolam;
 - 6081 (CC) Lorazepam;

- 6082 (DD) Lormetazepam;
6083 (EE) Mebutamate;
6084 (FF) Medazepam;
6085 (GG) Meprobamate;
6086 (HH) Methohexital;
6087 (II) Methylphenobarbital (mephobarbital);
6088 (JJ) Midazolam;
6089 (KK) Nimetazepam;
6090 (LL) Nitrazepam;
6091 (MM) Nordiazepam;
6092 (NN) Oxazepam;
6093 (OO) Oxazolam;
6094 (PP) Paraldehyde;
6095 (QQ) Pentazocine;
6096 (RR) Petrichloral;
6097 (SS) Phenobarbital;
6098 (TT) Pinazepam;
6099 (UU) Prazepam;
6100 (VV) Quazepam;
6101 (WW) Temazepam;
6102 (XX) Tetrazepam;
6103 (YY) Tramadol;
6104 (ZZ) Triazolam;
6105 (AAA) Zaleplon; and
6106 (BBB) Zolpidem.
- 6107 (iii) Any material, compound, mixture, or preparation of fenfluramine [~~which~~] that
6108 contains any quantity of the following substances, including its salts, isomers
6109 whether optical, position, or geometric, and salts of the isomers when the
6110 existence of the salts, isomers, and salts of isomers is possible.
- 6111 (iv) Unless specifically excepted or unless listed in another schedule, any material,
6112 compound, mixture, or preparation [~~which~~] that contains any quantity of the
6113 following substances having a stimulant effect on the central nervous system,
6114 including its salts, isomers whether optical, position, or geometric isomers, and
6115 salts of the isomers when the existence of the salts, isomers, and salts of isomers is

- 6116 possible within the specific chemical designation:
- 6117 (A) Cathine ((+)-norpseudoephedrine);
- 6118 (B) Diethylpropion;
- 6119 (C) Fencamfamine;
- 6120 (D) Fenproporex;
- 6121 (E) Mazindol;
- 6122 (F) Mefenorex;
- 6123 (G) Modafinil;
- 6124 (H) Pemoline, including organometallic complexes and chelates thereof;
- 6125 (I) Phentermine;
- 6126 (J) Pipradrol;
- 6127 (K) Sibutramine; and
- 6128 (L) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 6129 (v) Unless specifically excepted or unless listed in another schedule, any material,
- 6130 compound, mixture, or preparation [~~which~~] that contains any quantity of
- 6131 dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
- 6132 2-diphenyl-3-methyl-2-propionoxybutane), including its salts.
- 6133 (vi) A drug product or preparation that contains any component of marijuana and is
- 6134 approved by the United States Food and Drug Administration and scheduled by
- 6135 the Drug Enforcement Administration in Schedule IV of the federal Controlled
- 6136 Substances Act, Title II, P.L. 91-513.
- 6137 (e) Schedule V:
- 6138 (i) Any compound, mixture, or preparation containing any of the following limited
- 6139 quantities of narcotic drugs, or their salts calculated as the free anhydrous base or
- 6140 alkaloid, which includes one or more non-narcotic active medicinal ingredients in
- 6141 sufficient proportion to confer upon the compound, mixture, or preparation
- 6142 valuable medicinal qualities other than those possessed by the narcotic drug alone:
- 6143 (A) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- 6144 (B) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100
- 6145 grams;
- 6146 (C) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100
- 6147 grams;
- 6148 (D) not more than 2.5 milligrams of diphenoxylate and not less than 25
- 6149 micrograms of atropine sulfate per dosage unit;

- 6150 (E) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
 6151 (F) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of
 6152 atropine sulfate per dosage unit; and
 6153 (G) unless specifically exempted or excluded or unless listed in another schedule,
 6154 any material, compound, mixture, or preparation [~~which~~] that contains
 6155 Pyrovalerone having a stimulant effect on the central nervous system,
 6156 including its salts, isomers, and salts of isomers.
- 6157 (ii) A drug product or preparation that contains any component of marijuana,
 6158 including cannabidiol, and is approved by the United States Food and Drug
 6159 Administration and scheduled by the Drug Enforcement Administration in
 6160 Schedule V of the federal Controlled Substances Act, Title II, P.L. 91-513.
- 6161 (iii) Gabapentin.

6162 Section 69. Section **58-37-109**, which is renumbered from Section 58-37-4.2 is renumbered
 6163 and amended to read:

6164 **[58-37-4.2] 58-37-109 (Effective 05/06/26). Listed controlled substances.**

6165 The following substances, their analogs, homologs, and synthetic equivalents, are listed
 6166 controlled substances:

- 6167 (1) AB-001;
 6168 (2) AB-PINACA;
 6169 N-[1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide;
 6170 (3) AB-FUBINACA; N-[1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)
 6171 methyl]-1H-indazole-3-carboxamide;
 6172 (4) AB-CHMINACA
 6173 (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
 6174 (5) ADB-CHMINACA (N-[(2S)-1-amino-3,3-dimethyl-1-oxobutan-2-yl]-1-
 6175 (cyclohexylmethyl)indazole-3-carboxamide);
 6176 (6) ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
 6177 (4-fluorobenzyl)-1H-indazole-3-carboxamide);
 6178 (7) AKB48;
 6179 (8) alpha-Pyrrolidinohexanophenone (alpha-PHP)
 6180 (1-Phenyl-2-(pyrrolidin-1-yl)hexan-1-one);
 6181 (9) alpha-Pyrrolidinovalerophenone (alpha-PVP);
 6182 (10) AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone);
 6183 (11) AM-1248;

- 6184 (12) AM-2201 (1-(5-fluoropentyl)-3-(1-naphthoyl)indole);
- 6185 (13) AM-2233;
- 6186 (14) AM-679;
- 6187 (15) A796,260;
- 6188 (16) Butylone;
- 6189 (17) CP 47,497 and its C6, C8, and C9 homologs (2-[(1R,3S)-3-hydroxycyclohexyl]
- 6190 -5-(2-methyloctan-2-yl)phenol);
- 6191 (18) Diisopropyltryptamine (DiPT);
- 6192 (19) Ethylone;
- 6193 (20) Ethylphenidate;
- 6194 (21) Fluoroisocathinone;
- 6195 (22) Fluoromethamphetamine;
- 6196 (23) Fluoromethcathinone;
- 6197 (24) FUB-AMB; methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)valinate;
- 6198 (25) HU-210; (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 6199 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 6200 (26) HU-211; Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
- 6201 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 6202 (27) JWH-015; (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;
- 6203 (28) JWH-018; Naphthalen-1-yl-(pentylindol-3-yl)methanone {also known as
- 6204 1-Pentyl-3-(1-naphthoyl)indole};
- 6205 (29) JWH-019; 1-hexyl-3-(1-naphthoyl)indole;
- 6206 (30) JWH-073; Naphthalen-1-yl(1-butylyndol-3-yl)methanone {also known as
- 6207 1-Butyl-3-(1-naphthoyl)indole};
- 6208 (31) JWH-081; 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone;
- 6209 (32) JWH-122; CAS#619294-47-2; (1-Pentyl-3-(4-methyl-1-naphthoyl)indole);
- 6210 (33) JWH-200; 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
- 6211 (34) JWH-203; 1-pentyl-3-(2-chlorophenylacetyl)indole;
- 6212 (35) JWH-210; 4-ethyl-1-naphthalenyl(1-pentyl-1H-indol-3-yl)-methanone;
- 6213 (36) JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 6214 (37) JWH-251; 2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone;
- 6215 (38) JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
- 6216 (39) MAM-2201;
- 6217 (40) MAM-2201; (1-(5-fluoropentyl)-1H-indol-3-yl)(4-ethyl-1-naphthalenyl)-methanone;

- 6218 (41) Methoxetamine;
- 6219 (42) Naphyrone;
- 6220 (43) PB-22; 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester;
- 6221 (44) Pentedrone;
- 6222 (45) Pentylone;
- 6223 (46) RCS-4; 1-pentyl-3-(4-methoxybenzoyl)indole;
- 6224 (47) RCS-8; 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole {also known as
- 6225 BTW-8 and SR-18};
- 6226 (48) STS-135;
- 6227 (49) UR-144;
- 6228 (50) UR-144 N-(5-chloropentyl) analog;
- 6229 (51) XLR11;
- 6230 (52) 2C-C;
- 6231 (53) 2C-D;
- 6232 (54) 2C-E;
- 6233 (55) 2C-H;
- 6234 (56) 2C-I;
- 6235 (57) 2C-N;
- 6236 (58) 2C-P;
- 6237 (59) 2C-T-2;
- 6238 (60) 2C-T-4;
- 6239 (61) 2NE1;
- 6240 (62) 25I-NBOMe;
- 6241 (63) 2,5-Dimethoxy-4-chloroamphetamine (DOC);
- 6242 (64) 4-Fluoro MDMB-BUTINACA (Methyl
- 6243 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate);
- 6244 (65) 4-methylmethcathinone {also known as mephedrone};
- 6245 (66) 3,4-methylenedioxypropylvalerone {also known as MDPV};
- 6246 (67) 3,4-Methylenedioxymethcathinone {also known as methylone};
- 6247 (68) 4-methoxymethcathinone;
- 6248 (69) 4-Methyl-alpha-pyrrolidinopropiophenone;
- 6249 (70) 4-Methylethcathinone;
- 6250 (71) 5F-AKB48; 1-(5-fluoropentyl)-N-tricyclo[3.3.1.1.3,7]dec-1-yl-1H-indazole-3-
- 6251 carboxamide;

- 6252 (72) 5-Fluoro ADB (Methyl
 6253 N-{{1-(5-fluoropentyl)-1H-indazol-3-yl}carbonyl}-3-methyl-valinate);
 6254 (73) 5-Fluoro AMB (Methyl N-{{1-(5-fluoropentyl)-1H-indazol-3-yl}carbonyl} valinate);
 6255 (74) 5-fluoro-PB-22; 1-(5-fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester;
 6256 (75) 5-Iodo-2-aminoindane (5-IAI);
 6257 (76) 5-MeO-DALT;
 6258 (77) 25B-NBOMe; 2-(r-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
 6259 methyl]ethanamine;
 6260 (78) 25C-NBOMe; 2-(4Chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
 6261 methyl]ethanamine; and
 6262 (79) 25H-NBOMe; 2-(2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine.

6263 Section 70. Section **58-37-110**, which is renumbered from Section 58-37-5.5 is renumbered
 6264 and amended to read:

6265 **[58-37-5.5] 58-37-110 (Effective 05/06/26). Recognized controlled substance**
 6266 **analogs.**

6267 (1) A substance listed under Subsection (2) is an analog, as defined in Subsection [
 6268 58-37-2(1)(g)] 58-37-101(1)(f), if the substance, in any quantity, and in any material,
 6269 compound, mixture, or preparation, is present in:

- 6270 (a) any product manufactured, distributed, or possessed for the purpose of human
 6271 consumption; or
 6272 (b) any product, the use or administration of which results in human consumption.

6273 (2) Substances referred to in Subsection (1) include, but are not limited to:

- 6274 (a) gamma butyrolactone (GBL);
 6275 (b) butyrolactone;
 6276 (c) 1,2 butanolide;
 6277 (d) 2-oxanolone;
 6278 (e) tetrahydro-2-furanone;
 6279 (f) dihydro-2 (3H)-furanone;
 6280 (g) tetramethylene glycol;
 6281 (h) 1,4 butanediol; and
 6282 (i) gamma valerolactone.

6283 Section 71. Section **58-37-111**, which is renumbered from Section 58-37-2.5 is renumbered
 6284 and amended to read:

6285 **[58-37-2.5] 58-37-111 (Effective 05/06/26). Exceptions to applicability for certain**

6286 **herbs and food supplements.**

6287 This chapter~~[-does]~~ and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
6288 Substances, do not restrict the sale and use of herbs, herbal products, or food supplements that
6289 are not scheduled in this chapter as controlled substances.

6290 Section 72. Section **58-37-112**, which is renumbered from Section 58-37-7 is renumbered
6291 and amended to read:

6292 **[58-37-7] 58-37-112 (Effective 05/06/26). Labeling and packaging controlled**
6293 **substance -- Informational pamphlet for opiates -- Naloxone education and offer to**
6294 **dispense.**

6295 (1) A person licensed [~~pursuant to this act~~] under this chapter may not distribute a controlled
6296 substance unless [it] the controlled substance is packaged and labeled in compliance with
6297 the requirements of Section 305 of the [~~Federal~~] federal Comprehensive Drug Abuse
6298 Prevention and Control Act of 1970.

6299 (2) No person, except a pharmacist for the purpose of filling a prescription~~[-shall]~~ , may
6300 alter, deface, or remove any label affixed by the manufacturer.

6301 (3) Whenever a pharmacy sells or dispenses any controlled substance on a prescription
6302 issued by a practitioner, the pharmacy shall affix to the container in which the substance
6303 is sold or dispensed:

6304 (a) a label showing the:

6305 (i) pharmacy name and address;

6306 (ii) serial number; and

6307 (iii) date of initial filling;

6308 (b) the prescription number, the name of the patient, or if the patient is an animal, the
6309 name of the owner of the animal and the species of the animal;

6310 (c) the name of the practitioner by whom the prescription was written;

6311 (d) any directions stated on the prescription; and

6312 (e) any directions required by rules and regulations promulgated by the department.

6313 (4) Whenever a pharmacy sells or dispenses a Schedule II or Schedule III controlled
6314 substance that is an opiate, the pharmacy shall:

6315 (a) affix a warning to the container or the lid for the container in which the substance is
6316 sold or dispensed that contains the following text:

6317 (i) "Caution: Opioid. Risk of overdose and addiction"; or

6318 (ii) any other language that is approved by the Department of Health and Human
6319 Services;

- 6320 (b) beginning January 1, 2024:
- 6321 (i) offer to counsel the patient or the patient's representative on the use and
- 6322 availability of an opiate antagonist as defined in Section 26B-4-501; and
- 6323 (ii) offer to dispense an opiate antagonist as defined in Section 26B-4-501 to the
- 6324 patient or the patient's representative, under a prescription from a practitioner or
- 6325 under Section 26B-4-510, if the patient:
- 6326 (A) receives a single prescription for 50 morphine milligram equivalents or more
- 6327 per day, calculated in accordance with guidelines developed by the United
- 6328 States Centers for Disease Control and Prevention;
- 6329 (B) is being dispensed an opioid and the pharmacy dispensed a benzodiazepine to
- 6330 the patient in the previous ~~[30-day]~~ 30-day period; or
- 6331 (C) is being dispensed a benzodiazepine and the pharmacy dispensed an opioid to
- 6332 the patient in the previous ~~[30-day]~~ 30-day period.
- 6333 (5)(a) A pharmacy who sells or dispenses a Schedule II or Schedule III controlled
- 6334 substance that is an opiate shall, if available from the Department of Health and
- 6335 Human Services, prominently display at the point of sale the informational pamphlet
- 6336 developed by the Department of Health and Human Services under Section
- 6337 26B-4-514.
- 6338 (b) The board and the Department of Health and Human Services shall encourage
- 6339 pharmacies to use the informational pamphlet to engage in patient counseling
- 6340 regarding the risks associated with taking opiates.
- 6341 (c) The requirement in Subsection (5)(a) does not apply to a pharmacy if the pharmacy
- 6342 is unable to obtain the informational pamphlet from the Department of Health and
- 6343 Human Services for any reason.
- 6344 ~~[(6) A person may not alter the face or remove any label so long as any of the original~~
- 6345 ~~contents remain.]~~
- 6346 ~~[(7)(a) An individual to whom or for whose use any controlled substance has been~~
- 6347 ~~prescribed, sold, or dispensed by a practitioner and the owner of any animal for~~
- 6348 ~~which any controlled substance has been prescribed, sold, or dispensed by a~~
- 6349 ~~veterinarian may lawfully possess it only in the container in which it was delivered to~~
- 6350 ~~the individual by the person selling or dispensing it.]~~
- 6351 ~~[(b) It is a defense to a prosecution under this subsection that the person being~~
- 6352 ~~prosecuted produces in court a valid prescription for the controlled substance or the~~
- 6353 ~~original container with the label attached.]~~

6354 Section 73. Section **58-37-113** is enacted to read:

6355 **58-37-113 (Effective 05/06/26). Medical research use of controlled substances --**

6356 **Penalties for violation.**

6357 (1) A person holding a valid license under this chapter who is engaged in medical research
6358 may produce, possess, administer, prescribe, or dispense a controlled substance for
6359 research purposes as licensed under Subsection 58-37-105(2) but may not otherwise
6360 prescribe or dispense a controlled substance listed in Section 58-37-109.

6361 (2)(a)(i) A person licensed under this chapter who is found by the division to have
6362 violated Subsection (1) is subject to a penalty not to exceed \$5,000.

6363 (ii) The division shall determine the procedure for adjudication of a violation in
6364 accordance with Sections 58-1-106 and 58-1-108.

6365 (b) The division shall deposit all penalties collected under Subsection (2)(a)(i) into the
6366 General Fund as a dedicated credit to be used by the division under Subsection
6367 58-37f-502(1).

6368 (c) The director may collect a penalty that is not paid by:

6369 (i) referring the matter to a collection agency; or

6370 (ii) bringing an action in the district court of the county where the person against
6371 whom the penalty is imposed resides or in the county where the office of the
6372 director is located.

6373 (d) A county attorney or the attorney general of the state shall provide legal assistance
6374 and advice to the director in an action to collect a penalty.

6375 (e) A court shall award reasonable attorney fees and costs to the prevailing party in an
6376 action brought by the division to collect a penalty.

6377 (3) Any person who knowingly and intentionally violates Subsection (1) is:

6378 (a) upon a first conviction, guilty of a class B misdemeanor;

6379 (b) upon a second conviction, guilty of a class A misdemeanor; or

6380 (c) on a third or subsequent conviction, guilty of a third degree felony.

6381 (4) A previous conviction used for a penalty enhancement under this section includes a
6382 conviction for an offense described in a statute previously in effect in this state that is
6383 the same or substantially similar to a violation of this section.

6384 Section 74. Section **58-37-114**, which is renumbered from Section 58-37-15 is renumbered
6385 and amended to read:

6386 **[58-37-15] 58-37-114 (Effective 05/06/26). Burden of proof in proceedings on**
6387 **violations.**

6388 (1) It is not necessary for the state to negate any exemption or exception set forth in this [aet]
 6389 chapter or in Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances,
 6390 in any complaint, information, indictment or other pleading or trial, hearing, or other
 6391 proceeding under this [aet] chapter or in Title 76, Chapter 18, Part 2, Offenses
 6392 Concerning Controlled Substances, and the burden of proof of any exemption or
 6393 exception is upon the person claiming [its] the benefit of the exemption or exception.

6394 (2) In absence of proof that a person is the duly authorized holder of an appropriate license,
 6395 registration, order form, or prescription issued under this [aet] chapter, a person shall be
 6396 presumed not to be the holder of a license, registration, order form, or prescription, and
 6397 the burden of proof is upon the person to rebut the presumption.

6398 [~~(3) No liability shall be imposed upon any duly authorized state or federal officer engaged~~
 6399 ~~in the enforcement of this act who is engaged in the enforcement of any law, municipal~~
 6400 ~~ordinance, or regulation relating to controlled substances.]~~

6401 Section 75. Section **58-37-115** is enacted to read:

6402 **58-37-115 (Effective 05/06/26). Restrictions on liability for law enforcement.**

6403 No liability shall be imposed upon any duly authorized state or federal officer engaged
 6404 in the enforcement of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning
 6405 Controlled Substances, who is engaged in the enforcement of any law, municipal ordinance, or
 6406 regulation relating to controlled substances.

6407 Section 76. Section **58-37-201** is enacted to read:

6408 **Part 2. Enforcement, Proceedings, and Penalties**

6409 **58-37-201 (Effective 05/06/26). Definitions.**

6410 Reserved.

6411 Section 77. Section **58-37-202**, which is renumbered from Section 58-37-8.5 is renumbered
 6412 and amended to read:

6413 **[58-37-8.5] 58-37-202 (Effective 05/06/26). Applicability of Title 76 to**
 6414 **prosecutions.**

6415 Unless specifically excluded in or inconsistent with the provisions of this chapter or
 6416 Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, the following
 6417 provisions of [Title 76, Chapter 1, General Provisions,] Title 76, Utah Criminal Code, are
 6418 applicable to a prosecution under this chapter or under Title 76, Chapter 18, Part 2, Offenses
 6419 Concerning Controlled Substances:

6420 (1) Title 76, Chapter 2, Principles of Criminal Responsibility[-] ;

6421 (2) Title 76, Chapter 3, Punishments[-] ; and

6422 (3) Title 76, Chapter 4, Inchoate Offenses~~[, are fully applicable to prosecutions under this~~
6423 ~~chapter]~~.

6424 Section 78. Section **58-37-203**, which is renumbered from Section 58-37-12 is renumbered
6425 and amended to read:

6426 **[58-37-12] 58-37-203 (Effective 05/06/26). Enforcement -- Coordination and**
6427 **cooperation of federal and state agencies -- Powers.**

6428 (1) The department and all law enforcement agencies charged with enforcing this [aet]
6429 chapter, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances,
6430 shall cooperate with federal and other state agencies in discharging their responsibilities
6431 concerning traffic in controlled substances and in suppressing the abuse of controlled
6432 substances.~~[To this end, they]~~

6433 (2) In accordance with Subsection (1), the department and law enforcement agencies
6434 charged with enforcing this chapter, or Title 76, Chapter 18, Part 2, Offenses
6435 Concerning Controlled Substances, are authorized to:

6436 [(1)] (a) ~~[Arrange-]~~ arrange for the exchange of information between governmental
6437 officials concerning the use and abuse of dangerous substances~~[-]~~ ;

6438 [(2)] (b) ~~[Coordinate-]~~ coordinate and cooperate in training programs in controlled
6439 substance law enforcement at the local and state levels~~[-]~~ ;

6440 [(3)] (c) ~~[Cooperate-]~~ cooperate with the United States Department of Justice and the Utah
6441 Department of Public Safety by establishing a centralized unit ~~[which]~~ that will
6442 receive, catalog, file, and collect statistics, including records of drug-dependent [
6443 ~~persons]~~ individuals and other controlled substance law offenders within the state, and
6444 make the information available for federal, state, and local law enforcement purposes~~[-]~~
6445 ; and

6446 [(4)] (d) ~~[Conduct]~~ conduct programs of eradication aimed at destroying the wild or illicit
6447 growth of plant species from which controlled substances may be extracted.

6448 Section 79. Section **58-37-204**, which is renumbered from Section 58-37-9 is renumbered
6449 and amended to read:

6450 **[58-37-9] 58-37-204 (Effective 05/06/26). Investigators -- Status of peace officers.**

6451 Investigators for the Department of~~[-]~~ Commerce shall, for the purpose of enforcing the
6452 provisions of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
6453 Substances, have the status of peace officers.

6454 Section 80. Section **58-37-205**, which is renumbered from Section 58-37-10 is renumbered
6455 and amended to read:

6456 **[58-37-10] 58-37-205 (Effective 05/06/26). Search warrants -- Administrative**
6457 **inspection warrants -- Inspections and seizures of property without warrant.**

6458 (1) Search warrants relating to offenses involving controlled substances may be authorized
6459 pursuant to the Utah Rules of Criminal Procedure.

6460 (2) Issuance and execution of administrative inspection warrants shall be as follows:

6461 (a)(i) Any judge or magistrate of this state within ~~[his]~~ the judge's or magistrate's
6462 jurisdiction upon proper oath or affirmation showing probable cause, may issue
6463 warrants for the purpose of conducting administrative inspections authorized by
6464 this ~~[aet]~~ chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
6465 Substances, or regulations thereunder and seizures of property appropriate to such
6466 inspections.

6467 (ii) Probable cause for purposes of this ~~[aet]~~ chapter or Title 76, Chapter 18, Part 2,
6468 Offenses Concerning Controlled Substances, exists upon showing a valid public
6469 interest in the effective enforcement of the ~~[aet]~~ chapter or Title 76, Chapter 18,
6470 Part 2, Offenses Concerning Controlled Substances, or rules promulgated
6471 thereunder sufficient to justify administrative inspection of the area, premises,
6472 building, or conveyance in the circumstances specified in the application for the
6473 warrant.

6474 (b)(i) A warrant shall issue only upon an affidavit of an officer or employee duly
6475 designated and having knowledge of the facts alleged sworn to before a judge or
6476 magistrate ~~[which]~~ that establish the grounds for issuing the warrant.

6477 (ii) If the judge or magistrate is satisfied that grounds for the application exist or that
6478 there is probable cause to believe they exist, ~~[he]~~ the judge or magistrate shall issue
6479 a warrant identifying the area, premises, building, or conveyance to be inspected,
6480 the purpose of the inspection, and if appropriate, the type of property to be
6481 inspected, if any.

6482 (iii) The warrant shall:

6483 ~~[(i)]~~ (A) state the grounds for ~~[its]~~ the warrant's issuance and the name of each
6484 person whose affidavit has been taken to support it;

6485 ~~[(ii)]~~ (B) be directed to a person authorized by Section ~~[58-37-9]~~ 58-37-204 of this [
6486 ~~aet]~~ chapter to execute it;

6487 ~~[(iii)]~~ (C) command the person to whom ~~[it]~~ the warrant is directed to inspect the
6488 area, premises, building, or conveyance identified for the purpose specified and
6489 if appropriate, direct the seizure of the property specified;

6490 [(iv)] (D) identify the item or types of property to be seized, if any; and
6491 [(v)] (E) direct that [it] the warrant be served during normal business hours and
6492 designate the judge or magistrate to whom it shall be returned.

6493 (c)(i) A warrant issued pursuant to this section must be executed and returned within
6494 10 days after [~~its date~~] the date of the warrant unless, upon a showing of a need for
6495 additional time, the court instructs otherwise in the warrant.

6496 (ii) If property is seized pursuant to a warrant, the person executing the warrant shall
6497 give to the person from whom or from whose premises the property was taken a
6498 copy of the warrant and a receipt for the property taken, or leave the copy and
6499 receipt at the place where the property was taken.

6500 (iii) Return of the warrant shall be made promptly and be accompanied by a written
6501 inventory of any property taken.

6502 (iv) The inventory shall be made in the presence of the person executing the warrant
6503 and of the person from whose possession or premises the property was taken, if
6504 they are present, or in the presence of at least one credible person other than the
6505 person executing the warrant.

6506 (v) A copy of the inventory shall be delivered to the person from whom or from
6507 whose premises the property was taken and to the applicant for the warrant.

6508 (d) The judge or magistrate who issued the warrant under this section shall attach a copy
6509 of the return and all other papers to the warrant and file them with the court.

6510 (3) The department is authorized to make administrative inspections of controlled premises
6511 in accordance with the following provisions:

6512 (a) For purposes of this section only, "controlled premises" means:

6513 (i) [~~Places~~] places where persons licensed or exempted from licensing requirements
6514 under this [~~aet~~] chapter are required to keep records[~~;~~] ; or

6515 (ii) [~~Places-~~] places including factories, warehouses, establishments, and conveyances
6516 where persons licensed or exempted from licensing requirements are permitted to
6517 possess, manufacture, compound, process, sell, deliver, or otherwise dispose of
6518 any controlled substance.

6519 (b) When authorized by an administrative inspection warrant, a law enforcement officer
6520 or employee designated in Section [~~58-37-9~~] 58-37-204, upon presenting the warrant
6521 and appropriate credentials to the owner, operator, or agent in charge, has the right to
6522 enter controlled premises for the purpose of conducting an administrative inspection.

6523 (c) When authorized by an administrative inspection warrant, a law enforcement officer

- 6524 or employee designated in Section ~~[58-37-9]~~ 58-37-204 has the right:
- 6525 (i) ~~[Fø]~~ to inspect and copy records required by this chapter~~[-]~~ ;
- 6526 (ii) ~~[Fø]~~ to inspect within reasonable limits and a reasonable manner, the controlled
- 6527 premises and all pertinent equipment, finished and unfinished material, containers,
- 6528 and labeling found, and except as provided in Subsection (3)(e), all other things
- 6529 including records, files, papers, processes, controls, and facilities subject to
- 6530 regulation and control by this chapter or by rules promulgated by the department~~[-]~~ ;
- 6531 and
- 6532 (iii) ~~[Fø]~~ to inventory and take stock of any controlled substance and obtain samples
- 6533 of any substance.
- 6534 (d) This section shall not be construed to prevent the inspection of books and records
- 6535 without a warrant pursuant to an administrative subpoena issued by a court or the
- 6536 department, nor shall it be construed to prevent entries and administrative inspections
- 6537 including seizures of property without a warrant:
- 6538 (i) with the consent of the owner, operator, or agent in charge of the controlled
- 6539 premises;
- 6540 (ii) in situations presenting imminent danger to health or safety;
- 6541 (iii) in situations involving inspection of conveyances where there is reasonable cause
- 6542 to believe that the mobility of the conveyance makes it impracticable to obtain a
- 6543 warrant;
- 6544 (iv) in any other exceptional or emergency circumstance where time or opportunity to
- 6545 apply for a warrant is lacking; and
- 6546 (v) in all other situations where a warrant is not constitutionally required.
- 6547 (e) No inspection authorized by this section shall extend to financial data, sales data,
- 6548 other than shipment data, or pricing data unless the owner, operator, or agent in
- 6549 charge of the controlled premises consents in writing.

6550 Section 81. Section **58-37-206**, which is renumbered from Section 58-37-11 is renumbered

6551 and amended to read:

6552 **[58-37-11] 58-37-206 (Effective 05/06/26). Court action to enjoin a violation --**

6553 **Jury trial.**

- 6554 (1) A court may enjoin ~~[violations of this act]~~ a violation of this chapter or Title 76, Chapter
- 6555 18, Part 2, Offenses Concerning Controlled Substances.
- 6556 (2) If an alleged violation of an injunction or restraining order issued under this section
- 6557 occurs, the accused may demand a jury trial in accordance with the Utah Rules of Civil

6558 Procedure.

6559 Section 82. Section **58-37-207**, which is renumbered from Section 58-37-14 is renumbered
6560 and amended to read:

6561 **[58-37-14] 58-37-207 (Effective 05/06/26). Resort for illegal use or possession of**
6562 **controlled substances deemed common nuisance -- District court power to suppress and**
6563 **enjoin.**

6564 (1)(a) Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or
6565 other place to which users or possessors of any controlled substances, listed in
6566 schedules I through V, resort or where use or possession of any substances violates
6567 this [aet] chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
6568 Substances, or which is used for illegal keeping, storing, or selling any substances
6569 listed as controlled substances in schedules I through V, shall be deemed a common
6570 nuisance.

6571 (b) No person shall open, keep, or maintain [~~any such place~~] a place described in
6572 Subsection (1)(a).

6573 (2) The district court has the power to make any order necessary or reasonable to suppress
6574 any nuisance and to enjoin any person or persons from doing any act calculated to cause,
6575 or permit the continuation of a nuisance.

6576 Section 83. Section **58-37-208** is enacted to read:

6577 **58-37-208 (Effective 05/06/26). Prima facie evidence.**

6578 In any prosecution for a violation of this chapter or Title 76, Chapter 18, Part 2,
6579 Offenses Concerning Controlled Substances, evidence or proof that shows a person or persons
6580 produced, manufactured, possessed, distributed, or dispensed a controlled substance or
6581 substances, is prima facie evidence that the person or persons did so with knowledge of the
6582 character of the substance or substances.

6583 Section 84. Section **58-37-209** is enacted to read:

6584 **58-37-209 (Effective 05/06/26). Privileged communication.**

6585 Any information communicated to a licensed practitioner in an attempt to unlawfully
6586 procure, or to procure the administration of, a controlled substance is not considered to be a
6587 privileged communication.

6588 Section 85. Section **58-37-210** is enacted to read:

6589 **58-37-210 (Effective 05/06/26). Penalties -- Bar to state prosecution.**

6590 (1) A violation of this chapter for which no penalty is specified is a class B misdemeanor.

6591 (2) When a violation of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning

6592 Controlled Substances, violates a federal law or the law of another state, conviction or
 6593 acquittal under federal law or the law of another state for the same act is a bar to
 6594 prosecution in this state.

6595 Section 86. Section **58-37-301** is enacted to read:

6596 **Part 3. Specific Provisions Regarding Prescriptions and Orders**

6597 **58-37-301 (Effective 05/06/26). Definitions.**

6598 Reserved.

6599 Section 87. Section **58-37-302**, which is renumbered from Section 58-37-22 is renumbered
 6600 and amended to read:

6601 **[58-37-22] 58-37-302 (Effective 05/06/26). Electronic prescriptions for controlled**
 6602 **substances.**

- 6603 (1) Beginning January 1, 2022, each prescription issued for a controlled substance shall be
 6604 transmitted electronically as an electronic prescription, unless the prescription is:
 6605 (a) for a patient residing in an assisted living facility as that term is defined in Section
 6606 26B-2-201, a long-term care facility as that term is defined in Section 58-31b-102, or
 6607 a correctional facility as that term is defined in Section 64-13-1;
 6608 (b) issued by a veterinarian licensed under Chapter 28, Veterinary Practice Act;
 6609 (c) dispensed by a Department of Veterans Affairs pharmacy;
 6610 (d) issued during a temporary technical or electronic failure at the practitioner's or
 6611 pharmacy's location; or
 6612 (e) issued in an emergency situation.
- 6613 (2) The division, in collaboration with the appropriate boards that govern the licensure of
 6614 the licensees who are authorized by the division to prescribe or to dispense controlled
 6615 substances, shall make rules in accordance with Title 63G, Chapter 3, Utah
 6616 Administrative Rulemaking Act, to:
 6617 (a) require that controlled substances prescribed or dispensed under Subsection (1)(d)
 6618 indicate on the prescription that the prescribing practitioner or the pharmacy is
 6619 experiencing a technical difficulty or an electronic failure;
 6620 (b) define an emergency situation for purposes of Subsection (1)(e);
 6621 (c) establish additional exemptions to the electronic prescription requirements
 6622 established in this section;
 6623 (d) establish guidelines under which a prescribing practitioner or a pharmacy may obtain
 6624 an extension of up to two additional years to comply with Subsection (1);
 6625 (e) establish a protocol to follow if the pharmacy that receives the electronic prescription

6626 is not able to fill the prescription; and
6627 (f) establish requirements that comply with federal laws and regulations for software
6628 used to issue and dispense electronic prescriptions.

6629 (3) Beginning July 1, 2024, a pharmacy software program for receiving an electronic
6630 prescription for a controlled substance shall be capable of electronically transferring a
6631 prescription to a different pharmacy:

6632 (a) upon the request of the patient or the practitioner;

6633 (b) with the approval of a pharmacist at the originating pharmacy; and

6634 (c) if the prescription is unfilled.

6635 Section 88. Section **58-37-303**, which is renumbered from Section 58-37-6.5 is renumbered
6636 and amended to read:

6637 **[58-37-6.5] 58-37-303 (Effective 05/06/26). Continuing education for controlled**
6638 **substance prescribers.**

6639 (1) For the purposes of this section:

6640 (a) "Controlled substance prescriber" means an individual, other than a veterinarian,
6641 who:

6642 (i) is licensed to prescribe a controlled substance under this chapter; and

6643 (ii) possesses the authority, in accordance with the individual's scope of practice, to
6644 prescribe schedule II controlled substances and schedule III controlled substances
6645 that are applicable to opioid narcotics, hypnotic depressants, or psychostimulants.

6646 (b) "D.O." means an osteopathic physician and surgeon licensed under Chapter 68, Utah
6647 Osteopathic Medical Practice Act.

6648 (c) "FDA" means the United States Food and Drug Administration.

6649 (d) "M.D." means a physician and surgeon licensed under Chapter 67, Utah Medical
6650 Practice Act.

6651 (e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment
6652 approach used by the federal Substance Abuse and Mental Health Services
6653 Administration or defined by the division, in consultation with the Office of
6654 Substance Use and Mental Health, by administrative rule, in accordance with Title
6655 63G, Chapter 3, Utah Administrative Rulemaking Act.

6656 (2)(a) Beginning with the licensing period that begins after January 1, 2014, as a
6657 condition precedent for license renewal, each controlled substance prescriber shall
6658 complete at least 3.5 continuing education hours per licensing period that satisfy the
6659 requirements of Subsection (3).

- 6660 (b)(i) Beginning with the licensing period that begins after January 1, 2024, as a
6661 condition precedent for license renewal, each controlled substance prescriber shall
6662 complete at least 3.5 continuing education hours in an SBIRT-training class that
6663 satisfies the requirements of Subsection (4).
- 6664 (ii) Completion of the SBIRT-training class, in compliance with Subsection (2)(b)(i),
6665 fulfills the continuing education hours requirement in Subsection (3) for the
6666 licensing period in which the class was completed.
- 6667 (iii) A controlled substance prescriber:
- 6668 (A) need only take the SBIRT-training class once during the controlled substance
6669 prescriber's licensure in the state; and
- 6670 (B) shall provide a completion record of the SBIRT-training class in order to be
6671 reimbursed for SBIRT services to patients, in accordance with Sections
6672 26B-3-131 and 49-20-416.
- 6673 (3) A controlled substance prescriber shall complete at least 3.5 hours of continuing
6674 education in one or more controlled substance prescribing classes, except dentists, who
6675 shall complete at least two hours, that satisfy the requirements of Subsections (4) and (6).
- 6676 (4) A controlled substance prescribing class shall:
- 6677 (a) satisfy the division's requirements for the continuing education required for the
6678 renewal of the controlled substance prescriber's respective license type;
- 6679 (b) be delivered by an accredited or approved continuing education provider recognized
6680 by the division as offering continuing education appropriate for the controlled
6681 substance prescriber's respective license type; and
- 6682 (c) include a postcourse knowledge assessment.
- 6683 (5) An M.D. or D.O. completing continuing professional education hours under Subsection
6684 (4) shall complete those hours in classes that qualify for the American Medical
6685 Association Physician's Recognition Award Category 1 Credit.
- 6686 (6) The 3.5 hours of the controlled substance prescribing classes under Subsection (4) shall
6687 include educational content covering the following:
- 6688 (a) the scope of the controlled substance abuse problem in Utah and the nation;
- 6689 (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's
6690 Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and
6691 Mitigation Strategy, as published July 9, 2012, or as it may be subsequently revised;
- 6692 (c) the national and Utah-specific resources available to prescribers to assist in
6693 appropriate controlled substance and opioid prescribing;

- 6694 (d) patient record documentation for controlled substance and opioid prescribing;
6695 (e) office policies, procedures, and implementation; and
6696 (f) some training regarding medical cannabis, as that term is defined in Section
6697 26B-4-201.
- 6698 (7)(a) The division, in consultation with the Utah Medical Association Foundation, shall
6699 determine whether a particular controlled substance prescribing class satisfies the
6700 educational content requirements of Subsections (4) and (6) for an M.D. or D.O.
- 6701 (b) The division, in consultation with the applicable professional licensing boards, shall
6702 determine whether a particular controlled substance prescribing class satisfies the
6703 educational content requirements of Subsections (4) and (6) for a controlled
6704 substance prescriber other than an M.D. or D.O.
- 6705 (c) The division may by rule establish a committee that may audit compliance with the
6706 Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming
6707 Project grant, that satisfies the educational content requirements of Subsections (4)
6708 and (6) for a controlled substance prescriber.
- 6709 (d) The division shall consult with the Department of Health and Human Services
6710 regarding the medical cannabis training described in Subsection (6)(f).
- 6711 (8) A controlled substance prescribing class required under this section:
6712 (a) may be held:
6713 (i) in conjunction with other continuing professional education programs; and
6714 (ii) online; and
6715 (b) does not increase the total number of state-required continuing professional
6716 education hours required for prescriber licensing.
- 6717 (9) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah
6718 Administrative Rulemaking Act, to implement this section.
- 6719 (10) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver to
6720 treat opioid dependency with narcotic medications, in accordance with the Drug
6721 Addiction Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to
6722 satisfy the 3.5 hours of the continuing education requirement under Subsection (3) for
6723 two consecutive licensing periods.

6724 Section 89. Section **58-37-304** is enacted to read:

6725 **58-37-304 (Effective 05/06/26). Prescription requirements -- Penalties.**

- 6726 (1) An individual may not write or authorize a prescription for a controlled substance unless
6727 the individual is:

- 6728 (a) a practitioner authorized to prescribe drugs and medicine under the laws of this state
6729 or under the laws of another state having similar standards; and
- 6730 (b) licensed under this chapter or under the laws of another state having similar
6731 standards.
- 6732 (2) An individual other than a pharmacist licensed under the laws of this state, or the
6733 pharmacist's licensed intern, as required by Sections 58-17b-303 and 58-17b-304, may
6734 not dispense a controlled substance.
- 6735 (3)(a) A controlled substance may not be dispensed without the written prescription of a
6736 practitioner, if the written prescription is required by the federal Controlled
6737 Substances Act.
- 6738 (b) A written prescription described in Subsection (3)(a) shall be made in accordance
6739 with Subsection (1) and in conformity with Subsection (4).
- 6740 (c) In emergency situations, as defined by division rule, controlled substances may be
6741 dispensed upon oral prescription of a practitioner, if reduced promptly to writing on
6742 forms designated by the division and filed by the pharmacy.
- 6743 (d) Prescriptions reduced to writing by a pharmacist shall be in conformity with
6744 Subsection (4).
- 6745 (4) Except for emergency situations designated by the division, an individual may not issue,
6746 fill, compound, or dispense a prescription for a controlled substance unless the
6747 prescription is signed by the prescriber in ink or indelible pencil or is signed with an
6748 electronic signature of the prescriber as authorized by division rule, and contains the
6749 following information:
- 6750 (a) the name, address, and registry number of the prescriber;
6751 (b) the name, address, and age of the person to whom or for whom the prescription is
6752 issued;
6753 (c) the date of issuance of the prescription; and
6754 (d) the name, quantity, and specific directions for use by the ultimate user of the
6755 controlled substance.
- 6756 (5) A prescription may not be written, issued, filled, or dispensed for a Schedule I
6757 controlled substance unless:
- 6758 (a) the individual who writes the prescription is licensed under Subsection 58-37-105(2);
6759 and
6760 (b) the prescribed controlled substance is to be used in research.
- 6761 (6)(a) Except when administered directly to an ultimate user by a licensed practitioner,

- 6762 controlled substances are subject to the restrictions of this Subsection (6).
- 6763 (b) A prescription for a Schedule II substance may not be refilled.
- 6764 (c) A Schedule II controlled substance may not be filled in a quantity to exceed a
- 6765 one-month's supply, as directed on the daily dosage rate of the prescriptions.
- 6766 (d)(i) A prescription for a Schedule II or Schedule III controlled substance that is an
- 6767 opiate and that is issued for an acute condition shall be completely or partially
- 6768 filled in a quantity not to exceed a seven-day supply as directed on the daily
- 6769 dosage rate of the prescription.
- 6770 (ii) Subsection (6)(d)(i) does not apply to prescriptions issued for complex or chronic
- 6771 conditions that are documented as being complex or chronic in the medical record.
- 6772 (iii) A pharmacist is not required to verify that a prescription is in compliance with
- 6773 this Subsection (6)(d).
- 6774 (e) A Schedule III or IV controlled substance may be filled only within six months of
- 6775 issuance, and may not be refilled more than six months after the date of the original
- 6776 issuance or be refilled more than five times after the date of the prescription unless
- 6777 renewed by the practitioner.
- 6778 (f) All other controlled substances in Schedule V may be refilled as the prescriber's
- 6779 prescription directs, but they may not be refilled one year after the date the
- 6780 prescription was issued unless renewed by the practitioner.
- 6781 (g) Any prescription for a Schedule II substance may not be dispensed if it is not
- 6782 presented to a pharmacist for dispensing by a pharmacist or a pharmacy intern within
- 6783 30 days after the date the prescription was issued, or 30 days after the dispensing
- 6784 date, if that date is specified separately from the date of issue.
- 6785 (h) A practitioner may issue more than one prescription at the same time for the same
- 6786 Schedule II controlled substance, but only under the following conditions:
- 6787 (i) no more than three prescriptions for the same Schedule II controlled substance
- 6788 may be issued at the same time;
- 6789 (ii) no one prescription may exceed a 30-day supply; and
- 6790 (iii) a second or third prescription shall include the date of issuance and the date for
- 6791 dispensing.
- 6792 (7) An order for a controlled substance in Schedules II through V for use by an inpatient or
- 6793 an outpatient of a licensed hospital is exempt from all requirements of this section if the
- 6794 order is:
- 6795 (a) issued or made by a prescribing practitioner who holds an unrestricted registration

- 6796 with the federal Drug Enforcement Administration, and an active Utah controlled
6797 substance license in good standing issued by the division under Section 58-37-105, or
6798 a medical resident who is exempted from licensure under Subsection 58-1-307(1)(c);
6799 (b) authorized by the prescribing practitioner treating the patient and the prescribing
6800 practitioner designates the quantity ordered;
6801 (c) entered upon the record of the patient, the record is signed by the prescriber
6802 affirming the prescriber's authorization of the order within 48 hours after filling or
6803 administering the order, and the patient's record reflects the quantity actually
6804 administered; and
6805 (d) filled and dispensed by a pharmacist practicing the pharmacist's profession within the
6806 physical structure of the hospital, or the order is taken from a supply lawfully
6807 maintained by the hospital and the amount taken from the supply is administered
6808 directly to the patient authorized to receive it.
- 6809 (8)(a) For purposes of Subsection (8)(b):
6810 (i) "Child" means the same as that term is defined in Section 80-1-102.
6811 (ii) "Emergency" means any physical condition requiring the administration of a
6812 controlled substance for immediate relief of pain or suffering.
6813 (b) A practitioner licensed under this chapter may not prescribe, administer, or dispense
6814 a controlled substance to a child, without first obtaining the consent required in
6815 Section 78B-3-406 of a parent, guardian, or person standing in loco parentis of the
6816 child, except in cases of an emergency.
- 6817 (9) A practitioner licensed under this chapter may not prescribe or administer dosages of a
6818 controlled substance in excess of medically recognized quantities necessary to treat the
6819 ailment, malady, or condition of the ultimate user.
- 6820 (10) A practitioner licensed under this chapter may not prescribe, administer, or dispense
6821 any controlled substance to another person knowing that the other person is using a false
6822 name, address, or other personal information for the purpose of securing the controlled
6823 substance.
- 6824 (11) A person who is licensed under this chapter to manufacture, distribute, or dispense a
6825 controlled substance may not manufacture, distribute, or dispense a controlled substance
6826 to another licensee or any other authorized person not authorized by this license.
- 6827 (12) A person licensed under this chapter may not omit, remove, alter, or obliterate a
6828 symbol required by this chapter or by a rule issued under this chapter.
- 6829 (13) A person licensed under this chapter may not refuse or fail to make, keep, or furnish

6830 any record notification, order form, statement, invoice, or information required under
6831 this chapter.

6832 (14) A person licensed under this chapter may not refuse entry into any premises for
6833 inspection as authorized by this chapter.

6834 (15) A person licensed under this chapter may not furnish false or fraudulent material
6835 information in any application, report, or other document required to be kept by this
6836 chapter or willfully make any false statement in any prescription, order, report, or record
6837 required by this chapter.

6838 (16)(a)(i) A person licensed under this chapter who is found by the division to have
6839 violated any of the provisions of Subsection (11), (12), (13), (14), or (15) is
6840 subject to a penalty not to exceed \$5,000.

6841 (ii) The division shall determine the procedure for adjudication of any violations in
6842 accordance with Sections 58-1-106 and 58-1-108.

6843 (b) The division shall deposit all penalties collected under Subsection (16)(a)(i) into the
6844 General Fund as a dedicated credit to be used by the division under Subsection
6845 58-37f-502(1).

6846 (c) The director may collect a penalty that is not paid by:

6847 (i) referring the matter to a collection agency; or

6848 (ii) bringing an action in the district court of the county where the person against
6849 whom the penalty is imposed resides or in the county where the office of the
6850 director is located.

6851 (d) A county attorney or the attorney general of the state shall provide legal assistance
6852 and advice to the director in an action to collect a penalty.

6853 (e) A court shall award reasonable attorney fees and costs to the prevailing party in an
6854 action brought by the division to collect a penalty.

6855 (17)(a) A person who knowingly and intentionally violates Subsection (8), (9), or (10) is:

6856 (i) upon first conviction, guilty of a class B misdemeanor;

6857 (ii) upon second conviction, guilty of a class A misdemeanor; and

6858 (iii) upon third or subsequent conviction, guilty of a third degree felony.

6859 (b) A person who knowingly and intentionally violates Subsection (11), (12), (13), (14),
6860 or (15) is guilty of a third degree felony.

6861 (18) A previous conviction used for a penalty enhancement under this section includes a
6862 conviction for an offense described in a statute previously in effect in this state that is
6863 the same or substantially similar to a violation of this section.

6864 Section 90. Section **58-37-305** is enacted to read:

6865 **58-37-305 (Effective 05/06/26). High risk prescriptions.**

6866 (1) As used in this section:

6867 (a) "Database" means the controlled substance database created in Section 58-37f-201.

6868 (b) "High risk prescription" means a prescription for an opiate or a benzodiazepine that
6869 is written to continue for longer than 30 consecutive days.

6870 (2) A practitioner who issues a high risk prescription to a patient shall, before issuing the
6871 high risk prescription to the patient, verify in the database that the patient does not have
6872 a high risk prescription from a different practitioner that is currently active.

6873 (3) If the database shows that the patient has received a high risk prescription that is
6874 currently active from a different practitioner, the practitioner may not issue a high risk
6875 prescription to the patient unless the practitioner:

6876 (a) contacts and consults with each practitioner who issued a high risk prescription that
6877 is currently active to the patient;

6878 (b) documents in the patient's medical record that the practitioner made contact with
6879 each practitioner in accordance with Subsection (3)(a); and

6880 (c) documents in the patient's medical record the reason why the practitioner believes
6881 that the patient needs multiple high risk prescriptions from different practitioners.

6882 (4) A practitioner shall satisfy the requirement described in Subsection (3) in a timely
6883 manner, which may be after the practitioner issues the high risk prescription to the
6884 patient.

6885 Section 91. Section **58-37-306**, which is renumbered from Section 58-37-19 is renumbered
6886 and amended to read:

6887 **[58-37-19] 58-37-306 (Effective 05/06/26). Opiate prescription consultation --**
6888 **Prescription for opiate antagonist required.**

6889 (1) As used in this section:

6890 (a) "Initial opiate prescription" means a prescription for an opiate to a patient who:

6891 (i) has never previously been issued a prescription for an opiate; or

6892 (ii) was previously issued a prescription for an opiate, but the date on which the
6893 current prescription is being issued is more than one year after the date on which
6894 an opiate was previously prescribed or administered to the patient.

6895 (b) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.

6896 (c) "Prescriber" means an individual who is authorized to prescribe a controlled
6897 substance under this chapter.

- 6898 (2) Except as provided in Subsection (3), a prescriber may not issue an initial opiate
6899 prescription without discussing with the patient, or the patient's parent or guardian if the
6900 patient is under 18 years old and is not an emancipated minor:
- 6901 (a) the risks of addiction and overdose associated with opiate drugs;
 - 6902 (b) the dangers of taking opiates with alcohol, benzodiazepines, and other central
6903 nervous system depressants;
 - 6904 (c) the reasons why the prescription is necessary;
 - 6905 (d) alternative treatments that may be available; and
 - 6906 (e) other risks associated with the use of the drugs being prescribed.
- 6907 (3) Subsection (2) does not apply to a prescription for:
- 6908 (a) a patient who is currently in active treatment for cancer;
 - 6909 (b) a patient who is receiving hospice care from a licensed hospice as defined in Section
6910 26B-2-201; or
 - 6911 (c) a medication that is being prescribed to a patient for the treatment of the patient's
6912 substance abuse or opiate dependence.
- 6913 (4)(a) Beginning January 1, 2024, a prescriber shall offer to prescribe or dispense an
6914 opiate antagonist to a patient if the patient receives an initial opiate prescription for:
- 6915 (i) 50 morphine milligram equivalents or more per day, calculated in accordance with
6916 guidelines developed by the United States Centers for Disease Control and
6917 Prevention; or
 - 6918 (ii) any opiate if the practitioner is also prescribing a benzodiazepine to the patient.
- 6919 (b) Subsection (4)(a) does not apply if the initial opiate prescription:
- 6920 (i) is administered directly to an ultimate user by a licensed practitioner; or
 - 6921 (ii) is for a three-day supply or less.
- 6922 (c) This Subsection (4) does not require a patient to purchase or obtain an opiate
6923 antagonist as a condition of receiving the patient's initial opiate prescription.

6924 Section 92. Section **58-37-307**, which is renumbered from Section 58-37-23 is renumbered
6925 and amended to read:

6926 **[58-37-23] 58-37-307 (Effective 05/06/26). Methadone orders authorized.**

- 6927 (1) As used in this section:
- 6928 (a) "Emergency medical order" means a medical order as defined in Section 58-17b-102
6929 for up to a 72-hour supply of methadone.
 - 6930 (b) "General acute hospital" means the same as that term is defined in Section 26B-2-201.
 - 6931 (c) "Qualified pharmacy" means a pharmacy that is located on the premises of a general

- 6932 acute hospital that is licensed as a:
- 6933 (i) class A pharmacy as defined in Section 58-17b-102; or
- 6934 (ii) class B pharmacy as defined in Section 58-17b-102.
- 6935 (d) "Qualified practitioner" means a practitioner who is:
- 6936 (i) [~~is~~]registered with the United States Drug Enforcement Administration to issue an
- 6937 emergency medical order; and
- 6938 (ii) [~~is~~]working at a general acute hospital.
- 6939 (2) A qualified practitioner may issue an emergency medical order to a qualified pharmacy
- 6940 to dispense up to a 72-hour supply of methadone on behalf of the qualified practitioner:
- 6941 (a) to relieve acute withdrawal symptoms while the qualified practitioner makes
- 6942 arrangements to refer the patient for substance use disorder treatment; and
- 6943 (b) in accordance with 21 C.F.R. Sec. 1306.07 and applicable regulation or guidance
- 6944 issued by the United States Drug Enforcement Administration regarding an
- 6945 emergency medical order.

6946 Section 93. Section **58-37-308**, which is renumbered from Section 58-37-6.1 is renumbered

6947 and amended to read:

6948 **[58-37-6.1] 58-37-308 (Effective 05/06/26). Veterinary exemption for gabapentin.**

6949 A veterinarian licensed under Chapter 28, Veterinary Practice Act, who is prescribing,

6950 administering, or dispensing gabapentin within the veterinarian's scope of practice, is exempt

6951 from the requirements of this chapter and Title 76, Chapter 18, Part 2, Offenses Concerning

6952 Controlled Substances.

6953 Section 94. Section **58-37-309**, which is renumbered from Section 58-37-3.5 is renumbered

6954 and amended to read:

6955 **[58-37-3.5] 58-37-309 (Effective 05/06/26) (Repealed 07/01/27). Drugs for**

6956 **behavioral health treatment.**

6957 (1) As used in this section:

- 6958 (a) "Drug" means any form of psilocybin or methylenedioxyamphetamine that is in
- 6959 federal Food and Drug Administration Phase 3 testing for an investigational drug
- 6960 described in 21 C.F.R. Part 312.
- 6961 (b) "Healthcare system" means:
- 6962 (i) a privately-owned, non-profit, vertically-integrated healthcare system that operates
- 6963 at least 15 licensed hospitals in the state; or
- 6964 (ii) a health care system closely affiliated with an institution of higher education
- 6965 listed in Section 53H-1-102.

- 6966 (2) A healthcare system may develop a behavioral health treatment program that includes a
 6967 treatment based on a drug that the healthcare system determines is supported by a broad
 6968 collection of scientific and medical research.
- 6969 (3) A healthcare system described in Subsection (2):
- 6970 (a) shall ensure that a drug used under the exclusive authority of this section is used by a
 6971 patient only under the direct supervision and control of the healthcare system and the
 6972 healthcare system's health care providers who are licensed under this title; and
- 6973 (b) may not provide treatments that are authorized exclusively under this section to an
 6974 individual who is not at least 18 years old.
- 6975 (4) Before July 1, 2026, a healthcare system that creates a behavioral health treatment
 6976 program under this section shall provide a written report to the Health and Human
 6977 Services Interim Committee regarding:
- 6978 (a) drugs used;
- 6979 (b) health outcomes of patients;
- 6980 (c) side effects of any drugs used; and
- 6981 (d) any other information necessary for the Legislature to evaluate the medicinal value
 6982 of any drugs.
- 6983 (5) An individual or entity that complies with this section when using, distributing,
 6984 possessing, administering, or supervising the use of, a drug is not guilty of a violation of
 6985 this title.

6986 Section 95. Section **58-37-401** is enacted to read:

6987 **Part 4. Specific Provisions Relating to Cannabis, Cannabinoid Products, and Hemp**

6988 **58-37-401 (Effective 05/06/26). Definitions.**

6989 Reserved.

6990 Section 96. Section **58-37-402**, which is renumbered from Section 58-37-3.9 is renumbered
 6991 and amended to read:

6992 **[58-37-3.9] 58-37-402 (Effective 05/06/26). Exemption for possession or use of
 6993 cannabis to treat a qualifying illness -- Penalties.**

- 6994 (1) As used in this section:
- 6995 (a) "Cannabis" means marijuana.
- 6996 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 6997 (c) "Drug paraphernalia" means the same as that term is defined in Section [58-37a-3]
 6998 76-18-301.
- 6999 (d) "Medical cannabis cardholder" means the same as that term is defined in Section

- 7000 26B-4-201.
- 7001 (e) "Medical cannabis device" means the same as that term is defined in Section
- 7002 26B-4-201.
- 7003 (f) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 7004 (g) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
- 7005 description as described in Subsection [~~58-37-4(2)(a)(iii)(AA)~~]
- 7006 58-37-108(2)(a)(iii)(AA).
- 7007 (2) Notwithstanding any other provision of law, except as otherwise provided in this section:
- 7008 (a) an individual is not guilty of a violation of this title or Title 76, Chapter 18, Drug
- 7009 Offenses, for the following conduct if the individual engages in the conduct in
- 7010 accordance with Title 4, Chapter 41a, Cannabis Production Establishments and
- 7011 Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
- 7012 Cannabis:
- 7013 (i) possessing, ingesting, inhaling, producing, manufacturing, dispensing,
- 7014 distributing, selling, or offering to sell cannabis or a cannabis product; or
- 7015 (ii) possessing cannabis or a cannabis product with the intent to engage in the
- 7016 conduct described in Subsection (2)(a)(i); and
- 7017 (b) an individual is not guilty of a violation of this title or Title 76, Chapter 18, Drug
- 7018 Offenses, regarding drug paraphernalia if the individual, in accordance with Title 4,
- 7019 Chapter 41a, Cannabis Production Establishments and Pharmacies, and Title 26B,
- 7020 Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis:
- 7021 (i) possesses, manufactures, distributes, sells, or offers to sell a medical cannabis
- 7022 device; or
- 7023 (ii) possesses a medical cannabis device with the intent to engage in any of the
- 7024 conduct described in Subsection (2)(b)(i).
- 7025 (3)(a) As used in this Subsection (3), "smoking" does not include the vaporization or
- 7026 heating of medical cannabis.
- 7027 (b) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, does not
- 7028 authorize a medical cannabis cardholder to smoke or combust cannabis or to use a
- 7029 device to facilitate the smoking or combustion of cannabis.
- 7030 (c) A medical cannabis cardholder or a nonresident patient who smokes cannabis or
- 7031 engages in any other conduct described in Subsection (3)(b):
- 7032 (i) does not possess the cannabis in accordance with Title 26B, Chapter 4, Part 2,
- 7033 Cannabinoid Research and Medical Cannabis; and

- 7034 (ii) is, for the use or possession of marijuana, tetrahydrocannabinol, or marijuana
 7035 drug paraphernalia for the conduct described in Subsection (3)(b):
 7036 (A) for the first offense, guilty of an infraction and subject to a fine of up to \$100;
 7037 and
 7038 (B) for a second or subsequent offense, subject to charges under this chapter or
 7039 Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.
- 7040 (4) An individual who is assessed a penalty or convicted of a crime under Title 4, Chapter
 7041 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part
 7042 2, Cannabinoid Research and Medical Cannabis, is not, based on the conduct underlying
 7043 that penalty or conviction, subject to a penalty described in this chapter or Title 76,
 7044 Chapter 18, Part 2, Offenses Concerning Controlled Substances, for:
 7045 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis product;
 7046 or
 7047 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.
- 7048 (5)(a) Nothing in this section prohibits a person, either within the state or outside the
 7049 state, from selling a medical cannabis device within the state.
 7050 (b) A person is not required to hold a license under Title 4, Chapter 41a, Cannabis
 7051 Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2,
 7052 Cannabinoid Research and Medical Cannabis, to qualify for the protections of this
 7053 section to sell a medical cannabis device.
- 7054 (6) A previous conviction used for a penalty enhancement under this section includes a
 7055 conviction for an offense described in a statute previously in effect in this state that is
 7056 the same or substantially similar to a violation of this section.

7057 Section 97. Section **58-37-403**, which is renumbered from Section 58-37-3.6 is renumbered
 7058 and amended to read:

7059 **[58-37-3.6] 58-37-403 (Effective 05/06/26). Exemption for possession or**
 7060 **distribution of a cannabinoid product, expanded cannabinoid product, or transportable**
 7061 **industrial hemp concentrate.**

7062 (1) As used in this section:

- 7063 (a) "Cannabinoid product" means a product intended for human ingestion that:
 7064 (i) contains an extract or concentrate that is obtained from cannabis; and
 7065 (ii) contains at least 10 units of cannabidiol for every one unit of
 7066 tetrahydrocannabinol.
 7067 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

- 7068 (c) "Expanded cannabinoid product" means a product intended for human ingestion that:
 7069 (i) contains an extract or concentrate that is obtained from cannabis; and
 7070 (ii) contains less than 10 units of cannabidiol for every one unit of
 7071 tetrahydrocannabinol.
- 7072 (d) "Transportable industrial hemp concentrate" means any amount of a natural
 7073 cannabinoid in a purified state that:
 7074 (i) is the product of any chemical or physical process applied to naturally occurring
 7075 biomass that concentrates or isolates the cannabinoids contained in the biomass;
 7076 (ii) is derived from a cannabis plant that, based on sampling that was collected no
 7077 more than 30 days before the day on which the cannabis plant was harvested,
 7078 contains a combined concentration of total THC and any THC analog of less than
 7079 0.3% on a dry weight basis; and
 7080 (iii) has a THC and THC analog concentration total less than 20% when concentrated
 7081 from the cannabis plant to the purified state.

7082 (e) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
 7083 description in Subsection [58-37-4(2)(a)(iii)(AA)] 58-37-108(2)(a)(iii)(AA).

7084 (2) Notwithstanding any other provision of this chapter or Title 76, Chapter 18, Part 2,
 7085 Offenses Concerning Controlled Substances, an individual who possesses or distributes
 7086 a cannabinoid product or an expanded cannabinoid product is not subject to the penalties
 7087 described in this title or Title 76, Chapter 18, Drug Offenses, for the possession or
 7088 distribution of marijuana or tetrahydrocannabinol to the extent that the individual's
 7089 possession or distribution of the cannabinoid product or expanded cannabinoid product
 7090 complies with Section 26B-4-212.

7091 (3) Notwithstanding any other provision of this chapter or Title 76, Chapter 18, Part 2,
 7092 Offenses Concerning Controlled Substances, a person who possesses and distributes
 7093 transportable industrial hemp concentrate is not subject to the penalties described in this
 7094 chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for
 7095 the possession or distribution of transportable industrial hemp concentrate if the
 7096 transportable industrial hemp concentrate is handled in accordance with the rules
 7097 established under Subsection 4-41-103.1(1)(e) or is destroyed.

7098 Section 98. Section **58-37-404**, which is renumbered from Section 58-37-3.7 is renumbered
 7099 and amended to read:

7100 **[58-37-3.7] 58-37-404 (Effective 05/06/26). Medical cannabis decriminalization.**

7101 (1) As used in this section:

- 7102 (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 7103 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 7104 (c) "Legal dosage limit" means the same as that term is defined in Section 26B-4-201.
- 7105 (d) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 7106 (e) "Medical cannabis device" means the same as that term is defined in Section
- 7107 26B-4-201.
- 7108 (f) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 7109 (g) "Nonresident patient" means the same as that term is defined in Section 26B-4-201.
- 7110 (h) "Qualifying condition" means the same as that term is defined in Section 26B-4-201.
- 7111 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section [58-37-3.9]
- 7112 58-37-402.
- 7113 (2) Before July 1, 2021, including during the period between January 1, 2021, and March
- 7114 17, 2021, an individual is not guilty under this chapter or Title 76, Chapter 18, Part 2,
- 7115 Offenses Concerning Controlled Substances, for the use or possession of marijuana,
- 7116 tetrahydrocannabinol, or marijuana drug paraphernalia if:
- 7117 (a) at the time of the arrest or citation, the individual:
- 7118 (i) for possession, was a medical cannabis cardholder; or
- 7119 (ii) for use, was a medical cannabis patient cardholder or a minor with a provisional
- 7120 patient card under the supervision of a medical cannabis guardian cardholder; and
- 7121 (b)(i) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or
- 7122 tetrahydrocannabinol is one of the following in an amount that does not exceed
- 7123 the legal dosage limit:
- 7124 (A) unprocessed cannabis in a medicinal dosage form; or
- 7125 (B) a cannabis product in a medicinal dosage form; and
- 7126 (ii) for use or possession of marijuana drug paraphernalia, the paraphernalia is a
- 7127 medical cannabis device.
- 7128 (3) A nonresident patient is not guilty under this chapter or Title 76, Chapter 18, Part 2,
- 7129 Offenses Concerning Controlled Substances, for the use or possession of marijuana,
- 7130 tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter or Title 76,
- 7131 Chapter 18, Part 2, Offenses Concerning Controlled Substances, if:
- 7132 (a) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or
- 7133 tetrahydrocannabinol is one of the following in an amount that does not exceed the
- 7134 legal dosage limit:
- 7135 (i) unprocessed cannabis in a medicinal dosage form; or

- 7136 (ii) a cannabis product in a medicinal dosage form; and
 7137 (b) for use or possession of marijuana drug paraphernalia, the paraphernalia is a medical
 7138 cannabis device.
- 7139 (4)(a) There is a rebuttable presumption against an allegation of use or possession of
 7140 marijuana or tetrahydrocannabinol if:
- 7141 (i) an individual fails a drug test based on the presence of tetrahydrocannabinol in the
 7142 sample; and
 7143 (ii) the individual provides evidence that the individual possessed or used cannabidiol
 7144 or a cannabidiol product.
- 7145 (b) The presumption described in Subsection (4)(a) may be rebutted with evidence that
 7146 the individual purchased or possessed marijuana or tetrahydrocannabinol that is not
 7147 authorized under:
- 7148 (i) Section 4-41-402; or
 7149 (ii) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
- 7150 (5)(a) An individual is not guilty under this chapter or Title 76, Chapter 18, Part 2,
 7151 Offenses Concerning Controlled Substances, for the use or possession of marijuana
 7152 drug paraphernalia if the drug paraphernalia is a medical cannabis device.
- 7153 (b) Nothing in this section prohibits a person, either within the state or outside the state,
 7154 from selling a medical cannabis device within the state.
- 7155 (c) A person is not required to hold a license under Title 4, Chapter 41a, Cannabis
 7156 Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2,
 7157 Cannabinoid Research and Medical Cannabis, to qualify for the protections of this
 7158 section to sell a medical cannabis device.
- 7159 Section 99. Section **58-37-405**, which is renumbered from Section 58-37-3.8 is renumbered
 7160 and amended to read:
- 7161 **[58-37-3.8] 58-37-405 (Effective 05/06/26). Enforcement.**
- 7162 (1) A law enforcement officer, as that term is defined in Section 53-13-103, except for an
 7163 officially designated drug enforcement task force regarding conduct that is not in
 7164 accordance with Title 4, Chapter 41a, Cannabis Production Establishments and
 7165 Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
 7166 Cannabis, may not expend any state or local resources, including the law enforcement
 7167 officer's time, to:
- 7168 (a) effect any arrest or seizure of cannabis, as that term is defined in Section 26B-4-201,
 7169 or conduct any investigation, on the sole basis of activity the law enforcement officer

- 7170 believes to constitute a violation of federal law if the law enforcement officer has
 7171 reason to believe that the activity is in compliance with the state medical cannabis
 7172 laws;
- 7173 (b) enforce a law that restricts an individual's right to acquire, own, or possess a firearm
 7174 based solely on the individual's possession or use of cannabis in accordance with
 7175 state medical cannabis laws; or
- 7176 (c) provide any information or logistical support related to an activity described in
 7177 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

- 7178 (2) An agency or political subdivision of the state may not take an adverse action against a
 7179 person for providing a professional service to a medical cannabis pharmacy, as that term
 7180 is defined in Section 28B-4-201, the state central patient portal, as that term is defined in
 7181 Section 26B-4-201, or a cannabis production establishment, as that term is defined in
 7182 Section 4-41a-102, on the sole basis that the service is a violation of federal law.

7183 Section 100. Section **58-37c-101**, which is renumbered from Section 58-37c-3 is renumbered
 7184 and amended to read:

7185 **CHAPTER 37c. Controlled Substance Precursors**

7186 **[58-37c-3] 58-37c-101 (Effective 05/06/26). Definitions.**

7187 In addition to the definitions in Section 58-1-102, as used in this chapter:

- 7188 (1) "Controlled substance precursor" includes a chemical reagent and means any of the
 7189 following:
- 7190 (a) Phenyl-2-propanone;
- 7191 (b) Methylamine;
- 7192 (c) Ethylamine;
- 7193 (d) D-lysergic acid;
- 7194 (e) Ergotamine and its salts;
- 7195 (f) Diethyl malonate;
- 7196 (g) Malonic acid;
- 7197 (h) Ethyl malonate;
- 7198 (i) Barbituric acid;
- 7199 (j) Piperidine and its salts;
- 7200 (k) N-acetylanthranilic acid and its salts;
- 7201 (l) Pyrrolidine;
- 7202 (m) Phenylacetic acid and its salts;
- 7203 (n) Anthranilic acid and its salts;

- 7204 (o) Morpholine;
- 7205 (p) Ephedrine;
- 7206 (q) Pseudoephedrine;
- 7207 (r) Norpseudoephedrine;
- 7208 (s) Phenylpropanolamine;
- 7209 (t) Benzyl cyanide;
- 7210 (u) Ergonovine and its salts;
- 7211 (v) 3,4-Methylenedioxyphenyl-2-propanone;
- 7212 (w) propionic anhydride;
- 7213 (x) Insosafrole;
- 7214 (y) Safrole;
- 7215 (z) Piperonal;
- 7216 (aa) N-Methylephedrine;
- 7217 (bb) N-ethylephedrine;
- 7218 (cc) N-methylpseudoephedrine;
- 7219 (dd) N-ethylpseudoephedrine;
- 7220 (ee) Hydriotic acid;
- 7221 (ff) gamma butyrolactone (GBL), including butyrolactone, 1,2 butanolide, 2-oxanolone,
- 7222 tetrahydro-2-furanone, dihydro-2(3H)-furanone, and tetramethylene glycol, but not
- 7223 including gamma aminobutric acid (GABA);
- 7224 (gg) 1,4 butanediol;
- 7225 (hh) any salt, isomer, or salt of an isomer of the chemicals listed in Subsections (1)(a)
- 7226 through (gg);
- 7227 (ii) Crystal iodine;
- 7228 (jj) Iodine at concentrations greater than 1.5% by weight in a solution or matrix;
- 7229 (kk) Red phosphorous, except as provided in Section ~~[58-37e-19.7]~~ 58-37c-205;
- 7230 (ll) anhydrous ammonia, except as provided in Section ~~[58-37e-19.9]~~ 58-37c-206;
- 7231 (mm) any controlled substance precursor listed under the provisions of the Federal
- 7232 Controlled Substances Act which is designated by the director under the emergency
- 7233 listing provisions set forth in Section ~~[58-37e-14]~~ 58-37c-110; and
- 7234 (nn) any chemical which is designated by the director under the emergency listing
- 7235 provisions set forth in Section ~~[58-37e-14]~~ 58-37c-110.
- 7236 (2) "Deliver," "delivery," "transfer," or "furnish" means the actual, constructive, or
- 7237 attempted transfer of a controlled substance precursor.

- 7238 (3) "Matrix" means something, as a substance, in which something else originates,
7239 develops, or is contained.
- 7240 (4) "Person" means [~~any~~] an individual, group of individuals, proprietorship, partnership,
7241 joint venture, corporation, or organization of any type or kind.
- 7242 (5) "Practitioner" means a physician, physician assistant, dentist, podiatric physician,
7243 veterinarian, pharmacist, scientific investigator, pharmacy, hospital, pharmaceutical
7244 manufacturer, or other person licensed, registered, or otherwise permitted to distribute,
7245 dispense, conduct research with respect to, administer, or use in teaching or chemical
7246 analysis, a controlled substance in the course of professional practice or research in this
7247 state.
- 7248 (6)(a) "Regulated distributor" means a person within the state who provides, sells,
7249 furnishes, transfers, or otherwise supplies a listed controlled substance precursor
7250 chemical in a regulated transaction.
- 7251 (b) "Regulated distributor" does not include [~~any~~] a person excluded from regulation
7252 under this chapter.
- 7253 (7)(a) "Regulated purchaser" means [~~any~~] a person within the state who receives a listed
7254 controlled substance precursor chemical in a regulated transaction.
- 7255 (b) "Regulated purchaser" does not include [~~any~~] a person excluded from regulation
7256 under this chapter.
- 7257 (8) "Regulated transaction" means [~~any~~] an actual, constructive, or attempted:
7258 (a) transfer, distribution, delivery, or furnishing by a person within the state to another
7259 person within or outside of the state of a threshold amount of a listed precursor
7260 chemical; or
7261 (b) purchase or acquisition by any means by a person within the state from another
7262 person within or outside the state of a threshold amount of a listed precursor chemical.
- 7263 (9) "Retail distributor" means a grocery store, general merchandise store, drug store, or
7264 other entity or person whose activities as a distributor are limited almost exclusively to
7265 sales for personal use:
7266 (a) in both number of sales and volume of sales; and
7267 (b) either directly to walk-in customers or in face-to-face transactions by direct sales.
- 7268 (10) "Threshold amount of a listed precursor chemical" means any amount of a controlled
7269 substance precursor or a specified amount of a controlled substance precursor in a
7270 matrix; however, the division may exempt from the provisions of this chapter a specific
7271 controlled substance precursor in a specific amount and in certain types of transactions,

- 7272 which provisions for exemption shall be defined by the division by rule adopted
7273 pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 7274 (11) "Unlawful conduct" as defined in Section 58-1-501 includes knowingly and
7275 intentionally:
- 7276 (a) engaging in a regulated transaction without first being appropriately licensed or
7277 exempted from licensure under this chapter;
 - 7278 (b) acting as a regulated distributor and selling, transferring, or in any other way
7279 conveying a controlled substance precursor to a person within the state who is not
7280 appropriately licensed or exempted from licensure as a regulated purchaser, or
7281 selling, transferring, or otherwise conveying a controlled substance precursor to a
7282 person outside of the state and failing to report the transaction as required;
 - 7283 (c) acting as a regulated purchaser and purchasing or in any other way obtaining a
7284 controlled substance precursor from a person within the state who is not a licensed
7285 regulated distributor, or purchasing or otherwise obtaining a controlled substance
7286 precursor from a person outside of the state and failing to report the transaction as
7287 required;
 - 7288 (d) engaging in a regulated transaction and failing to submit reports and keep required
7289 records of inventories required under the provisions of this chapter or rules adopted
7290 pursuant to this chapter;
 - 7291 (e) making any false statement in any application for license, in any record to be kept, or
7292 on any report submitted as required under this chapter;
 - 7293 (f) with the intent of causing the evasion of the recordkeeping or reporting requirements
7294 of this chapter and rules related to this chapter, receiving or distributing any listed
7295 controlled substance precursor chemical in any manner designed so that the making
7296 of records or filing of reports required under this chapter is not required;
 - 7297 (g) failing to take immediate steps to comply with licensure, reporting, or recordkeeping
7298 requirements of this chapter because of lack of knowledge of those requirements,
7299 upon becoming informed of the requirements;
 - 7300 (h) presenting false or fraudulent identification where or when receiving or purchasing a
7301 listed controlled substance precursor chemical;
 - 7302 (i) creating a chemical mixture for the purpose of evading any licensure, reporting or
7303 recordkeeping requirement of this chapter or rules related to this chapter, or receiving
7304 a chemical mixture created for that purpose;
 - 7305 (j) if the ~~[person]~~ individual is at least 18 years ~~[of age]~~ old, employing, hiring, using,

7306 persuading, inducing, enticing, or coercing another ~~[person]~~ individual under 18 years [
7307 of age] old to violate any provision of this chapter, or assisting in avoiding detection
7308 or apprehension for any violation of this chapter by any federal, state, or local law
7309 enforcement official; and

7310 (k) obtaining or attempting to obtain or to possess any controlled substance precursor or
7311 any combination of controlled substance precursors knowing or having a reasonable
7312 cause to believe that the controlled substance precursor is intended to be used in the
7313 unlawful manufacture of any controlled substance.

7314 (12) "Unprofessional conduct" as defined in Section 58-1-102 and as may be further
7315 defined by rule includes the following:

7316 (a) violation of any provision of this chapter, the Controlled Substance Act of this state
7317 or any other state, or the ~~[Federal]~~ federal Controlled Substance Act; and

7318 (b) refusing to allow agents or representatives of the division or authorized law
7319 enforcement personnel to inspect inventories or controlled substance precursors or
7320 records or reports relating to purchases and sales or distribution of controlled
7321 substance precursors as such records and reports are required under this chapter.

7322 Section 101. Section **58-37c-102**, which is renumbered from Section 58-37c-5 is renumbered
7323 and amended to read:

7324 **[58-37c-5] 58-37c-102 (Effective 05/06/26). Responsibility of Department of**
7325 **Commerce -- Delegation to the Division of Professional Licensing -- Rulemaking**
7326 **authority of the division.**

7327 (1) ~~[Responsibility]~~ The Department of Commerce is responsible for the enforcement of the
7328 licensing and reporting provisions of this chapter~~[shall be with the Department of~~
7329 ~~Commerece]~~.

7330 (2) The executive director shall delegate specific responsibility within the department to the
7331 Division of Professional Licensing.

7332 (3) The division shall make, adopt, amend, and repeal rules necessary for the proper
7333 administration and enforcement of this chapter.

7334 Section 102. Section **58-37c-103**, which is renumbered from Section 58-37c-6 is renumbered
7335 and amended to read:

7336 **[58-37c-6] 58-37c-103 (Effective 05/06/26). Division duties.**

7337 (1) The division ~~[shall be]~~ is responsible for the licensing and reporting provisions of
7338 this chapter.

7339 (2) ~~[and those duties shall]~~ The duties described in Subsection (1) include:

- 7340 [(1)] (a) providing for a system of licensure of regulated distributors and regulated
7341 purchasers;
- 7342 [(2)] (b) refusing to renew a license or revoking, suspending, restricting, placing on
7343 probation, issuing a private or public letter of censure or reprimand, or imposing
7344 other appropriate action against a license;
- 7345 [(3)] (c) with respect to the licensure and reporting provisions of this chapter,
7346 investigating or causing to be investigated any violation of this chapter by any person
7347 and to cause, when necessary, appropriate administrative action with respect to the
7348 license of that person;
- 7349 [(4)] (d) presenting evidence obtained from [~~investigations~~] an investigation conducted by
7350 an appropriate county [~~attorneys~~] attorney and the Office of the Attorney General for
7351 civil or criminal prosecution or for administrative action against a licensee;
- 7352 [(5)] (e) conducting hearings for the purpose of revoking, suspending, placing on
7353 probation, or imposing other appropriate administrative action against the license of a
7354 regulated [~~distributors~~] distributor or regulated [~~purehasers~~] purchaser in accordance
7355 with the provisions of Title 58, Chapter 1, Division of Professional Licensing Act,
7356 and Title 63G, Chapter 4, Administrative Procedures Act;
- 7357 [(6)] (f) assisting all other law enforcement agencies of the state in enforcing all laws
7358 regarding controlled substance precursors;
- 7359 [(7)] (g) specifying reports, frequency of reports, and conditions under which reports are
7360 to be submitted and to whom reports are to be submitted by regulated distributors and
7361 regulated purchasers with respect to transactions involving threshold amounts of
7362 controlled substance precursors; and
- 7363 [(8)] (h) performing all other functions necessary to fulfill division duties and
7364 responsibilities as outlined under this chapter or rules adopted pursuant to this
7365 chapter.

7366 Section 103. Section **58-37c-104**, which is renumbered from Section 58-37c-7 is renumbered
7367 and amended to read:

7368 **[58-37c-7] 58-37c-104 (Effective 05/06/26). Controlled substance precursor**
7369 **license.**

- 7370 (1) The division shall issue to persons qualified under the provisions of this chapter and
7371 rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a
7372 controlled substance precursor license.
- 7373 (2) It is unlawful for a person to engage in the distribution, sale, or transfer, or in the

7374 purchase or obtaining of a controlled substance precursor in a regulated transaction
7375 without being licensed or excepted from licensure under this chapter.

7376 Section 104. Section **58-37c-105**, which is renumbered from Section 58-37c-8 is renumbered
7377 and amended to read:

7378 **[~~58-37c-8~~ 58-37c-105 (Effective 05/06/26). License -- Exceptions from licensure**
7379 **or regulation.**

7380 (1) A person engaged in a regulated transaction under this chapter shall hold a controlled
7381 substance precursor license issued under Section [~~58-37c-7~~] 58-37c-104, unless excepted
7382 from licensure under this chapter.

7383 (2) The division shall:

7384 (a) establish the form of application for a license, the requirements for licensure, and
7385 fees for initial licensure and renewal; and

7386 (b) identify required information to be contained in the application as a condition of
7387 licensure.

7388 (3) A practitioner who holds a Utah Controlled Substance License and a Controlled
7389 Substance Registration issued by the Drug Enforcement Administration of the U.S.
7390 Government is excepted from licensure under this chapter.

7391 (4) The purchase, sale, transfer, furnishing, or receipt of a drug intended for lawful use in
7392 the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other
7393 animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or
7394 phenylpropanolamine, if the drug is lawfully purchased, sold, transferred, or furnished
7395 as an over-the-counter medication without prescription pursuant to the federal Food,
7396 Drug and Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations adopted under that act,
7397 are excepted from licensure, reporting, and recordkeeping under this chapter, except that
7398 products containing ephedrine, pseudoephedrine, or phenylpropanolamine are subject to
7399 Section [~~58-37c-20.5~~] 58-37c-208.

7400 (5) The purchase, sale, transfer, receipt, or manufacture of dietary supplements, vitamins,
7401 minerals, herbs, or other similar substances, including concentrates or extracts, which
7402 are not otherwise prohibited by law, and which may contain naturally occurring amounts
7403 of chemicals or substances listed in this chapter, or in rules adopted pursuant to Title
7404 63G, Chapter 3, Utah Administrative Rulemaking Act, are exempt from licensure under
7405 this chapter.

7406 (6) A purchaser of two ounces or less of crystal iodine in a single transaction is not required
7407 to be licensed as a regulated purchaser if the transaction complies with Section [

7408 ~~58-37e-18]~~ 58-37c-202.

7409 (7) The purchase, sale, transfer, receipt, or manufacture of a product that contains a
7410 precursor chemical listed in Subsection [~~58-37e-3(1)(ff) or (gg)] 58-37c-101(1)(ff) or (gg)
7411 and that is not intended for human consumption is exempt from licensure or regulation
7412 and is not subject to criminal penalties under this chapter.~~

7413 Section 105. Section **58-37c-106**, which is renumbered from Section 58-37c-9 is renumbered
7414 and amended to read:

7415 **[~~58-37e-9]~~ 58-37c-106 (Effective 05/06/26). Term of license -- Expiration --**
7416 **Renewal.**

7417 (1)(a) Each license issued under this chapter shall be issued in accordance with a
7418 two-year renewal cycle established by rule.

7419 (b) A renewal period may be extended or shortened by as much as one year to maintain
7420 established renewal cycles or to change an established renewal cycle.

7421 (2) Each license automatically expires on the expiration date shown on the license unless
7422 renewed by the licensee in accordance with Section 58-1-308.

7423 Section 106. Section **58-37c-107**, which is renumbered from Section 58-37c-10 is renumbered
7424 and amended to read:

7425 **[~~58-37e-10]~~ 58-37c-107 (Effective 05/06/26). Reporting and recordkeeping --**
7426 **Penalty.**

7427 (1) Any person who engages in a regulated transaction, unless excepted under the
7428 provisions of Subsections [~~58-37e-8(3) and (4)] 58-37c-105(3) and (4), shall submit a
7429 report with respect to such transaction and shall maintain records of inventories in
7430 accordance with rules adopted by the division.~~

7431 (2) The division shall provide reporting forms upon which regulated transactions shall be
7432 reported.

7433 (3) The division shall furnish copies of reports of transactions under this section to
7434 appropriate law enforcement agencies.

7435 (4) The division shall adopt rules regulating:

7436 (a) records [~~which] that shall be maintained and reports [~~which] that shall be submitted by
7437 regulated distributors and regulated purchasers with respect to listed controlled
7438 substance precursors obtained, distributed, and held in inventory;~~~~

7439 (b) records [~~which] that shall be maintained and reports [~~which] that shall be submitted by
7440 regulated distributors and regulated purchasers with respect to extraordinary or
7441 unusual regulated transactions and a requirement that in such cases the report must be~~~~

- 7442 received at least three working days [~~prior to~~] before transfer of the listed controlled
 7443 substance precursor;
- 7444 (c) identification [~~which~~] that must be presented by a purchaser of any listed controlled
 7445 substance precursor before the sale or transfer can be completed and recordkeeping
 7446 requirements related to such identification presented;
- 7447 (d) filing by each licensee the identification of all locations where any listed controlled
 7448 substance precursor is held in inventory or stored and amending such filing when any
 7449 change in location is made;
- 7450 (e) reports and actions [~~which~~] that must be taken by a regulated distributor or regulated
 7451 purchaser in the event of any theft, loss, or shortage of a listed controlled substance
 7452 precursor;
- 7453 (f) reports and actions [~~which~~] that must be taken by a regulated distributor relating to a
 7454 regulated transaction with an out-of-state purchaser;
- 7455 (g) reports and actions [~~which~~] that must be taken by a regulated purchaser relating to a
 7456 regulated transaction with an out-of-state distributor; and
- 7457 (h) regulated transactions to the extent such regulation is reasonable and necessary to
 7458 protect the public health, safety, or welfare.
- 7459 (5) A person who engages in a regulated transaction may not accept a driving privilege card
 7460 issued in accordance with Section 53-3-207 as proof of identification as required under
 7461 Subsection (4)(c).
- 7462 (6) Any person who is a regulated distributor or a regulated purchaser who acts in violation
 7463 of the provisions of this section, in addition to any criminal penalties, shall be subject to
 7464 a civil penalty of not more than \$25,000 for each offense.

7465 Section 107. Section **58-37c-108**, which is renumbered from Section 58-37c-12 is renumbered
 7466 and amended to read:

7467 **[58-37c-12] 58-37c-108 (Effective 05/06/26). Grounds for denial of license --**
 7468 **Disciplinary proceedings.**

7469 Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a
 7470 licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a
 7471 public or private reprimand to a licensee, and to issue cease and desist orders shall be in
 7472 accordance with Section 58-1-401.

7473 Section 108. Section **58-37c-109**, which is renumbered from Section 58-37c-13 is renumbered
 7474 and amended to read:

7475 **[58-37c-13] 58-37c-109 (Effective 05/06/26). License does not authorize**

7476 **possession of controlled substances.**

7477 Nothing in the provisions of this chapter shall authorize [~~persons~~] a person not licensed
 7478 under provisions of [~~Title 58, Chapter 37, Utah Controlled Substances Act,~~] Chapter 37,
 7479 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 7480 Substances, to distribute, possess, dispense, administer, or otherwise deal in controlled
 7481 substances as defined in [~~the Utah Controlled Substance Act~~] Chapter 37, Controlled
 7482 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

7483 Section 109. Section **58-37c-110**, which is renumbered from Section 58-37c-14 is renumbered
 7484 and amended to read:

7485 **[58-37c-14] 58-37c-110 (Effective 05/06/26). Emergency listing provision.**

7486 (1) Upon a written finding of cause by the director that the listing of a chemical as a
 7487 controlled substance precursor is necessary to protect the public health, safety, or
 7488 welfare, the director may make an emergency listing of that chemical as a controlled
 7489 substance precursor by adopting a rule pursuant to the provisions of Title 63G, Chapter
 7490 3, Utah Administrative Rulemaking Act.

7491 (2)(a) [~~Such listing-~~] A listing of a chemical described in Subsection (1) shall have effect
 7492 until the close of the next immediately succeeding regular session of the Legislature.

7493 (b) In the event the Legislature adopts the chemical as a controlled precursor by
 7494 amendment to this chapter, the chemical shall remain listed under emergency
 7495 provisions until the effective date of the amendment.

7496 (3) Any violation of this chapter dealing with a controlled substance precursor listed under
 7497 the emergency listing provisions of this section shall constitute a violation subject only
 7498 to civil or administrative penalties.

7499 Section 110. Section **58-37c-111**, which is renumbered from Section 58-37c-15 is renumbered
 7500 and amended to read:

7501 **[58-37c-15] 58-37c-111 (Effective 05/06/26). Civil forfeiture.**

7502 The following shall be subject to forfeiture in accordance with the procedures and
 7503 substantive protections of Title 77, Chapter 11b, Forfeiture of Seized Property:

7504 (1) all listed controlled substance precursor chemicals regulated under the provisions of this
 7505 chapter [~~which~~] that have been distributed, possessed, or are intended to be distributed or
 7506 otherwise transferred in violation of any felony provision of this chapter; and

7507 (2) all property used by any person to facilitate, aid, or otherwise cause the unlawful
 7508 distribution, transfer, possession, or intent to distribute, transfer, or possess a listed
 7509 controlled substance precursor chemical in violation of any felony provision of this

7510 chapter.

7511 Section 111. Section **58-37c-112**, which is renumbered from Section 58-37c-17 is renumbered
7512 and amended to read:

7513 **~~[58-37c-17]~~ 58-37c-112 (Effective 05/06/26). Inspection authority.**

7514 For the purpose of inspecting, copying, and auditing records and reports required under
7515 this chapter and rules adopted ~~[pursuant thereto]~~ under this chapter, and for the purpose of
7516 inspecting and auditing inventories of listed controlled substance precursors, the director, or [
-7517 ~~his]~~ the director's authorized agent, and law enforcement personnel of any federal, state, or
7518 local law enforcement agency~~[-is]~~ , are authorized to enter the premises of a regulated [
-7519 ~~distributors and]~~ distributor or regulated ~~[purchasers]~~ purchaser during normal business hours to
7520 conduct an administrative ~~[inspections]~~ inspection.

7521 Section 112. Section **58-37c-113**, which is renumbered from Section 58-37c-21 is renumbered
7522 and amended to read:

7523 **~~[58-37c-21]~~ 58-37c-113 (Effective 05/06/26). Department of Public Safety**
7524 **enforcement authority.**

7525 (1) As used in this section, "division" means the Criminal Investigations and Technical
7526 Services Division of the Department of Public Safety, created in Section 53-10-103.

7527 (2)(a) The division has authority to enforce this chapter.

7528 (b) To carry out ~~[this purpose]~~ enforcement of this chapter, the division may:

7529 ~~[(a)]~~ (i) inspect, copy, and audit records, inventories of controlled substance
7530 precursors, and reports required under this chapter and rules adopted under this
7531 chapter;

7532 ~~[(b)]~~ (ii) enter the premises of regulated distributors and regulated purchasers during
7533 normal business hours to conduct administrative inspections;

7534 ~~[(c)]~~ (iii) assist the law enforcement agencies of the state in enforcing this chapter;

7535 ~~[(d)]~~ (iv) conduct investigations to enforce this chapter;

7536 ~~[(e)]~~ (v) present evidence obtained from investigations conducted in conjunction with
7537 appropriate county and district attorneys and the Office of the Attorney General
7538 for civil or criminal prosecution or for administrative action against a licensee; and

7539 ~~[(f)]~~ (vi) work in cooperation with the Division of Professional Licensing, created
7540 under Section 58-1-103, to accomplish the purposes of this section.

7541 Section 113. Section **58-37c-114**, which is renumbered from Section 58-37c-11 is renumbered
7542 and amended to read:

7543 **~~[58-37c-11]~~ 58-37c-114 (Effective 05/06/26). Penalty for unlawful conduct.**

- 7544 (1) ~~[A person who violates the]~~ A violation of an unlawful conduct provision defined in
 7545 Subsections [58-37e-3(11)(a) through (j)] 58-37c-101(11)(a) through (j) is [guilty of] a
 7546 class A misdemeanor.
- 7547 (2) ~~[A person who violates]~~ A violation of the unlawful conduct [provisions] provision
 7548 defined in Subsection [58-37e-3(11)(k)] 58-37c-101(11)(k) is [guilty of] a second degree
 7549 felony.

7550 Section 114. Section **58-37c-201** is enacted to read:

7551 **Part 2. Provisions Concerning Specific Precursors**

7552 **58-37c-201 (Effective 05/06/26). Definitions.**

7553 Reserved.

7554 Section 115. Section **58-37c-202**, which is renumbered from Section 58-37c-18 is renumbered
 7555 and amended to read:

7556 **[58-37e-18] 58-37c-202 (Effective 05/06/26). Recordkeeping requirements for**
 7557 **sale of crystal iodine -- Penalty.**

- 7558 (1) ~~[Any]~~ A person licensed to engage in a regulated transaction and who sells crystal iodine
 7559 to another person shall:
- 7560 (a) comply with the recordkeeping requirements of Section ~~[58-37e-10]~~ 58-37c-107;
- 7561 (b) require photo identification of the purchaser;
- 7562 (c) obtain from the purchaser a signature on a certificate of identification provided by
 7563 the seller; and
- 7564 (d) obtain from the purchaser a legible fingerprint, preferably of the right thumb, which
 7565 shall be placed on the certificate next to the purchaser's signature.
- 7566 (2) Any failure to comply with Subsection (1) is a class B misdemeanor.

7567 Section 116. Section **58-37c-203**, which is renumbered from Section 58-37c-19 is renumbered
 7568 and amended to read:

7569 **[58-37e-19] 58-37c-203 (Effective 05/06/26). Possession or sale of crystal iodine --**
 7570 **Penalty.**

- 7571 (1) A person licensed to engage in a regulated transaction is guilty of a class B
 7572 misdemeanor ~~[who]~~ if, under circumstances not amounting to a violation of Subsection [
 7573 ~~58-37d-4(1)(e)] 76-18-506(2)(c), the person offers to sell, sells, or distributes more than~~
 7574 two ounces of crystal iodine to another person who is:
- 7575 (a) not licensed as a regulated purchaser of crystal iodine;
- 7576 (b) not excepted from licensure; or
- 7577 (c) not excepted under Subsection (3).

- 7578 (2) A person who is not licensed to engage in regulated transactions and not excepted from
 7579 licensure is guilty of a class A misdemeanor [~~who~~] if, under circumstances not
 7580 amounting to a violation of Subsection [~~58-37c-3(11)(k)~~] 58-37c-101(11)(k) or
 7581 Subsection [~~58-37d-4(1)(a)~~] 76-18-506(2)(a), the person:
 7582 (a) possesses more than two ounces of crystal iodine; or
 7583 (b) offers to sell, sells, or distributes crystal iodine to another person.
- 7584 (3) Subsection (2)(a) does not apply to:
 7585 (a) a chemistry laboratory maintained by:
 7586 (i) a public or private regularly established secondary school; or
 7587 (ii) a public or private institution of higher education that is accredited by a regional
 7588 or national accrediting agency recognized by the United States Department of
 7589 Education;
 7590 (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice Act;
 7591 or
 7592 (c) a general acute hospital.

7593 Section 117. Section **58-37c-204**, which is renumbered from Section 58-37c-19.5 is renumbered
 7594 and amended to read:

7595 **[~~58-37c-19.5~~] 58-37c-204 (Effective 05/06/26). Iodine solution greater than 1.5%**
 7596 **-- Prescription or permit required -- Penalties.**

- 7597 (1) As used in this section, "iodine matrix" means iodine at concentrations greater than
 7598 1.5% by weight in a matrix or solution.
- 7599 (2) A person may offer to sell, sell, or distribute an iodine matrix only:
 7600 (a) as a prescription drug, pursuant to a prescription issued by a veterinarian or physician
 7601 licensed within the state; or
 7602 (b) to a person who is actively engaged in the legal practice of animal husbandry of
 7603 livestock, as defined in Section 4-1-109.
- 7604 (3) Prescriptions issued under this section:
 7605 (a) shall provide for a specified number of refills;
 7606 (b) may be issued by electronic means, in accordance with Title 58, Chapter 17b,
 7607 Pharmacy Practice Act; and
 7608 (c) may be filled by a person other than the veterinarian or physician issuing the
 7609 prescription.
- 7610 (4) A retailer offering iodine matrix for sale:
 7611 (a) shall store the iodine matrix so that the public does not have access to the iodine

- 7612 matrix without the direct assistance or intervention of a retail employee;
- 7613 (b) shall keep a record, which may consist of sales receipts, of each person purchasing
- 7614 iodine matrix; and
- 7615 (c) may, if necessary to ascertain the identity of the purchaser, ask for proof of
- 7616 identification from the purchaser.
- 7617 (5) A person engaging in a regulated transaction under Subsection (2) is guilty of a class B
- 7618 misdemeanor if the person, under circumstances not amounting to a violation of
- 7619 Subsection [~~58-37d-4(1)(e)~~] 76-18-506(2)(c), offers to sell, sells, or distributes an iodine
- 7620 matrix to a person who:
- 7621 (a) does not present a prescription or is not engaged in animal husbandry, as required
- 7622 under Subsection (2); or
- 7623 (b) is not excepted under Subsection (7).
- 7624 (6) A person is guilty of a class A misdemeanor [~~who~~] if, under circumstances not
- 7625 amounting to a violation of Subsection [~~58-37e-3(11)(k) or 58-37d-4(1)(a)~~]
- 7626 58-37c-101(11)(k) or 76-18-506(2)(a), the person:
- 7627 (a) possesses an iodine matrix without proof of obtaining the solution in compliance
- 7628 with Subsection (2); or
- 7629 (b) offers to sell, sells, or distributes an iodine matrix in violation of Subsection (2).
- 7630 (7) Subsection (6)(a) does not apply to:
- 7631 (a) a chemistry or chemistry-related laboratory maintained by:
- 7632 (i) a public or private regularly established secondary school; or
- 7633 (ii) a public or private institution of higher education that is accredited by a regional
- 7634 or national accrediting agency recognized by the United States Department of
- 7635 Education;
- 7636 (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice Act;
- 7637 (c) a general acute hospital; or
- 7638 (d) a veterinarian, physician, pharmacist, retail distributor, wholesaler, manufacturer,
- 7639 warehouseman, or common carrier, or an agent of any of these persons who
- 7640 possesses an iodine matrix in the regular course of lawful business activities.

7641 Section 118. Section **58-37c-205**, which is renumbered from Section 58-37c-19.7 is renumbered

7642 and amended to read:

7643 **[~~58-37e-19.7]~~ 58-37c-205 (Effective 05/06/26). Red phosphorus is a precursor --**

7644 **Penalty -- Affirmative defense.**

7645 (1) A person [~~is guilty of a class A misdemeanor~~] who is not licensed to engage in a

7646 regulated transaction and is not excepted from licensure [~~who~~] is guilty of a class A
7647 misdemeanor if, under circumstances not amounting to a violation of Subsection [
7648 ~~58-37c-3(11)(k) or 58-37d-4(1)(a)] 58-37c-101(11)(k) or 76-18-506(2)(a), possesses any~~
7649 amount of red phosphorus.

7650 (2) It is an affirmative defense to a charge under Subsection (1) that the person in
7651 possession of red phosphorus:

7652 (a) is conducting a licensed business that involves red phosphorus in the manufacture of
7653 any of the following:

7654 (i) the striking surface used for lighting matches, which is sometimes referred to as
7655 the striker plate;

7656 (ii) flame retardant in polymers; or

7657 (iii) fireworks, for which the person or entity possesses a federal license to
7658 manufacture explosives as required under 27 CFR Chapter II, Part 555,
7659 Commerce in Explosives; or

7660 (b)(i) is a wholesaler, manufacturer, warehouseman, or common carrier handling red
7661 phosphorus, or is an agent of any of these persons; and

7662 (ii) possesses the substances in the regular course of lawful business activities.

7663 (3)(a)(i) A defendant shall provide written notice of intent to claim an affirmative
7664 defense under this section as soon as practicable, but not later than 10 days prior
7665 to trial.

7666 (ii) The court may waive the notice requirement in the interest of justice for good
7667 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely
7668 notice.

7669 (b) The notice described in Subsection (3)(a)(i) shall include the specifics of the
7670 affirmative defense.

7671 (c)(i) The defendant shall establish the affirmative defense by a preponderance of the
7672 evidence.

7673 (ii) If the defense is established, it is a complete defense to the charges.

7674 (4) Subsection (1) does not apply to:

7675 (a) a chemistry or chemistry-related laboratory maintained by:

7676 (i) a public or private regularly established secondary school; or

7677 (ii) a public or private institution of higher education that is accredited by a regional
7678 or national accrediting agency recognized by the United States Department of
7679 Education; or

7680 (b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or
 7681 an agent of any of these persons who possesses red phosphorus in the regular course
 7682 of lawful business activities.

7683 Section 119. Section **58-37c-206**, which is renumbered from Section 58-37c-19.9 is renumbered
 7684 and amended to read:

7685 **[58-37c-19.9] 58-37c-206 (Effective 05/06/26). Anhydrous ammonia is a**
 7686 **precursor -- Penalty -- Requirements regarding purposes and containers.**

7687 (1) A person [~~is guilty of a class A misdemeanor~~] who is not licensed to engage in a
 7688 regulated transaction and is not excepted from licensure or exempted under Subsection
 7689 (2), and who possesses any amount of anhydrous ammonia under circumstances not
 7690 amounting to a violation of Subsection [~~58-37e-3(11)(k) or 58-37d-4(1)(a)]~~
 7691 58-37c-101(11)(k) or 76-18-506(2)(a), is guilty of a class A misdemeanor.

7692 (2) A person who possesses anhydrous ammonia has an affirmative defense to a charge
 7693 under Subsection (1) if the person is:

- 7694 (a) directly involved in or actively operating land in agricultural use as defined in
 7695 Section 59-2-502;
- 7696 (b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or
 7697 an agent of any of these persons, who possesses anhydrous ammonia in the regular
 7698 course of lawful business activities;
- 7699 (c) directly involved in or actively operating a business or other lawful activity
 7700 providing or using anhydrous ammonia for refrigeration applications; or
- 7701 (d) directly involved in or actively operating a lawful business enterprise, including an
 7702 industrial enterprise, that uses anhydrous ammonia in the regular course of [~~its~~] the
 7703 lawful business enterprise's business activities.

7704 Section 120. Section **58-37c-207**, which is renumbered from Section 58-37c-20 is renumbered
 7705 and amended to read:

7706 **[58-37c-20] 58-37c-207 (Effective 05/06/26). Possession of ephedrine,**
 7707 **pseudoephedrine, or phenylpropanolamine -- Penalties -- Affirmative defense.**

7708 (1) A person is guilty of a class A misdemeanor if the person:

- 7709 (a) [~~who~~] is not licensed to engage in regulated transactions and is not excepted from
 7710 licensure; and
- 7711 (b) [~~who~~], under circumstances not amounting to a violation of Subsection [
 7712 ~~58-37e-3(11)(k) or Subsection 58-37d-4(1)(a)]~~ 58-37c-101(11)(k) or 76-18-506(2)(a),
 7713 possesses more than 9 grams of ephedrine, pseudoephedrine, or

7714 phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of
7715 any of these substances.

7716 (2) It is an affirmative defense to a charge under Subsection (1) that the person in
7717 possession of ephedrine, pseudoephedrine, phenylpropanolamine, or a combination of
7718 these [~~two~~] substances:

7719 (a)(i) is a physician, pharmacist, retail distributor, wholesaler, manufacturer,
7720 warehouseman, or common carrier, or an agent of any of these persons; and

7721 (ii) possesses the substances in the regular course of lawful business activities; or

7722 (b) possesses the substance pursuant to a valid prescription as defined in Section [
7723 ~~58-37-2~~] 58-37-101.

7724 (3)(a)(i) A defendant shall provide written notice of intent to claim an affirmative
7725 defense under this section as soon as practicable, but not later than 10 days prior
7726 to trial.

7727 (ii) The court may waive the notice requirement in the interest of justice for good
7728 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely
7729 notice.

7730 (b) The notice described in Subsection (3)(a)(i) shall include the specifics of the asserted
7731 defense.

7732 (c)(i) The defendant shall establish the affirmative defense by a preponderance of the
7733 evidence.

7734 (ii) If the defense is established, it is a complete defense to the charges.

7735 (4) This section does not apply to dietary supplements, herbs, or other natural products,
7736 including concentrates or extracts, which:

7737 (a) are not otherwise prohibited by law; and

7738 (b) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine,
7739 or their salts, isomers, or salts of isomers, or a combination of these substances, that:

7740 (i) are contained in a matrix of organic material; and

7741 (ii) do not exceed 15% of the total weight of the natural product.

7742 Section 121. Section **58-37c-208**, which is renumbered from Section 58-37c-20.5 is renumbered
7743 and amended to read:

7744 **[~~58-37c-20.5~~] 58-37c-208 (Effective 05/06/26). Pseudoephedrine products --**

7745 **Limitations on retail sale -- Penalty.**

7746 (1) As used in this section:

7747 (a) "Mobile retail vendor" means a person or entity that sells product at retail from a

7748 stand that is intended to be temporary, or that is capable of being moved from one
 7749 location to another, whether the stand is located within or on the premises of a fixed
 7750 facility or is located on unimproved real estate~~[-and]~~ .

7751 (b) "Product" means any product, mixture, or preparation, or any combination of
 7752 products that contain ephedrine, pseudoephedrine, or phenylpropanolamine, their
 7753 salts or isomers, or salts of optical isomers, or a combination of any of these
 7754 substances.

7755 (2) A retail distributor or a mobile retail vendor may not distribute or sell any product that
 7756 exceeds the threshold amount of 3.6 grams of ephedrine, pseudoephedrine, or
 7757 phenylpropanolamine, or any combination of these, regardless of the number of
 7758 transactions, during any 24-hour period.

7759 (3) A mobile retail vendor may not distribute or sell any product that exceeds the threshold
 7760 amount of 7.5 grams of ephedrine, pseudoephedrine, or phenylpropanolamine,
 7761 regardless of the number of transactions, during any 30-day period.

7762 (4) A retail distributor or a mobile retail vendor may not distribute or sell any product,
 7763 unless the retail distributor or mobile retail vendor:

7764 (a) stores the product in an area not accessible to customers ~~[prior to]~~ before the sale,
 7765 which area may include a locked cabinet to display the product in an area accessible
 7766 to customers, if the locked cabinet may be opened only by the retail distributor or
 7767 mobile retail vendor or ~~[its]~~ the employees of the retail distributor or mobile retail
 7768 vendor;

7769 (b) stores all nonliquid scheduled listed chemical products in packaging containing
 7770 blister packs, with each blister containing no more than two dosage units;

7771 (c) requires the purchaser of the product to provide photo identification issued by a
 7772 governmental agency and that includes the purchaser's date of birth;

7773 (d) maintains a written or electronic log under Subsection (5) of the sales made under
 7774 this section; and

7775 (e) provides a notice concerning federal penalties for making false statements or
 7776 misrepresentations, as provided in Subsection (5)(d).

7777 (5)(a) Each retail distributor or mobile retail vendor shall maintain an electronic or
 7778 written log that contains the following information regarding each person to whom
 7779 product is distributed or sold under this section.

7780 (b) The log described in Subsection (5)(a) shall include:

7781 ~~[(a)]~~ (i) the following information, provided or written in the log by the purchaser:

7782 [(i)] (A) the purchaser's name, address, and date of birth, as demonstrated by a
7783 form of personal identification issued by the state or the federal government
7784 and that provides an identifying photograph of the person;
7785 [(ii)] (B) the date and time of the transaction; and
7786 [(iii)] (C) the purchaser's signature; and
7787 [(b)] (ii) the following information verified or written in by the retail distributor or the
7788 mobile retail vendor:
7789 [(i)] (A) verification of the identity of the purchaser as indicated by the form of
7790 identification presented by the purchaser;
7791 [(ii)] (B) verification that the date and time of the transaction as entered in the log
7792 is correct; and
7793 [(iii)] (C) entry of the brand name and the quantity of the product sold in the
7794 transaction.

7795 (c) The retail distributor or the mobile retail vendor shall maintain the information
7796 required to be recorded in a log under Subsections (5)(a) and (b) for not less than two
7797 years from the most recent date contained in the log.

7798 (d) In addition to the log information required under this Subsection (5), the log, or a
7799 prominently displayed sign, shall contain the following statement verbatim which shall be
7800 visible to purchasers of product:

7801 "WARNING: Section 1001 of Title 18, United States Code, states that whoever, with
7802 respect to the information to be provided in this log, knowingly and willfully falsifies,
7803 conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially
7804 false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or
7805 document, knowing the same to contain any materially false, fictitious, or fraudulent statement
7806 or entry, shall be fined not more than \$250,000 if an individual or \$500,000 if an organization,
7807 imprisoned for not more than five years, or both."

7808 (6)(a) A person may not knowingly and intentionally use, release, publish, or otherwise
7809 make available to any person or entity any information in or obtained from a log
7810 maintained by a retail distributor or a mobile retail vendor under this section for any
7811 purpose other than those specified in Subsection (6)(b).

7812 (b) The retail distributor or [its] the retail distributor's designee shall make information in
7813 the log available only to:

7814 (i) federal, state, and local law enforcement authorities engaged as a duty of their
7815 employment in enforcing laws regulating controlled substances; and

- 7816 (ii) an individual:
- 7817 (A) whose request is for records in the log of that individual's purchase or receipt
- 7818 of product; and
- 7819 (B) who has provided evidence satisfactory to the retail distributor that the
- 7820 individual is in fact the person regarding whom the requested log entry is made.
- 7821 (c) Any person who knowingly and intentionally releases or modifies any information in
- 7822 the log in violation of this Subsection (6) is guilty of a class B misdemeanor.
- 7823 (7)(a) A person may not purchase product that exceeds the threshold amount of 3.6
- 7824 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination
- 7825 of these, regardless of the number of transactions, during any 24-hour period.
- 7826 (b) A person may not purchase product that exceeds the threshold amount of 9 grams of
- 7827 ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination of these,
- 7828 regardless of the number of transactions, during any 30-day period.
- 7829 (c) A violation of this Subsection (7) is a class B misdemeanor.
- 7830 (8) This section does not apply to any quantity of product possessed by:
- 7831 (a) a physician, pharmacist, veterinarian, retail distributor, wholesaler, manufacturer,
- 7832 warehouseman, or common carrier, or any agent of these persons, who possess the
- 7833 product in the regular course of lawful business activities; or
- 7834 (b) a person who possesses the product pursuant to a valid prescription as defined in
- 7835 Section ~~[58-37-2]~~ 58-37-101.
- 7836 (9) This section does not apply to dietary supplements, herbs, or other natural products,
- 7837 including concentrates or extracts, which:
- 7838 (a) are not otherwise prohibited by law; and
- 7839 (b) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine,
- 7840 or their salts, isomers, or salts of isomers, or a combination of these substances, that:
- 7841 (i) are contained in a matrix of organic material; and
- 7842 (ii) do not exceed 15% of the total weight of the natural product.
- 7843 (10) This section does not apply to an individual sales transaction in which the purchaser
- 7844 purchases a single package containing no more than 60 mg of pseudoephedrine.
- 7845 (11)(a) A violation of this section is a class B misdemeanor, and a second or subsequent
- 7846 violation of this section is a class A misdemeanor.
- 7847 (b) For purposes of this section, a plea of guilty or no contest to a violation of this
- 7848 section ~~[which]~~ that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
- 7849 is the equivalent of a conviction for a violation of this section, even if the charge has

7850 been subsequently reduced or dismissed in accordance with a plea in abeyance
7851 agreement.

7852 (c) A previous conviction used for a penalty enhancement under this section includes a
7853 conviction for an offense described in a statute previously in effect in this state that is
7854 the same or substantially similar to a violation of this section.

7855 Section 122. Section **58-37e-101**, which is renumbered from Section 58-37e-2 is renumbered
7856 and amended to read:

7857 **CHAPTER 37e. Drug Dealer Liability**

7858 **[58-37e-2] 58-37e-101 (Effective 05/06/26). Definitions.**

7859 As used in this chapter:

- 7860 (1) "Illegal drug" means a drug or controlled substance whose distribution is a violation of
7861 state law.
- 7862 (2) "Illegal drug market" means the support system of illegal drug-related operations, from
7863 production to retail sales, through which an illegal drug reaches the user.
- 7864 (3) "Illegal drug market target community" is the area described in Section ~~[58-37e-7]~~
7865 58-37e-106.
- 7866 (4) "Individual drug user" means the individual whose illegal drug use is the basis of an
7867 action brought under this chapter.
- 7868 (5) "Level 1 offense" means:
- 7869 (a) possession of 16 ounces or more ~~[or distribution of four ounces or more]~~ of a mixture
7870 containing a specified illegal drug;
- 7871 (b) distribution of four ounces or more of a mixture containing a specified illegal drug;
- 7872 (c) ~~[or]~~ possession of 16 pounds or more, or 100 plants or more, of marijuana; or
- 7873 (d) distribution of 10 pounds or more of marijuana.
- 7874 (6) "Level 2 offense" means:
- 7875 (a) possession of eight ounces or more, but less than 16 ounces, ~~[or distribution of two~~
7876 ~~ounces or more, but less than four ounces,~~] of a mixture containing a specified illegal
7877 drug;
- 7878 (b) ~~[or]~~ distribution of two ounces or more, but less than four ounces, of a mixture
7879 containing a specified illegal drug;
- 7880 (c) possession of eight pounds or more, or 75 plants or more, but less than 16 pounds or
7881 100 plants, of marijuana; or
- 7882 (d) distribution of more than five pounds, but less than 10 pounds, of marijuana.
- 7883 (7) "Level 3 offense" means:

- 7884 (a) possession of four ounces or more, but less than eight ounces, [~~or distribution of one~~
 7885 ~~ounce or more, but less than two ounces,~~] of a mixture containing a specified illegal
 7886 drug~~[-or]~~ ;
- 7887 (b) distribution of one ounce or more, but less than two ounces, of a mixture containing
 7888 a specified illegal drug;
- 7889 (c) possession of four pounds or more, or 50 plants or more, but less than eight pounds
 7890 or 75 plants, of marijuana; or
- 7891 (d) distribution of more than one pound, but less than five pounds of marijuana.
- 7892 (8) "Level 4 offense" means:
- 7893 (a) possession of 1/4 ounce or more, but less than four ounces, [~~or distribution of less~~
 7894 ~~than one ounce]~~ of a mixture containing a specified illegal drug~~[-or]~~ ;
- 7895 (b) distribution of less than one ounce of a mixture containing a specified illegal drug;
- 7896 (c) possession of one pound or more, or 25 plants or more, but less than four pounds or
 7897 50 plants, of marijuana; or
- 7898 (d) distribution of less than one pound of marijuana.
- 7899 (9)(a) "Participate in the illegal drug market" means to distribute, possess with an intent
 7900 to distribute, commit an act intended to facilitate the marketing or distribution of, or
 7901 agree to distribute, possess with an intent to distribute, or commit an act intended to
 7902 facilitate the marketing and distribution of an illegal drug.
- 7903 (b) "Participate in the illegal drug market" does not include the purchase or receipt of an
 7904 illegal drug for personal use only.
- 7905 (10)(a) "Period of illegal drug use" means, in relation to the individual drug user, the
 7906 time of the individual's first use of an illegal drug to the accrual of the cause of the
 7907 action.
- 7908 (b) The period of illegal drug use is presumed to commence two years before the cause
 7909 of action accrues unless the defendant proves otherwise by clear and convincing
 7910 evidence.
- 7911 (11) "Person" means an individual, governmental entity, corporation, firm, trust,
 7912 partnership, or incorporated or unincorporated association, existing under or authorized
 7913 by the laws of this state, another state, or foreign country.
- 7914 (12) "Place of illegal drug activity" means, in relation to the individual drug user, each
 7915 county in which the individual possesses or uses an illegal drug or in which the
 7916 individual resides, attends school, or is employed during the period of the individual's
 7917 illegal drug use, unless the defendant proves otherwise by clear and convincing evidence.

7918 (13) "Place of participation" means, in relation to a defendant in an action brought under
 7919 this chapter, each county in which the person participates in the illegal drug market or in
 7920 which the person resides, attends school, or is employed during the period of the
 7921 person's participation in the illegal drug market.

7922 (14) "Specified illegal drug" means cocaine, heroin, or methamphetamine and any other
 7923 controlled substance, the distribution of which is a violation of state law.

7924 Section 123. Section **58-37e-102**, which is renumbered from Section 58-37e-3 is renumbered
 7925 and amended to read:

7926 **[58-37e-3] 58-37e-102 (Effective 05/06/26). Liability for participation in the**
 7927 **illegal drug market -- Exemption.**

7928 (1)(a) A person who knowingly participates in the illegal drug market within this state is
 7929 liable for civil damages as provided in this chapter.

7930 (b) A person may recover damages under this chapter for injury resulting from an
 7931 individual's use of an illegal drug.

7932 (2) A law enforcement officer or agency, the state, or a person acting at the direction of a
 7933 law enforcement officer or agency or the state, is not liable for participating in the illegal
 7934 drug market, if the participation is in furtherance of an official investigation.

7935 Section 124. Section **58-37e-103**, which is renumbered from Section 58-37e-4 is renumbered
 7936 and amended to read:

7937 **[58-37e-4] 58-37e-103 (Effective 05/06/26). Recovery of damages.**

7938 (1) One or more of the following persons may bring an action for damages caused by an
 7939 individual's use of an illegal drug:

7940 (a) a parent, legal guardian, child, spouse, or sibling of the individual drug user;

7941 (b) an individual who was exposed to an illegal drug in utero;

7942 (c) an employer of the individual drug user;

7943 (d) a medical facility, insurer, governmental entity, employer, or other entity that funds a
 7944 drug treatment program or employee assistance program for the individual drug user
 7945 or that otherwise expended money on behalf of the individual drug user; or

7946 (e) a person injured as a result of the willful, reckless, or negligent actions of an
 7947 individual drug user.

7948 (2) A person entitled to bring an action under this section may seek damages from one or
 7949 more of the following:

7950 (a) a person who knowingly distributed, or knowingly participated in the chain of
 7951 distribution of, an illegal drug that was actually used by the individual drug user; and

- 7952 (b) a person who knowingly participated in the illegal drug market if:
- 7953 (i) the place of illegal drug activity by the individual drug user is within the illegal
- 7954 drug market target community of the defendant;
- 7955 (ii) the defendant's participation in the illegal drug market was connected with the
- 7956 same type of illegal drug used by the individual drug user; and
- 7957 (iii) the defendant participated in the illegal drug market at any time during the
- 7958 individual drug user's period of illegal drug use.
- 7959 (3) A person entitled to bring an action under this section may recover all of the following
- 7960 damages:
- 7961 (a) economic damages, including the cost of treatment and rehabilitation, medical
- 7962 expenses, loss of economic or educational potential, loss of productivity,
- 7963 absenteeism, support expenses, accidents or injury, and any other pecuniary loss
- 7964 proximately caused by the illegal drug use;
- 7965 (b) noneconomic damages, including physical and emotional pain, suffering, physical
- 7966 impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment,
- 7967 loss of companionship, services and consortium, and other nonpecuniary losses
- 7968 proximately caused by an individual's use of an illegal drug;
- 7969 (c) exemplary damages;
- 7970 (d) reasonable [attorney's] attorney fees; and
- 7971 (e) costs of suit, including reasonable expenses for expert testimony.

7972 Section 125. Section **58-37e-104**, which is renumbered from Section 58-37e-5 is renumbered

7973 and amended to read:

7974 **[58-37e-5] 58-37e-104 (Effective 05/06/26). Limited recovery of damages by**

7975 **individual drug user.**

- 7976 (1)(a) An individual drug user may not bring an action for damages caused by the use of
- 7977 an illegal drug, except as otherwise provided in this section.
- 7978 (b) An individual drug user may bring an action for damages caused by the use of an
- 7979 illegal drug only if all of the following conditions are met:
- 7980 [(a)] (i) the individual personally discloses to narcotics enforcement authorities, more
- 7981 than six months before filing the action, all of the information known to the
- 7982 individual regarding all that individual's sources of illegal drugs;
- 7983 [(b)] (ii) the individual has not used an illegal drug within the six months before filing
- 7984 the action; and
- 7985 [(c)] (iii) the individual continues to remain free of the use of an illegal drug

7986 throughout the pendency of the action.

7987 (2) [~~A person~~] An individual entitled to bring an action under this section may seek damages
7988 only from a person who distributed, or is in the chain of distribution of, an illegal drug
7989 that was actually used by the individual drug user.

7990 (3) [~~A person~~] An individual entitled to bring an action under this section may recover only
7991 the following damages:

7992 (a) economic damages, including the cost of treatment, rehabilitation, and medical
7993 expenses, loss of economic or educational potential, loss of productivity,
7994 absenteeism, accidents or injury, and any other pecuniary loss proximately caused by
7995 the [~~person's~~] individual's illegal drug use;

7996 (b) reasonable attorney's fees; and

7997 (c) costs of suit, including reasonable expenses for expert testimony.

7998 Section 126. Section **58-37e-105**, which is renumbered from Section 58-37e-6 is renumbered
7999 and amended to read:

8000 **[58-37e-6] 58-37e-105 (Effective 05/06/26). Third party cases.**

8001 A third party may not pay damages awarded under this chapter, or provide a defense or
8002 money for a defense, on behalf of an insured under a contract of insurance or indemnification.

8003 Section 127. Section **58-37e-106**, which is renumbered from Section 58-37e-7 is renumbered
8004 and amended to read:

8005 **[58-37e-7] 58-37e-106 (Effective 05/06/26). Illegal drug market target community.**

8006 A person whose participation in the illegal drug market constitutes the following level
8007 offense shall be considered to have the following illegal drug market target community:

8008 (1) Level 4: the county in which the defendant's place of participation is situated;

8009 (2) Level 3: the target community described in Subsection (1) plus all counties with a
8010 border contiguous to that target community;

8011 (3) Level 2: the target community described in Subsection (2) plus all counties with a
8012 border contiguous to that target community;

8013 (4) Level 1: the state.

8014 Section 128. Section **58-37e-107**, which is renumbered from Section 58-37e-8 is renumbered
8015 and amended to read:

8016 **[58-37e-8] 58-37e-107 (Effective 05/06/26). Joinder of parties.**

8017 (1) Two or more persons may join in one action under this chapter as plaintiffs if their
8018 respective actions have at least one place of illegal drug activity in common and if any
8019 portion of the period of illegal drug use overlaps with the period of illegal drug use for

8020 every other plaintiff.

8021 (2) Two or more persons may be joined in one action under this chapter as defendants if
8022 those persons are liable to at least one plaintiff.

8023 (3)(a) A plaintiff need not be interested in obtaining, and a defendant need not be
8024 interested in defending, against all the relief demanded.

8025 (b) Judgment may be given for one or more plaintiffs according to their respective rights
8026 to relief and against one or more defendants according to their respective liabilities.

8027 Section 129. Section **58-37e-108**, which is renumbered from Section 58-37e-9 is renumbered
8028 and amended to read:

8029 **[58-37e-9] 58-37e-108 (Effective 05/06/26). Comparative responsibility.**

8030 (1)(a) An action by an individual drug user is governed by the principles of comparative
8031 responsibility.

8032 (b) Comparative responsibility attributed to the plaintiff does not bar recovery but
8033 diminishes the award of compensatory damages proportionally, according to the
8034 measure of responsibility attributed to the plaintiff.

8035 (2) The burden of proving the comparative responsibility of the plaintiff is on the
8036 defendant, which shall be shown by clear and convincing evidence.

8037 (3) Comparative responsibility may not be applied in an action brought by a third party who
8038 was not an individual drug user.

8039 Section 130. Section **58-37e-109**, which is renumbered from Section 58-37e-10 is renumbered
8040 and amended to read:

8041 **[58-37e-10] 58-37e-109 (Effective 05/06/26). Contribution among and recovery**
8042 **from multiple defendants.**

8043 (1) A person subject to liability under this chapter has a right of action for contribution
8044 against another person subject to liability under this chapter.

8045 (2) Contribution may be enforced either in the original action or by a separate action
8046 brought for that purpose.

8047 (3) A plaintiff may seek recovery in accordance with this chapter and existing law against a
8048 person whom a defendant has asserted a right of contribution.

8049 Section 131. Section **58-37e-110**, which is renumbered from Section 58-37e-11 is renumbered
8050 and amended to read:

8051 **[58-37e-11] 58-37e-110 (Effective 05/06/26). Standard of proof -- Effect of**
8052 **criminal drug conviction.**

8053 (1)(a) Proof of participation in the illegal drug market in an action brought under this

8054 chapter shall be shown by clear and convincing evidence.

8055 (b) Except as otherwise provided in this chapter, other elements of the cause of action
8056 shall be shown by a preponderance of the evidence.

8057 (2)(a) A person against whom recovery is sought who has a criminal conviction pursuant
8058 to state drug laws or the Comprehensive Drug Abuse Prevention and Control Act of
8059 1970, Pub. L. 91-513, 84 Stat. 1236, codified at 21 U.S.C. Sec. 801 et seq., is
8060 estopped from denying participation in the illegal drug market.

8061 (b) A conviction is also prima facie evidence of the person's participation in the illegal
8062 drug market during the two years preceding the date of an act giving rise to a
8063 conviction.

8064 (3) The absence of a criminal drug conviction of a person against whom recovery is sought
8065 does not bar an action against that person.

8066 Section 132. Section **58-37e-111**, which is renumbered from Section 58-37e-12 is renumbered
8067 and amended to read:

8068 **[58-37e-12] 58-37e-111 (Effective 05/06/26). Prejudgment attachment and**
8069 **execution on judgments.**

8070 (1)(a) A plaintiff under this chapter, subject to Subsection (3), may request an ex parte
8071 prejudgment writ of attachment from the court pursuant to Utah Rules of Civil
8072 Procedure, Rule 64A, against all assets of a defendant sufficient to satisfy a potential
8073 award.

8074 (b) If attachment is instituted, a defendant is entitled to an immediate hearing.

8075 (c) Attachment may be lifted if the defendant:

8076 (i) demonstrates that the assets will be available for a potential award; or [~~if the~~
8077 defendant]

8078 (ii) posts a bond sufficient to cover a potential award.

8079 (2) A person against whom a judgment has been rendered under this chapter is not eligible
8080 to exempt any property, of whatever kind, from process to levy or process to execute on
8081 the judgment, unless the property is exempt by operation of law.

8082 (3) Any assets sought to satisfy a judgment under this chapter that are named in a forfeiture
8083 action or have been seized for forfeiture by any state or federal agency may not be used
8084 to satisfy a judgment unless and until the assets have been released following the
8085 conclusion of the forfeiture action or released by the agency that seized the assets.

8086 Section 133. Section **58-37e-112**, which is renumbered from Section 58-37e-13 is renumbered
8087 and amended to read:

8088 **[58-37e-13] 58-37e-112 (Effective 05/06/26). Statute of limitations.**

8089 (1)(a) Except as otherwise provided in this section, a claim under this chapter may not
8090 be brought more than two years after the cause of action accrues.

8091 (b) A cause of action accrues under this chapter when a person who may recover has
8092 reason to know of the harm from illegal drug use that is the basis for the cause of
8093 action and has reason to know that the illegal drug use is the cause of the harm.

8094 (2)(a) For a plaintiff, the statute of limitations under this section is tolled while the
8095 individual potential plaintiff is incapacitated by the use of an illegal drug to the extent
8096 that the individual cannot reasonably be expected to seek recovery under this chapter
8097 or as otherwise provided by law.

8098 (b) For a defendant, the statute of limitations under this section is tolled until six months
8099 after the individual potential defendant is convicted of a criminal drug offense or as
8100 otherwise provided by law.

8101 (3) The statute of limitations under this chapter for a claim based on participation in the
8102 illegal drug market that occurred [~~prior to the effective date of this chapter~~] before May
8103 5, 1997, does not begin to run until [~~the effective date of this chapter~~] May 5, 1997.

8104 Section 134. Section **58-37e-113**, which is renumbered from Section 58-37e-14 is renumbered
8105 and amended to read:

8106 **[58-37e-14] 58-37e-113 (Effective 05/06/26). Representation of governmental**
8107 **entities -- Stay of action.**

8108 (1) A county attorney, district attorney, or city attorney may represent any political
8109 subdivision of the state, and the attorney general may represent the state in an action
8110 brought under this chapter.

8111 (2) On motion by a governmental agency involved in a drug investigation or prosecution,
8112 an action brought under this chapter shall be stayed until the completion of the criminal
8113 investigation or prosecution that gave rise to the motion for a stay of the action.

8114 Section 135. Section **58-37f-102** is amended to read:

8115 **58-37f-102 (Effective 05/06/26). Definitions.**

8116 (1) The definitions in Section [~~58-37-2~~] 58-37-101 apply to this chapter.

8117 (2) As used in this chapter:

8118 (a) "Board" means the Utah State Board of Pharmacy created in Section 58-17b-201.

8119 (b) "Business associate" is as defined under the HIPAA privacy, security, and breach
8120 notification rules in 45 C.F.R. 164.502(a), 164.504(e), and 164.532(d) and (e).

8121 (c) "Database" means the controlled substance database created in Section 58-37f-201.

- 8122 (d) "De-identified" is as defined in 45 C.F.R. 164.502(d) and 164.514(a), (b), and (c).
 8123 (e) "Health care facility" is as defined in Section 26B-2-201.
 8124 (f) "Mental health therapist" is as defined in Section 58-60-102.
 8125 (g) "Pharmacy" or "pharmaceutical facility" is as defined in Section 58-17b-102.
 8126 (h) "Prospective patient" means an individual who:
 8127 (i) is seeking medical advice, medical treatment, or medical services from a
 8128 practitioner; and
 8129 (ii) the practitioner described in Subsection (2)(h)(i) is considering accepting as a
 8130 patient.
 8131 (i) "Substance abuse treatment program" is as defined in Section 26B-2-101.

8132 Section 136. Section **58-37f-201** is amended to read:

8133 **58-37f-201 (Effective 05/06/26). Controlled substance database -- Creation --**

8134 **Purpose.**

- 8135 (1) There is created within the division a controlled substance database.
 8136 (2) The division shall administer and direct the functioning of the database in accordance
 8137 with this chapter.
 8138 (3) The division may, under state procurement laws, contract with another state agency or a
 8139 private entity to establish, operate, or maintain the database.
 8140 (4) The division shall, in collaboration with the board, determine whether to operate the
 8141 database within the division or contract with another entity to operate the database,
 8142 based on an analysis of costs and benefits.
 8143 (5) The purpose of the database is to contain:
 8144 (a) the data described in Section 58-37f-203 regarding prescriptions for dispensed
 8145 controlled substances;
 8146 (b) data reported to the division under Section 26B-2-225 regarding poisoning or
 8147 overdose;
 8148 (c) data reported to the division under Subsection 41-6a-502(5) or 41-6a-502.5(5)(b)
 8149 regarding convictions for driving under the influence of a prescribed controlled
 8150 substance or impaired driving; and
 8151 (d) data reported to the division under Subsection [~~58-37-8(1)(e) or 58-37-8(2)(g)~~]
 8152 76-18-207(8), 76-18-208(8), 76-18-209(9), 76-18-210(9), 76-18-211(7), 76-18-212(6),
 8153 or 76-18-213(6) regarding certain violations of [~~Chapter 37, Utah Controlled~~
 8154 ~~Substances Act~~] Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2,
 8155 Offenses Concerning Controlled Substances.

- 8156 (6) The division shall maintain the database in an electronic file or by other means
 8157 established by the division to facilitate use of the database for identification of:
 8158 (a) prescribing practices and patterns of prescribing and dispensing controlled
 8159 substances;
 8160 (b) practitioners prescribing controlled substances in an unprofessional or unlawful
 8161 manner;
 8162 (c) individuals receiving prescriptions for controlled substances from licensed
 8163 practitioners, and who subsequently obtain dispensed controlled substances from a
 8164 drug outlet in quantities or with a frequency inconsistent with generally recognized
 8165 standards of dosage for that controlled substance;
 8166 (d) individuals presenting forged or otherwise false or altered prescriptions for
 8167 controlled substances to a pharmacy;
 8168 (e) individuals admitted to a general acute hospital for poisoning or overdose involving a
 8169 prescribed controlled substance; and
 8170 (f) individuals convicted for:
 8171 (i) driving under the influence of a prescribed controlled substance that renders the
 8172 individual incapable of safely operating a vehicle;
 8173 (ii) driving while impaired, in whole or in part, by a prescribed controlled substance;
 8174 or
 8175 (iii) certain violations of [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
 8176 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
 8177 Controlled Substances.

8178 Section 137. Section ~~58-37f-301~~ is amended to read:

8179 **58-37f-301 (Effective 05/06/26). Access to database.**

- 8180 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
 8181 Administrative Rulemaking Act, to:
 8182 (a) effectively enforce the limitations on access to the database as described in this part;
 8183 and
 8184 (b) establish standards and procedures to ensure accurate identification of individuals
 8185 requesting information or receiving information without request from the database.
 8186 (2) The division shall make information in the database and information obtained from
 8187 other state or federal prescription monitoring programs by means of the database
 8188 available only to the following individuals, in accordance with the requirements of this
 8189 chapter and division rules:

- 8190 (a)(i) personnel of the division specifically assigned to conduct investigations related
8191 to controlled substance laws under the jurisdiction of the division; and
8192 (ii) the following law enforcement officers, but the division may only provide
8193 nonidentifying information, limited to gender, year of birth, and postal ZIP code,
8194 regarding individuals for whom a controlled substance has been prescribed or to
8195 whom a controlled substance has been dispensed:
8196 (A) a law enforcement agency officer who is engaged in a joint investigation with
8197 the division; and
8198 (B) a law enforcement agency officer to whom the division has referred a
8199 suspected criminal violation of controlled substance laws;
- 8200 (b) authorized division personnel engaged in analysis of controlled substance
8201 prescription information as a part of the assigned duties and responsibilities of their
8202 employment;
- 8203 (c) a board member if:
8204 (i) the board member is assigned to monitor a licensee on probation; and
8205 (ii) the board member is limited to obtaining information from the database regarding
8206 the specific licensee on probation;
- 8207 (d) a person the division authorizes to obtain that information on behalf of the Utah
8208 Professionals Health Program established in Subsection 58-4a-103(1) if:
8209 (i) the person the division authorizes is limited to obtaining information from the
8210 database regarding the person whose conduct is the subject of the division's
8211 consideration; and
8212 (ii) the conduct that is the subject of the division's consideration includes a violation
8213 or a potential violation of [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
8214 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
8215 Controlled Substances, or another relevant violation or potential violation under
8216 this title;
- 8217 (e) in accordance with a written agreement entered into with the department, employees
8218 of the Department of Health and Human Services:
8219 (i) whom the director of the Department of Health and Human Services assigns to
8220 conduct scientific studies regarding the use or abuse of controlled substances, if
8221 the identity of the individuals and pharmacies in the database are confidential and
8222 are not disclosed in any manner to any individual who is not directly involved in
8223 the scientific studies;

- 8224 (ii) when the information is requested by the Department of Health and Human
8225 Services in relation to a person or provider whom the Department of Health and
8226 Human Services suspects may be improperly obtaining or providing a controlled
8227 substance; or
- 8228 (iii) in the medical examiner's office;
- 8229 (f) in accordance with a written agreement entered into with the department, a designee
8230 of the director of the Department of Health and Human Services, who is not an
8231 employee of the Department of Health and Human Services, whom the director of the
8232 Department of Health and Human Services assigns to conduct scientific studies
8233 regarding the use or abuse of controlled substances pursuant to an application process
8234 established in rule by the Department of Health and Human Services, if:
- 8235 (i) the designee provides explicit information to the Department of Health and
8236 Human Services regarding the purpose of the scientific studies;
- 8237 (ii) the scientific studies to be conducted by the designee:
- 8238 (A) fit within the responsibilities of the Department of Health and Human
8239 Services for health and welfare;
- 8240 (B) are reviewed and approved by an Institutional Review Board that is approved
8241 for human subject research by the United States Department of Health and
8242 Human Services;
- 8243 (C) are not conducted for profit or commercial gain; and
- 8244 (D) are conducted in a research facility, as defined by division rule, that is
8245 associated with a university or college accredited by one or more regional or
8246 national accrediting agencies recognized by the United States Department of
8247 Education;
- 8248 (iii) the designee protects the information as a business associate of the Department
8249 of Health and Human Services; and
- 8250 (iv) the identity of the prescribers, patients, and pharmacies in the database are
8251 de-identified, confidential, and not disclosed in any manner to the designee or to
8252 any individual who is not directly involved in the scientific studies;
- 8253 (g) in accordance with a written agreement entered into with the department and the
8254 Department of Health and Human Services, authorized employees of a managed care
8255 organization, as defined in 42 C.F.R. Sec. 438, if:
- 8256 (i) the managed care organization contracts with the Department of Health and
8257 Human Services under the provisions of Section 26B-3-202 and the contract

8258 includes provisions that:

8259 (A) require a managed care organization employee who will have access to

8260 information from the database to submit to a criminal background check; and

8261 (B) limit the authorized employee of the managed care organization to requesting

8262 either the division or the Department of Health and Human Services to conduct

8263 a search of the database regarding a specific Medicaid enrollee and to report

8264 the results of the search to the authorized employee; and

8265 (ii) the information is requested by an authorized employee of the managed care

8266 organization in relation to a person who is enrolled in the Medicaid program with

8267 the managed care organization, and the managed care organization suspects the

8268 person may be improperly obtaining or providing a controlled substance;

8269 (h) a licensed practitioner having authority to prescribe controlled substances, to the

8270 extent the information:

8271 (i)(A) relates specifically to a current or prospective patient of the practitioner; and

8272 (B) is provided to or sought by the practitioner for the purpose of:

8273 (I) prescribing or considering prescribing any controlled substance to the

8274 current or prospective patient;

8275 (II) diagnosing the current or prospective patient;

8276 (III) providing medical treatment or medical advice to the current or

8277 prospective patient; or

8278 (IV) determining whether the current or prospective patient:

8279 (Aa) is attempting to fraudulently obtain a controlled substance from the

8280 practitioner; or

8281 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a

8282 controlled substance from the practitioner;

8283 (ii)(A) relates specifically to a former patient of the practitioner; and

8284 (B) is provided to or sought by the practitioner for the purpose of determining

8285 whether the former patient has fraudulently obtained, or has attempted to

8286 fraudulently obtain, a controlled substance from the practitioner;

8287 (iii) relates specifically to an individual who has access to the practitioner's Drug

8288 Enforcement Administration identification number, and the practitioner suspects

8289 that the individual may have used the practitioner's Drug Enforcement

8290 Administration identification number to fraudulently acquire or prescribe a

8291 controlled substance;

- 8292 (iv) relates to the practitioner's own prescribing practices, except when specifically
8293 prohibited by the division by administrative rule;
- 8294 (v) relates to the use of the controlled substance database by an employee of the
8295 practitioner, described in Subsection (2)(i); or
- 8296 (vi) relates to any use of the practitioner's Drug Enforcement Administration
8297 identification number to obtain, attempt to obtain, prescribe, or attempt to
8298 prescribe, a controlled substance;
- 8299 (i) in accordance with Subsection (3)(a), an employee of a practitioner described in
8300 Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:
- 8301 (i) the employee is designated by the practitioner as an individual authorized to
8302 access the information on behalf of the practitioner;
- 8303 (ii) the practitioner provides written notice to the division of the identity of the
8304 employee; and
- 8305 (iii) the division:
- 8306 (A) grants the employee access to the database; and
- 8307 (B) provides the employee with a password that is unique to that employee to
8308 access the database in order to permit the division to comply with the
8309 requirements of Subsection 58-37f-203(7) with respect to the employee;
- 8310 (j) an employee of the same business that employs a licensed practitioner under
8311 Subsection (2)(h) if:
- 8312 (i) the employee is designated by the practitioner as an individual authorized to
8313 access the information on behalf of the practitioner;
- 8314 (ii) the practitioner and the employing business provide written notice to the division
8315 of the identity of the designated employee; and
- 8316 (iii) the division:
- 8317 (A) grants the employee access to the database; and
- 8318 (B) provides the employee with a password that is unique to that employee to
8319 access the database in order to permit the division to comply with the
8320 requirements of Subsection 58-37f-203(7) with respect to the employee;
- 8321 (k) a licensed pharmacist having authority to dispense a controlled substance, or a
8322 licensed pharmacy intern or pharmacy technician working under the general
8323 supervision of a licensed pharmacist, to the extent the information is provided or
8324 sought for the purpose of:
- 8325 (i) dispensing or considering dispensing any controlled substance;

- 8326 (ii) determining whether a person:
- 8327 (A) is attempting to fraudulently obtain a controlled substance from the pharmacy,
- 8328 practitioner, or health care facility; or
- 8329 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled
- 8330 substance from the pharmacy, practitioner, or health care facility;
- 8331 (iii) reporting to the controlled substance database; or
- 8332 (iv) verifying the accuracy of the data submitted to the controlled substance database
- 8333 on behalf of a pharmacy where the licensed pharmacist, pharmacy intern, or
- 8334 pharmacy technician is employed;
- 8335 (l) pursuant to a valid search warrant, federal, state, and local law enforcement officers
- 8336 and state and local prosecutors who are engaged in an investigation related to:
- 8337 (i) one or more controlled substances; and
- 8338 (ii) a specific person who is a subject of the investigation;
- 8339 (m) subject to Subsection (7), a probation or parole officer, employed by the Division of
- 8340 Adult Probation and Parole created in Section 64-14-202 or by a political
- 8341 subdivision, to gain access to database information necessary for the officer's
- 8342 supervision of a specific probationer or parolee who is under the officer's direct
- 8343 supervision;
- 8344 (n) employees of the Office of Internal Audit within the Department of Health and
- 8345 Human Services who are engaged in their specified duty of ensuring Medicaid
- 8346 program integrity under Section 26B-3-104;
- 8347 (o) a mental health therapist, if:
- 8348 (i) the information relates to a patient who is:
- 8349 (A) enrolled in a licensed substance abuse treatment program; and
- 8350 (B) receiving treatment from, or under the direction of, the mental health therapist
- 8351 as part of the patient's participation in the licensed substance abuse treatment
- 8352 program described in Subsection (2)(o)(i)(A);
- 8353 (ii) the information is sought for the purpose of determining whether the patient is
- 8354 using a controlled substance while the patient is enrolled in the licensed substance
- 8355 abuse treatment program described in Subsection (2)(o)(i)(A); and
- 8356 (iii) the licensed substance abuse treatment program described in Subsection
- 8357 (2)(o)(i)(A) is associated with a practitioner who:
- 8358 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
- 8359 pharmacist; and

- 8360 (B) is available to consult with the mental health therapist regarding the
8361 information obtained by the mental health therapist, under this Subsection
8362 (2)(o), from the database;
- 8363 (p) an individual who is the recipient of a controlled substance prescription entered into
8364 the database, upon providing evidence satisfactory to the division that the individual
8365 requesting the information is in fact the individual about whom the data entry was
8366 made;
- 8367 (q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the
8368 persons and entities that have requested or received any information from the
8369 database regarding the individual, except if the individual's record is subject to a
8370 pending or current investigation as authorized under this Subsection (2);
- 8371 (r) the inspector general, or a designee of the inspector general, of the Office of
8372 Inspector General of Medicaid Services, for the purpose of fulfilling the duties
8373 described in Title 63A, Chapter 13, Part 2, Office and Powers;
- 8374 (s) the following licensed physicians for the purpose of reviewing and offering an
8375 opinion on an individual's request for workers' compensation benefits under Title
8376 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah
8377 Occupational Disease Act:
- 8378 (i) a member of the medical panel described in Section 34A-2-601;
- 8379 (ii) a physician employed as medical director for a licensed workers' compensation
8380 insurer or an approved self-insured employer; or
- 8381 (iii) a physician offering a second opinion regarding treatment;
- 8382 (t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a
8383 specific fatality due to opioid use and recommending policies to reduce the frequency
8384 of opioid use fatalities;
- 8385 (u) a licensed pharmacist who is authorized by a managed care organization as defined
8386 in Section 31A-1-301 to access the information on behalf of the managed care
8387 organization, if:
- 8388 (i) the managed care organization believes that an enrollee of the managed care
8389 organization has obtained or provided a controlled substance in violation of a
8390 medication management program contract between the enrollee and the managed
8391 care organization; and
- 8392 (ii) the managed care organization included a description of the medication
8393 management program in the enrollee's outline of coverage described in Subsection

- 8394 31A-22-605(7); and
- 8395 (v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose
8396 of investigating active cases, in exercising the unit's authority to investigate and
8397 prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec.
8398 1396b(q).
- 8399 (3)(a) A practitioner described in Subsection (2)(h) may designate one or more
8400 employees to access information from the database under Subsection (2)(i), (2)(j), or
8401 (4)(c).
- 8402 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
8403 Administrative Rulemaking Act, to:
- 8404 (i) establish background check procedures to determine whether an employee
8405 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the
8406 database;
- 8407 (ii) establish the information to be provided by an emergency department employee
8408 under Subsection (4); and
- 8409 (iii) facilitate providing controlled substance prescription information to a third party
8410 under Subsection (5).
- 8411 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or
8412 (4)(c) access to the database, unless the division determines, based on a background
8413 check, that the employee poses a security risk to the information contained in the
8414 database.
- 8415 (4)(a) An individual who is employed in the emergency department of a hospital may
8416 exercise access to the database under this Subsection (4) on behalf of a licensed
8417 practitioner if the individual is designated under Subsection (4)(c) and the licensed
8418 practitioner:
- 8419 (i) is employed or privileged to work in the emergency department;
- 8420 (ii) is treating an emergency department patient for an emergency medical condition;
8421 and
- 8422 (iii) requests that an individual employed in the emergency department and
8423 designated under Subsection (4)(c) obtain information regarding the patient from
8424 the database as needed in the course of treatment.
- 8425 (b) The emergency department employee obtaining information from the database shall,
8426 when gaining access to the database, provide to the database the name and any
8427 additional identifiers regarding the requesting practitioner as required by division

- 8428 administrative rule established under Subsection (3)(b).
- 8429 (c) An individual employed in the emergency department under this Subsection (4) may
8430 obtain information from the database as provided in Subsection (4)(a) if:
- 8431 (i) the employee is designated by the hospital as an individual authorized to access
8432 the information on behalf of the emergency department practitioner;
- 8433 (ii) the hospital operating the emergency department provide written notice to the
8434 division of the identity of the designated employee; and
- 8435 (iii) the division:
- 8436 (A) grants the employee access to the database; and
- 8437 (B) provides the employee with a password that is unique to that employee to
8438 access the database.
- 8439 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a
8440 practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to
8441 pay for the costs incurred by the division to conduct the background check and make
8442 the determination described in Subsection (3)(b).
- 8443 (5)(a)(i) An individual may request that the division provide the information under
8444 Subsection (5)(b) to a third party who is designated by the individual each time a
8445 controlled substance prescription for the individual is dispensed.
- 8446 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise
8447 the individual in writing that the individual may direct the division to discontinue
8448 providing the information to a third party and that notice of the individual's
8449 direction to discontinue will be provided to the third party.
- 8450 (b) The information the division shall provide under Subsection (5)(a) is:
- 8451 (i) the fact a controlled substance has been dispensed to the individual, but without
8452 identifying the controlled substance; and
- 8453 (ii) the date the controlled substance was dispensed.
- 8454 (c)(i) An individual who has made a request under Subsection (5)(a) may direct that
8455 the division discontinue providing information to the third party.
- 8456 (ii) The division shall:
- 8457 (A) notify the third party that the individual has directed the division to no longer
8458 provide information to the third party; and
- 8459 (B) discontinue providing information to the third party.
- 8460 (6)(a) An individual who is granted access to the database based on the fact that the
8461 individual is a licensed practitioner or a mental health therapist shall be denied access

8462 to the database when the individual is no longer licensed.
8463 (b) An individual who is granted access to the database based on the fact that the
8464 individual is a designated employee of a licensed practitioner shall be denied access
8465 to the database when the practitioner is no longer licensed.

8466 (7) A probation or parole officer is not required to obtain a search warrant to access the
8467 database in accordance with Subsection (2)(m).

8468 (8) The division shall review and adjust the database programming which automatically
8469 logs off an individual who is granted access to the database under Subsections (2)(h),
8470 (2)(i), (2)(j), and (4)(c) to maximize the following objectives:

8471 (a) to protect patient privacy;

8472 (b) to reduce inappropriate access; and

8473 (c) to make the database more useful and helpful to a person accessing the database
8474 under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations
8475 such as an emergency department.

8476 (9) Any person who knowingly and intentionally accesses the database without express
8477 authorization under this section is guilty of a class A misdemeanor.

8478 Section 138. Section **58-37f-303** is amended to read:

8479 **58-37f-303 (Effective 05/06/26). Access to opioid prescription information via an**
8480 **electronic data system.**

8481 (1) As used in this section:

8482 (a) "Dispense" means the same as that term is defined in Section 58-17b-102.

8483 (b) "EDS user":

8484 (i) means:

8485 (A) a prescriber;

8486 (B) a pharmacist;

8487 (C) a pharmacy intern;

8488 (D) a pharmacy technician; or

8489 (E) an individual granted access to the database under Subsection 58-37f-301(3)(c);

8490 and

8491 (ii) does not mean an individual whose access to the database has been revoked by
8492 the division pursuant to Subsection 58-37f-301(5)(c).

8493 (c) "Electronic data system" means a software product or an electronic service used by:

8494 (i) a prescriber to manage electronic health records; or

8495 (ii) a pharmacist, pharmacy intern, or pharmacy technician working under the general

- 8496 supervision of a licensed pharmacist, for the purpose of:
- 8497 (A) managing the dispensing of prescription drugs; or
- 8498 (B) providing pharmaceutical care as defined in Section 58-17b-102 to a patient.
- 8499 (d) "Opioid" means any substance listed in Subsection [~~58-37-4(2)(b)(i)~~
- 8500 ~~58-37-108(2)(b)(i)~~ or (2)(b)(ii).
- 8501 (e) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 8502 (f) "Prescriber" means a practitioner, as that term is defined in Section [~~58-37-2]~~
- 8503 ~~58-37-101~~, who is licensed under Section [~~58-37-6]~~ ~~58-37-105~~ to prescribe an opioid.
- 8504 (g) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
- 8505 (2) Subject to Subsections (3) through (6), no later than January 1, 2017, the division shall
- 8506 make opioid prescription information in the database available to an EDS user via the
- 8507 user's electronic data system.
- 8508 (3) An electronic data system may be used to make opioid prescription information in the
- 8509 database available to an EDS user only if the electronic data system complies with rules
- 8510 established by the division under Subsection (4).
- 8511 (4)(a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 8512 Administrative Rulemaking Act, specifying:
- 8513 (i) an electronic data system's:
- 8514 (A) allowable access to and use of opioid prescription information in the database;
- 8515 and
- 8516 (B) minimum actions that must be taken to ensure that opioid prescription
- 8517 information accessed from the database is protected from inappropriate
- 8518 disclosure or use; and
- 8519 (ii) an EDS user's:
- 8520 (A) allowable access to opioid prescription information in the database via an
- 8521 electronic data system; and
- 8522 (B) allowable use of the information.
- 8523 (b) The rules shall establish:
- 8524 (i) minimum user identification requirements that in substance are the same as the
- 8525 database identification requirements in Section 58-37f-301;
- 8526 (ii) user access restrictions that in substance are the same as the database
- 8527 identification requirements in Section 58-37f-301; and
- 8528 (iii) any other requirements necessary to ensure that in substance the provisions of
- 8529 Sections 58-37f-301 and 58-37f-302 apply to opioid prescription information in

8530 the database that has been made available to an EDS user via an electronic data
8531 system.

8532 (5) The division may not make opioid prescription information in the database available to
8533 an EDS user via the user's electronic data system if:

8534 (a) the electronic data system does not comply with the rules established by the division
8535 under Subsection (4); or

8536 (b) the EDS user does not comply with the rules established by the division under
8537 Subsection (4).

8538 (6)(a) The division shall periodically audit the use of opioid prescription information
8539 made available to an EDS user via the user's electronic data system.

8540 (b) The audit shall review compliance by:

8541 (i) the electronic data system with rules established by the division under Subsection
8542 (4); and

8543 (ii) the EDS user with rules established by the division under Subsection (4).

8544 (c)(i) If the division determines by audit or other means that an electronic data system
8545 is not in compliance with rules established by the division under Subsection (4),
8546 the division shall immediately suspend or revoke the electronic data system's
8547 access to opioid prescription information in the database.

8548 (ii) If the division determines by audit or other means that an EDS user is not in
8549 compliance with rules established by the division under Subsection (4), the
8550 division shall immediately suspend or revoke the EDS user's access to opioid
8551 prescription information in the database via an electronic data system.

8552 (iii) If the division suspends or revokes access to opioid prescription information in
8553 the database under Subsection (6)(c)(i) or (6)(c)(ii), the division shall also take
8554 any other appropriate corrective or disciplinary action authorized by this chapter
8555 or title.

8556 Section 139. Section **58-37f-304** is amended to read:

8557 **58-37f-304 (Effective 05/06/26). Database utilization.**

8558 (1) As used in this section:

8559 (a) "Dispenser" means a licensed pharmacist, as described in Section 58-17b-303, the
8560 pharmacist's licensed intern, as described in Section 58-17b-304, or licensed
8561 pharmacy technician, as described in Section 58-17b-305, working under the
8562 supervision of a licensed pharmacist who is also licensed to dispense a controlled
8563 substance under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 37,

- 8564 Controlled Substances.
- 8565 (b) "Outpatient" means a setting in which an individual visits a licensed healthcare
8566 facility or a healthcare provider's office for a diagnosis or treatment but is not
8567 admitted to a licensed healthcare facility for an overnight stay.
- 8568 (c) "Prescriber" means an individual authorized to prescribe a controlled substance under [
8569 ~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled
8570 Substances.
- 8571 (d) "Schedule II opioid" means those substances listed in Subsection [~~58-37-4(2)(b)(i)~~]
8572 58-37-108(2)(b)(i) or (2)(b)(ii).
- 8573 (e) "Schedule III opioid" means those substances listed in Subsection [~~58-37-4(2)(c)~~]
8574 58-37-108(2)(c) that are opioids.
- 8575 (2)(a) A prescriber shall check the database for information about a patient before the
8576 first time the prescriber gives a prescription to a patient for a Schedule II opioid or a
8577 Schedule III opioid.
- 8578 (b) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid to
8579 a patient, the prescriber shall periodically review information about the patient in:
8580 (i) the database; or
8581 (ii) other similar records of controlled substances the patient has filled.
- 8582 (c) A prescriber may assign the access and review required under Subsection (2)(a) to
8583 one or more employees in accordance with Subsections 58-37f-301(2)(i) and (j).
- 8584 (d)(i) A prescriber may comply with the requirements in Subsections (2)(a) and (b)
8585 by checking an electronic health record system if the electronic health record
8586 system:
8587 (A) is connected to the database through a connection that has been approved by
8588 the division; and
8589 (B) displays the information from the database in a prominent manner for the
8590 prescriber.
- 8591 (ii) The division may not approve a connection to the database if the connection does
8592 not satisfy the requirements established by the division under Section 58-37f-301.
- 8593 (e) A prescriber is not in violation of the requirements of Subsection (2)(a) or (b) if the
8594 failure to comply with Subsection (2)(a) or (b):
8595 (i) is necessary due to an emergency situation;
8596 (ii) is caused by a suspension or disruption in the operation of the database; or
8597 (iii) is caused by a failure in the operation or availability of the Internet.

- 8598 (f) The division may not take action against the license of a prescriber for failure to
8599 comply with this Subsection (2) unless the failure occurs after the earlier of:
8600 (i) December 31, 2018; or
8601 (ii) the date that the division has the capability to establish a connection that meets
8602 the requirements established by the division under Section 58-37f-301 between
8603 the database and an electronic health record system.
- 8604 (3) The division shall, in collaboration with the licensing boards for prescribers and
8605 dispensers:
- 8606 (a) develop a system that gathers and reports to prescribers and dispensers the progress
8607 and results of the prescriber's and dispenser's individual access and review of the
8608 database, as provided in this section; and
- 8609 (b) reduce or waive the division's continuing education requirements regarding opioid
8610 prescriptions, described in Section [~~58-37-6.5~~] 58-37-303, including the online
8611 tutorial and test relating to the database, for prescribers and dispensers whose
8612 individual utilization of the database, as determined by the division, demonstrates
8613 substantial compliance with this section.
- 8614 (4) If the dispenser's access and review of the database suggest that the individual seeking
8615 an opioid may be obtaining opioids in quantities or frequencies inconsistent with
8616 generally recognized standards as provided in this section and Section 58-37f-201, the
8617 dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's
8618 informed, current, and professional decision regarding whether the prescribed opioid is
8619 medically justified, notwithstanding the results of the database search.
- 8620 (5)(a) The division shall review the database to identify any prescriber who has a pattern
8621 of prescribing opioids not in accordance with the recommendations of:
- 8622 (i) the CDC Guideline for Prescribing Opioids for Chronic Pain, published by the
8623 Centers for Disease Control and Prevention;
- 8624 (ii) the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain,
8625 published by the Department of Health and Human Services; or
- 8626 (iii) other publications describing best practices related to prescribing opioids as
8627 identified by division rule in accordance with Title 63G, Chapter 3, Utah
8628 Administrative Rulemaking Act, and in consultation with the Medical Licensing
8629 Board.
- 8630 (b) The division shall offer education to a prescriber identified under this Subsection (5)
8631 regarding best practices in the prescribing of opioids.

- 8632 (c) A decision by a prescriber to accept or not accept the education offered by the
8633 division under this Subsection (5) is voluntary.
- 8634 (d) The division may not use an identification the division has made under this
8635 Subsection (5) or the decision by a prescriber to accept or not accept education
8636 offered by the division under this Subsection (5) in a licensing investigation or action
8637 by the division.
- 8638 (e) Any record created by the division as a result of this Subsection (5) is a protected
8639 record under Section 63G-2-305.
- 8640 (6) The division may consult with a prescriber or health care system to assist the prescriber
8641 or health care system in following evidence-based guidelines regarding the prescribing
8642 of controlled substances, including the recommendations listed in Subsection (5)(a).
8643 Section 140. Section **58-37f-401** is amended to read:
8644 **58-37f-401 (Effective 05/06/26). Database registration required -- Penalties for**
8645 **failure to register.**
- 8646 (1) Each individual, other than a veterinarian, who, on June 30, 2010, has a license to
8647 prescribe a controlled substance under [~~Chapter 37, Utah Controlled Substances Act~~]
8648 Chapter 37, Controlled Substances, but is not registered with the division to use the
8649 database shall, on or before September 30, 2010, register with the division to use the
8650 database.
- 8651 (2)(a) An individual who is not a veterinarian, who obtains a new license to prescribe a
8652 controlled substance under [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
8653 Controlled Substances, shall, within 30 days after the day on which the individual
8654 obtains a license to prescribe a controlled substance from the Drug Enforcement
8655 Administration, register with the division to use the database.
- 8656 (b) An individual who is not a veterinarian may not renew a license to prescribe a
8657 controlled substance under [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
8658 Controlled Substances, unless the individual registers with the division to use the
8659 database.
- 8660 (3) Beginning on November 2, 2012, in order to register to use the database, the individual
8661 registering must participate in the online tutorial and pass the online test described in
8662 Section 58-37f-402.
- 8663 (4) Failure by an individual to comply with the requirements of this section is grounds for
8664 the division to take the following actions in accordance with Section 58-1-401:
8665 (a) refuse to issue a license to the individual;

- 8666 (b) refuse to renew the individual's license; or
 8667 (c) revoke, suspend, restrict, or place on probation the license.
 8668 (5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
 8669 impose an annual database registration fee on an individual who registers to use the
 8670 database, to pay the startup and ongoing costs of the division for complying with the
 8671 requirements of this section.

8672 Section 141. Section **58-37f-502** is amended to read:

8673 **58-37f-502 (Effective 05/06/26). Use of dedicated credits -- Controlled Substance**
 8674 **Database -- Collection of penalties.**

- 8675 (1) The director may use the money deposited in the General Fund as a dedicated credit
 8676 under Subsections [~~58-37-6(8)(a)~~] 58-37-304(16), 58-37f-601(3)(d), and 58-37f-602(2)
 8677 for the following purposes:
 8678 (a) maintenance and replacement of the database equipment, including hardware and
 8679 software;
 8680 (b) training of staff; and
 8681 (c) pursuit of external grants and matching funds.
 8682 (2) The director of the division may collect any penalty imposed under Subsections [
 8683 ~~58-37-6(8)(a)~~] 58-37-304(16), 58-37f-601(3)(d), and 58-37f-602(2) and which is not paid
 8684 by:
 8685 (a) referring the matter to the Office of State Debt Collection or a collection agency; or
 8686 (b) bringing an action in the district court of the county in which the person owing the
 8687 debt resides or in the county where the office of the director is located.
 8688 (3) The director may seek legal assistance from the attorney general or the county or district
 8689 attorney of the district in which the action is brought to collect the fine.
 8690 (4) The court shall award reasonable attorney fees and costs to the division for successful
 8691 collection actions under Subsection (2)(b).

8692 Section 142. Section **58-37f-702** is amended to read:

8693 **58-37f-702 (Effective 05/06/26). Reporting prescribed controlled substance**
 8694 **poisoning or overdose to a practitioner.**

- 8695 (1)(a) The division shall take the actions described in Subsection (1)(b) if the division
 8696 receives a report from a general acute hospital under Section 26B-2-225 regarding
 8697 admission to a general acute hospital for poisoning or overdose involving a
 8698 prescribed controlled substance.
 8699 (b) The division shall, within three business days after the day on which a report in

- 8700 Subsection (1)(a) is received:
- 8701 (i) attempt to identify, through the database, each practitioner who may have
- 8702 prescribed the controlled substance to the patient; and
- 8703 (ii) provide each practitioner identified under Subsection (1)(b)(i) with:
- 8704 (A) a copy of the report provided by the general acute hospital under Section
- 8705 26B-2-225; and
- 8706 (B) the information obtained from the database that led the division to determine
- 8707 that the practitioner receiving the information may have prescribed the
- 8708 controlled substance to the person named in the report.
- 8709 (2)(a) When the division receives a report from the medical examiner under Section
- 8710 26B-8-210 regarding a death caused by poisoning or overdose involving a prescribed
- 8711 controlled substance, for each practitioner identified by the medical examiner under
- 8712 Subsection 26B-8-210(1)(c), the division:
- 8713 (i) shall, within five business days after the day on which the division receives the
- 8714 report, provide the practitioner with a copy of the report; and
- 8715 (ii) may offer the practitioner an educational visit to review the report.
- 8716 (b) A practitioner may decline an educational visit described in Subsection (2)(a)(ii).
- 8717 (c) The division may not use, in a licensing investigation or action by the division:
- 8718 (i) information from an educational visit described in Subsection (2)(a)(ii); or
- 8719 (ii) a practitioner's decision to decline an educational visit described in Subsection
- 8720 (2)(a)(ii).
- 8721 (3) It is the intent of the Legislature that the information provided under Subsection (1) or
- 8722 (2) is provided for the purpose of assisting the practitioner in:
- 8723 (a) discussing with the patient or others issues relating to the poisoning or overdose;
- 8724 (b) advising the patient or others of measures that may be taken to avoid a future
- 8725 poisoning or overdose; and
- 8726 (c) making decisions regarding future prescriptions written for the patient or others.
- 8727 (4) Any record created by the division as a result of an educational visit described in
- 8728 Subsection (2)(a)(ii) is a protected record for purposes of Title 63G, Chapter 2,
- 8729 Government Records Access and Management Act.
- 8730 (5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
- 8731 increase the licensing fee described in Subsection [~~58-37-6(1)(b)~~] 58-37-105(1)(b) to pay
- 8732 the startup and ongoing costs of the division for complying with the requirements of this
- 8733 section.

8734 Section 143. Section **58-37f-703** is amended to read:

8735 **58-37f-703 (Effective 05/06/26). Entering certain convictions into the database**
8736 **and reporting them to practitioners.**

- 8737 (1) When the division receives a report from a court under Subsection 41-6a-502(5) or
8738 41-6a-502.5(5)(b) relating to a conviction for driving under the influence of, or while
8739 impaired by, a prescribed controlled substance, the division shall:
- 8740 (a) daily enter into the database the information supplied in the report, including the date
8741 on which the person was convicted;
 - 8742 (b) attempt to identify, through the database, each practitioner who may have prescribed
8743 the controlled substance to the convicted person; and
 - 8744 (c) provide each practitioner identified under Subsection (1)(b) with:
 - 8745 (i) a copy of the information provided by the court; and
 - 8746 (ii) the information obtained from the database that led the division to determine that
8747 the practitioner receiving the information may have prescribed the controlled
8748 substance to the convicted person.
- 8749 (2) It is the intent of the Legislature that the information provided under Subsection (1)(b)
8750 is provided for the purpose of assisting the practitioner in:
- 8751 (a) discussing the manner in which the controlled substance may impact the convicted
8752 person's driving;
 - 8753 (b) advising the convicted person on measures that may be taken to avoid adverse
8754 impacts of the controlled substance on future driving; and
 - 8755 (c) making decisions regarding future prescriptions written for the convicted person.
- 8756 (3) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
8757 increase the licensing fee described in Subsection [~~58-37-6(1)(b)~~] 58-37-105(1)(b) to pay
8758 the startup and ongoing costs of the division for complying with the requirements of this
8759 section.

8760 Section 144. Section **58-37f-704** is amended to read:

8761 **58-37f-704 (Effective 05/06/26). Entering certain convictions into the database.**

8762 Beginning October 1, 2016, if the division receives a report from a court under
8763 Subsection [~~58-37-8(1)(e) or 58-37-8(2)(g)~~] 76-18-207(8), 76-18-208(8), 76-18-209(9),
8764 76-18-210(9), 76-18-211(7), 76-18-212(6), or 76-18-213(6), the division shall daily enter into
8765 the database the information supplied in the report.

8766 Section 145. Section **58-38a-102** is amended to read:

8767 **58-38a-102 (Effective 05/06/26). Definitions.**

- 8768 (1) "Committee" means the Controlled Substances Advisory Committee created in this
8769 chapter.
- 8770 (2) "Controlled substance schedule" or "schedule" means a schedule as defined under
8771 Section [58-37-4] 58-37-108.
- 8772 Section 146. Section **58-38a-203** is amended to read:
- 8773 **58-38a-203 (Effective 05/06/26). Duties of the committee.**
- 8774 (1) The committee serves as a consultative and advisory body to the Legislature regarding:
- 8775 (a) the movement of a controlled substance from one schedule or list to another;
- 8776 (b) the removal of a controlled substance from any schedule or list; and
- 8777 (c) the designation of a substance as a controlled substance and the placement of the
8778 substance in a designated schedule or list.
- 8779 (2) On or before September 30 of each year, the committee shall submit to the Health and
8780 Human Services Interim Committee a written report:
- 8781 (a) describing any substances recommended by the committee for scheduling,
8782 rescheduling, listing, or deletion from the schedules or list by the Legislature; and
- 8783 (b) stating the reasons for the recommendation.
- 8784 (3) In advising the Legislature regarding the need to add, delete, relist, or reschedule a
8785 substance, the committee shall consider:
- 8786 (a) the actual or probable abuse of the substance, including:
- 8787 (i) the history and current pattern of abuse both in Utah and in other states;
- 8788 (ii) the scope, duration, and significance of abuse;
- 8789 (iii) the degree of actual or probable detriment to public health which may result from
8790 abuse of the substance; and
- 8791 (iv) the probable physical and social impact of widespread abuse of the substance;
- 8792 (b) the biomedical hazard of the substance, including:
- 8793 (i) its pharmacology, including the effects and modifiers of the effects of the
8794 substance;
- 8795 (ii) its toxicology, acute and chronic toxicity, interaction with other substances,
8796 whether controlled or not, and the degree to which it may cause psychological or
8797 physiological dependence; and
- 8798 (iii) the risk to public health and the particular susceptibility of segments of the
8799 population;
- 8800 (c) whether the substance is an immediate precursor, as defined in Section [58-37-2]
8801 58-37-101, of a substance that is currently a controlled substance;

- 8802 (d) the current state of scientific knowledge regarding the substance, including whether
8803 there is any acceptable means to safely use the substance under medical supervision;
- 8804 (e) the relationship between the use of the substance and criminal activity, including
8805 whether:
- 8806 (i) persons engaged in illicit trafficking of the substance are also engaged in other
8807 criminal activity;
- 8808 (ii) the nature and relative profitability of manufacturing or delivering the substance
8809 encourages illicit trafficking in the substance;
- 8810 (iii) the commission of other crimes is one of the recognized effects of abuse of the
8811 substance; and
- 8812 (iv) addiction to the substance relates to the commission of crimes to facilitate the
8813 continued use of the substance;
- 8814 (f) whether the substance has been scheduled by other states; and
- 8815 (g) whether the substance has any accepted medical use in treatment in the United States.
- 8816 (4) The committee's duties under this chapter do not include tobacco products as defined in
8817 Section 59-14-102 or alcoholic beverages as defined in Section 32B-1-102.
- 8818 Section 147. Section **58-38a-204** is amended to read:
- 8819 **58-38a-204 (Effective 05/06/26). Guidelines for scheduling or listing drugs.**
- 8820 (1)(a) The committee shall recommend placement of a substance in Schedule I if it finds:
- 8821 (i) that the substance has high potential for abuse; and
- 8822 (ii) that an accepted standard has not been established for safe use in treatment for
8823 medical purposes.
- 8824 (b) The committee may recommend placement of a substance in Schedule I under
8825 Section [~~58-37-4~~] 58-37-108 if it finds that the substance is classified as a controlled
8826 substance in Schedule I under federal law.
- 8827 (2)(a) The committee shall recommend placement of a substance in Schedule II if it
8828 finds that:
- 8829 (i) the substance has high potential for abuse;
- 8830 (ii) the substance has a currently accepted medical use in treatment in the United
8831 States, or a currently accepted medical use subject to severe restrictions; and
- 8832 (iii) the abuse of the substance may lead to severe psychological or physiological
8833 dependence.
- 8834 (b) The committee may recommend placement of a substance in Schedule II if it finds
8835 that the substance is classified as a controlled substance in Schedule II under federal

- 8836 law.
- 8837 (3)(a) The committee shall recommend placement of a substance in Schedule III if it
- 8838 finds that:
- 8839 (i) the substance has a potential for abuse that is less than the potential for substances
- 8840 listed in Schedules I and II;
- 8841 (ii) the substance has a currently accepted medical use in treatment in the United
- 8842 States; and
- 8843 (iii) abuse of the substance may lead to moderate or low physiological dependence or
- 8844 high psychological dependence.
- 8845 (b) The committee may recommend placement of a substance in Schedule III if it finds
- 8846 that the substance is classified as a controlled substance in Schedule III under federal
- 8847 law.
- 8848 (4)(a) The committee shall recommend placement of a substance in Schedule IV if it
- 8849 finds that:
- 8850 (i) the substance has a low potential for abuse relative to substances in Schedule III;
- 8851 (ii) the substance has currently accepted medical use in treatment in the United
- 8852 States; and
- 8853 (iii) abuse of the substance may lead to limited physiological dependence or
- 8854 psychological dependence relative to the substances in Schedule III.
- 8855 (b) The committee may recommend placement of a substance in Schedule IV if it finds
- 8856 that the substance is classified as a controlled substance in Schedule IV under federal
- 8857 law.
- 8858 (5)(a) The committee shall recommend placement of a substance in Schedule V if it
- 8859 finds that:
- 8860 (i) the substance has low potential for abuse relative to the controlled substances
- 8861 listed in Schedule IV;
- 8862 (ii) the substance has currently accepted medical use in treatment in the United
- 8863 States; and
- 8864 (iii) the substance has limited physiological dependence or psychological dependence
- 8865 liability relative to the controlled substances listed in Schedule IV.
- 8866 (b) The committee may recommend placement of a substance in Schedule V under this
- 8867 chapter if it finds that the substance is classified as a controlled substance in Schedule
- 8868 V under federal law.
- 8869 (6) The committee may recommend placement of a substance on a controlled substance list

8870 if it finds that the substance has a potential for abuse and that an accepted standard has
8871 not been established for safe use in treatment for medical purposes.

8872 Section 148. Section **58-67-503** is amended to read:

8873 **58-67-503 (Effective 05/06/26). Penalties and administrative actions for unlawful**
8874 **and unprofessional conduct.**

8875 (1) Any person that violates the unlawful conduct provisions of Section 58-67-501 or
8876 Section 58-1-501 is guilty of a third degree felony.

8877 (2)(a) Subject to Subsection (4), the division may punish unprofessional or unlawful
8878 conduct by:

8879 (i) assessing administrative penalties; or

8880 (ii) taking other appropriate administrative action.

8881 (b) The division shall deposit a monetary administrative penalty imposed under this
8882 section into the Physician Education and Enforcement Fund created in Section
8883 58-67a-1.

8884 (3) If a licensee is convicted of unlawful conduct, described in Section 58-67-501, before
8885 an administrative proceeding regarding the same conduct, the division may not assess an
8886 additional administrative fine under this chapter for the same conduct.

8887 (4)(a) If the division concludes that an individual has violated provisions of Section
8888 58-67-501, Section 58-67-502, Chapter 1, Division of Professional Licensing Act, [
8889 ~~Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled
8890 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
8891 Substances, or any rule or order issued with respect to these provisions, and
8892 disciplinary action is appropriate, the director or director's designee shall:

8893 (i) issue a citation to the individual;

8894 (ii) attempt to negotiate a stipulated settlement; or

8895 (iii)(A) notify the individual that the division will commence an adjudicative
8896 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures
8897 Act; and

8898 (B) invite the individual to appear.

8899 (b) The division may take the following action against an individual who is in violation
8900 of a provision described in Subsection (4)(a), as evidenced by an uncontested
8901 citation, a stipulated settlement, or a finding of violation in an adjudicative
8902 proceeding:

8903 (i) assess a fine of up to \$10,000 per single violation or up to \$2,000 per day of

- 8904 ongoing violation, whichever is greater, in accordance with a fine schedule
8905 established by rule; or
- 8906 (ii) order to cease and desist from the behavior that constitutes a violation of the
8907 provisions described in Subsection (4)(a).
- 8908 (c) The division may not suspend or revoke an individual's license through a citation.
- 8909 (d) Each citation issued under this section shall:
- 8910 (i) be in writing;
- 8911 (ii) clearly describe or explain:
- 8912 (A) the nature of the violation, including a reference to the provision of the
8913 chapter, rule, or order alleged to have been violated;
- 8914 (B) that the recipient must notify the division in writing within 20 calendar days
8915 from the day on which the citation is served if the recipient wishes to contest
8916 the citation at a hearing conducted under Title 63G, Chapter 4, Administrative
8917 Procedures Act; and
- 8918 (C) the consequences of failure to timely contest the citation or pay the fine
8919 assessed by the citation within the time specified in the citation; and
- 8920 (iii) be served in accordance with the Utah Rules of Civil Procedure.
- 8921 (e)(i) If the individual to whom the division issues the citation fails to request a
8922 hearing to contest the citation within 20 calendar days from the day on which the
8923 division serves the citation , the citation:
- 8924 (A) becomes the final order of the division; and
- 8925 (B) is not subject to further agency review.
- 8926 (ii) The division may extend the period to contest the citation for cause.
- 8927 (f) The division may refuse to issue or renew or suspend, revoke, or place on probation
8928 the license of an individual who fails to comply with a citation after the citation
8929 becomes final.
- 8930 (g) The failure of an applicant for licensure to comply with a citation after the citation
8931 becomes final is grounds for denial of license.
- 8932 (h) The division may not issue a citation under this section after the expiration of one
8933 year following the date on which the division receives the report of the violation that
8934 is the subject of the citation.
- 8935 (5)(a) The director may collect a penalty imposed under this section that is not paid by:
- 8936 (i) referring the matter to a collection agency; or
- 8937 (ii) bringing an action in the district court of the county where the person against

8938 whom the penalty is imposed resides or in the county where the office of the
8939 director is located.

8940 (b) A county attorney or the attorney general of the state shall provide legal assistance
8941 and advice to the director in an action to collect a penalty.

8942 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
8943 action brought by the division to collect a penalty.

8944 Section 149. Section **58-67a-1** is amended to read:

8945 **58-67a-1 (Effective 05/06/26). Physicians Education and Enforcement Fund.**

8946 (1) There is created an expendable special revenue fund known as the "Physicians
8947 Education and Enforcement Fund."

8948 (2) The division shall deposit penalties ordered and collected under this section into the
8949 Physicians Education and Enforcement Fund.

8950 (3) The Physicians Education and Enforcement Fund shall earn interest, and the division
8951 shall deposit all interest earned on account money into the account.

8952 (4) The director, with the concurrence of the board, may make distributions from the fund
8953 for the following purposes:

8954 (a) education and training:

8955 (i) that covers:

8956 (A) the requirements of this title;

8957 (B) division rules related to this title;

8958 (C) the requirements of [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
8959 Controlled Substances, and Title 76, Chapter 18, Part 2, Offenses Concerning
8960 Controlled Substances; and

8961 (D) any division rules related to [~~Chapter 37, Utah Controlled Substances Act~~]
8962 Chapter 37, Controlled Substances, and Title 76, Chapter 18, Part 2, Offenses
8963 Concerning Controlled Substances; and

8964 (ii) that the division makes available for:

8965 (A) physicians and surgeons;

8966 (B) osteopathic physicians and surgeons;

8967 (C) naturopathic physicians;

8968 (D) division staff; and

8969 (E) members of the board; and

8970 (b) enforcement of Chapter 67, Utah Medical Practice Act, Chapter 68, Utah

8971 Osteopathic Medical Practice Act, and Chapter 71, Naturopathic Physician Practice

- 8972 Act, by:
- 8973 (i) investigating unprofessional or unlawful conduct;
- 8974 (ii) obtaining legal representation for the division to bring an action against a person
- 8975 engaging in unprofessional or unlawful conduct; and
- 8976 (iii) monitoring compliance of renewal requirements.
- 8977 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the division
- 8978 shall transfer any amount that exceeds \$100,000 to the General Fund.
- 8979 (6) The division shall report on the fund annually to the appropriate appropriations
- 8980 subcommittee of the Legislature.
- 8981 Section 150. Section **58-68-503** is amended to read:
- 8982 **58-68-503 (Effective 05/06/26). Penalties and administrative actions for unlawful**
- 8983 **and unprofessional conduct.**
- 8984 (1) Any person that violates the unlawful conduct provisions of Section 58-68-501 or
- 8985 Section 58-1-501 is guilty of a third degree felony.
- 8986 (2)(a) Subject to Subsection (4), the division may punish unprofessional or unlawful
- 8987 conduct by:
- 8988 (i) assessing administrative penalties; or
- 8989 (ii) taking any other appropriate administrative action.
- 8990 (b) The division shall deposit a monetary administrative penalty imposed under this
- 8991 section into the Physician Education and Enforcement Fund created in Section
- 8992 58-67a-1.
- 8993 (3) If a licensee is convicted of unlawful conduct, described in Section 58-68-501, before
- 8994 an administrative proceeding regarding the same conduct, the division may not assess an
- 8995 additional administrative fine under this chapter for the same conduct.
- 8996 (4)(a) If the division concludes that an individual has violated the provisions of Section
- 8997 58-68-501, Section 58-68-502, Chapter 1, Division of Professional Licensing Act, [
 8998 ~~Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled
 8999 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 9000 Substances, or any rule or order issued with respect to these provisions, and
 9001 disciplinary action is appropriate, the director or director's designee shall:
- 9002 (i) issue a citation to the individual;
- 9003 (ii) attempt to negotiate a stipulated settlement; or
- 9004 (iii)(A) notify the individual that the division will commence an adjudicative
- 9005 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures

- 9006 Act; and
- 9007 (B) invite the individual to appear.
- 9008 (b) The division may take the following action against an individual who violates a
- 9009 provision described in Subsection (4)(a), as evidenced by an uncontested citation, a
- 9010 stipulated settlement, or a finding of violation in an adjudicative proceeding:
- 9011 (i) assess a fine of up to \$10,000 per single violation or \$2,000 per day of ongoing
- 9012 violation, whichever is greater, in accordance with a fine schedule established by
- 9013 rule; or
- 9014 (ii) order to cease and desist from the behavior that constitutes a violation of
- 9015 provisions described in Subsection (4)(a).
- 9016 (c) Except for an administrative fine and a cease and desist order, the division may not
- 9017 assess the licensure sanctions cited in Section 58-1-401 through a citation.
- 9018 (d) Each citation issued under this section shall:
- 9019 (i) be in writing;
- 9020 (ii) clearly describe or explain:
- 9021 (A) the nature of the violation, including a reference to the provision of the
- 9022 chapter, rule, or order alleged to have been violated;
- 9023 (B) that the recipient must notify the division in writing within 20 calendar days
- 9024 from the day on which the citation is served if the recipient wishes to contest
- 9025 the citation at a hearing conducted under Title 63G, Chapter 4, Administrative
- 9026 Procedures Act; and
- 9027 (C) the consequences of failure to timely contest the citation or pay the fine
- 9028 assessed by the citation within the time specified in the citation; and
- 9029 (iii) be served in accordance with the requirements of the Utah Rules of Civil
- 9030 Procedure.
- 9031 (e)(i) If the individual to whom the division issues the citation fails to request a
- 9032 hearing to contest the citation within 20 calendar days from the day on which the
- 9033 citation is served, the citation becomes the final order of the division and is not
- 9034 subject to further agency review.
- 9035 (ii) The division may extend the period to contest the citation for cause.
- 9036 (f) The division may refuse to issue or renew or suspend, revoke, or place on probation
- 9037 the license of an individual who fails to comply with a citation after the citation
- 9038 becomes final.
- 9039 (g) The failure of an applicant for licensure to comply with a citation after the citation

- 9040 becomes final is grounds for denial of a license.
- 9041 (h) The division may not issue a citation under this section after the expiration of one
- 9042 year following the date on which the division receives the report of the violation that
- 9043 is the subject of the citation.
- 9044 (5)(a) The director may collect a penalty imposed under this section that is not paid by:
- 9045 (i) referring the matter to a collection agency; or
- 9046 (ii) bringing an action in the district court of the county where the person against
- 9047 whom the penalty is imposed resides or in the county where the office of the
- 9048 director is located.
- 9049 (b) A county attorney or the attorney general of the state shall provide legal assistance
- 9050 and advice to the director in an action to collect a penalty.
- 9051 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
- 9052 action brought by the division to collect a penalty.

9053 Section 151. Section **58-71-102** is amended to read:

9054 **58-71-102 (Effective 05/06/26). Definitions.**

9055 In addition to the definitions in Section 58-1-102, as used in this chapter:

- 9056 (1) "Acupuncture" means the practice of acupuncture as defined in Section 58-72-102.
- 9057 (2) "Administrative penalty" means a monetary fine imposed by the division for acts or
- 9058 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
- 9059 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,
- 9060 Administrative Procedures Act.
- 9061 (3) "Controlled substance" means the same as that term is defined in Section [58-37-2]
- 9062 58-37-101.
- 9063 (4) "Diagnose" means:
- 9064 (a) to examine in any manner another individual, parts of an individual's body,
- 9065 substances, fluids, or materials excreted, taken, or removed from an individual's
- 9066 body, or produced by an individual's body, to determine the source, nature, kind, or
- 9067 extent of a disease or other physical or mental condition;
- 9068 (b) to attempt to conduct an examination or determination described under Subsection
- 9069 (4)(a);
- 9070 (c) to hold oneself out as making or to represent that one is making an examination or
- 9071 determination as described in Subsection (4)(a); or
- 9072 (d) to make an examination or determination as described in Subsection (4)(a) upon or
- 9073 from information supplied directly or indirectly by another individual, whether or not

- 9074 in the presence of the individual the examination or determination concerns.
- 9075 (5) "Local anesthesia" means an agent, whether a natural medicine or nonscheduled
9076 prescription drug, which:
- 9077 (a) is applied topically or by injection associated with the performance of minor office
9078 procedures;
- 9079 (b) has the ability to produce loss of sensation to a targeted area of an individual's body;
- 9080 (c) does not cause loss of consciousness or produce general sedation; and
- 9081 (d) is part of the competent practice of naturopathic medicine during minor office
9082 procedures.
- 9083 (6) "Medical naturopathic assistant" means an unlicensed individual working under the
9084 direct and immediate supervision of a licensed naturopathic physician and engaged in
9085 specific tasks assigned by the licensed naturopathic physician in accordance with the
9086 standards and ethics of the profession.
- 9087 (7)(a) "Minor office procedures" means:
- 9088 (i) the use of operative, electrical, or other methods for repair and care of superficial
9089 lacerations, abrasions, and benign lesions;
- 9090 (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or
9091 ear;
- 9092 (iii) the use of antiseptics and local anesthetics in connection with minor office
9093 surgical procedures; and
- 9094 (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:
9095 (A) local anesthesia or a prescription drug described in Subsection (8)(d); or
9096 (B) natural substances.
- 9097 (b) "Minor office procedures" does not include:
- 9098 (i) general or spinal anesthesia;
- 9099 (ii) office procedures more complicated or extensive than those set forth in
9100 Subsection (7)(a);
- 9101 (iii) procedures involving the eye; and
- 9102 (iv) any office procedure involving nerves, veins, or arteries.
- 9103 (8) "Natural medicine" means any:
- 9104 (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and
9105 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance
9106 that is not designated a prescription drug or controlled substance;
- 9107 (b) over-the-counter medication;

- 9108 (c) other nonprescription substance, the prescription or administration of which is not
 9109 otherwise prohibited or restricted under federal or state law; or
- 9110 (d) prescription drug:
- 9111 (i) the prescription of which is consistent with the competent practice of naturopathic
 9112 medicine;
- 9113 (ii) that is not a controlled substance except for testosterone; and
- 9114 (iii) that is not any of the following as determined by the federal Food and Drug
 9115 Administration's general drug category list:
- 9116 (A) an anticoagulant for the management of a bleeding disorder;
- 9117 (B) an anticonvulsant;
- 9118 (C) an antineoplastic;
- 9119 (D) an antipsychotic;
- 9120 (E) a barbiturate;
- 9121 (F) a cytotoxic;
- 9122 (G) a sedative;
- 9123 (H) a sleeping drug;
- 9124 (I) a tranquilizer; or
- 9125 (J) any drug category added after April 1, 2022, unless the division determines the
 9126 drug category to be consistent with the practice of naturopathic medicine under
 9127 Section 58-71-203.
- 9128 (9)(a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted by a
 9129 naturopathic physician.
- 9130 (b) "Naturopathic childbirth" includes the use of:
- 9131 (i) natural medicines; and
- 9132 (ii) uncomplicated episiotomy.
- 9133 (c) "Naturopathic childbirth" does not include the use of:
- 9134 (i) forceps delivery;
- 9135 (ii) general or spinal anesthesia;
- 9136 (iii) caesarean section delivery; or
- 9137 (iv) induced labor or abortion.
- 9138 (10)(a) "Naturopathic mobilization therapy" means manually administering mechanical
 9139 treatment of body structures or tissues for the purpose of restoring normal
 9140 physiological function to the body by normalizing and balancing the musculoskeletal
 9141 system of the body.

- 9142 (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of
9143 the joints of the human body beyond the elastic barrier.
- 9144 (c) "Naturopathic mobilization therapy" does not include manipulation as used in
9145 Chapter 73, Chiropractic Physician Practice Act.
- 9146 (11)(a) "Naturopathic physical medicine" means the use of the physical agents of air,
9147 water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the
9148 physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light,
9149 ultrasound, hydrotherapy, naturopathic mobilization therapy, and exercise.
- 9150 (b) "Naturopathic physical medicine" does not include the practice of physical therapy
9151 or physical rehabilitation.
- 9152 (12) "Naturopathic physician" means an individual licensed under this chapter to engage in
9153 the practice of naturopathic medicine.
- 9154 (13) "Practice of naturopathic medicine" means:
- 9155 (a) a system of primary health care for the prevention, diagnosis, and treatment of
9156 human health conditions, injuries, and diseases that uses education, natural
9157 medicines, and natural therapies, to support and stimulate the patient's intrinsic
9158 self-healing processes by:
- 9159 (i) using naturopathic childbirth, but only if:
- 9160 (A) the licensee meets standards of the American College of Naturopathic
9161 Obstetricians (ACNO) or ACNO's successor as determined by the division in
9162 collaboration with the board; and
- 9163 (B) the licensee follows a written plan for naturopathic physicians practicing
9164 naturopathic childbirth approved by the division in collaboration with the
9165 board, which includes entering into an agreement with a consulting physician
9166 and surgeon or osteopathic physician, in cases where the scope of practice of
9167 naturopathic childbirth may be exceeded and specialty care and delivery is
9168 indicated, detailing the guidelines by which the naturopathic physician will:
- 9169 (I) refer patients to the consulting physician; and
- 9170 (II) consult with the consulting physician;
- 9171 (ii) using naturopathic mobilization therapy;
- 9172 (iii) using naturopathic physical medicine;
- 9173 (iv) using minor office procedures;
- 9174 (v) prescribing or administering natural medicine;
- 9175 (vi) prescribing medical equipment and devices, diagnosing by the use of medical

- 9176 equipment and devices, and administering therapy or treatment by the use of
9177 medical devices necessary and consistent with the competent practice of
9178 naturopathic medicine;
- 9179 (vii) prescribing barrier devices for contraception;
- 9180 (viii) using dietary therapy;
- 9181 (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and
9182 physiological function tests;
- 9183 (x) taking of body fluids for clinical laboratory tests and using the results of the tests
9184 in diagnosis;
- 9185 (xi) taking of a history from and conducting of a physical examination upon a human
9186 patient; and
- 9187 (xii) administering local anesthesia during the performance of a minor office
9188 procedure;
- 9189 (b) to maintain an office or place of business for the purpose of doing any of the acts
9190 described in Subsection (13)(a), whether or not for compensation; or
- 9191 (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or
9192 treatment of human diseases or conditions, in any printed material, stationery,
9193 letterhead, envelopes, signs, or advertisements, the designation "naturopathic
9194 physician," "naturopathic doctor," "naturopath," "doctor of naturopathic medicine,"
9195 "doctor of naturopathy," "naturopathic medical doctor," "naturopathic medicine,"
9196 "naturopathic health care," "naturopathy," "N.D.," "N.M.D.," or any combination of
9197 these designations in any manner that might cause a reasonable person to believe the
9198 individual using the designation is a licensed naturopathic physician.
- 9199 (14) "Prescribe" means to issue a prescription:
- 9200 (a) orally or in writing; or
- 9201 (b) by telephone, facsimile transmission, computer, or other electronic means of
9202 communication as defined by division rule.
- 9203 (15) "Prescription device" means an instrument, apparatus, implement, machine,
9204 contrivance, implant, in vitro reagent, or other similar or related article, and any
9205 component part or accessory, which is required under federal or state law to be
9206 prescribed by a practitioner and dispensed by or through a person licensed under this
9207 chapter or exempt from licensure under this chapter.
- 9208 (16) "Prescription drug" means a drug that is required by federal or state law or rule to be
9209 dispensed only by prescription or is restricted to administration only by practitioners.

- 9210 (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
9211 58-71-501.
- 9212 (18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
9213 and 58-71-502, and as may be further defined by division rule.
9214 Section 152. Section **58-73-601** is amended to read:
9215 **58-73-601 (Effective 05/06/26). Scope of practice for a chiropractic physician.**
- 9216 (1) A chiropractic physician licensed under this chapter may engage in the practice of
9217 chiropractic as defined in Section 58-73-102 in accordance with the following standards.
- 9218 (2) A chiropractic physician may:
- 9219 (a) examine, diagnose, and treat only within the scope of chiropractic as described in this
9220 Subsection (2);
- 9221 (b)(i) use x-ray for diagnostic purposes only; and
9222 (ii) order, for diagnostic purposes only:
- 9223 (A) ultrasound;
9224 (B) magnetic resonance imaging; and
9225 (C) computerized tomography;
- 9226 (c) administer:
- 9227 (i) physical agents, including light, heat, cold, water, air, sound, compression,
9228 electricity, and electromagnetic radiation except gamma radiation; and
9229 (ii) physical activities and devices, including:
- 9230 (A) exercise with and without devices;
9231 (B) joint mobilization;
9232 (C) mechanical stimulation;
9233 (D) postural drainage;
9234 (E) traction;
9235 (F) positioning;
9236 (G) wound debridement, cleansing, and dressing changes;
9237 (H) splinting;
9238 (I) training in locomotion and other functional activities with and without
9239 assistance devices; and
9240 (J) correction of posture, body mechanics, and gait;
- 9241 (d) administer the following topically applied medicinal agents, including steroids,
9242 anesthetics, coolants, and analgesics for wound care and for musculoskeletal
9243 treatment, including their use by iontophoresis or phonophoresis;

- 9244 (e) treat pain incident to major or minor surgery, cancer, obstetrics, or x-ray therapy;
- 9245 (f) utilize immobilizing appliances, casts, and supports for support purposes, but may
- 9246 not set displaced bone fractures;
- 9247 (g) inform the patient of possible side effects of medication and recommend referral to
- 9248 the prescribing practitioner;
- 9249 (h) provide instruction in the use of physical measures, activities, and devices for
- 9250 preventive and therapeutic purposes;
- 9251 (i) provide consulting, educational, and other advisory services for the purposes of
- 9252 reducing the incidence and severity of physical disability, movement dysfunctions,
- 9253 bodily malfunction, and pain;
- 9254 (j) treat a human being to assess, prevent, correct, alleviate, and limit physical disability,
- 9255 movement dysfunction, bodily malfunction, and pain resulting from disorders,
- 9256 congenital and aging conditions, injury, and disease; and
- 9257 (k) administer, interpret, and evaluate tests.
- 9258 (3) A chiropractic physician may not:
- 9259 (a) perform incisive surgery;
- 9260 (b) administer drugs or medicines for which an authorized prescription is required by
- 9261 law except as provided in Subsection (2)(d);
- 9262 (c) treat cancer;
- 9263 (d) practice obstetrics;
- 9264 (e) prescribe or administer x-ray therapy; or
- 9265 (f) set displaced fractures.
- 9266 (4) A chiropractic physician shall assume responsibility for his examinations, diagnoses,
- 9267 and treatment.
- 9268 (5) Nothing in this section authorizes a chiropractic physician to prescribe, possess for
- 9269 dispensing, dispense, purchase without a prescription written by a licensed and
- 9270 authorized practitioner, or administer, except under Subsection (2)(d), a drug requiring a
- 9271 prescription to dispense, under [~~Title 58, Chapter 37, Utah Controlled Substances Act, or~~
- 9272 ~~Title 58, Chapter 17b, Pharmacy Practice Act~~] Chapter 17b, Pharmacy Practice Act, or
- 9273 Chapter 37, Controlled Substances.
- 9274 (6) Only primary health care providers licensed under this title as osteopathic physicians,
- 9275 physicians and surgeons, naturopaths, and chiropractic physicians, may diagnose, adjust,
- 9276 manipulate, or therapeutically position the articulation of the spinal column to the extent
- 9277 permitted by their scopes of practice.

- 9278 Section 153. Section **58-88-202** is amended to read:
- 9279 **58-88-202 (Effective 05/06/26). Dispensing practice -- Drugs that may be**
- 9280 **dispensed -- Limitations and exceptions.**
- 9281 (1) Notwithstanding Section 58-17b-302, a dispensing practitioner may dispense a drug at a
- 9282 licensed dispensing practice if the drug is:
- 9283 (a) packaged in a fixed quantity per package by:
- 9284 (i) the drug manufacturer;
- 9285 (ii) a pharmaceutical wholesaler or distributor; or
- 9286 (iii) a pharmacy licensed under Chapter 17b, Pharmacy Practice Act;
- 9287 (b) dispensed:
- 9288 (i) at a licensed dispensing practice at which the dispensing practitioner regularly
- 9289 practices; and
- 9290 (ii) under a prescription issued by the dispensing practitioner to the dispensing
- 9291 practitioner's patient;
- 9292 (c) except as provided in Subsection (6), for a condition that is not expected to last
- 9293 longer than 30 days; and
- 9294 (d) for a condition for which the patient has been evaluated by the dispensing
- 9295 practitioner on the same day on which the dispensing practitioner dispenses the drug.
- 9296 (2) A dispensing practitioner may not dispense:
- 9297 (a) a controlled substance as defined in Section ~~[58-37-2]~~ 58-37-101;
- 9298 (b) a drug or class of drugs that is designated by the division under Subsection
- 9299 58-88-205(2); or
- 9300 (c) a supply of a drug under this part that exceeds a 30-day supply.
- 9301 (3) A dispensing practitioner may not make a claim against workers' compensation or
- 9302 automobile insurance for a drug dispensed under this part for outpatient use unless the
- 9303 dispensing practitioner is contracted with a pharmacy network established by the claim
- 9304 payor.
- 9305 (4) When a dispensing practitioner dispenses a drug to the patient under this part, a
- 9306 dispensing practitioner shall:
- 9307 (a) disclose to the patient verbally and in writing that the patient is not required to fill the
- 9308 prescription through the licensed dispensing practice and that the patient has a right
- 9309 to fill the prescription through a pharmacy; and
- 9310 (b) if the patient will be responsible to pay cash for the drug, disclose:
- 9311 (i) that the patient will be responsible to pay cash for the drug; and

9312 (ii) the amount that the patient will be charged by the licensed dispensing practice for
9313 the drug.

9314 (5) This part does not:

9315 (a) require a dispensing practitioner to dispense a drug under this part;

9316 (b) limit a health care prescriber from dispensing under Chapter 17b, Part 8, Dispensing
9317 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy; or

9318 (c) apply to a physician who dispenses:

9319 (i) a drug sample, as defined in Section 58-17b-102, to a patient in accordance with
9320 Section 58-1-501.3 or Section 58-17b-610; or

9321 (ii) a drug in an emergency situation as defined by the division in rule under Chapter
9322 17b, Pharmacy Practice Act.

9323 (6) A dispensing practitioner that is a dentist may dispense prescription fluoride medication
9324 regardless of whether the condition the fluoride is treating will last longer than 30 days.

9325 Section 154. Section **63A-17-102** is amended to read:

9326 **63A-17-102 (Effective 05/06/26). Definitions.**

9327 As used in this chapter:

9328 (1) "Agency" means any department or unit of Utah state government with authority to
9329 employ personnel.

9330 (2) "Career service" means positions under schedule B as defined in Section 63A-17-301.

9331 (3) "Career service employee" means an employee who has successfully completed a
9332 probationary period of service in a position covered by the career service.

9333 (4) "Career service status" means status granted to employees who successfully complete
9334 probationary periods for competitive career service positions.

9335 (5) "Classified service" means those positions subject to the classification and
9336 compensation provisions of Section 63A-17-307.

9337 (6) "Controlled substance" means controlled substance as defined in Section ~~58-37-2~~
9338 58-37-101.

9339 (7)(a) "Demotion" means a disciplinary action resulting in a reduction of an employee's
9340 current actual wage.

9341 (b) "Demotion" does not mean:

9342 (i) a nondisciplinary movement of an employee to another position without a
9343 reduction in the current actual wage; or

9344 (ii) a reclassification of an employee's position under the provisions of Subsection
9345 63A-17-307(3) and rules made by the department.

- 9346 (8) "Director" means the director of the division.
- 9347 (9) "Disability" means a physical or mental disability as defined and protected under the
9348 Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.
- 9349 (10) "Division" means the Division of Human Resource Management, created in Section
9350 63A-17-105.
- 9351 (11) "Employee" means any individual in a paid status covered by the career service or
9352 classified service provisions of this chapter.
- 9353 (12) "Examining instruments" means written or other types of proficiency tests.
- 9354 (13) "Human resource function" means those duties and responsibilities specified:
9355 (a) under Section 63A-17-106;
9356 (b) under rules of the division; and
9357 (c) under other state or federal statute.
- 9358 (14) "Market comparability adjustment" means a salary range adjustment determined
9359 necessary through a market survey of salary data and other relevant information.
- 9360 (15) "Probationary employee" means an employee serving a probationary period in a career
9361 service position but who does not have career service status.
- 9362 (16) "Probationary period" means that period of time determined by the division that an
9363 employee serves in a career service position as part of the hiring process before career
9364 service status is granted to the employee.
- 9365 (17) "Probationary status" means the status of an employee between the employee's hiring
9366 and the granting of career service status.
- 9367 (18) "Structure adjustment" means a division modification of salary ranges.
- 9368 (19) "Temporary employee" means a career service exempt employee described in
9369 Subsection 63A-17-301(1)(r).
- 9370 (20) "Total compensation" means salaries and wages, bonuses, paid leave, group insurance
9371 plans, retirement, and all other benefits offered to state employees as inducements to
9372 work for the state.

9373 Section 155. Section **63G-7-202** is amended to read:

9374 **63G-7-202 (Effective 05/06/26). Act provisions not construed as admission or**
9375 **denial of liability -- Effect of waiver of immunity -- Exclusive remedy -- Joinder of**
9376 **employee -- Limitations on personal liability -- Public duty does not create specific duty.**

- 9377 (1)(a) Nothing contained in this chapter, unless specifically provided, may be construed
9378 as an admission or denial of liability or responsibility by or for a governmental entity
9379 or its employees.

- 9380 (b) If immunity from suit is waived by this chapter, consent to be sued is granted, and
9381 liability of the entity shall be determined as if the entity were a private person.
- 9382 (c) No cause of action or basis of liability is created by any waiver of immunity in this
9383 chapter, nor may any provision of this chapter be construed as imposing strict
9384 liability or absolute liability.
- 9385 (2) Nothing in this chapter may be construed as adversely affecting any immunity from suit
9386 that a governmental entity or employee may otherwise assert under state or federal law.
- 9387 (3)(a) Except as provided in Subsection (3)(c), an action under this chapter against a
9388 governmental entity for an injury caused by an act or omission that occurs during the
9389 performance of an employee's duties, within the scope of employment, or under color
9390 of authority is a plaintiff's exclusive remedy.
- 9391 (b) Judgment under this chapter against a governmental entity is a complete bar to any
9392 action by the claimant, based upon the same subject matter, against the employee
9393 whose act or omission gave rise to the claim.
- 9394 (c) A plaintiff may not bring or pursue any civil action or proceeding based upon the
9395 same subject matter against the employee or the estate of the employee whose act or
9396 omission gave rise to the claim, unless:
- 9397 (i) the employee acted or failed to act through fraud or willful misconduct;
- 9398 (ii) the injury or damage resulted from the employee driving a vehicle, or being in
9399 actual physical control of a vehicle:
- 9400 (A) with a blood alcohol content equal to or greater by weight than the established
9401 legal limit;
- 9402 (B) while under the influence of alcohol or any drug to a degree that rendered the
9403 person incapable of safely driving the vehicle; or
- 9404 (C) while under the combined influence of alcohol and any drug to a degree that
9405 rendered the person incapable of safely driving the vehicle;
- 9406 (iii) injury or damage resulted from the employee being physically or mentally
9407 impaired so as to be unable to reasonably perform the employee's job function
9408 because of:
- 9409 (A) the use of alcohol;
- 9410 (B) the nonprescribed use of a controlled substance as defined in Section ~~[58-37-4]~~
9411 58-37-108; or
- 9412 (C) the combined influence of alcohol and a nonprescribed controlled substance as
9413 defined by Section ~~[58-37-4]~~ 58-37-108;

- 9414 (iv) in a judicial or administrative proceeding, the employee intentionally or
 9415 knowingly gave, upon a lawful oath or in any form allowed by law as a substitute
 9416 for an oath, false testimony material to the issue or matter of inquiry under this
 9417 section; or
- 9418 (v) the employee intentionally or knowingly:
- 9419 (A) fabricated evidence; or
- 9420 (B) except as provided in Subsection (3)(d), with a conscious disregard for the
 9421 rights of others, failed to disclose evidence that:
- 9422 (I) was known to the employee; and
- 9423 (II)(Aa) was known by the employee to be relevant to a material issue or
 9424 matter of inquiry in a pending judicial or administrative proceeding, if
 9425 the employee knew of the pending judicial or administrative proceeding;
 9426 or
- 9427 (Bb) was known by the employee to be relevant to a material issue or matter
 9428 of inquiry in a judicial or administrative proceeding, if disclosure of the
 9429 evidence was requested of the employee by a party to the proceeding or
 9430 counsel for a party to the proceeding.
- 9431 (d) The exception, described in Subsection (3)(c)(v)(B), allowing a plaintiff to bring or
 9432 pursue a civil action or proceeding against an employee, does not apply if the
 9433 employee failed to disclose evidence described in Subsection (3)(c)(v)(B), because
 9434 the employee is prohibited by law from disclosing the evidence.
- 9435 (4) Except as permitted in Subsection (3)(c), no employee may be joined or held personally
 9436 liable for acts or omissions occurring:
- 9437 (a) during the performance of the employee's duties;
- 9438 (b) within the scope of employment; or
- 9439 (c) under color of authority.
- 9440 (5) A general duty that a governmental entity owes to the public does not create a specific
 9441 duty to an individual member of the public, unless there is a special relationship between
 9442 the governmental entity and the individual member of the public.
- 9443 Section 156. Section **63I-1-258** is amended to read:
- 9444 **63I-1-258 (Effective 05/06/26). Repeal dates: Title 58.**
- 9445 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed
 9446 July 1, 2026.
- 9447 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2035.

- 9448 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- 9449 (4) Section [58-37-3.5] 58-37-309, Drugs for behavioral health treatment, is repealed July 1,
9450 2027.
- 9451 (5) Subsection [58-37-6(7)(f)(iii)] 58-37-304(6)(d), regarding a seven-day opiate supply
9452 restriction, is repealed July 1, 2032.
- 9453 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.
- 9454 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
9455 repealed July 1, 2029.
- 9456 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,
9457 2033.
- 9458 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.
- 9459 (10) Subsection 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.
- 9460 (11) Subsection 58-47b-102(9), defining massage assistant-in-training, is repealed July 1,
9461 2029.
- 9462 (12) Subsection 58-47b-302(1), regarding applicant for a massage assistant-in-training, is
9463 repealed July 1, 2029.
- 9464 (13) Subsection 58-47b-302(2), regarding applicant for a massage assistant, is repealed July
9465 1, 2029.
- 9466 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training
9467 license, is repealed July 1, 2029.
- 9468 (15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing
9469 Advisory Board, is repealed July 1, 2027.
- 9470 (16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.
9471 Section 157. Section **64-13-45** is amended to read:
9472 **64-13-45 (Effective 05/06/26). Department reporting requirements.**
- 9473 (1) As used in this section:
- 9474 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.
- 9475 (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the
9476 custody of the department.
- 9477 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
9478 (A) being transported for medical care; or
9479 (B) receiving medical care outside of a correctional facility, other than a county
9480 jail.
- 9481 (c) "Inmate" means an individual who is processed or booked into custody or housed in

- 9482 the department or a correctional facility other than a county jail.
- 9483 (d) "Opiate" means the same as that term is defined in Section [58-37-2] 58-37-101.
- 9484 (e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.
- 9485 (2) The department shall submit a report to the Commission on Criminal and Juvenile
9486 Justice created in Section 63M-7-201 before June 15 of each year that includes:
- 9487 (a) the number of in-custody deaths that occurred during the preceding calendar year,
9488 including:
- 9489 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors
9490 of each of the in-custody deaths described in this Subsection (2)(a); and
- 9491 (ii) the department's policy for notifying an inmate's next of kin after the inmate's
9492 in-custody death;
- 9493 (b) the department policies, procedures, and protocols:
- 9494 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
9495 including use of opiates;
- 9496 (ii) that relate to the department's provision, or lack of provision, of medications used
9497 to treat, mitigate, or address an inmate's symptoms of withdrawal, including
9498 methadone and all forms of buprenorphine and naltrexone; and
- 9499 (iii) that relate to screening, assessment, and treatment of an inmate for a substance
9500 use disorder or mental health disorder;
- 9501 (c) the number of inmates who gave birth and were restrained in accordance with
9502 Section 64-13-46, including:
- 9503 (i) the types of restraints used; and
- 9504 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
9505 inmate, medical or corrections staff, or the public;
- 9506 (d) the number of transgender inmates that are assigned to a living area with inmates
9507 whose biological sex at birth do not correspond with the transgender inmate's
9508 biological sex at birth in accordance with Section 64-13-7, including:
- 9509 (i) the results of the individualized security analysis conducted for each transgender
9510 inmate in accordance with Subsection 64-13-7(5)(a); and
- 9511 (ii) a detailed explanation regarding how the security conditions described in
9512 Subsection 64-13-7(5)(b) are met for each transgender inmate;
- 9513 (e) the number of transgender inmates that were:
- 9514 (i) assigned to a living area with inmates whose biological sex at birth do not
9515 correspond with the transgender inmate's biological sex at birth; and

9516 (ii) removed and assigned to a living area with inmates whose biological sex at birth
 9517 corresponds with the transgender inmate's biological sex at birth in accordance
 9518 with Subsection 64-13-7(6); and

9519 (f) any report the department provides or is required to provide under federal law or
 9520 regulation relating to inmate deaths.

9521 (3) The Commission on Criminal and Juvenile Justice shall:

9522 (a) compile the information from the reports described in Subsection (2);

9523 (b) omit or redact any identifying information of an inmate in the compilation to the
 9524 extent omission or redaction is necessary to comply with state and federal law[-]; and

9525 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
 9526 Committee and the Utah Substance Use and Mental Health Advisory Committee
 9527 before November 1 of each year.

9528 (4) The Commission on Criminal and Juvenile Justice may not provide access to or use the
 9529 department's policies, procedures, or protocols submitted under this section in a manner
 9530 or for a purpose not described in this section.

9531 Section 158. Section **64-14-204** is amended to read:

9532 **64-14-204 (Effective 05/06/26). Supervision of sentenced offenders placed in**
 9533 **community -- Rulemaking -- POST certified parole or probation officers and peace**
 9534 **officers -- Duties -- Supervision fee -- Coordination with local mental health authority.**

9535 (1)(a) The division, except as otherwise provided by law, shall supervise a sentenced
 9536 offender placed in the community if the offender:

9537 (i)(A) is placed on probation by a court;

9538 (B) is released on parole by the Board of Pardons and Parole; or

9539 (C) is accepted for supervision under the terms of the Interstate Compact for the
 9540 Supervision of Parolees and Probationers; and

9541 (ii) has been convicted of:

9542 (A) a felony;

9543 (B) a class A misdemeanor when an element of the offense is the use or attempted
 9544 use of physical force against an individual or property; or

9545 (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the
 9546 division is ordered by a court to supervise the offender under Section 77-18-105.

9547 (b) If a sentenced offender participates in substance use treatment or a residential
 9548 vocational or life skills program, as defined in Section 13-53-102, while under
 9549 supervision on probation or parole, the division shall monitor the offender's

- 9550 compliance with and completion of the treatment or program.
- 9551 (c) The department shall establish standards for:
- 9552 (i) the supervision of offenders in accordance with the adult sentencing and
- 9553 supervision length guidelines, as defined in Section 63M-7-401.1, giving priority,
- 9554 based on available resources, to felony offenders and offenders sentenced under
- 9555 Subsection ~~[58-37-8-(2)(b)(ii)]~~ 76-18-207(3)(b)(i) or (3)(c)(i); and
- 9556 (ii) the monitoring described in Subsection (1)(b).
- 9557 (2) The division shall apply the graduated and evidence-based responses established in the
- 9558 adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1,
- 9559 to facilitate a prompt and appropriate response to an individual's violation of the terms of
- 9560 probation or parole, including:
- 9561 (a) sanctions to be used in response to a violation of the terms of probation or parole; and
- 9562 (b) requesting approval from the court or Board of Pardons and Parole to impose a
- 9563 sanction for an individual's violation of the terms of probation or parole, for a period
- 9564 of incarceration of not more than three consecutive days and not more than a total of
- 9565 six days within a period of 30 days.
- 9566 (3) The division shall implement a program of graduated incentives as established in the
- 9567 adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1
- 9568 to facilitate the department's prompt and appropriate response to an offender's:
- 9569 (a) compliance with the terms of probation or parole; or
- 9570 (b) positive conduct that exceeds those terms.
- 9571 (4)(a) The department shall, in collaboration with the State Commission on Criminal and
- 9572 Juvenile Justice and the Division of Substance Use and Mental Health, create
- 9573 standards and procedures for the collection of information, including cost savings
- 9574 related to recidivism reduction and the reduction in the number of inmates, related to
- 9575 the use of the graduated and evidence-based responses and graduated incentives, and
- 9576 offenders' outcomes.
- 9577 (b) The collected information shall be provided to the State Commission on Criminal
- 9578 and Juvenile Justice not less frequently than annually on or before August 31.
- 9579 (5) Employees of the division who are POST certified as law enforcement officers or
- 9580 correctional officers and who are designated as parole and probation officers by the
- 9581 executive director have the following duties:
- 9582 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
- 9583 with the conditions of the parole or probation agreement;

- 9584 (b) investigating or apprehending any offender who has escaped from the custody of the
9585 department or absconded from supervision by the division;
- 9586 (c) supervising any offender during transportation; or
- 9587 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- 9588 (6)(a)(i) A monthly supervision fee of \$30 shall be collected from each offender on
9589 probation or parole.
- 9590 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the
9591 division upon a showing by the offender that imposition would create a substantial
9592 hardship or if the offender owes restitution to a victim.
- 9593 (b)(i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
9594 Administrative Rulemaking Act, specifying the criteria for suspension or waiver
9595 of the supervision fee and the circumstances under which an offender may request
9596 a hearing.
- 9597 (ii) In determining whether the imposition of the supervision fee would constitute a
9598 substantial hardship, the division shall consider the financial resources of the
9599 offender and the burden that the fee would impose, with regard to the offender's
9600 other obligations.
- 9601 (c) The division shall deposit money received from the monthly supervision fee
9602 established in this Subsection (6) into the General Fund as a parole and probation
9603 dedicated credit to be used to cover costs incurred in the collection of the fee and in
9604 the development of offender supervision programs.
- 9605 (7)(a) For offenders placed on probation under Section 77-18-105 or parole under
9606 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019,
9607 the division shall establish a program allowing an offender to earn a reduction credit
9608 of 30 days from the offender's period of probation or parole for each month the
9609 offender complies with the terms of the offender's probation or parole agreement,
9610 including the case action plan.
- 9611 (b)(i) For offenders placed on probation under Section 77-18-105 or parole under
9612 Section 76-3-202 on or after July 1, 2026, the division shall establish a program,
9613 consistent with the adult sentencing and supervision length guidelines, as defined
9614 in Section 63M-7-401.1, to provide incentives for an offender that maintains
9615 eligible employment, as defined in Section 64-13g-101.
- 9616 (ii) The program under Subsection (7)(b)(i) may include a credit towards the
9617 reduction of the length of supervision for an offender at a rate of up to 30 days for

- 9618 each month that the offender maintains eligible employment, as defined in Section
9619 64-13g-101.
- 9620 (iii) A court, or the Board of Pardons and Parole, is not required to grant a request for
9621 termination of supervision under the program described in this Subsection (7)(b) if
9622 the court, or the Board of Pardons and Parole, finds that:
- 9623 (A) the offender presents a substantial risk to public safety;
9624 (B) termination would prevent the offender from completing risk reduction
9625 programming or treatment; or
9626 (C) the eligibility criteria for termination of supervision, as established in the adult
9627 sentencing and supervision length guidelines, as defined in Section
9628 63M-7-401.1, have not been met.
- 9629 (iv) This Subsection (7)(b) does not prohibit the division, or another supervision
9630 services provider, from requesting termination of supervision based on the
9631 eligibility criteria in the adult sentencing and supervision length guidelines, as
9632 defined in Section 63M-7-401.1.
- 9633 (c) The division shall:
- 9634 (i) maintain a record of credits earned by an offender under this Subsection (7); and
9635 (ii) request from the court or the Board of Pardons and Parole the termination of
9636 probation or parole not fewer than 30 days prior to the termination date that
9637 reflects the credits earned under this Subsection (7).
- 9638 (d) This Subsection (7) does not prohibit the division from requesting a termination date
9639 earlier than the termination date established by earned credits under Subsection (7)(c).
- 9640 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation
9641 or parole upon completion of the period of probation or parole accrued by time
9642 served and credits earned under this Subsection (7) unless the court or the Board of
9643 Pardons and Parole finds that termination would interrupt the completion of a
9644 necessary treatment program, in which case the termination of probation or parole
9645 shall occur when the treatment program is completed.
- 9646 (f) The department shall report annually to the State Commission on Criminal and
9647 Juvenile Justice on or before August 31:
- 9648 (i) the number of offenders who have earned probation or parole credits under this
9649 Subsection (7) in one or more months of the preceding fiscal year and the
9650 percentage of the offenders on probation or parole during that time that this
9651 number represents;

- 9652 (ii) the average number of credits earned by those offenders who earned credits;
9653 (iii) the number of offenders who earned credits by county of residence while on
9654 probation or parole;
- 9655 (iv) the cost savings associated with sentencing reform programs and practices; and
9656 (v) a description of how the savings will be invested in treatment and
9657 early-intervention programs and practices at the county and state levels.
- 9658 (8)(a) The department shall coordinate with a local mental health authority to complete
9659 the requirements of this Subsection (8) for an offender who:
- 9660 (i) is a habitual offender as that term is defined in Section 77-18-102;
9661 (ii) has a mental illness as that term is defined in Section 26B-5-301; and
9662 (iii) based on a risk and needs assessment:
- 9663 (A) is at a high risk of reoffending; and
9664 (B) has risk factors that may be addressed by available community-based services.
- 9665 (b) For an offender described in Subsection (8)(a), at any time clinically appropriate or
9666 at least three months before termination of an offender's parole or expiration of an
9667 offender's sentence, the department shall coordinate with the Department of Health
9668 and Human Services and the relevant local mental health authority to provide
9669 applicable clinical assessments and transitional treatment planning and services for
9670 the offender so that the offender may receive appropriate treatment and support
9671 services after the termination of parole or expiration of sentence.
- 9672 (c) The local mental health authority may determine whether the offender:
- 9673 (i) meets the criteria for civil commitment;
9674 (ii) meets the criteria for assisted outpatient treatment; or
9675 (iii) would benefit from assignment to an assertive community treatment team or
9676 available community-based services.
- 9677 (d) Based on the local mental health authority's determination under Subsection (8)(c),
9678 the local mental health authority shall, as appropriate:
- 9679 (i) initiate an involuntary commitment court proceeding;
9680 (ii) file a written application for assisted outpatient treatment; or
9681 (iii) seek to have the offender assigned to an assertive community treatment team or
9682 available community-based services.
- 9683 (e) On or before November 1, 2025, the department shall provide a report to the Law
9684 Enforcement and Criminal Justice Interim Committee regarding any proposed
9685 changes to the requirements in this Subsection (8), including whether the

9686 requirements of this Subsection (8) should also apply to any other category of
9687 offenders.

9688 Section 159. Section **67-5-36** is amended to read:

9689 **67-5-36 (Effective 05/06/26). Drug Disposal Program.**

9690 (1) As used in the section:

9691 (a) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]
9692 58-37-101.

9693 (b) "Department" means the Department of Environmental Quality.

9694 (c) "Environmentally friendly" means a controlled substance that is rendered:

9695 (i) non-retrievable, as determined by the attorney general in consultation with the
9696 department;

9697 (ii) non-hazardous, as determined by the department; and

9698 (iii) permissible to dispose in a landfill in a manner that does not violate state or
9699 federal law relating to surface water or groundwater.

9700 (d) "Home controlled substance disposal receptacle" means a receptacle provided by the
9701 program that can be used by an individual to render a small amount of controlled
9702 substances at an individual's residence non-retrievable and environmentally friendly.

9703 (e) "Non-retrievable" means the same as that term is defined in 21 C.F.R. 1300.05.

9704 (f) "Program" means the Drug Disposal Program described in this section.

9705 (g) "Repository" means a controlled substance disposal repository described in
9706 Subsection (3).

9707 (2) The attorney general may, in coordination with the department and within funds
9708 available for this purpose, administer a program, known as the Drug Disposal Program,
9709 to provide for the safe, secure, and environmentally friendly disposal of controlled
9710 substances in the state.

9711 (3) The attorney general and the department, in developing and implementing the program:

9712 (a) may work with law enforcement agencies, pharmacies, hospitals, and other entities to
9713 ensure that one or more repositories are present in each county in the state;

9714 (b) shall ensure that each repository:

9715 (i) renders a controlled substance placed in the repository non-retrievable and
9716 environmentally friendly, onsite; and

9717 (ii) is secure from tampering or unauthorized removal;

9718 (c) may require verification that:

9719 (i) a repository complies with Subsection (3)(b); and

- 9720 (ii) a home controlled substance disposal receptacle renders a controlled substance
 9721 non-retrievable and environmentally friendly;
- 9722 (d) shall ensure that the program operates in accordance with Drug Enforcement
 9723 Administration rules; and
- 9724 (e) may publish, on the websites of the attorney general's office and the department:
 9725 (i) a list of the location of each repository in the state; and
 9726 (ii) if home controlled substance disposal receptacles are used as part of the program,
 9727 information on how to obtain a home controlled substance disposal receptacle.
- 9728 (4) The attorney general may, instead of, or in addition to, establishing a repository in a
 9729 county, establish a process for residents of the county to obtain a home controlled
 9730 substance disposal receptacle.
- 9731 (5) A state or local government entity, other than the attorney general's office, the
 9732 department, or a designee of the department, may not:
- 9733 (a) regulate the disposal of a controlled substance rendered non-retrievable in a
 9734 repository or home controlled substance disposal receptacle differently, or more
 9735 strictly, than disposal of non-hazardous household waste;
- 9736 (b) regulate or restrict the location of a repository or the distribution of a home
 9737 controlled substance disposal receptacle; or
- 9738 (c) otherwise take action to regulate or interfere with administration of the program.
- 9739 (6) This section does not prohibit the disposal of a controlled substance:
- 9740 (a) in a receptacle that does not qualify as a repository if:
 9741 (i) the receptacle is located on the premises of an entity authorized by Drug
 9742 Enforcement Administration rules to accept a controlled substance for subsequent
 9743 disposal; and
 9744 (ii) the entity described in Subsection (6)(a)(i) ensures that the controlled substance is
 9745 managed in a manner permitted by Drug Enforcement Administration rule; or
 9746 (b) disposed at a facility that has received the approval required under Section 19-6-108.
- 9747 (7) Unless otherwise agreed by the attorney general, an entity described in Subsection (3)(a)
 9748 that permits the placement of a repository on property owned or controlled by the entity
 9749 will dispose of a controlled substance placed in the repository after the controlled
 9750 substance is rendered environmentally friendly.

9751 Section 160. Section **76-3-203.11** is amended to read:

9752 **76-3-203.11 (Effective 05/06/26). Reporting an overdose -- Mitigating factor.**

- 9753 (1) As used in this section, "good faith" does not include seeking medical assistance under

9754 this section during the course of a law enforcement agency's execution of a search
 9755 warrant, execution of an arrest warrant, or other lawful search.

9756 (2) It is a mitigating factor in sentencing for an offense under [~~Title 58, Chapter 37,~~
 9757 ~~Utah Controlled Substances Act,~~] Chapter 18, Part 2, Offenses Concerning Controlled
 9758 Substances, or Title 58, Chapter 37, Controlled Substances, that the person or bystander:

9759 [(1)] (a) reasonably believes that the person or another person is experiencing an
 9760 overdose event due to the ingestion, injection, inhalation, or other introduction into
 9761 the human body of a controlled substance or other substance;

9762 [(2)] (b) reports, or assists a person who reports, in good faith the overdose event to a
 9763 medical provider, an emergency medical service provider as defined in Section
 9764 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency
 9765 dispatch system, or the person is the subject of a report made under this section;

9766 [(3)] (c) provides in the report under Subsection [(2)] (2)(b) a functional description of the
 9767 location of the actual overdose event that facilitates responding to the person
 9768 experiencing the overdose event;

9769 [(4)] (d) remains at the location of the person experiencing the overdose event until a
 9770 responding law enforcement officer or emergency medical service provider arrives,
 9771 or remains at the medical care facility where the person experiencing an overdose
 9772 event is located until a responding law enforcement officer arrives;

9773 [(5)] (e) cooperates with the responding medical provider, emergency medical service
 9774 provider, and law enforcement officer, including providing information regarding the
 9775 person experiencing the overdose event and any substances the person may have
 9776 injected, inhaled, or otherwise introduced into the person's body; and

9777 [(6)] (f) committed the offense in the same course of events from which the reported
 9778 overdose arose.

9779 Section 161. Section **76-5-102.1** is amended to read:

9780 **76-5-102.1 (Effective 05/06/26). Negligently operating a vehicle resulting in**
 9781 **injury.**

9782 (1)(a) As used in this section:

9783 (i) "Controlled substance" means the same as that term is defined in Section [58-37-2]
 9784 58-37-101.

9785 (ii) "Drug" means the same as that term is defined in Section 76-5-207.

9786 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
 9787 76-5-207.

- 9788 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 9789 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 9790 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:
- 9791 (a)(i) operates a vehicle in a negligent manner causing bodily injury to another; and
- 9792 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
- 9793 test shows that the actor has a blood or breath alcohol concentration of .05
- 9794 grams or greater at the time of the test;
- 9795 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol
- 9796 and a drug to a degree that renders the actor incapable of safely operating a
- 9797 vehicle; or
- 9798 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 9799 of operation; or
- 9800 (b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to
- 9801 another; and
- 9802 (ii) has in the actor's body any measurable amount of a controlled substance.
- 9803 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:
- 9804 (a)(i) a class A misdemeanor; or
- 9805 (ii) a third degree felony if the actor has two or more driving under the influence
- 9806 related convictions under Subsection 41-6a-501(2)(a), each of which is within 10
- 9807 years of:
- 9808 (A) the current conviction; or
- 9809 (B) the commission of the offense upon which the current conviction is based;
- 9810 (iii) a third degree felony, if the current conviction is at any time after the conviction
- 9811 of:
- 9812 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2),
- 9813 that is a felony; or
- 9814 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of
- 9815 conviction is reduced under Section 76-3-402; or
- 9816 (iv) a third degree felony if the bodily injury is serious bodily injury; and
- 9817 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
- 9818 violation of this section, regardless of whether the injuries arise from the same
- 9819 episode of driving.
- 9820 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
- 9821 Subsection (2)(b) if:

- 9822 (a) the controlled substance was obtained under a valid prescription or order, directly
9823 from a practitioner while acting in the course of the practitioner's professional
9824 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 9825 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 9826 (c) the actor possessed, in the actor's body, a controlled substance listed in Section [
9827 ~~58-37-4.2~~] 58-37-109 if:
- 9828 (i) the actor is the subject of medical research conducted by a holder of a valid license
9829 to possess controlled substances under Section [~~58-37-6~~] 58-37-105 or 58-37-113;
9830 and
- 9831 (ii) the substance was administered to the actor by the medical researcher.
- 9832 (5)(a) A judge imposing a sentence under this section may consider:
- 9833 (i) the adult sentencing and supervision length guidelines, as defined in Section
9834 63M-7-401.1;
- 9835 (ii) the defendant's history;
- 9836 (iii) the facts of the case;
- 9837 (iv) aggravating and mitigating factors; or
- 9838 (v) any other relevant fact.
- 9839 (b) The judge may not impose a lesser sentence than would be required for a conviction
9840 based on the defendant's history under Section 41-6a-505.
- 9841 (c) The standards for chemical breath analysis under Section 41-6a-515 and the
9842 provisions for the admissibility of chemical test results under Section 41-6a-516
9843 apply to determination and proof of blood alcohol content under this section.
- 9844 (d) A calculation of blood or breath alcohol concentration under this section shall be
9845 made in accordance with Subsection 41-6a-502(3).
- 9846 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
9847 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 9848 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
9849 admissible except if prohibited by the Utah Rules of Evidence, the United States
9850 Constitution, or the Utah Constitution.
- 9851 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
9852 described in this section may not be held in abeyance.
- 9853 (6)(a) A judge imposing a sentence under this section shall designate the defendant as an
9854 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
9855 not to exceed the probationary period, unless the court finds good cause to order a

9856 shorter or longer time.

9857 (b) If a court designates a person as an interdicted person as provided in Subsection
9858 (6)(a), the court shall:

9859 (i) require the person to surrender the person's identification card or driver license;

9860 (ii) notify the Driver License Division that the person is an interdicted person; and

9861 (iii) provide the person's identification card or driver license to the Driver License
9862 Division.

9863 (7) If a minor who is under 18 years old is found by a court to have violated Subsection
9864 (2)(b), the court may order the minor to complete:

9865 (a) a screening as defined in Section 41-6a-501;

9866 (b) an assessment as defined in Section 41-6a-501 if the screening described in
9867 Subsection (7)(a) indicates that an assessment is appropriate; and

9868 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
9869 treatment as indicated by an assessment described in Subsection (7)(b).

9870 Section 162. Section **76-5-112.5** is amended to read:

9871 **76-5-112.5 (Effective 05/06/26). Endangerment of a child or vulnerable adult.**

9872 (1)(a) As used in this section:

9873 (i)(A) "Chemical substance" means:

9874 (I) a substance intended to be used as a precursor in the manufacture of a
9875 controlled substance;

9876 (II) a substance intended to be used in the manufacture of a controlled
9877 substance; or

9878 (III) any fumes or by-product resulting from the manufacture of a controlled
9879 substance.

9880 (B) Intent under this Subsection (1)(a)(i) may be demonstrated by:

9881 (I) the use, quantity, or manner of storage of the substance; or

9882 (II) the proximity of the substance to other precursors or to manufacturing
9883 equipment.

9884 (ii) "Child" means an individual who is under 18 years old.

9885 (iii) "Controlled substance" means the same as that term is defined in Section [
9886 ~~58-37-2~~] 58-37-101.

9887 (iv) "Drug paraphernalia" means the same as that term is defined in Section [~~58-37a-3~~]
9888 76-18-301.

9889 (v) "Exposed to" means that the child or vulnerable adult:

- 9890 (A) is able to access an unlawfully possessed:
- 9891 (I) controlled substance; or
- 9892 (II) chemical substance;
- 9893 (B) has the reasonable capacity to access drug paraphernalia; or
- 9894 (C) is able to smell an odor produced during, or as a result of, the manufacture or
- 9895 production of a controlled substance.
- 9896 (vi) "Prescription" means the same as that term is defined in Section [~~58-37-2~~
- 9897 58-37-101.
- 9898 (vii) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.
- 9899 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 9900 (2) An actor commits endangerment of a child or vulnerable adult if the actor knowingly or
- 9901 intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale,
- 9902 ingest, or have contact with a controlled substance, chemical substance, or drug
- 9903 paraphernalia.
- 9904 (3)(a) A violation of Subsection (2) is a third degree felony.
- 9905 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree
- 9906 felony if:
- 9907 (i) the actor engages in the conduct described in Subsection (2); and
- 9908 (ii) as a result of the conduct described in Subsection (2), the child or the vulnerable
- 9909 adult suffers bodily injury, substantial bodily injury, or serious bodily injury.
- 9910 (c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first
- 9911 degree felony if:
- 9912 (i) the actor engages in the conduct described in Subsection (2); and
- 9913 (ii) as a result of the conduct described in Subsection (2), the child or the vulnerable
- 9914 adult dies.
- 9915 (4)(a) Notwithstanding Subsection (3), a child may not be subjected to delinquency
- 9916 proceedings for a violation of Subsection (2) unless:
- 9917 (i) the child is 15 years old or older; and
- 9918 (ii) the other child who is exposed to or inhales, ingests, or has contact with the
- 9919 controlled substance, chemical substance, or drug paraphernalia, is under 12 years
- 9920 old.
- 9921 (b) It is an affirmative defense to a violation of this section that the controlled substance:
- 9922 (i) was obtained by lawful prescription or in accordance with Title 26B, Chapter 4,
- 9923 Part 2, Cannabinoid Research and Medical Cannabis; and

9924 (ii) is used or possessed by the individual to whom the controlled substance was
 9925 lawfully prescribed or recommended to under Title 26B, Chapter 4, Part 2,
 9926 Cannabinoid Research and Medical Cannabis.

9927 (5) The penalties described in this section are separate from, and in addition to, the
 9928 penalties and enhancements described in Title 58, Occupations and Professions.

9929 (6) If an offense committed under this section amounts to an offense subject to a greater
 9930 penalty under another provision of state law, this section does not prohibit prosecution
 9931 and sentencing for the more serious offense.

9932 Section 163. Section **76-5-113** is amended to read:

9933 **76-5-113 (Effective 05/06/26). Surreptitious administration of certain substances**

9934 **-- Definitions -- Penalties -- Defenses.**

9935 (1)(a) As used in this section:

9936 (i) "Administer" means the introduction of a substance into the body by injection,
 9937 inhalation, ingestion, or by any other means.

9938 (ii) "Alcoholic beverage" means the same as that term is defined in Section 32B-1-102.

9939 (iii) "Controlled substance" means the same as that term is defined in Section [
 9940 ~~58-37-2~~] 58-37-101.

9941 (iv) "Deleterious substance" means a substance which, if administered, would likely
 9942 cause bodily injury.

9943 (v) "Health care provider" means the same as that term is defined in Section
 9944 78B-3-403.

9945 (vi) "Poisonous" means a substance which, if administered, would likely cause
 9946 serious bodily injury or death.

9947 (vii) "Prescription drug" means the same as that term is defined in Section 58-17b-102.

9948 (viii) "Serious bodily injury" means the same as that term is defined in Section
 9949 19-2-115.

9950 (ix) "Substance" means a controlled substance, poisonous substance, or deleterious
 9951 substance.

9952 (b) Terms defined in Section 76-1-101.5 apply to this section.

9953 (2) An actor commits surreptitious administration of a certain substance if the actor,
 9954 surreptitiously or by means of fraud, deception, or misrepresentation, causes an
 9955 individual to unknowingly consume or receive the administration of:

9956 (a) any poisonous, deleterious, or controlled substance; or

9957 (b) any alcoholic beverage.

- 9958 (3) A violation of Subsection (2) is:
- 9959 (a) a second degree felony if the substance is a poisonous substance, regardless of
- 9960 whether the substance is a controlled substance or a prescription drug;
- 9961 (b) a third degree felony if the substance is not within the scope of Subsection (3)(a),
- 9962 and is a controlled substance or a prescription drug; or
- 9963 (c) a class A misdemeanor if the substance is a deleterious substance or an alcoholic
- 9964 beverage.
- 9965 (4)(a) It is an affirmative defense to a prosecution under Subsection (2) that the actor:
- 9966 (i) provided the appropriate administration of a prescription drug; and
- 9967 (ii) acted on the reasonable belief that the actor's conduct was in the best interest of
- 9968 the well-being of the individual to whom the prescription drug was administered.
- 9969 (b)(i) The defendant shall file and serve on the prosecuting attorney a notice in
- 9970 writing of the defendant's intention to claim a defense under Subsection (4)(a) not
- 9971 fewer than 20 days before the trial.
- 9972 (ii) The notice shall specifically identify the factual basis for the defense and the
- 9973 names and addresses of the witnesses the defendant proposes to examine to
- 9974 establish the defense.
- 9975 (c)(i) The prosecuting attorney shall file and serve the defendant with a notice
- 9976 containing the names and addresses of the witnesses the prosecutor proposes to
- 9977 examine in order to contradict or rebut the defendant's claim of an affirmative
- 9978 defense under Subsection (4)(a).
- 9979 (ii) This notice shall be filed or served not more than 10 days after receipt of the
- 9980 defendant's notice under Subsection (4)(b), or at another time as the court may
- 9981 direct.
- 9982 (d)(i) Failure of a party to comply with the requirements of Subsection (4)(b) or (4)(c)
- 9983 entitles the opposing party to a continuance to allow for preparation.
- 9984 (ii) If the court finds that a party's failure to comply is the result of bad faith, it may
- 9985 impose appropriate sanctions.
- 9986 (5)(a) This section does not diminish the scope of authorized health care by a health care
- 9987 provider.
- 9988 (b) Conduct in violation of Subsection (2) may also constitute a separate offense.
- 9989 Section 164. Section **76-5-203** is amended to read:
- 9990 **76-5-203 (Effective 05/06/26). Murder -- Penalties-- Affirmative defense and**
- 9991 **special mitigation -- Separate offenses.**

- 9992 (1)(a) As used in this section, "predicate offense" means:
- 9993 (i) a clandestine drug lab violation under Section ~~[58-37d-4 or 58-37d-5]~~ 76-18-506;
- 9994 (ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused
- 9995 individual is younger than 18 years old;
- 9996 (iii) child torture under Section 76-5-109.4;
- 9997 (iv) kidnapping under Section 76-5-301;
- 9998 (v) child kidnapping under Section 76-5-301.1;
- 9999 (vi) aggravated kidnapping under Section 76-5-302;
- 10000 (vii) rape under Section 76-5-402;
- 10001 (viii) rape of a child under Section 76-5-402.1;
- 10002 (ix) object rape under Section 76-5-402.2;
- 10003 (x) object rape of a child under Section 76-5-402.3;
- 10004 (xi) forcible sodomy under Section 76-5-403;
- 10005 (xii) sodomy upon a child under Section 76-5-403.1;
- 10006 (xiii) forcible sexual abuse under Section 76-5-404;
- 10007 (xiv) sexual abuse of a child under Section 76-5-404.1;
- 10008 (xv) aggravated sexual abuse of a child under Section 76-5-404.3;
- 10009 (xvi) aggravated sexual assault under Section 76-5-405;
- 10010 (xvii) arson under Section 76-6-102;
- 10011 (xviii) aggravated arson under Section 76-6-103;
- 10012 (xix) burglary under Section 76-6-202;
- 10013 (xx) aggravated burglary under Section 76-6-203;
- 10014 (xxi) robbery under Section 76-6-301;
- 10015 (xxii) aggravated robbery under Section 76-6-302;
- 10016 (xxiii) escape under Section 76-8-309;
- 10017 (xxiv) aggravated escape under Section 76-8-309.3; or
- 10018 (xxv) a violation of Section 76-11-209 or 76-11-210 regarding discharge of a firearm
- 10019 or dangerous weapon.
- 10020 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10021 (2) An actor commits murder if:
- 10022 (a) the actor intentionally or knowingly causes the death of another individual;
- 10023 (b) intending to cause serious bodily injury to another individual, the actor commits an
- 10024 act clearly dangerous to human life that causes the death of the other individual;
- 10025 (c) acting under circumstances evidencing a depraved indifference to human life, the

- 10026 actor knowingly engages in conduct that creates a grave risk of death to another
10027 individual and thereby causes the death of the other individual;
- 10028 (d)(i) the actor is engaged in the commission, attempted commission, or immediate
10029 flight from the commission or attempted commission of any predicate offense, or
10030 is a party to the predicate offense;
- 10031 (ii) an individual other than a party described in Section 76-2-202 is killed in the
10032 course of the commission, attempted commission, or immediate flight from the
10033 commission or attempted commission of any predicate offense; and
- 10034 (iii) the actor acted with the intent required as an element of the predicate offense;
- 10035 (e) the actor recklessly causes the death of a peace officer or military service member in
10036 uniform while in the commission or attempted commission of:
- 10037 (i) an assault against a peace officer under Section 76-5-102.4;
- 10038 (ii) interference with a peace officer while making a lawful arrest under Section
10039 76-8-305 if the actor uses force against the peace officer; or
- 10040 (iii) an assault against a military service member in uniform under Section 76-5-102.4;
- 10041 or
- 10042 (f) the actor commits a homicide that would be aggravated murder, but the offense is
10043 reduced in accordance with Subsection 76-5-202(4).
- 10044 (3)(a)(i) A violation of Subsection (2) is a first degree felony.
- 10045 (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for
10046 an indeterminate term of not less than 15 years and which may be for life.
- 10047 (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,
10048 or alternatively, attempted murder, as described in this section are proved beyond a
10049 reasonable doubt, and also finds that the existence of special mitigation is established
10050 by a preponderance of the evidence and in accordance with Section 76-5-205.5, the
10051 court shall enter a judgment of conviction as follows:
- 10052 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
10053 judgment of conviction for manslaughter; or
- 10054 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall,
10055 notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c), enter a judgment of
10056 conviction for attempted manslaughter.
- 10057 (4)(a) It is an affirmative defense to a charge of murder or attempted murder that the
10058 defendant caused the death of another individual or attempted to cause the death of
10059 another individual under a reasonable belief that the circumstances provided a legal

10060 justification or excuse for the conduct although the conduct was not legally justifiable
10061 or excusable under the existing circumstances.

10062 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from
10063 the viewpoint of a reasonable person under the then existing circumstances.

10064 (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or
10065 alternatively, attempted murder, as described in this section are proved beyond a
10066 reasonable doubt, and also finds the affirmative defense described in this Subsection
10067 (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of
10068 conviction as follows:

10069 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
10070 judgment of conviction for manslaughter; or

10071 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall
10072 enter a judgment of conviction for attempted manslaughter.

10073 (5)(a) Any predicate offense that constitutes a separate offense does not merge with the
10074 crime of murder.

10075 (b) An actor who is convicted of murder, based on a predicate offense that constitutes a
10076 separate offense, may also be convicted of, and punished for, the separate offense.

10077 Section 165. Section **76-5-207** is amended to read:

10078 **76-5-207 (Effective 05/06/26). Automobile homicide -- Penalties -- Evidence.**

10079 (1)(a) As used in this section:

10080 (i) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]
10081 58-37-101.

10082 (ii) "Criminally negligent" means the same as that term is described in Subsection
10083 76-2-103(4).

10084 (iii) "Drug" means:

10085 (A) a controlled substance;

10086 (B) a drug as defined in Section [~~58-37-2~~] 58-37-101; or

10087 (C) a substance that, when knowingly, intentionally, or recklessly taken into the
10088 human body, can impair the ability of an individual to safely operate a vehicle.

10089 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
10090 degree of care that reasonable and prudent persons exercise under like or similar
10091 circumstances.

10092 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

10093 (b) Terms defined in Section 76-1-101.5 apply to this section.

- 10094 (2) An actor commits automobile homicide if the actor:
- 10095 (a)(i) operates a vehicle in a negligent or criminally negligent manner causing the
- 10096 death of another individual; and
- 10097 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
- 10098 test shows that the actor has a blood or breath alcohol concentration of .05
- 10099 grams or greater at the time of the test;
- 10100 (B) is under the influence of alcohol, any drug, or the combined influence of
- 10101 alcohol and any drug to a degree that renders the actor incapable of safely
- 10102 operating a vehicle; or
- 10103 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 10104 of operation; or
- 10105 (b)(i) operates a vehicle in a criminally negligent manner causing death to another;
- 10106 and
- 10107 (ii) has in the actor's body any measurable amount of a controlled substance.
- 10108 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 10109 (a) a second degree felony, punishable by a term of imprisonment of not less than five
- 10110 years nor more than 15 years; and
- 10111 (b) a separate offense for each victim suffering death as a result of the actor's violation
- 10112 of this section, regardless of whether the deaths arise from the same episode of
- 10113 driving.
- 10114 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
- 10115 (a) the controlled substance was obtained under a valid prescription or order, directly
- 10116 from a practitioner while acting in the course of the practitioner's professional
- 10117 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 10118 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 10119 (c) the actor possessed, in the actor's body, a controlled substance listed in Section [
- 10120 ~~58-37-4.2~~ 58-37-109 if:
- 10121 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 10122 to possess controlled substances under Section [~~58-37-6~~ 58-37-105 or 58-37-113;
- 10123 and
- 10124 (ii) the substance was administered to the actor by the medical researcher.
- 10125 (5)(a) A judge imposing a sentence under this section may consider:
- 10126 (i) the adult sentencing and supervision length guidelines, as defined in Section
- 10127 63M-7-401.1;

- 10128 (ii) the defendant's history;
- 10129 (iii) the facts of the case;
- 10130 (iv) aggravating and mitigating factors; or
- 10131 (v) any other relevant fact.
- 10132 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 10133 based on the defendant's history under Section 41-6a-505.
- 10134 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the
- 10135 provisions for the admissibility of chemical test results as provided by Section
- 10136 41-6a-516 apply to determination and proof of blood alcohol content under this
- 10137 section.
- 10138 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 10139 made in accordance with Subsection 41-6a-502(3).
- 10140 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
- 10141 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 10142 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
- 10143 admissible except when prohibited by the Utah Rules of Evidence, the United States
- 10144 Constitution, or the Utah Constitution.
- 10145 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
- 10146 described in this section may not be held in abeyance.
- 10147 (6) If, when imposing a sentence under this section, the court finds that it is in the interest
- 10148 of justice to suspend the imposition of prison, the court shall detail the finding on the
- 10149 record, including why a suspended prison sentence is in the interest of justice.
- 10150 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than
- 10151 three years nor more than 15 years if the court details on the record why it is in the
- 10152 interest of justice.
- 10153 (8)(a) A judge imposing a sentence under this section shall designate the defendant as an
- 10154 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
- 10155 not to exceed the probationary period, unless the court finds good cause to order a
- 10156 shorter or longer time.
- 10157 (b) If a court designates a person as an interdicted person as provided in Subsection
- 10158 (8)(a), the court shall:
- 10159 (i) require the person to surrender the person's identification card or driver license;
- 10160 (ii) notify the Driver License Division that the person is an interdicted person; and
- 10161 (iii) provide the person's identification card or driver license to the Driver License

- 10162 Division.
- 10163 (9) If a minor who is under 18 years old is found by a court to have violated Subsection
- 10164 (2)(b), the court may order the minor to complete:
- 10165 (a) a screening as defined in Section 41-6a-501;
- 10166 (b) an assessment as defined in Section 41-6a-501 if the screening described in
- 10167 Subsection (9)(a) indicates that an assessment is appropriate; and
- 10168 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
- 10169 treatment as indicated by an assessment described in Subsection (9)(b).

10170 Section 166. Section **76-8-311.3** is amended to read:

10171 **76-8-311.3 (Effective 05/06/26). Establishment of prohibited item policy in a**

10172 **correctional or mental health facility -- Reference to penalty provisions -- Exceptions --**

10173 **Rulemaking.**

10174 (1)(a) As used in this section:

- 10175 (i) "Communication device" means a device designed to receive or transmit an
- 10176 image, text message, email, video, location information, or voice communication,
- 10177 or another device that can be used to communicate electronically.
- 10178 (ii) "Controlled substance" means a substance defined as a controlled substance under [
- 10179 ~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
- 10180 Controlled Substances.
- 10181 (iii) "Correctional facility" means:
- 10182 (A) a facility operated by or contracting with the Department of Corrections to
- 10183 house an offender in either a secure or nonsecure setting;
- 10184 (B) a facility operated by a municipality or a county to house or detain an offender;
- 10185 (C) a juvenile detention facility; or
- 10186 (D) a building or grounds appurtenant to a facility or land granted to the state,
- 10187 municipality, or county for use as a correctional facility.
- 10188 (iv) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- 10189 (v) "Electronic cigarette product" means the same as that term is defined in Section
- 10190 76-9-1101.
- 10191 (vi) "Firearm" means the same as that term is defined in Section 76-11-101.
- 10192 (vii) "Medicine" means a prescription drug as defined in Title 58, Chapter 17b,
- 10193 Pharmacy Practice Act, but does not include a controlled substance as defined in [
- 10194 ~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
- 10195 Controlled Substances.

- 10196 (viii) "Mental health facility" means the same as that term is defined in Section
 10197 26B-5-301.
- 10198 (ix) "Nicotine product" means the same as that term is defined in Section 76-9-1101.
- 10199 (x) "Offender" means an individual in custody at a correctional facility.
- 10200 (xi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
- 10201 (xii) "Tobacco product" means the same as that term is defined in Section 76-9-1101.
- 10202 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 10203 (2)(a) Notwithstanding Section 53-5a-102, a correctional facility or mental health
 10204 facility may prohibit a firearm, ammunition, a dangerous weapon, an implement of
 10205 escape, an explosive, a controlled substance, spirituous or fermented liquor,
 10206 medicine, or poison from being:
- 10207 (i) transported to or within a correctional facility or mental health facility;
- 10208 (ii) sold or given away to an offender at a correctional facility or mental health
 10209 facility; or
- 10210 (iii) possessed by an offender or another individual at a correctional facility or mental
 10211 health facility.
- 10212 (b) A correctional facility may prohibit a communication device from being:
- 10213 (i) transported within the correctional facility for the purpose of being sold to an
 10214 offender in the correctional facility;
- 10215 (ii) sold or given away to an offender in the correctional facility; or
- 10216 (iii) possessed by an offender or another individual at the correctional facility.
- 10217 (3) It is a defense to a prosecution related to this section that the actor, in committing the act
 10218 made criminal by this section with respect to:
- 10219 (a) a correctional facility operated by the Department of Corrections, acted in conformity
 10220 with departmental rule or policy;
- 10221 (b) a correctional facility operated by a municipality, acted in conformity with the policy
 10222 of the municipality;
- 10223 (c) a correctional facility operated by a county, acted in conformity with the policy of
 10224 the county; or
- 10225 (d) a mental health facility, acted in conformity with the policy of the mental health
 10226 facility.
- 10227 (4)(a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged under
 10228 Section 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, 76-8-311.9, 76-8-311.10, or
 10229 76-8-311.11 for a violation of a policy or rule created under this section.

- 10230 (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an
 10231 explosive in a correctional facility or a mental health facility may be punished under
 10232 Section 76-15-210 or 76-15-211.
- 10233 (c) The possession, distribution, or use of a controlled substance at a correctional facility
 10234 or in a secure area of a mental health facility shall be charged under [~~Title 58,~~
 10235 ~~Chapter 37, Utah Controlled Substances Act~~] Chapter 18, Part 2, Offenses Concerning
 10236 Controlled Substances, or Title 58, Chapter 37, Controlled Substances.
- 10237 (5) Exemptions to a policy or rule created under this section may be granted for worship of
 10238 Native American inmates in accordance with Section 64-13-40.
 10239 Section 167. Section **76-8-311.10** is amended to read:
 10240 **76-8-311.10 (Effective 05/06/26). Possession of contraband in a correctional**
 10241 **facility.**
- 10242 (1)(a) As used in this section:
 10243 (i) "Contraband" means an item not specifically prohibited for possession by an
 10244 offender under this section or Section 76-8-311.3, 76-8-311.4, 76-8-311.6,
 10245 76-8-311.7, 76-8-311.8, or 76-8-311.9.
 10246 (ii) "Correctional facility" means the same as that term is defined in Section
 10247 76-8-311.3.
- 10248 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 10249 (2) An actor commits possession of contraband in a correctional facility if the actor, without
 10250 the permission of the authority operating a correctional facility, knowingly engages in an
 10251 activity that would facilitate the possession of contraband by an offender in the
 10252 correctional facility.
- 10253 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B
 10254 misdemeanor.
- 10255 (4)(a) The possession, distribution, or use of a controlled substance at a correctional
 10256 facility shall be prosecuted in accordance with [~~Title 58, Chapter 37, Utah Controlled~~
 10257 ~~Substances Act~~] Chapter 18, Part 2, Offenses Concerning Controlled Substances.
- 10258 (b) The provisions of Section 76-8-311.9 take precedence over this section.
- 10259 (c) The defenses provided in Section 76-8-311.3 apply to this section.
 10260 Section 168. Section **76-9-1110** is amended to read:
 10261 **76-9-1110 (Effective 05/06/26). Abuse of psychotoxic chemical solvent.**
- 10262 (1)(a) As used in this section, "psychotoxic chemical solvent" includes any glue, cement,
 10263 or other substance containing one or more of the following chemical compounds:

- 10264 (i) acetone and acetate;
- 10265 (ii) amyl nitrite or amyl nitrate or their isomers;
- 10266 (iii) benzene, butyl alcohol, butyl nitrite, butyl nitrate, or their isomers;
- 10267 (iv) ethyl alcohol, ethyl nitrite, or ethyl nitrate;
- 10268 (v) ethylene dichloride;
- 10269 (vi) isobutyl alcohol;
- 10270 (vii) methyl alcohol;
- 10271 (viii) methyl ethyl ketone;
- 10272 (ix) n-propyl alcohol;
- 10273 (x) pentachlorophenol;
- 10274 (xi) petroleum ether;
- 10275 (xii) propyl nitrite or propyl nitrate or their isomers;
- 10276 (xiii) toluene;
- 10277 (xiv) xylene; or
- 10278 (xv) another chemical substance capable of causing a condition of intoxication,
 10279 inebriation, excitement, stupefaction, or the dulling of the brain or nervous system
 10280 as a result of the inhalation of the fumes or vapors of such chemical substance.
- 10281 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
- 10282 (2) Except as provided in Subsection (4), an actor commits abuse of psychotoxic chemical
 10283 solvent if:
- 10284 (a) for the purpose of causing a condition of intoxication, inebriation, excitement,
 10285 stupefaction, or the dulling of the actor's brain or nervous system, the actor
 10286 intentionally:
- 10287 (i) smells or inhales the fumes of a psychotoxic chemical solvent; or
- 10288 (ii) possesses, purchases, or attempts to possess or purchase a psychotoxic chemical
 10289 solvent; or
- 10290 (b) the actor offers, sells, or provides a psychotoxic chemical solvent to another person,
 10291 knowing that other person or a third party intends to possess or use that psychotoxic
 10292 chemical solvent in violation of Subsection (2)(a).
- 10293 (3) A violation of Subsection (2) is a class B misdemeanor.
- 10294 (4) This section does not apply to:
- 10295 (a) the prescribed use, distribution, or sale of a psychotoxic chemical solvent for a
 10296 medical or dental purpose; or
- 10297 (b) a controlled substance regulated by the provisions of ~~[Title 58, Chapter 37, Utah~~

~~Controlled Substances Act]~~ Chapter 18, Part 2, Offenses Concerning Controlled
Substances, or Title 58, Chapter 37, Controlled Substances.

Section 169. Section **76-9-1301** is amended to read:

76-9-1301 (Effective 05/06/26). Definitions.

As used in this part:

- (1) "Controlled substance" means the same as that term is defined in Section [58-37-2]
58-37-101.
- (2) "Nuisance" means an item, thing, manner, or condition that:
- (a) is dangerous to human life or health; or
 - (b) renders soil, air, water, or food impure or unwholesome.
- (3)(a) "Public nuisance" means unlawfully committing an act or omitting to perform a
duty, which act or duty:
- (i) annoys, injures, or endangers the comfort, repose, health, or safety of three or
more persons, regardless of the extent to which the annoyance, injury, or
endangerment inflicted on the persons is unequal;
 - (ii) offends public decency;
 - (iii) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous
for passage, a lake, stream, canal, or basin, or a public park, square, street, or
highway;
 - (iv) is a nuisance as described in Section 78B-6-1107, Nuisance -- Drug houses and
drug dealing -- Gambling -- Group criminal activity -- Party house -- Prostitution
-- Weapons -- Abatement by eviction; or
 - (v) renders three or more persons insecure in life or the use of property, regardless of
the extent to which the effect inflicted on the persons is unequal.
- (b) "Public nuisance" is presumed to not include:
- (i) activities conducted in the normal and ordinary course of agricultural operations,
as defined in Section 4-44-102, and conducted in accordance with sound
agricultural practices, with the presumption that agricultural operations
undertaken in conformity with federal, state, and local laws and regulations,
including zoning ordinances, are operating within sound agricultural practices; or
 - (ii) activities conducted in the normal and ordinary course of critical infrastructure
materials operations, as defined in Section 78B-6-1101, and conducted in
accordance with sound critical infrastructure materials practices, with the
presumption that critical infrastructure materials operations undertaken in

10332 conformity with federal, state, and local laws and regulations, including zoning
10333 ordinances, are operating within sound critical infrastructure materials operations.

10334 (4)(a) "Supervised drug consumption site" means a facility or premises operated or
10335 intended to provide an environment for the unlawful use of a controlled substance.

10336 (b) "Supervised drug consumption site" does not include a facility or premises that
10337 provides or facilitates:

10338 (i) an opioid treatment program, as that term is defined in Section 58-17b-309.7; or

10339 (ii) the use of medication pursuant to a medication assisted treatment plan, as that
10340 term is defined in Section 64-13-25.1.

10341 Section 170. Section **76-9-1505** is amended to read:

10342 **76-9-1505 (Effective 05/06/26). Unlawful conduct while on a bus.**

10343 (1)(a) As used in this section, "controlled substance" means the same as that term is
10344 defined in Section ~~[58-37-2]~~ 58-37-101.

10345 (b) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

10346 (2) An actor commits unlawful conduct while on a bus if the actor:

10347 (a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar
10348 language on a bus;

10349 (b) is in or upon any bus while unlawfully under the influence of a controlled substance;

10350 (c) fails to obey a reasonable request or order of a bus driver, bus company
10351 representative, a nondrinking designee other than the driver as provided in
10352 Subsection 32B-4-415(4)(c)(ii), or other person in charge or control of a bus or
10353 terminal;

10354 (d) ingests a controlled substance, unless prescribed by a physician or a medical facility,
10355 in or upon any bus, or drinks intoxicating liquor in or upon a bus, except a chartered
10356 bus as defined and provided in Sections 32B-1-102 and 41-6a-526; or

10357 (e) smokes tobacco or other products in or upon a bus, except a chartered bus.

10358 (3) A violation of Subsection (2) is a class C misdemeanor.

10359 (4)(a) If an actor violates Subsection (2), the driver of the bus or individual in charge
10360 thereof may stop at the place where the offense is committed or at the next regular or
10361 convenient stopping place and remove the actor, using only such force as may be
10362 necessary to accomplish the removal, and the driver or individual in charge may
10363 request the assistance of passengers to assist in removing the actor.

10364 (b) The driver or individual in charge may cause the removed actor to be detained and
10365 delivered to the proper authorities.

10366 Section 171. Section **76-11-217** is amended to read:

10367 **76-11-217 (Effective 05/06/26). Carrying a dangerous weapon while under the**
10368 **influence of alcohol or drugs.**

10369 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

10370 (2) An actor commits carrying a dangerous weapon while under the influence of alcohol or
10371 drugs if the actor:

10372 (a) carries a dangerous weapon that is readily accessible by the actor for immediate use;
10373 and

10374 (b) is under the influence of:

10375 (i) alcohol as determined by the actor's blood or breath alcohol concentration in
10376 accordance with Subsections 41-6a-502(1)(a) through (c); or

10377 (ii) a controlled substance as defined in Section [~~58-37-2~~] 58-37-101.

10378 (3) A violation of Subsection (2) is a class B misdemeanor.

10379 (4) This section does not apply to:

10380 (a) an actor who uses or threatens to use force in compliance with Section 76-2-402;

10381 (b) an actor carrying a dangerous weapon in the actor's residence or the residence of
10382 another individual with the consent of the individual who is lawfully in possession of
10383 the residence;

10384 (c) an actor under the influence of cannabis or a cannabis product, as those terms are
10385 defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis product
10386 complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
10387 Cannabis; or

10388 (d) an actor who:

10389 (i) has a valid prescription for a controlled substance;

10390 (ii) takes the controlled substance described in Subsection (4)(d)(i) as prescribed; and

10391 (iii) after taking the controlled substance, the actor:

10392 (A) is not a danger to the actor or another individual; or

10393 (B) is capable of safely handling a dangerous weapon.

10394 (5) It is not a defense to prosecution under this section that the actor:

10395 (a) is licensed in the pursuit of wildlife of any kind;

10396 (b) has a concealed carry permit as described in Section 53-5a-303;

10397 (c) has a provisional concealed carry permit as described in Section 53-5a-304;

10398 (d) has a temporary concealed carry permit issued under Section 53-5a-305;

10399 (e) has a concealed carry permit lawfully issued by or in another state; or

10400 (f) is 21 years old or older and may otherwise lawfully possess a concealed loaded
10401 firearm without a concealed carry permit as described in Section 53-5a-101.5.

10402 Section 172. Section **76-11-301** is amended to read:

10403 **76-11-301 (Effective 05/06/26). Definitions.**

10404 As used in this part:

10405 (1) "Adjudicated" means a judgment has been entered against a minor for an offense by a
10406 juvenile court under Section 80-6-701.

10407 (2) "Category I restricted person" means an individual described in Section 76-11-302.

10408 (3) "Category II restricted person" means an individual described in Section 76-11-303.

10409 (4) "Carry" means for an individual to have an item under the individual's custody or
10410 control.

10411 (5) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]
10412 58-37-101.

10413 (6)(a) "Dating relationship" means a romantic or intimate relationship between
10414 individuals.

10415 (b) "Dating relationship" does not include a casual acquaintanceship or ordinary
10416 fraternization in a business or social context.

10417 (7) "Dealer" means a person who is:

10418 (a) licensed under 18 U.S.C. Sec. 923; and

10419 (b) engaged in the business of selling, leasing, or otherwise transferring a firearm,
10420 whether the person is a retail or wholesale dealer, pawnbroker, or other type of
10421 merchant or seller.

10422 (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.

10423 (9) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.

10424 (10) "Schedule I controlled substance" means a substance listed as a schedule I controlled
10425 substance in Section [~~58-37-4~~] 58-37-108.

10426 (11) "Schedule II controlled substance" means a substance listed as a schedule II controlled
10427 substance in Section [~~58-37-4~~] 58-37-108.

10428 (12) "Secure care" means the same as that term is defined in Section 80-1-102.

10429 (13) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

10430 Section 173. Section **76-11-302** is amended to read:

10431 **76-11-302 (Effective 05/06/26). Category I restricted person established.**

10432 Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to
10433 restricted person categories, an individual is categorized as a category I restricted person and

- 10434 subject to the restrictions and penalties described in Section 76-11-305:
- 10435 (1) if the individual has been convicted of a violent felony;
- 10436 (2) if the individual is on probation or parole for a felony;
- 10437 (3) if the individual is on parole from secure care;
- 10438 (4) for 10 years after the day on which the individual was adjudicated for an offense which
- 10439 if committed by an adult would have been a violent felony;
- 10440 (5) if the individual is an alien who is illegally or unlawfully in the United States, including
- 10441 an alien who has:
- 10442 (a) submitted an asylum application in accordance with 8 U.S.C. Sec. 1158 and is
- 10443 waiting for a disposition on the application; or
- 10444 (b) submitted a temporary protected status application in accordance with 8 U.S.C. Sec.
- 10445 1254a and is waiting for a disposition on the application; or
- 10446 (6) if the individual is on probation for a conviction of possessing:
- 10447 (a) a substance classified in Section [~~58-37-4~~] 58-37-108 as a Schedule I or II controlled
- 10448 substance;
- 10449 (b) a controlled substance analog; or
- 10450 (c) a substance listed in Section [~~58-37-4.2~~] 58-37-109.
- 10451 Section 174. Section **76-17-401** is amended to read:
- 10452 **76-17-401 (Effective 05/06/26). Definitions.**
- 10453 As used in this part:
- 10454 (1)(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation,
- 10455 business trust, association, or other legal entity, and a union or group of individuals
- 10456 associated in fact although not a legal entity.
- 10457 (b) "Enterprise" includes illicit as well as licit entities.
- 10458 (2) "Pattern of unlawful activity" means engaging in conduct that constitutes the
- 10459 commission of at least three episodes of unlawful activity, which episodes are not
- 10460 isolated, but have the same or similar purposes, results, participants, victims, or methods
- 10461 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
- 10462 together, the episodes shall demonstrate continuing unlawful conduct and be related
- 10463 either to each other or to the enterprise. At least one of the episodes comprising a
- 10464 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act
- 10465 constituting part of a pattern of unlawful activity as defined by this part shall have
- 10466 occurred within five years of the commission of the next preceding act alleged as part of
- 10467 the pattern.

- 10468 (3) "Person" includes an individual or entity capable of holding a legal or beneficial interest
10469 in property, including state, county, and local governmental entities.
- 10470 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,
10471 encourage, or intentionally aid another person to engage in conduct that would constitute
10472 an offense described by the following crimes or categories of crimes, or to attempt or
10473 conspire to engage in an act that would constitute any of those offenses, regardless of
10474 whether the act is in fact charged or indicted by an authority or is classified as a
10475 misdemeanor or a felony:
- 10476 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized
10477 Recording Practices Act;
- 10478 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality
10479 Code, Sections 19-1-101 through 19-7-109;
- 10480 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose
10481 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or
10482 Section 23A-5-311;
- 10483 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,
10484 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- 10485 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal
10486 Offenses and Procedure Act;
- 10487 (f) unlawful marking of pistol or revolver under Section 53-5a-105;
- 10488 (g) alteration of number or mark on pistol or revolver under Section 53-5a-106;
- 10489 (h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah
10490 Uniform Land Sales Practices Act;
- 10491 (i) an act prohibited by the criminal provisions under [~~Title 58, Chapter 37, Utah~~
10492 ~~Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances~~
10493 ~~Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58,~~
10494 ~~Chapter 37d, Clandestine Drug Lab Act]~~ Chapter 18, Part 2, Offenses Concerning
10495 Controlled Substances, Part 4, Offenses Concerning Imitation Controlled Substances,
10496 Part 5, Clandestine Drug Labs, Title 58, Chapter 37, Controlled Substances, or Title
10497 58, Chapter 37c, Controlled Substance Precursors;
- 10498 (j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
10499 Securities Act;
- 10500 (k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah
10501 Procurement Code;

- 10502 (l) assault under Section 76-5-102;
- 10503 (m) aggravated assault under Section 76-5-103;
- 10504 (n) a threat of terrorism under Section 76-5-107.3;
- 10505 (o) a criminal homicide offense under Section 76-5-201;
- 10506 (p) kidnapping under Section 76-5-301;
- 10507 (q) aggravated kidnapping under Section 76-5-302;
- 10508 (r) human trafficking for labor under Section 76-5-308;
- 10509 (s) human trafficking for sexual exploitation under Section 76-5-308.1;
- 10510 (t) human smuggling under Section 76-5-308.3;
- 10511 (u) human trafficking of a child under Section 76-5-308.5;
- 10512 (v) benefiting from trafficking and human smuggling under Section 76-5-309;
- 10513 (w) aggravated human trafficking under Section 76-5-310;
- 10514 (x) sexual exploitation of a minor under Section 76-5b-201;
- 10515 (y) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 10516 (z) sexual extortion under Section 76-5b-204;
- 10517 (aa) arson under Section 76-6-102;
- 10518 (bb) aggravated arson under Section 76-6-103;
- 10519 (cc) causing a catastrophe under Section 76-6-105;
- 10520 (dd) burglary under Section 76-6-202;
- 10521 (ee) aggravated burglary under Section 76-6-203;
- 10522 (ff) burglary of a vehicle under Section 76-6-204;
- 10523 (gg) manufacture or possession of an instrument for burglary or theft under Section
10524 76-6-205;
- 10525 (hh) robbery under Section 76-6-301;
- 10526 (ii) aggravated robbery under Section 76-6-302;
- 10527 (jj) theft under Section 76-6-404;
- 10528 (kk) theft by deception under Section 76-6-405;
- 10529 (ll) theft by extortion under Section 76-6-406;
- 10530 (mm) receiving stolen property under Section 76-6-408;
- 10531 (nn) theft of services under Section 76-6-409;
- 10532 (oo) forgery under Section 76-6-501;
- 10533 (pp) unlawful use of financial transaction card under Section 76-6-506.2;
- 10534 (qq) unlawful acquisition, possession, or transfer of financial transaction card under
10535 Section 76-6-506.3;

- 10536 (rr) financial transaction card offenses under Section 76-6-506.6;
- 10537 (ss) deceptive business practices under Section 76-6-507;
- 10538 (tt) bribery or receiving bribe by person in the business of selection, appraisal, or
10539 criticism of goods under Section 76-6-508;
- 10540 (uu) bribery of a labor official under Section 76-6-509;
- 10541 (vv) defrauding creditors under Section 76-6-511;
- 10542 (ww) acceptance of deposit by insolvent financial institution under Section 76-6-512;
- 10543 (xx) unlawful dealing with property by fiduciary under Section 76-6-513;
- 10544 (yy) unlawful influence of a contest under Section 76-6-514;
- 10545 (zz) making a false credit report under Section 76-6-517;
- 10546 (aaa) criminal simulation under Section 76-6-518;
- 10547 (bbb) criminal usury under Section 76-6-520;
- 10548 (ccc) insurance fraud under Section 76-6-521;
- 10549 (ddd) retail theft under Section 76-6-602;
- 10550 (eee) computer crimes under Section 76-6-703;
- 10551 (fff) identity fraud under Section 76-6-1102;
- 10552 (ggg) mortgage fraud under Section 76-6-1203;
- 10553 (hhh) sale of a child under Section 76-7-203;
- 10554 (iii) bribery or offering a bribe under Section 76-8-103;
- 10555 (jjj) threat to influence official or political action under Section 76-8-104;
- 10556 (kkk) receiving bribe or bribery by public servant under Section 76-8-105;
- 10557 (lll) receiving bribe for endorsement of person as a public servant under Section
10558 76-8-106;
- 10559 (mmm) bribery for endorsement of person as public servant under Section 76-8-106.1;
- 10560 (nnn) official misconduct based on unauthorized act or failure of duty under Section
10561 76-8-201;
- 10562 (ooo) official misconduct concerning inside information under Section 76-8-202;
- 10563 (ppp) obstruction of justice in a criminal investigation or proceeding under Section
10564 76-8-306;
- 10565 (qqq) acceptance of bribe or bribery to prevent criminal prosecution under Section
10566 76-8-308;
- 10567 (rrr) harboring or concealing offender who has escaped from official custody under
10568 Section 76-8-309.2;
- 10569 (sss) making a false or inconsistent material statement under Section 76-8-502;

10570 (ttt) making a false or inconsistent statement under Section 76-8-503;
10571 (uuu) making a written false statement under Section 76-8-504;
10572 (vvv) tampering with a witness under Section 76-8-508;
10573 (www) retaliation against a witness, victim, or informant under Section 76-8-508.3;
10574 (xxx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
10575 (yyy) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
10576 (zzz) tampering with evidence under Section 76-8-510.5;
10577 (aaaa) falsification or alteration of a government record under Section 76-8-511, if the
10578 record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,
10579 Lobbyist Disclosure and Regulation Act;
10580 (bbbb) public assistance fraud by an applicant for public assistance under Section
10581 76-8-1203.1;
10582 (cccc) public assistance fraud by a recipient of public assistance under Section
10583 76-8-1203.3;
10584 (dddd) public assistance fraud by a provider under Section 76-8-1203.5;
10585 (eeee) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;
10586 (ffff) false statement to obtain or increase unemployment compensation under Section
10587 76-8-1301;
10588 (gggg) false statement to prevent or reduce unemployment compensation or liability
10589 under Section 76-8-1302;
10590 (hhhh) unlawful failure to comply with Employment Security Act requirements under
10591 Section 76-8-1303;
10592 (iiii) unlawful use or disclosure of employment information under Section 76-8-1304;
10593 (jjjj) intentionally or knowingly causing one animal to fight with another under
10594 Subsection 76-13-202(2)(d) or (3), or Section 76-13-205 or 76-13-206 concerning
10595 dog fighting;
10596 (kkkk) soliciting, recruiting, enticing, or intimidating a minor to join a criminal street
10597 gang under Section 76-9-803;
10598 (llll) aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal
10599 street gang under Section 76-9-803.1;
10600 (mmmm) intimidating a minor to remain in a criminal street gang under Section
10601 76-9-803.2;
10602 (nnnn) aggravated intimidating a minor to remain in a criminal street gang under Section
10603 76-9-803.3;

- 10604 (oooo) unlawful conduct involving an explosive, chemical, or incendiary device under
10605 Section 76-15-210;
- 10606 (pppp) unlawful conduct involving an explosive, chemical, or incendiary part under
10607 Section 76-15-211;
- 10608 (qqqq) unlawful delivery or mailing of an explosive, chemical, or incendiary device
10609 under Section 76-15-209;
- 10610 (rrrr) forging or counterfeiting trademarks, trade name, or trade device under Section
10611 76-16-302;
- 10612 (ssss) selling goods under counterfeited trademark, trade name, or trade devices under
10613 Section 76-16-303;
- 10614 (tttt) sales in containers bearing registered trademark of substituted articles under
10615 Section 76-16-304;
- 10616 (uuuu) selling or dealing with article bearing registered trademark or service mark with
10617 intent to defraud under Section 76-16-306;
- 10618 (vvvv) participating in gambling under Section 76-9-1402;
- 10619 (wwww) permitting gambling under Section 76-9-1403;
- 10620 (xxxx) online gambling prohibition under Section 76-9-1404;
- 10621 (yyyy) gambling promotion under Section 76-9-1405;
- 10622 (zzzz) gambling fraud under Section 76-9-1406;
- 10623 (aaaa) possessing a gambling device or record under Section 76-9-1407;
- 10624 (bbbb) obtaining a benefit from a confidence game under Section 76-9-1410;
- 10625 (cccc) distributing pornographic material under Section 76-5c-202;
- 10626 (dddd) aiding or abetting a minor in distributing pornographic material under Section
10627 76-5c-203;
- 10628 (eeee) inducing acceptance of pornographic material under Section 76-5c-204;
- 10629 (ffff) distributing material harmful to minors under Section 76-5c-205;
- 10630 (ggggg) aiding or abetting a minor in distributing material harmful to minors under
10631 Section 76-5c-206;
- 10632 (hhhhh) distribution of a pornographic file for exhibition under Section 76-5c-305;
- 10633 (iiii) indecent public display in the presence of a minor under Section 76-5c-207;
- 10634 (jjjjj) engaging in prostitution under Section 76-5d-202;
- 10635 (kkkkk) aiding prostitution under Section 76-5d-206;
- 10636 (lllll) exploiting prostitution under Section 76-5d-207;
- 10637 (mmmmm) aggravated exploitation of prostitution under Section 76-5d-208;

10638 (nnnnn) communications fraud under Section 76-6-525;
 10639 (ooooo) possession of a dangerous weapon with criminal intent under Section 76-11-208;
 10640 (ppppp) an act prohibited by the criminal provisions of Chapter 9, Part 16, Money
 10641 Laundering and Currency Transaction Reporting;
 10642 (qqqqq) vehicle compartment for contraband under Section 76-9-1902 or 76-9-1903;
 10643 (rrrrr) an act prohibited by the criminal provisions of the laws governing taxation in this
 10644 state; or
 10645 (sssss) an act illegal under the laws of the United States and enumerated in 18 U.S.C.
 10646 Secs. 1961(1)(B), (C), and (D).
 10647 Section 175. Section **76-18-101** is enacted to read:

CHAPTER 18. Drug Offenses

Part 1. General Provisions

76-18-101 (Effective 05/06/26). Definitions.

10651 Reserved.

10652 Section 176. Section **76-18-102** is enacted to read:

76-18-102 (Effective 05/06/26). Applicable provisions to chapter from other titles.

10654 Sections 58-37-309 and 58-37-402 are applicable to this chapter.

10655 Section 177. Section **76-18-201** is enacted to read:

Part 2. Offenses Concerning Controlled Substances

76-18-201 (Effective 05/06/26). Definitions.

10658 (1) As used in this part:

- 10659 (a) "Continuing criminal enterprise" means any individual, sole proprietorship,
 10660 partnership, corporation, business trust, association, other legal entity, or any union
 10661 or groups of individuals associated in fact although not a legal entity, and includes
 10662 illicit as well as licit entities created or maintained for the purpose of engaging in
 10663 conduct that constitutes the commission of episodes of activity made unlawful by this
 10664 part, Part 3, Offenses Concerning Drug Paraphernalia, Part 4, Offenses Concerning
 10665 Imitation Controlled Substances, Part 5, Clandestine Drug Labs, or Title 58, Chapter
 10666 37, Controlled Substances, or Title 58, Chapter 37c, Controlled Substance Precursors,
 10667 which episodes:
 10668 (i) are not isolated, but have the same or similar purposes, results, participants,
 10669 victims, methods of commission, or otherwise are interrelated by distinguishing
 10670 characteristics; and

10671 (ii) taken together, demonstrate continuing unlawful conduct and are related either to
 10672 each other or to the enterprise.

10673 (b) "Indian" means a member of an Indian tribe.

10674 (c) "Indian religion" means a religion:

10675 (i) the origin and interpretation of which is from within a traditional Indian culture or
 10676 community; and

10677 (ii) that is practiced by Indians.

10678 (d) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or
 10679 community of Indians, including any Alaska Native village, that is legally recognized
 10680 as eligible for and is consistent with the special programs, services, and entitlements
 10681 provided by the United States to Indians because of the Indians' status as Indians.

10682 (2) Terms defined in Sections 58-37-101, 76-1-101.5, and 76-18-101 apply to this part.

10683 Section 178. Section **76-18-202** is enacted to read:

10684 **76-18-202 (Effective 05/06/26). Applicable provisions to part from other titles.**

10685 The following sections from Title 58, Chapter 37, Controlled Substances, apply to this
 10686 part:

10687 (1) Section 58-37-101, Definitions;

10688 (2) Section 58-37-102, Applicability of chapter -- Uniform construction;

10689 (3) Section 58-37-104, Severability;

10690 (4) Section 58-37-105, Division responsibilities -- Licensing -- Records required;

10691 (5) Section 58-37-107, Controlled substances;

10692 (6) Section 58-37-108, Schedules of controlled substances -- Schedules I through V --

10693 Findings required -- Specific substances included in schedules;

10694 (7) Section 58-37-109, Listed controlled substances;

10695 (8) Section 58-37-110, Recognized controlled substance analogs;

10696 (9) Section 58-37-111, Exceptions to applicability for certain herbs and food supplements;

10697 (10) Section 58-37-114, Burden of proof in proceedings on violations;

10698 (11) Section 58-37-115, Restrictions on liability for law enforcement;

10699 (12) Section 58-37-202, Applicability of Title 76 to prosecutions;

10700 (13) Section 58-37-203, Enforcement -- Coordination and cooperation of federal and state
 10701 agencies -- Powers;

10702 (14) Section 58-37-204, Investigators -- Status of peace officers;

10703 (15) Section 58-37-206, Court to enjoin a violation -- Jury trial;

10704 (16) Section 58-37-208, Prima facie evidence;

- 10705 (17) Section 58-37-210, Penalties -- Bar to state prosecution;
10706 (18) Section 58-37-308, Veterinary exemption for gabapentin;
10707 (19) Section 58-37-403, Exemption for possession or distribution of a cannabinoid product,
10708 expanded cannabinoid product, or transportable industrial hemp concentrate;
10709 (20) Section 58-37-404, Medical cannabis decriminalization; and
10710 (21) Section 58-37-405, Enforcement.

10711 Section 179. Section **76-18-203** is enacted to read:

10712 **76-18-203 (Effective 05/06/26). Exemptions and affirmative defenses applicable**
10713 **to certain drug crimes.**

10714 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
10715 this section.

10716 (2)(a) Civil or criminal liability may not be imposed under an offense listed in
10717 Subsection (2)(b) on any Indian who uses, possesses, or transports peyote for bona
10718 fide traditional ceremonial purposes in connection with the practice of a traditional
10719 Indian religion.

10720 (b) The offenses referred to in Subsection (2)(a) are:

- 10721 (i) unlawfully possessing or using a controlled substance or a controlled substance
10722 analog under Section 76-18-207;
10723 (ii) unlawfully producing, manufacturing, or dispensing a controlled substance or
10724 counterfeit substance under Section 76-18-208;
10725 (iii) unlawfully distributing or agreeing to distribute a controlled substance or
10726 counterfeit substance under Section 76-18-209;
10727 (iv) unlawfully possessing a controlled substance or counterfeit substance with intent
10728 to distribute under Section 76-18-210;
10729 (v) unlawfully engaging in a continuing criminal enterprise involving drugs under
10730 Section 76-18-211;
10731 (vi) unlawfully allowing possession, use, or distribution of a controlled substance on
10732 the premises under Section 76-18-212;
10733 (vii) unlawful possession of an altered or forged prescription or order for a controlled
10734 substance under Section 76-18-213;
10735 (viii) unlawful use of a license number in the course of manufacturing or distributing
10736 a controlled substance under Section 76-18-214;
10737 (ix) unlawful misrepresentation as an authorized person to obtain a controlled
10738 substance under Section 76-18-215;

- 10739 (x) unlawful conduct to obtain a controlled substance under Section 76-18-216;
10740 (xi) unlawfully prescribing or dispensing a controlled substance to a person known to
10741 be using unlawful means under Section 76-18-217;
10742 (xii) unlawfully making, forging, altering, or uttering a prescription or a written order
10743 under Section 76-18-218; and
10744 (xiii) unlawful materials to create a counterfeit controlled substance under Section
10745 76-18-219.

10746 (c)(i) In a prosecution alleging a violation of an offense listed in Subsection (2)(b)
10747 regarding peyote as defined in Section 58-37-108, it is an affirmative defense that
10748 the peyote was used, possessed, or transported by an Indian for bona fide
10749 traditional ceremonial purposes in connection with the practice of a traditional
10750 Indian religion.

10751 (ii)(A) A defendant shall provide written notice of intent to claim an affirmative
10752 defense under this Subsection (2) as soon as practicable, but not later than 10
10753 days before trial.

10754 (B) The notice shall include the specific claims of the affirmative defense.

10755 (C) The court may waive the notice requirement in the interest of justice for good
10756 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely
10757 notice.

10758 (iii)(A) A defendant shall establish the affirmative defense under this Subsection
10759 (2) by a preponderance of the evidence.

10760 (B) If the defense is established, it is a complete defense to the charges.

10761 (3) An offense listed in Subsection (2)(b) does not prohibit a veterinarian, in good faith and
10762 in the course of the veterinarian's professional practice only and not for humans, from
10763 prescribing, dispensing, or administering controlled substances, or from causing the
10764 substances to be administered by an assistant or orderly under the veterinarian's direction
10765 and supervision.

10766 (4) Civil or criminal liability may not be imposed under an offense listed in Subsection
10767 (2)(b) against:

10768 (a) a person registered under this chapter or Title 58, Chapter 37, Controlled Substances,
10769 who manufactures, distributes, or possesses an imitation controlled substance for use
10770 as a placebo or an investigational new drug by a registered practitioner in the
10771 ordinary course of professional practice or research;

10772 (b) a law enforcement officer acting in the course and legitimate scope of the law

10773 enforcement officer's employment; or

10774 (c) a healthcare facility, substance use harm reduction services program, or drug
 10775 addiction treatment facility that temporarily possesses a controlled substance or
 10776 counterfeit substance to conduct a test or analysis on the controlled substance or
 10777 counterfeit substance to identify or analyze the strength, effectiveness, or purity of
 10778 the substance for a public health or safety reason.

10779 (5)(a) It is an affirmative defense that a person produced, possessed, or administered a
 10780 controlled substance listed in Section 58-37-109 if the person was:

10781 (i) engaged in medical research; and

10782 (ii) a holder of a valid license to possess controlled substances under Section
 10783 58-37-105 or 58-37-113.

10784 (b) It is not a defense under Subsection (5)(a) that the person prescribed or dispensed a
 10785 controlled substance listed in Section 58-37-109.

10786 (6) It is an affirmative defense that a person possessed, in the person's body, a controlled
 10787 substance listed in Section 58-37-109 if:

10788 (a) the person was the subject of medical research conducted by a holder of a valid
 10789 license to possess controlled substances under Section 58-37-105 or 58-37-113; and

10790 (b) the substance was administered to the person by the medical researcher.

10791 Section 180. Section **76-18-204** is enacted to read:

10792 **76-18-204 (Effective 05/06/26). Enhanced penalties and sentencing for certain**
 10793 **drug offenses.**

10794 (1)(a) As used in this section, "correctional facility" means the same as that term is
 10795 defined in Section 76-8-311.3.

10796 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
 10797 to this section.

10798 (2)(a) An actor not authorized under this part or Title 58, Chapter 37, Controlled
 10799 Substances, who commits any act that is unlawful under Subsection (2)(b) is, upon
 10800 conviction, subject to the penalties and classifications under Subsection (3) if the trier
 10801 of fact finds that the act is committed:

10802 (i) in a public or private elementary or secondary school or on the grounds of a public
 10803 or private elementary or secondary school during the hours of 6 a.m. through 10
 10804 p.m.;

10805 (ii) in a public or private vocational school or postsecondary institution or on the
 10806 grounds of a public or private vocational school or postsecondary institution

- 10807 during the hours of 6 a.m. through 10 p.m.;
- 10808 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or
- 10809 child-care facility's hours of operation;
- 10810 (iv) in a public park, amusement park, arcade, or recreation center when the public or
- 10811 amusement park, arcade, or recreation center is open to the public;
- 10812 (v) in or on the grounds of a house of worship as defined in Section 76-11-201;
- 10813 (vi) in or on the grounds of a library when the library is open to the public;
- 10814 (vii) within an area that is within 100 feet of a structure, facility, or grounds included
- 10815 in Subsections (2)(a)(i) through (vi);
- 10816 (viii) in the presence of a person younger than 18 years old, regardless of where the
- 10817 act occurs; or
- 10818 (ix) for the purpose of facilitating, arranging, or causing the transport, delivery, or
- 10819 distribution of a substance in violation of an offense listed in Subsection (2)(b) to
- 10820 an inmate or on the grounds of a correctional facility.
- 10821 (b) The offenses described in Subsection (2)(a) are:
- 10822 (i) unlawfully producing, manufacturing, or dispensing a controlled substance or
- 10823 counterfeit substance under Section 76-18-208;
- 10824 (ii) unlawfully distributing or agreeing to distribute a controlled substance or
- 10825 counterfeit substance under Section 76-18-209;
- 10826 (iii) unlawfully possessing a controlled substance or counterfeit substance with intent
- 10827 to distribute under Section 76-18-210;
- 10828 (iv) unlawfully engaging in a continuing criminal enterprise involving drugs under
- 10829 Section 76-18-211;
- 10830 (v) unlawful manufacture of an imitation controlled substance under Section
- 10831 76-18-404; and
- 10832 (vi) unlawful distribution or possession with intent to distribute an imitation
- 10833 controlled substance under Section 76-18-405.
- 10834 (3)(a) Except as provided in Subsection (3)(b) or (c), an actor who is convicted of an
- 10835 enhancement under this section is guilty of one degree more than the maximum
- 10836 penalty prescribed for the offense described in Subsection (2)(b).
- 10837 (b)(i) The court shall sentence an actor who is convicted of a first degree felony
- 10838 under this section, who would have been convicted of a first degree felony under
- 10839 an offense listed in Subsection (2)(b) regardless of the application of this section,
- 10840 for a term of imprisonment of not less than five years.

- 10841 (ii) Imposition or execution of the sentence described in Subsection (3)(b)(i) may not
10842 be suspended, and the actor is not eligible for probation.
- 10843 (c) If the violation is of Subsection (2)(a)(ix):
- 10844 (i)(A) the actor may be sentenced to imprisonment for an indeterminate term as
10845 provided by law, and the court shall additionally sentence the actor for a term
10846 of one year to run consecutively and not concurrently; and
- 10847 (B) the court may additionally sentence the actor for an indeterminate term not to
10848 exceed five years to run consecutively and not concurrently; and
- 10849 (ii) the penalties under Subsection (3)(c)(i) also apply to an actor who, acting with the
10850 mental state required for the commission of an offense, directly or indirectly
10851 solicits, requests, commands, coerces, encourages, or intentionally aids another
10852 person to commit a violation of Subsection (2)(a)(ix).
- 10853 (4) It is not a defense to a sentencing enhancement under Subsection (3) that:
- 10854 (a) if the enhancement is for a violation of Subsection (2)(a)(viii), the actor mistakenly
10855 believed the individual to be 18 years old or older at the time of the offense or was
10856 unaware of the individual's true age; or
- 10857 (b) the actor mistakenly believed that the location where the act occurred was not as
10858 described in Subsection (2)(a) or was unaware that the location where the act
10859 occurred was as described in Subsection (2)(a).

10860 Section 181. Section **76-18-205** is enacted to read:

10861 **76-18-205 (Effective 05/06/26). Unlawful alteration or removal of a controlled**
10862 **substance label.**

- 10863 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
10864 this section.
- 10865 (2) An actor commits unlawful alteration or removal of a controlled substance label if:
- 10866 (a) the actor:
- 10867 (i) alters the face of a label on a container containing a controlled substance; or
10868 (ii) removes a label on a container containing a controlled substance; and
- 10869 (b) any of the original contents of the container described in Subsection (2)(a) remain.
- 10870 (3) A violation of Subsection (2) is a class B misdemeanor.

10871 Section 182. Section **76-18-206** is enacted to read:

10872 **76-18-206 (Effective 05/06/26). Unlawful failure to use original controlled**
10873 **substance container.**

- 10874 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to

- 10875 this section.
- 10876 (2) An actor commits unlawful failure to use original controlled substance container if the
 10877 actor:
- 10878 (a)(i) is an individual to whom, or for whose use, a controlled substance has been
 10879 prescribed, sold, or dispensed by a practitioner; or
- 10880 (ii) is the owner of an animal for which a controlled substance has been prescribed,
 10881 sold, or dispensed by a veterinarian; and
- 10882 (b) possesses the controlled substance in a manner other than in the container in which
 10883 the controlled substance was delivered to the actor by the person selling or dispensing
 10884 the controlled substance.
- 10885 (3) A violation of Subsection (2) is a class B misdemeanor.
- 10886 (4) It is a defense to a prosecution under this section if the actor produces in court a valid
 10887 prescription for the controlled substance or the original container with the label attached.
- 10888 Section 183. Section **76-18-207** is enacted to read:
- 10889 **76-18-207 (Effective 05/06/26). Unlawfully possessing or using a controlled**
 10890 **substance or controlled substance analog.**
- 10891 (1)(a) As used in this section:
- 10892 (i) "Correctional facility" means the same as that term is defined in Section 64-13-1.
 10893 (ii) "Good faith" does not include seeking medical assistance under this section
 10894 during the course of a law enforcement agency's execution of a search warrant,
 10895 execution of an arrest warrant, or other lawful search.
- 10896 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
 10897 to this section.
- 10898 (2) An actor commits unlawfully possessing or using a controlled substance or a controlled
 10899 substance analog if the actor knowingly and intentionally possesses or uses a controlled
 10900 substance or a controlled substance analog, unless the controlled substance or controlled
 10901 substance analog was obtained:
- 10902 (a) under a valid prescription or order;
- 10903 (b) directly from a practitioner while acting in the course of the practitioner's
 10904 professional practice; or
- 10905 (c) as otherwise authorized by this part or Title 58, Chapter 37, Controlled Substances.
- 10906 (3) Subject to Subsection (4), a violation of Subsection (2) is:
- 10907 (a) a second degree felony if the substance is marijuana and the amount is 100 pounds or
 10908 more;

10909 (b) a third degree felony if:

10910 (i)(A) the substance is a substance classified in Schedule I or II or a controlled
10911 substance analog, not including marijuana; and

10912 (B) the actor's current violation results in the actor receiving at least a third
10913 conviction under this section and each of the actor's previous convictions were
10914 based on a violation committed within seven years before the date of the
10915 violation upon which the current conviction is based; or

10916 (ii) the violation would otherwise qualify under Subsection (3)(d), but the actor's
10917 current violation results in the actor receiving at least a fourth conviction under
10918 this section and each of the actor's previous convictions were based on a violation
10919 committed within seven years before the date of the violation upon which the
10920 current conviction is based;

10921 (c) a class A misdemeanor if:

10922 (i)(A) the substance is a substance classified in Schedule I or II or a controlled
10923 substance analog, not including marijuana; and

10924 (B) the current violation is the actor's first or second conviction under this section
10925 or does not qualify as a third degree felony under Subsection (3)(b); or

10926 (ii) the violation would otherwise qualify under Subsection (3)(d), but the actor's
10927 current violation results in the actor receiving at least a third conviction under this
10928 section and each of the actor's previous convictions were based on a violation
10929 committed within seven years before the date of the violation upon which the
10930 current conviction is based; or

10931 (d) if Subsection (3)(a), (b), or (c) does not apply, a class B misdemeanor, including a
10932 substance listed in Section 58-37-109 or marijuana.

10933 (4)(a) Except as provided in Subsection (4)(c) and subject to Subsection (5), upon an
10934 actor's conviction of a violation of this section, if the actor has previously been
10935 convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or 76-18-211,
10936 the court shall sentence the actor to a penalty that is one degree higher than the
10937 applicable penalty provided in Subsection (3).

10938 (b)(i) Except as provided in Subsection (4)(c) and subject to Subsection (5), the court
10939 shall sentence an actor convicted of violating this section to a penalty that is one
10940 degree higher than the applicable penalty provided in Subsection (3)(a), (3)(b)(i),
10941 or (3)(c)(i), if the violation of this section occurs while the actor is inside the
10942 exterior boundaries of property occupied by:

- 10943 (A) a correctional facility;
10944 (B) a public jail; or
10945 (C) another place of confinement.
- 10946 (ii) Except as provided in Subsection (4)(c) and subject to Subsection (5), if an actor
10947 is subject to an enhanced penalty under Subsection (4)(b)(i) and the violation of
10948 this section is based on a controlled substance listed in Subsection (3)(a) or
10949 (3)(b)(i), the actor may be sentenced to imprisonment for an indeterminate term as
10950 provided by law, and:
- 10951 (A) the court shall additionally sentence the actor to a term of one year to run
10952 consecutively and not concurrently; and
- 10953 (B) the court may additionally sentence the actor for an indeterminate term not to
10954 exceed five years to run consecutively and not concurrently.
- 10955 (iii) Except as provided in Subsection (4)(c) and subject to Subsection (5), if an actor
10956 is subject to an enhanced penalty under Subsection (4)(b)(i) and the violation of
10957 this section is based on a controlled substance that would qualify for punishment
10958 under Subsection (3)(d), the actor may be sentenced to imprisonment for an
10959 indeterminate term as provided by law and the court shall additionally sentence
10960 the actor to a term of six months to run consecutively and not concurrently.
- 10961 (5) The application of any increase in penalty under this section may not result in any
10962 greater penalty than a second degree felony.
- 10963 (6)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
10964 violation or attempted violation of this section or a plea that is held in abeyance under
10965 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
10966 charge has been subsequently reduced or dismissed in accordance with the plea in
10967 abeyance agreement.
- 10968 (b) A previous conviction used for a penalty enhancement under this section may only
10969 be a conviction that:
- 10970 (i) is from a separate criminal episode than the current conviction under this section;
10971 and
- 10972 (ii) has not already been used under a separate penalty enhancement provision to
10973 enhance the conviction under this section.
- 10974 (c) A previous conviction used for a penalty enhancement under this section includes a
10975 conviction for an offense described in a statute previously in effect in this state that is
10976 the same or substantially similar to a violation of this section.

- 10977 (7)(a) An actor may be charged and sentenced for a violation of this section,
10978 notwithstanding a charge and sentence for a violation of any other section of this part
10979 or Title 58, Chapter 37, Controlled Substances.
- 10980 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
10981 civil or administrative penalty or sanction authorized by law.
- 10982 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 10983 (8) The Administrative Office of the Courts shall report to the Division of Professional
10984 Licensing the name, case number, date of conviction, and if known, the date of birth of
10985 each actor convicted of violating this section.
- 10986 (9) If a minor who is under 18 years old is found by a court to have violated this section, the
10987 court may order the minor to complete:
- 10988 (a) a screening as defined in Section 41-6a-501;
10989 (b) an assessment as defined in Section 41-6a-501 if the screening described in
10990 Subsection (9)(a) indicates that an assessment is appropriate; and
10991 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
10992 treatment as indicated by an assessment described in Subsection (9)(b).
- 10993 (10)(a) It is an affirmative defense to a violation of Subsection (2) if the circumstances
10994 listed in Subsection (10)(b) apply and the actor or bystander:
- 10995 (i) reasonably believes that the actor or another individual is experiencing an
10996 overdose event due to the ingestion, injection, inhalation, or other introduction
10997 into the human body of a controlled substance or other substance;
- 10998 (ii) reports, or assists an individual who reports, in good faith, the overdose event to a
10999 medical provider, an emergency medical service provider as defined in Section
11000 53-2d-101, a law enforcement officer, a 911 emergency call system, or an
11001 emergency dispatch system, or the actor is the subject of a report made under this
11002 section;
- 11003 (iii) provides, in the report described in Subsection (10)(a)(ii), a functional
11004 description of the actual location of the overdose event that facilitates responding
11005 to the individual experiencing the overdose event;
- 11006 (iv) remains at the location of the individual experiencing the overdose event until a
11007 responding law enforcement officer or emergency medical service provider
11008 arrives, or remains at the medical care facility where the individual experiencing
11009 an overdose event is located until a responding law enforcement officer arrives;
- 11010 (v) cooperates with the responding medical provider, emergency medical service

11011 provider, and law enforcement officer, including providing information regarding
 11012 the individual experiencing the overdose event and any substances the individual
 11013 may have injected, inhaled, or otherwise introduced into the individual's body; and
 11014 (vi) is alleged to have committed the offense in the same course of events from which
 11015 the reported overdose arose.

11016 (b) The circumstances referred to in Subsection (10)(a) are:

11017 (i) the possession or use of less than 16 ounces of marijuana; or

11018 (ii) the possession or use of a scheduled or listed controlled substance other than
 11019 marijuana.

11020 Section 184. Section **76-18-208** is enacted to read:

11021 **76-18-208 (Effective 05/06/26). Unlawfully producing, manufacturing, or**
 11022 **dispensing a controlled substance or counterfeit substance.**

11023 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11024 this section.

11025 (2) Except as authorized by this part or Title 58, Chapter 37, Controlled Substances, and
 11026 under circumstances not amounting to an offense described in Section 76-18-220,
 11027 trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully
 11028 producing, manufacturing, or dispensing a controlled substance or counterfeit substance
 11029 if the actor knowingly and intentionally:

11030 (a) produces, manufactures, or dispenses a controlled substance or a counterfeit
 11031 substance; or

11032 (b) possesses, with the intent to produce, manufacture, or dispense, a controlled
 11033 substance or a counterfeit substance.

11034 (3)(a) Except as provided in Subsection (3)(b) and subject to Subsections (4) and (5), a
 11035 violation of Subsection (2) is:

11036 (i) a second degree felony if the controlled substance or counterfeit substance is:

11037 (A) a substance or a counterfeit of a substance classified in Schedule I or II, not
 11038 including marijuana;

11039 (B) a controlled substance analog; or

11040 (C) gammahydroxybutyric acid as listed in Schedule III;

11041 (ii) a third degree felony if the controlled substance or counterfeit substance is:

11042 (A) a substance or a counterfeit of a substance classified in Schedule III or IV;

11043 (B) marijuana; or

11044 (C) a substance listed in Section 58-37-109; or

- 11045 (iii) a class A misdemeanor if the controlled substance or counterfeit substance is a
11046 substance or counterfeit substance of a substance classified in Schedule V.
- 11047 (b) Subject to Subsections (4) and (5), a second or subsequent conviction under:
- 11048 (i) Subsection (3)(a)(i) is a first degree felony;
11049 (ii) Subsection (3)(a)(ii) is a second degree felony; or
11050 (iii) Subsection (3)(a)(iii) is a third degree felony.
- 11051 (4)(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not
11052 suspend any portion of the jail sentence or grant early release, if:
- 11053 (i) the court suspends the imposition of a prison sentence for a felony conviction
11054 under this section or sentences an actor for a misdemeanor violation of an offense
11055 under this section;
- 11056 (ii)(A) the violation is the actor's second or subsequent conviction for any level of
11057 offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or
11058 (B) the actor previously has been convicted of a criminal violation in another
11059 jurisdiction, including a state or federal court, that is substantially equivalent to
11060 the violation of an offense under this section, Section 76-18-209, 76-18-210, or
11061 76-18-211; and
- 11062 (iii) the actor previously has been convicted of reentry of a removed alien under 8
11063 U.S.C. Sec. 1326.
- 11064 (b)(i) Except as provided in Subsection (4)(b)(ii), an actor who is subject to a
11065 mandatory jail sentence under Subsection (4)(a) may not be released to the federal
11066 Immigration and Customs Enforcement Agency of the United States Department
11067 of Homeland Security for deportation until the actor has served the entire jail
11068 sentence described in Subsection (4)(a).
- 11069 (ii) An actor may be released to the federal Immigration and Customs Enforcement
11070 Agency of the United States Department of Homeland Security for deportation at
11071 any time during the 14-day period before the final day of the actor's jail sentence
11072 described in Subsection (4)(a).
- 11073 (5) Notwithstanding any other provision of this section, a violation of this section is subject
11074 to the penalties and classifications under Section 76-18-204, Enhanced penalties and
11075 sentencing for certain drug offenses, if the trier of fact finds the elements described
11076 under Section 76-18-204.
- 11077 (6)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11078 violation or attempted violation of this section or a plea that is held in abeyance under

11079 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
 11080 charge has been subsequently reduced or dismissed in accordance with the plea in
 11081 abeyance agreement.

11082 (b) A previous conviction used for a penalty enhancement under this section includes a
 11083 conviction for an offense described in a statute previously in effect in this state that is
 11084 the same or substantially similar to a violation of this section.

11085 (7)(a) An actor may be charged and sentenced for a violation of this section,
 11086 notwithstanding a charge and sentence for a violation of any other section of this part
 11087 or Title 58, Chapter 37, Controlled Substances.

11088 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11089 civil or administrative penalty or sanction authorized by law.

11090 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11091 (8) The Administrative Office of the Courts shall report to the Division of Professional
 11092 Licensing the name, case number, date of conviction, and if known, the date of birth of
 11093 each actor convicted of violating this section.

11094 (9) If a minor who is under 18 years old is found by a court to have violated this section, the
 11095 court may order the minor to complete:

11096 (a) a screening as defined in Section 41-6a-501;

11097 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11098 Subsection (9)(a) indicates that an assessment is appropriate; and

11099 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11100 treatment as indicated by an assessment described in Subsection (9)(b).

11101 Section 185. Section **76-18-209** is enacted to read:

11102 **76-18-209 (Effective 05/06/26). Unlawfully distributing or agreeing to distribute**
 11103 **a controlled substance or counterfeit substance.**

11104 (1)(a) As used in this section:

11105 (i) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

11106 (ii) "Firearm" means the same as that term is defined in Section 76-11-101.

11107 (iii) "Readily accessible for immediate use" means the same as that term is defined in
 11108 Section 76-11-201.

11109 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
 11110 to this section.

11111 (2) Except as authorized by this chapter or Title 58, Chapter 37, Controlled Substances, and
 11112 under circumstances not amounting to an offense described in Section 76-18-220,

- 11113 trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully
11114 distributing or agreeing to distribute a controlled substance or counterfeit substance if
11115 the actor knowingly and intentionally:
- 11116 (a) distributes a controlled substance or a counterfeit substance; or
11117 (b) agrees, consents, offers, or arranges to distribute a controlled substance or a
11118 counterfeit substance.
- 11119 (3)(a) Except as provided in Subsection (3)(b) and subject to Subsections (4), (5), and (6),
11120 a violation of Subsection (2) is:
- 11121 (i) a second degree felony if the controlled substance or counterfeit substance is:
- 11122 (A) a substance or a counterfeit of a substance classified in Schedule I or II, not
11123 including marijuana;
- 11124 (B) a controlled substance analog; or
- 11125 (C) gammahydroxybutyric acid as listed in Schedule III;
- 11126 (ii) a third degree felony if the controlled substance or counterfeit substance is:
- 11127 (A) a substance or a counterfeit of a substance classified in Schedule III or IV;
11128 (B) marijuana; or
11129 (C) a substance listed in Section 58-37-109; or
- 11130 (iii) a class A misdemeanor if the controlled substance or counterfeit substance is a
11131 substance or counterfeit substance of a substance classified in Schedule V.
- 11132 (b) Subject to Subsections (4), (5), and (6), a second or subsequent conviction under:
- 11133 (i) Subsection (3)(a)(i) is a first degree felony;
11134 (ii) Subsection (3)(a)(ii) is a second degree felony; or
11135 (iii) Subsection (3)(a)(iii) is a third degree felony.
- 11136 (4)(a) Except as provided under Subsection (4)(b) and subject to Subsection (6), the
11137 court shall impose an indeterminate prison term for an actor who has been convicted
11138 of a violation of this section that is a first degree felony or a second degree felony
11139 under Subsection (3)(a) or (3)(b) if the trier of fact finds beyond a reasonable doubt
11140 that, during the commission or furtherance of the violation of Subsection (2), the
11141 actor intentionally or knowingly:
- 11142 (i) used, drew, or exhibited a dangerous weapon that is not a firearm, in an angry,
11143 threatening, intimidating, or coercive manner;
- 11144 (ii) used a firearm or had a firearm readily accessible for immediate use; or
11145 (iii) distributed a firearm or possessed a firearm with intent to distribute the firearm.
- 11146 (b) Subject to Subsections (5) and (6), a court may suspend the indeterminate prison

11147 term for an actor convicted under Subsection (4)(a) if the court:

11148 (i) details on the record the reasons why it is in the interests of justice to not impose
11149 the indeterminate prison term;

11150 (ii) makes a finding on the record that the actor does not pose a significant safety risk
11151 to the public; and

11152 (iii) orders the person to complete the terms and conditions of supervised probation
11153 provided by the Division of Adult Probation and Parole created in Section
11154 64-14-202.

11155 (5)(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not
11156 suspend any portion of the jail sentence or grant early release, if:

11157 (i) the court suspends the imposition of a prison sentence for a felony conviction
11158 under this section or sentences an actor for a misdemeanor violation of an offense
11159 under this section;

11160 (ii)(A) the violation is the actor's second or subsequent conviction for any level of
11161 offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or

11162 (B) the actor previously has been convicted of a criminal violation in another
11163 jurisdiction, including a state or federal court, that is substantially equivalent to
11164 the violation of an offense under this section, Section 76-18-209, 76-18-210, or
11165 76-18-211; and

11166 (iii) the actor previously has been convicted of reentry of a removed alien under 8
11167 U.S.C. Sec. 1326.

11168 (b)(i) Except as provided in Subsection (5)(b)(ii), an actor who is subject to a
11169 mandatory jail sentence under Subsection (5)(a) may not be released to the federal
11170 Immigration and Customs Enforcement Agency of the United States Department
11171 of Homeland Security for deportation until the actor has served the entire jail
11172 sentence described in Subsection (5)(a).

11173 (ii) An actor may be released to the federal Immigration and Customs Enforcement
11174 Agency of the United States Department of Homeland Security for deportation at
11175 any time during the 14-day period before the final day of the actor's jail sentence
11176 described in Subsection (5)(a).

11177 (6) Notwithstanding any other provision of this section, a violation of this section is subject
11178 to the penalties and classifications under Section 76-18-204, Enhanced penalties and
11179 sentencing for certain drug offenses, if the trier of fact finds the elements described
11180 under Section 76-18-204.

11181 (7)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11182 violation or attempted violation of this section or a plea that is held in abeyance under
11183 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11184 charge has been subsequently reduced or dismissed in accordance with the plea in
11185 abeyance agreement.

11186 (b) A previous conviction used for a penalty enhancement under this section includes a
11187 conviction for an offense described in a statute previously in effect in this state that is
11188 the same or substantially similar to a violation of this section.

11189 (8)(a) An actor may be charged and sentenced for a violation of this section,
11190 notwithstanding a charge and sentence for a violation of any other section of this part
11191 or Title 58, Chapter 37, Controlled Substances.

11192 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11193 civil or administrative penalty or sanction authorized by law.

11194 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11195 (9) The Administrative Office of the Courts shall report to the Division of Professional
11196 Licensing the name, case number, date of conviction, and if known, the date of birth of
11197 each actor convicted of violating this section.

11198 (10) If a minor who is under 18 years old is found by a court to have violated this section,
11199 the court may order the minor to complete:

11200 (a) a screening as defined in Section 41-6a-501;

11201 (b) an assessment as defined in Section 41-6a-501 if the screening described in
11202 Subsection (10)(a) indicates that an assessment is appropriate; and

11203 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
11204 treatment as indicated by an assessment described in Subsection (10)(b).

11205 Section 186. Section **76-18-210** is enacted to read:

11206 **76-18-210 (Effective 05/06/26). Unlawfully possessing a controlled substance or**
11207 **counterfeit substance with intent to distribute.**

11208 (1)(a) As used in this section:

11209 (i) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

11210 (ii) "Firearm" means the same as that term is defined in Section 76-11-101.

11211 (iii) "Readily accessible for immediate use" means the same as that term is defined in
11212 Section 76-11-201.

11213 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
11214 to this section.

11215 (2) Except as authorized by this chapter or Title 58, Chapter 37, Controlled Substances, and
11216 under circumstances not amounting to an offense described in Section 76-18-220,
11217 trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully
11218 possessing a controlled substance or counterfeit substance with intent to distribute if the
11219 actor knowingly and intentionally possesses a controlled substance or counterfeit
11220 substance with the intent to distribute.

11221 (3)(a) Except as provided in Subsection (3)(b) and subject to Sections (4), (5), and (6), a
11222 violation of Subsection (2) is:

11223 (i) a second degree felony if the controlled substance or counterfeit substance is:

11224 (A) a substance or a counterfeit of a substance classified in Schedule I or II, not
11225 including marijuana;

11226 (B) a controlled substance analog; or

11227 (C) gammahydroxybutyric acid as listed in Schedule III;

11228 (ii) a third degree felony if the controlled substance or counterfeit substance is:

11229 (A) a substance or a counterfeit of a substance classified in Schedule III or IV;

11230 (B) marijuana; or

11231 (C) a substance listed in Section 58-37-109; or

11232 (iii) a class A misdemeanor if the controlled substance or counterfeit substance is a
11233 substance or counterfeit substance of a substance classified in Schedule V.

11234 (b) Subject to Subsections (4), (5), and (6), a second or subsequent conviction under:

11235 (i) Subsection (3)(a)(i) is a first degree felony;

11236 (ii) Subsection (3)(a)(ii) is a second degree felony; or

11237 (iii) Subsection (3)(a)(iii) is a third degree felony.

11238 (4)(a) Except as provided under Subsection (4)(b) and subject to Subsection (6), the
11239 court shall impose an indeterminate prison term for an actor who has been convicted
11240 of a violation of this section that is a first degree felony or a second degree felony
11241 under Subsection (3)(a) or (3)(b) if the trier of fact finds beyond a reasonable doubt
11242 that, during the commission or furtherance of the violation of Subsection (2), the
11243 actor intentionally or knowingly:

11244 (i) used, drew, or exhibited a dangerous weapon that is not a firearm, in an angry,
11245 threatening, intimidating, or coercive manner;

11246 (ii) used a firearm or had a firearm readily accessible for immediate use; or

11247 (iii) distributed a firearm or possessed a firearm with intent to distribute the firearm.

11248 (b) Subject to Subsections (5) and (6), a court may suspend the indeterminate prison

11249 term for an actor convicted under Subsection (4)(a) if the court:

11250 (i) details on the record the reasons why it is in the interests of justice to not impose
11251 the indeterminate prison term;

11252 (ii) makes a finding on the record that the actor does not pose a significant safety risk
11253 to the public; and

11254 (iii) orders the person to complete the terms and conditions of supervised probation
11255 provided by the Division of Adult Probation and Parole created in Section
11256 64-14-202.

11257 (5)(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not
11258 suspend any portion of the jail sentence or grant early release, if:

11259 (i) the court suspends the imposition of a prison sentence for a felony conviction
11260 under this section or sentences an actor for a misdemeanor violation of an offense
11261 under this section;

11262 (ii)(A) the violation is the actor's second or subsequent conviction for any level of
11263 offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or

11264 (B) the actor previously has been convicted of a criminal violation in another
11265 jurisdiction, including a state or federal court, that is substantially equivalent to
11266 the violation of an offense under this section, Section 76-18-209, 76-18-210, or
11267 76-18-211; and

11268 (iii) the actor previously has been convicted of reentry of a removed alien under 8
11269 U.S.C. Sec. 1326.

11270 (b)(i) Except as provided in Subsection (5)(b)(ii), an actor who is subject to a
11271 mandatory jail sentence under Subsection (5)(a) may not be released to the federal
11272 Immigration and Customs Enforcement Agency of the United States Department
11273 of Homeland Security for deportation until the actor has served the entire jail
11274 sentence described in Subsection (5)(a).

11275 (ii) An actor may be released to the federal Immigration and Customs Enforcement
11276 Agency of the United States Department of Homeland Security for deportation at
11277 any time during the 14-day period before the final day of the actor's jail sentence
11278 described in Subsection (5)(a).

11279 (6) Notwithstanding any other provision of this section, a violation of this section is subject
11280 to the penalties and classifications under Section 76-18-204, Enhanced penalties and
11281 sentencing for certain drug offenses, if the trier of fact finds the elements described
11282 under Section 76-18-204.

- 11283 (7)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
 11284 violation or attempted violation of this section or a plea that is held in abeyance under
 11285 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
 11286 charge has been subsequently reduced or dismissed in accordance with the plea in
 11287 abeyance agreement.
- 11288 (b) A previous conviction used for a penalty enhancement under this section includes a
 11289 conviction for an offense described in a statute previously in effect in this state that is
 11290 the same or substantially similar to a violation of this section.
- 11291 (8)(a) An actor may be charged and sentenced for a violation of this section,
 11292 notwithstanding a charge and sentence for a violation of any other section of this part
 11293 or Title 58, Chapter 37, Controlled Substances.
- 11294 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11295 civil or administrative penalty or sanction authorized by law.
- 11296 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 11297 (9) The Administrative Office of the Courts shall report to the Division of Professional
 11298 Licensing the name, case number, date of conviction, and if known, the date of birth of
 11299 each actor convicted of violating this section.
- 11300 (10) If a minor who is under 18 years old is found by a court to have violated this section,
 11301 the court may order the minor to complete:
- 11302 (a) a screening as defined in Section 41-6a-501;
 11303 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11304 Subsection (10)(a) indicates that an assessment is appropriate; and
 11305 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11306 treatment as indicated by an assessment described in Subsection (10)(b).
- 11307 Section 187. Section **76-18-211** is enacted to read:
- 11308 **76-18-211 (Effective 05/06/26). Unlawfully engaging in a continuing criminal**
 11309 **enterprise involving drugs.**
- 11310 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11311 this section.
- 11312 (2) Except as authorized under this chapter or Title 58, Chapter 37, Controlled Substances,
 11313 and under circumstances not amounting to an offense described in Section 76-18-220,
 11314 trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully
 11315 engaging in a continuing criminal enterprise involving drugs if the actor knowingly and
 11316 intentionally engages in a continuing criminal enterprise where:

- 11317 (a) the actor participates, directs, or engages in conduct that results in a felony violation
11318 of an offense in:
- 11319 (i) this part;
11320 (ii) Part 3, Offenses Concerning Drug Paraphernalia;
11321 (iii) Part 4, Offenses Concerning Imitation Controlled Substances;
11322 (iv) Part 5, Clandestine Drug Labs;
11323 (v) Title 58, Chapter 37, Controlled Substances; or
11324 (vi) Title 58, Chapter 37c, Controlled Substance Precursors; and
- 11325 (b) the violation described in Subsection (2)(a) is part of a continuing series of two or
11326 more violations of an offense described in Subsection (2)(a)(i) through (vi), on
11327 separate occasions that are undertaken in concert with five or more persons, with
11328 respect to whom the actor occupies a position of organizer, supervisor, or any other
11329 position of management.
- 11330 (3)(a) Subject to Subsections (3)(b) and (4), a violation of Subsection (2) is a first degree
11331 felony punishable by imprisonment for an indeterminate term of not less than:
- 11332 (i) seven years and which may be for life; or
11333 (ii) 15 years and which may be for life, if the trier of fact determines that the actor
11334 knew, or reasonably should have known, that any subordinate described in
11335 Subsection (2)(b) was under 18 years old.
- 11336 (b)(i) Except as provided in Subsection (3)(b)(ii), imposition or execution of the
11337 sentence described in Subsection (3)(a) may not be suspended, and the actor is not
11338 eligible for probation.
- 11339 (ii) Subsection (3)(a)(ii) does not apply to an actor who, at the time of the offense,
11340 was under 18 years old.
- 11341 (4) Notwithstanding any other provision of this section, a violation of this section is subject
11342 to the penalties and classifications under Section 76-18-204, Enhanced penalties and
11343 sentencing for certain drug offenses, if the trier of fact finds the elements described
11344 under Section 76-18-204.
- 11345 (5)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11346 violation or attempted violation of this section or a plea that is held in abeyance under
11347 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11348 charge has been subsequently reduced or dismissed in accordance with the plea in
11349 abeyance agreement.
- 11350 (b) A previous conviction used for a penalty enhancement under this section includes a

11351 conviction for an offense described in a statute previously in effect in this state that is
 11352 the same or substantially similar to a violation of this section.

11353 (6)(a) An actor may be charged and sentenced for a violation of this section,

11354 notwithstanding a charge and sentence for a violation of any other section of this part
 11355 or Title 58, Chapter 37, Controlled Substances.

11356 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11357 civil or administrative penalty or sanction authorized by law.

11358 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11359 (7) The Administrative Office of the Courts shall report to the Division of Professional
 11360 Licensing the name, case number, date of conviction, and if known, the date of birth of
 11361 each actor convicted of violating this section.

11362 (8) If a minor who is under 18 years old is found by a court to have violated this section, the
 11363 court may order the minor to complete:

11364 (a) a screening as defined in Section 41-6a-501;

11365 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11366 Subsection (8)(a) indicates that an assessment is appropriate; and

11367 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11368 treatment as indicated by an assessment described in Subsection (8)(b).

11369 Section 188. Section **76-18-212** is enacted to read:

11370 **76-18-212 (Effective 05/06/26). Unlawfully allowing possession, use, or**
 11371 **distribution of a controlled substance on the premises.**

11372 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11373 this section.

11374 (2) An actor commits unlawfully allowing possession, use, or distribution of a controlled
 11375 substance on the premises if the actor:

11376 (a) is an owner, tenant, licensee, or person in control of a building, room, tenement,
 11377 vehicle, boat, aircraft, or other place; and

11378 (b) knowingly and intentionally permits a person to occupy the building, room,
 11379 tenement, vehicle, boat, aircraft, or other place while the person is unlawfully
 11380 manufacturing, possessing, using, or distributing a controlled substance at or in the
 11381 building, room, tenement, vehicle, boat, aircraft, or other place.

11382 (3)(a) Subject to Subsection (3)(b), a violation of Subsection (2) is:

11383 (i) a class B misdemeanor on a first conviction;

11384 (ii) a class A misdemeanor on a second conviction; or

- 11385 (iii) a third degree felony on a third or subsequent conviction.
- 11386 (b) Upon an actor's conviction of a violation of this section, if the actor has previously
11387 been convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or
11388 76-18-211, the court shall sentence the actor to a one degree greater penalty than
11389 provided in Subsection (3)(a).
- 11390 (4)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11391 violation or attempted violation of this section or a plea that is held in abeyance under
11392 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11393 charge has been subsequently reduced or dismissed in accordance with the plea in
11394 abeyance agreement.
- 11395 (b) A previous conviction used for a penalty enhancement under this section may only
11396 be a conviction that:
- 11397 (i) is from a separate criminal episode than the current conviction under this section;
11398 and
- 11399 (ii) has not already been used under a separate penalty enhancement provision to
11400 enhance the conviction under this section.
- 11401 (c) A previous conviction used for a penalty enhancement under this section includes a
11402 conviction for an offense described in a statute previously in effect in this state that is
11403 the same or substantially similar to a violation of this section.
- 11404 (5)(a) An actor may be charged and sentenced for a violation of this section,
11405 notwithstanding a charge and sentence for a violation of any other section of this part
11406 or Title 58, Chapter 37, Controlled Substances.
- 11407 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11408 civil or administrative penalty or sanction authorized by law.
- 11409 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 11410 (6) The Administrative Office of the Courts shall report to the Division of Professional
11411 Licensing the name, case number, date of conviction, and if known, the date of birth of
11412 each actor convicted of violating this section.
- 11413 (7) If a minor who is under 18 years old is found by a court to have violated this section, the
11414 court may order the minor to complete:
- 11415 (a) a screening as defined in Section 41-6a-501;
11416 (b) an assessment as defined in Section 41-6a-501 if the screening described in
11417 Subsection (7)(a) indicates that an assessment is appropriate; and
11418 (c) an educational series as defined in Section 41-6a-501 or substance use disorder

11419 treatment as indicated by an assessment described in Subsection (7)(b).

11420 Section 189. Section **76-18-213** is enacted to read:

11421 **76-18-213 (Effective 05/06/26). Unlawful possession of an altered or forged**
11422 **prescription or order for a controlled substance.**

11423 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
11424 this section.

11425 (2) An actor commits unlawful possession of an altered or forged prescription or order for a
11426 controlled substance if the actor knowingly and intentionally possesses an altered or
11427 forged prescription or written order for a controlled substance.

11428 (3)(a) Subject to Subsection (3)(b), a violation of Subsection (2) is:

11429 (i) a class B misdemeanor on a first conviction;

11430 (ii) a class A misdemeanor on a second conviction; or

11431 (iii) a third degree felony on a third or subsequent conviction.

11432 (b) Upon an actor's conviction of a violation of this section, if the actor has previously
11433 been convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or
11434 76-18-211, the court shall sentence the actor to a one degree greater penalty than
11435 provided in Subsection (3)(a).

11436 (4)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11437 violation or attempted violation of this section or a plea that is held in abeyance under
11438 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11439 charge has been subsequently reduced or dismissed in accordance with the plea in
11440 abeyance agreement.

11441 (b) A previous conviction used for a penalty enhancement under this section may only
11442 be a conviction that:

11443 (i) is from a separate criminal episode than the current conviction under this section;
11444 and

11445 (ii) has not already been used under a separate penalty enhancement provision to
11446 enhance the conviction under this section.

11447 (c) A previous conviction used for a penalty enhancement under this section includes a
11448 conviction for an offense described in a statute previously in effect in this state that is
11449 the same or substantially similar to a violation of this section.

11450 (5)(a) An actor may be charged and sentenced for a violation of this section,

11451 notwithstanding a charge and sentence for a violation of any other section of this part
11452 or Title 58, Chapter 37, Controlled Substances.

- 11453 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11454 civil or administrative penalty or sanction authorized by law.
- 11455 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 11456 (6) The Administrative Office of the Courts shall report to the Division of Professional
11457 Licensing the name, case number, date of conviction, and if known, the date of birth of
11458 each actor convicted of violating this section.
- 11459 (7) If a minor who is under 18 years old is found by a court to have violated this section, the
11460 court may order the minor to complete:
- 11461 (a) a screening as defined in Section 41-6a-501;
- 11462 (b) an assessment as defined in Section 41-6a-501 if the screening described in
11463 Subsection (7)(a) indicates that an assessment is appropriate; and
- 11464 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
11465 treatment as indicated by an assessment described in Subsection (7)(b).

11466 Section 190. Section **76-18-214** is enacted to read:

11467 **76-18-214 (Effective 05/06/26). Unlawful use of a license number in the course of**
11468 **manufacturing or distributing a controlled substance.**

- 11469 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
11470 this section.
- 11471 (2) An actor commits unlawful use of a license number in the course of manufacturing or
11472 distributing a controlled substance if the actor knowingly and intentionally uses, in the
11473 course of the manufacture or distribution of a controlled substance, a license number that
11474 is fictitious, revoked, suspended, or issued to another person.
- 11475 (3) A violation of Subsection (2) is:
- 11476 (a) a class A misdemeanor on a first or second conviction; or
- 11477 (b) a third degree felony on a third or subsequent conviction.
- 11478 (4)(a) An actor may be charged and sentenced for a violation of this section,
11479 notwithstanding a charge and sentence for a violation of any other section of this part
11480 or Title 58, Chapter 37, Controlled Substances.
- 11481 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11482 civil or administrative penalty or sanction authorized by law.
- 11483 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 11484 (d) A previous conviction used for a penalty enhancement under this section includes a
11485 conviction for an offense described in a statute previously in effect in this state that is
11486 the same or substantially similar to a violation of this section.

11487 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
 11488 court may order the minor to complete:

11489 (a) a screening as defined in Section 41-6a-501;

11490 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11491 Subsection (5)(a) indicates that an assessment is appropriate; and

11492 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11493 treatment as indicated by an assessment described in Subsection (5)(b).

11494 Section 191. Section **76-18-215** is enacted to read:

11495 **76-18-215 (Effective 05/06/26). Unlawful misrepresentation as an authorized**
 11496 **person to obtain a controlled substance.**

11497 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11498 this section.

11499 (2) An actor commits unlawful misrepresentation as an authorized person to obtain a
 11500 controlled substance if the actor knowingly and intentionally, for the purpose of
 11501 obtaining a controlled substance, assumes the title of, or represents to be, a
 11502 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other
 11503 authorized person.

11504 (3) A violation of Subsection (2) is:

11505 (a) a class A misdemeanor on a first or second conviction; or

11506 (b) a third degree felony on a third or subsequent conviction.

11507 (4)(a) An actor may be charged and sentenced for a violation of this section,
 11508 notwithstanding a charge and sentence for a violation of any other section of this part
 11509 or Title 58, Chapter 37, Controlled Substances.

11510 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11511 civil or administrative penalty or sanction authorized by law.

11512 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11513 (d) A previous conviction used for a penalty enhancement under this section includes a
 11514 conviction for an offense described in a statute previously in effect in this state that is
 11515 the same or substantially similar to a violation of this section.

11516 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
 11517 court may order the minor to complete:

11518 (a) a screening as defined in Section 41-6a-501;

11519 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11520 Subsection (5)(a) indicates that an assessment is appropriate; and

11521 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
11522 treatment as indicated by an assessment described in Subsection (5)(b).

11523 Section 192. Section **76-18-216** is enacted to read:

11524 **76-18-216 (Effective 05/06/26). Unlawful conduct to obtain a controlled**
11525 **substance.**

11526 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
11527 this section.

11528 (2) An actor commits unlawful conduct to obtain a controlled substance if the actor
11529 knowingly and intentionally acquires, obtains possession of, procures or attempts to
11530 procure the administration of, or obtains a prescription for, a controlled substance by:

11531 (a) misrepresentation;

11532 (b) failure to disclose receiving a controlled substance from another source;

11533 (c) fraud;

11534 (d) forgery;

11535 (e) deception;

11536 (f) subterfuge;

11537 (g) alteration of a prescription or written order for a controlled substance; or

11538 (h) use of a false name or address.

11539 (3) A violation of Subsection (2) is:

11540 (a) a class A misdemeanor on a first or second conviction; or

11541 (b) a third degree felony on a third or subsequent conviction.

11542 (4)(a) An actor may be charged and sentenced for a violation of this section,

11543 notwithstanding a charge and sentence for a violation of any other section of this part
11544 or Title 58, Chapter 37, Controlled Substances.

11545 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11546 civil or administrative penalty or sanction authorized by law.

11547 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11548 (d) A previous conviction used for a penalty enhancement under this section includes a
11549 conviction for an offense described in a statute previously in effect in this state that is
11550 the same or substantially similar to a violation of this section.

11551 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
11552 court may order the minor to complete:

11553 (a) a screening as defined in Section 41-6a-501;

11554 (b) an assessment as defined in Section 41-6a-501 if the screening described in

11555 Subsection (5)(a) indicates that an assessment is appropriate; and
 11556 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11557 treatment as indicated by an assessment described in Subsection (5)(b).

11558 Section 193. Section **76-18-217** is enacted to read:

11559 **76-18-217 (Effective 05/06/26). Unlawfully prescribing or dispensing a controlled**
 11560 **substance to a person known to be using unlawful means.**

11561 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11562 this section.

11563 (2) An actor commits unlawfully prescribing or dispensing a controlled substance to a
 11564 person known to be using unlawful means if the actor knowingly and intentionally
 11565 prescribes or dispenses to a person known to be attempting to acquire or obtain
 11566 possession of, or to procure the administration of, a controlled substance by:

11567 (a) misrepresentation;

11568 (b) failure by the person to disclose receiving a controlled substance from another source;

11569 (c) fraud;

11570 (d) forgery;

11571 (e) deception;

11572 (f) subterfuge;

11573 (g) alteration of a prescription or written order for a controlled substance; or

11574 (h) the use of a false name or address.

11575 (3) A violation of Subsection (2) is:

11576 (a) a class A misdemeanor on a first or second conviction; or

11577 (b) a third degree felony on a third or subsequent conviction.

11578 (4)(a) An actor may be charged and sentenced for a violation of this section,
 11579 notwithstanding a charge and sentence for a violation of any other section of this part
 11580 or Title 58, Chapter 37, Controlled Substances.

11581 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11582 civil or administrative penalty or sanction authorized by law.

11583 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11584 (d) A previous conviction used for a penalty enhancement under this section includes a
 11585 conviction for an offense described in a statute previously in effect in this state that is
 11586 the same or substantially similar to a violation of this section.

11587 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
 11588 court may order the minor to complete:

- 11589 (a) a screening as defined in Section 41-6a-501;
- 11590 (b) an assessment as defined in Section 41-6a-501 if the screening described in
- 11591 Subsection (5)(a) indicates that an assessment is appropriate; and
- 11592 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
- 11593 treatment as indicated by an assessment described in Subsection (5)(b).

11594 Section 194. Section **76-18-218** is enacted to read:

11595 **76-18-218 (Effective 05/06/26). Unlawfully making, forging, altering, or uttering**

11596 **a prescription or a written order.**

- 11597 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
- 11598 this section.
- 11599 (2) An actor commits unlawfully making, forging, altering, or uttering a prescription or a
- 11600 written order if the actor knowingly and intentionally:
- 11601 (a) makes a false or forged prescription or written order for a controlled substance;
- 11602 (b) utters a false or forged prescription or written order for a controlled substance; or
- 11603 (c) alters a prescription or written order issued or written under the terms of this chapter
- 11604 or Title 58, Chapter 37, Controlled Substances.
- 11605 (3) A violation of Subsection (2) is:
- 11606 (a) a class A misdemeanor on a first or second conviction; or
- 11607 (b) a third degree felony on a third or subsequent conviction.
- 11608 (4)(a) An actor may be charged and sentenced for a violation of this section,
- 11609 notwithstanding a charge and sentence for a violation of any other section of this part
- 11610 or Title 58, Chapter 37, Controlled Substances.
- 11611 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
- 11612 civil or administrative penalty or sanction authorized by law.
- 11613 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 11614 (d) A previous conviction used for a penalty enhancement under this section includes a
- 11615 conviction for an offense described in a statute previously in effect in this state that is
- 11616 the same or substantially similar to a violation of this section.
- 11617 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
- 11618 court may order the minor to complete:
- 11619 (a) a screening as defined in Section 41-6a-501;
- 11620 (b) an assessment as defined in Section 41-6a-501 if the screening described in
- 11621 Subsection (5)(a) indicates that an assessment is appropriate; and
- 11622 (c) an educational series as defined in Section 41-6a-501 or substance use disorder

11623 treatment as indicated by an assessment described in Subsection (5)(b).

11624 Section 195. Section **76-18-219** is enacted to read:

11625 **76-18-219 (Effective 05/06/26). Unlawful materials to create a counterfeit**
 11626 **controlled substance.**

11627 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11628 this section

11629 (2) An actor commits unlawful materials to create a counterfeit controlled substance if the
 11630 actor knowingly and intentionally makes, distributes, or possesses a punch, die, plate,
 11631 stone, or other thing designed to print, imprint, or reproduce:

11632 (a) the trademark, trade name, or other identifying mark, imprint, or device of another
 11633 upon any drug, container, or labeling, so as to render a drug a counterfeit controlled
 11634 substance; or

11635 (b) any likeness of a trademark, trade name, or other identifying mark, imprint, or device
 11636 of another upon any drug, container, or labeling, so as to render a drug a counterfeit
 11637 controlled substance.

11638 (3) A violation of Subsection (2) is a third degree felony.

11639 (4)(a) An actor may be charged and sentenced for a violation of this section,
 11640 notwithstanding a charge and sentence for a violation of any other section of this part
 11641 or Title 58, Chapter 37, Controlled Substances.

11642 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11643 civil or administrative penalty or sanction authorized by law.

11644 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11645 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
 11646 court may order the minor to complete:

11647 (a) a screening as defined in Section 41-6a-501;

11648 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11649 Subsection (5)(a) indicates that an assessment is appropriate; and

11650 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11651 treatment as indicated by an assessment described in Subsection (5)(b).

11652 Section 196. Section **76-18-220**, which is renumbered from Section 58-37-8.1 is renumbered
 11653 and amended to read:

11654 **[58-37-8.1] 76-18-220 (Effective 05/06/26). Trafficking of fentanyl or a**
 11655 **fenfanyl-related substance.**

11656 (1)(a) As used in this section:

- 11657 [(a)] (i) "Fentanyl-related substance" means a derivative or analog of fentanyl
11658 including:
11659 [(i)] (A) carfentanil;
11660 [(ii)] (B) sufentanil;
11661 [(iii)] (C) alfentanil; or
11662 [(iv)] (D) a fentanyl-related substance that is a controlled substance as described in
11663 Section [58-37-3] 58-37-107.
- 11664 [(b)] (ii) "Trafficking amount of fentanyl or a fentanyl-related substance" means 100
11665 grams or more of any composition or mixture, including pills, that contains any
11666 quantity of fentanyl or a fentanyl-related substance.
- 11667 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
11668 to this section.
- 11669 (2) [~~A person~~] An actor commits trafficking of fentanyl or a fentanyl-related substance if
11670 the [~~person~~] actor intentionally:
11671 (a) produces, manufactures, or dispenses a trafficking amount of fentanyl or a
11672 fentanyl-related substance;
11673 (b) distributes a trafficking amount of fentanyl or a fentanyl-related substance;
11674 (c) agrees, consents, offers, or arranges to distribute a trafficking amount of fentanyl or a
11675 fentanyl-related substance; or
11676 (d) possesses a trafficking amount of fentanyl or a fentanyl-related substance with the
11677 intent to distribute the fentanyl or fentanyl-related substance.
- 11678 (3) A violation of Subsection (2) is a first degree felony.
- 11679 (4) Except as provided in Subsection (5) or (6), a court may not grant probation, suspend
11680 the execution or imposition of the sentence, order hospitalization, or enter a judgment
11681 for a lower category of offense under Section 76-3-402, if the effect of which would in
11682 any way shorten the [~~person's~~] actor's required indeterminate prison sentence, when:
11683 (a) sentencing [~~a person~~] an actor for a violation described in Subsection (3);
11684 (b) sentencing [~~a person~~] an actor for a conviction of an attempt to commit trafficking of
11685 fentanyl or a fentanyl-related substance in accordance with Section 76-4-102; or
11686 (c) sentencing [~~a person~~] an actor who has had the first degree felony classified in
11687 Subsection (3) reduced one degree by a prosecuting attorney in accordance with
11688 Section 77-2-2.3.
- 11689 (5) Except as provided by Subsection (7), a court may suspend the execution or imposition
11690 of a prison sentence under Subsection (4) if the court:

- 11691 (a) makes a finding on the record that:
- 11692 (i) details why it is in the interests of justice not to execute or impose the prison
- 11693 sentence; and
- 11694 (ii) the actor does not pose a significant safety risk to the general public; and
- 11695 (b) orders the actor to complete the terms and conditions of probation that is supervised
- 11696 by the Division of Adult Probation and Parole.
- 11697 (6) Subsection (4) does not apply if the sentencing court finds that the ~~[person]~~ actor:
- 11698 (a) was under 18 years old at the time of the offense; and
- 11699 (b) could have been adjudicated in the juvenile court but for the delayed reporting or
- 11700 delayed filing of the information.
- 11701 (7)(a) If a court seeks to suspend the execution or imposition of a prison sentence under
- 11702 Subsection (5), the court shall impose the mandatory jail sentence described in
- 11703 Subsection (7)(b), and may not suspend any portion of the jail sentence or grant early
- 11704 release, if:
- 11705 (i) the court suspends the imposition of a prison sentence for a conviction under
- 11706 Subsection (2);
- 11707 (ii)(A) the violation is the ~~[person's]~~ actor's second or subsequent conviction for an
- 11708 offense under Subsection (2); or
- 11709 (B) the ~~[person]~~ actor previously has been convicted of a criminal violation in
- 11710 another jurisdiction, including a state or federal court, that is substantially
- 11711 equivalent to the violation of an offense under Subsection (2); and
- 11712 (iii) the ~~[person]~~ actor previously has been convicted of reentry of a removed alien
- 11713 under 8 U.S.C. Sec. 1326.
- 11714 (b) The mandatory jail sentence referred to in Subsection (7)(a) is 360 days in jail.
- 11715 (c)(i) Except as provided in Subsection (7)(c)(ii), ~~[a person]~~ an actor who is subject to
- 11716 a mandatory jail sentence under Subsection (7)(a) may not be released to the
- 11717 federal Immigration and Customs Enforcement Agency of the United States
- 11718 Department of Homeland Security for deportation until the ~~[person]~~ actor has
- 11719 served the entire jail sentence described in Subsection (7)(b).
- 11720 (ii) ~~[A person]~~ An actor may be released to the federal Immigration and Customs
- 11721 Enforcement Agency of the United States Department of Homeland Security for
- 11722 deportation at any time during the 14-day period before the final day of the [
- 11723 ~~person's]~~ actor's jail sentence described in Subsection (7)(b).
- 11724 (8) A previous conviction used for a penalty enhancement under this section includes a

11725 conviction for an offense described in a statute previously in effect in this state that is
 11726 the same or substantially similar to a violation of this section.

11727 Section 197. Section **76-18-221**, which is renumbered from Section 58-37-8.2 is renumbered
 11728 and amended to read:

11729 **[58-37-8.2] 76-18-221 (Effective 05/06/26). Unlawful failure to report a**
 11730 **practitioner's diversion of drugs.**

11731 (1)(a) As used in this section:

11732 [(a)] (i) "Diversion" means a practitioner's transfer of a significant amount of drugs to
 11733 another individual for an unlawful purpose.

11734 [(b)] (ii) "Drug" means a Schedule II or Schedule III controlled substance, as defined
 11735 in Section ~~[58-37-4]~~ 58-37-108, that is an opiate.

11736 [(c)] (iii) "HIPAA" means the same as that term is defined in Section 26B-3-126.

11737 [(d)] (iv) "Opiate" means the same as that term is defined in Section ~~[58-37-2]~~
 11738 58-37-101.

11739 [(e)] (v) "Practitioner" means an individual:

11740 [(i)] (A) licensed, registered, or otherwise authorized by the appropriate
 11741 jurisdiction to administer, dispense, distribute, or prescribe a drug in the course
 11742 of professional practice; or

11743 [(ii)] (B) employed by a person who is licensed, registered, or otherwise authorized
 11744 by the appropriate jurisdiction to administer, dispense, distribute, or prescribe a
 11745 drug in the course of professional practice or standard operations.

11746 [(f)] (vi) "Significant amount" means an aggregate amount equal to, or more than, 500
 11747 morphine milligram equivalents calculated in accordance with guidelines
 11748 developed by the Centers for Disease Control and Prevention.

11749 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
 11750 to this section.

11751 (2) ~~[An individual is guilty of a class B misdemeanor if the individual]~~ An actor commits
 11752 unlawful failure to report a practitioner's diversion of drugs if the actor:

11753 (a) knows that a practitioner is involved in diversion; and

11754 (b) knowingly fails to report the diversion described in Subsection (2)(a) to a peace
 11755 officer or law enforcement agency.

11756 (3) A violation of Subsection (2) is a class B misdemeanor.

11757 ~~[(3)]~~ (4) Subsection (2) does not apply to the extent that ~~[an individual]~~ an actor is prohibited
 11758 from reporting by 42 C.F.R. Part 2 or HIPAA.

11759 Section 198. Section **76-18-222**, which is renumbered from Section 58-37-8.3 is renumbered
 11760 and amended to read:

11761 **[58-37-8.3] 76-18-222 (Effective 05/06/26). Possession, sale, or use of an**
 11762 **adulterant or synthetic urine.**

11763 (1)(a) As used in this section, "adulterant" means a substance that may be added to
 11764 human urine or another human bodily fluid to change, dilute, or interfere with the
 11765 composition, chemical properties, physical appearance, or physical properties of the
 11766 urine or other bodily fluid.

11767 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
 11768 to this section.

11769 (2) Under circumstances not amounting to a violation of Section 76-8-510.5, Tampering
 11770 with evidence, ~~[a person]~~ an actor commits possession, sale, or use of an adulterant or
 11771 synthetic urine if the ~~[person]~~ actor:

11772 (a) distributes, possesses, or sells synthetic urine;

11773 (b) distributes or sells an adulterant with:

11774 (i) intent that the adulterant be used to defeat or defraud an alcohol or drug screening
 11775 test; or

11776 (ii) knowledge that the recipient of the adulterant intends to use the adulterant to
 11777 defeat or defraud an alcohol or drug screening test;

11778 (c) possesses an adulterant with intent to use the adulterant to defeat or defraud an
 11779 alcohol or drug screening test; or

11780 (d) intentionally uses:

11781 (i) an adulterant to defeat or defraud an alcohol or drug screening test;

11782 (ii) the ~~[person's]~~ actor's urine or bodily fluid to defeat or defraud an alcohol or drug
 11783 screening test if the urine or bodily fluid was expelled or withdrawn before the
 11784 time at which the urine or bodily fluid is collected for the test; or

11785 (iii) the urine or bodily fluid of another ~~[person]~~ individual to defeat or defraud an
 11786 alcohol or drug screening test.

11787 (3) A violation of ~~[this section]~~ Subsection (2) is an infraction.

11788 (4) ~~[A person]~~ An actor does not commit a violation of Subsection (2) if the ~~[person]~~ actor is
 11789 engaging in conduct described in this section for the sole purpose of education or
 11790 medical or scientific research.

11791 (5) This section does not apply to persons currently under:

11792 (a) court-ordered supervision; or

11793 (b) the supervision of the Board of Pardons and Parole.

11794 (6) An entity that collects specimens for the purpose of testing and screening, and reports
 11795 the results back to an employer, shall report to the employer and the Department of
 11796 Public Safety if a report is received that indicates that adulterated or synthetic urine was
 11797 submitted for an alcohol or drug screening test.

11798 Section 199. Section **76-18-301**, which is renumbered from Section 58-37a-3 is renumbered
 11799 and amended to read:

11800 **Part 3. Offenses Concerning Drug Paraphernalia**

11801 **[58-37a-3] 76-18-301 (Effective 05/06/26). Definitions.**

11802 As used in this part:

11803 (1)(a) ~~[As used in this chapter, "drug-]~~ "Drug paraphernalia" means any equipment,
 11804 product, or material used, or intended for use, to plant, propagate, cultivate, grow,
 11805 harvest, manufacture, compound, convert, produce, process, prepare, test, analyze,
 11806 package, repackage, store, contain, conceal, inject, ingest, inhale, or to otherwise
 11807 introduce a controlled substance into the human body in violation of ~~[Chapter 37,~~
 11808 ~~Utah Controlled Substances Act]~~ Part 2, Offenses Concerning Controlled Substances,
 11809 or Title 58, Chapter 37, Controlled Substances.

11810 ~~[(2)]~~ (b) "Drug paraphernalia" includes:

11811 ~~[(a)]~~ (i) ~~[kits-]~~ a kit used, or intended for use, in planting, propagating, cultivating,
 11812 growing, or harvesting any species of plant ~~[which]~~ that is a controlled substance
 11813 or from which a controlled substance can be derived;

11814 ~~[(b)]~~ (ii) ~~[kits]~~ a kit used, or intended for use, in manufacturing, compounding,
 11815 converting, producing, processing, or preparing a controlled substance;

11816 ~~[(c)]~~ (iii) an isomerization ~~[devices]~~ device used, or intended for use, to increase the
 11817 potency of any species of plant ~~[which]~~ that is a controlled substance;

11818 ~~[(d)]~~ (iv) except as provided in Subsection ~~[(3)]~~ (1)(c), testing equipment used, or
 11819 intended for use, to identify or to analyze the strength, effectiveness, or purity of a
 11820 controlled substance;

11821 ~~[(e)]~~ (v) ~~[scales and balances-]~~ a scale or balance used, or intended for use, in weighing
 11822 or measuring a controlled substance;

11823 ~~[(f)]~~ (vi) ~~[dilutents and adulterants]~~ a diluent or adulterant, such as quinine
 11824 hydrochloride, mannitol, mannited, dextrose and lactose, used, or intended for use,
 11825 to cut a controlled substance;

11826 ~~[(g)]~~ (vii) ~~[separation gins and sifters-]~~ a separation gin or sifter used, or intended for

- 11827 use, to remove twigs, seeds, or other impurities from marihuana;
- 11828 [(h)] (viii) [~~blenders, bowls, containers, spoons and mixing devices~~] a blender, bowl,
- 11829 container, spoon, or mixing device used, or intended for use, to compound a
- 11830 controlled substance;
- 11831 [(i)] (ix) [~~capsules, balloons, envelopes, and other containers~~] a capsule, balloon,
- 11832 envelope, or other container used, or intended for use, to package a small [
- 11833 quantities] quantity of a controlled substance;
- 11834 [(j)] (x) [~~containers and other objects~~] a container or other object used, or intended for
- 11835 use, to store or conceal a controlled substance;
- 11836 [(k)] (xi) [~~hypodermic syringes, needles, and other objects~~] a hypodermic syringe,
- 11837 needle, or other object used, or intended for use, to parenterally inject a controlled
- 11838 substance into the human body, except as provided in Section [~~58-37a-5~~] 76-18-304,
- 11839 76-18-305, or 76-18-306; and
- 11840 [(l)] (xii) [~~objects~~] an object used, or intended for use, to ingest, inhale, or otherwise
- 11841 introduce a controlled substance into the human body, including [~~but not limited to~~]:
- 11842 [(i)] (A) a metal, wooden, acrylic, glass, stone, plastic, or ceramic [pipes] pipe, with
- 11843 or without [~~screens~~] a screen, permanent [~~screens~~] screen, hashish [~~heads~~] head,
- 11844 or punctured metal [~~bowls~~] bowl;
- 11845 [(ii)] (B) a water [pipes] pipe;
- 11846 [(iii)] (C) a carburetion [tubes and devices] tube or device;
- 11847 [(iv)] (D) a smoking [and] or carburetion [masks] mask;
- 11848 [(v)] (E) [~~roach clips: meaning objects~~] an object used to hold burning material,
- 11849 such as a marihuana cigarette, that has become too small or too short to be held
- 11850 in the hand, sometimes referred to as a "roach clip";
- 11851 [(vi)] (F) a miniature cocaine [spoons and cocaine vials] spoon or cocaine vial;
- 11852 [(vii)] (G) a chamber [pipes] pipe;
- 11853 [(viii)] (H) a carburetor [pipes] pipe;
- 11854 [(ix)] (I) an electric [pipes] pipe;
- 11855 [(x)] (J) an air-driven [pipes] pipe;
- 11856 [(xi)] (K) [~~chillums~~] a chillum;
- 11857 [(xii)] (L) [~~bongs~~] a bong; and
- 11858 [(xiii)] (M) an ice [pipes or chillers] pipe or chiller.
- 11859 [(3)] (c) "Drug paraphernalia" does not include a testing product or equipment, including
- 11860 a fentanyl test strip, used or intended for use to determine whether a substance

11861 contains:

11862 [(a)] (i) a controlled substance that can cause physical harm or death; or

11863 [(b)] (ii) a chemical or compound that can cause physical harm or death.

11864 (2) "Minor" means an individual who is under 18 years old.

11865 Section 200. Section **76-18-302**, which is renumbered from Section 58-37a-4 is renumbered
11866 and amended to read:

11867 **[58-37a-4] 76-18-302 (Effective 05/06/26). Considerations in determining**
11868 **whether an object is drug paraphernalia.**

11869 In determining whether an object is drug paraphernalia, the trier of fact, in addition to all
11870 other logically relevant factors, should consider:

11871 (1) statements by an owner or by anyone in control of the object concerning [its] the object's
11872 use;

11873 (2) prior convictions, if any, of an owner, or of anyone in control of the object, under any
11874 state or federal law relating to a controlled substance;

11875 (3) the proximity of the object, in time and space, to a direct violation of this [chapter] part;

11876 (4) the proximity of the object to a controlled substance;

11877 (5) the existence of any residue of a controlled substance on the object;

11878 (6) instructions, whether oral or written, provided with the object concerning [its] the object's
11879 use;

11880 (7) descriptive materials accompanying the object [which] that explain or depict [its] the
11881 object's use;

11882 (8) national and local advertising concerning [its] the object's use;

11883 (9) the manner in which the object is displayed for sale;

11884 (10) whether the owner or anyone in control of the object is a legitimate supplier of like or
11885 related items to the community, such as a licensed distributor or dealer of tobacco
11886 products;

11887 (11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of
11888 the business enterprise;

11889 (12) the existence and scope of legitimate uses of the object in the community;

11890 (13) whether the object is subject to Section [58-37a-5] 76-18-304, 76-18-305, or 76-18-306;

11891 and

11892 (14) expert testimony concerning [its] the object's use.

11893 Section 201. Section **76-18-303**, which is renumbered from Section 58-37a-6 is renumbered
11894 and amended to read:

11895 **[58-37a-6] 76-18-303 (Effective 05/06/26). Seizure -- Forfeiture -- Property rights**
 11896 **-- Bystander defense.**

- 11897 (1) Drug paraphernalia is subject to seizure and forfeiture in accordance with the
 11898 procedures and substantive protections of[-] ;
 11899 (a) Title 77, Chapter 11a, Seizure of Property and Contraband[;] ; and
 11900 (b) Title 77, Chapter 11b, Forfeiture of Seized Property.
- 11901 (2) It is an affirmative defense to an allegation of the commission of an offense under this
 11902 part if the actor or bystander:
- 11903 (a) reasonably believes that the actor or another individual is experiencing an overdose
 11904 event due to the ingestion, injection, inhalation, or other introduction into the human
 11905 body of a controlled substance or other substance;
- 11906 (b) reports, or assists an individual who reports, in good faith, the overdose event to a
 11907 medical provider, an emergency medical service provider as defined in Section
 11908 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency
 11909 dispatch system, or the actor is the subject of a report made under this section;
- 11910 (c) provides, in the report described in Subsection (2)(b), a functional description of the
 11911 actual location of the overdose event that facilitates responding to the individual
 11912 experiencing the overdose event;
- 11913 (d) remains at the location of the individual experiencing the overdose event until a
 11914 responding law enforcement officer or emergency medical service provider arrives,
 11915 or remains at the medical care facility where the individual experiencing an overdose
 11916 event is located until a responding law enforcement officer arrives;
- 11917 (e) cooperates with the responding medical provider, emergency medical service
 11918 provider, and law enforcement officer, including providing information regarding the
 11919 individual experiencing the overdose event and any substances the individual may
 11920 have injected, inhaled, or otherwise introduced into the individual's body; and
- 11921 (f) is alleged to have committed the offense in the same course of events from which the
 11922 reported overdose arose.

11923 Section 202. Section **76-18-304**, which is renumbered from Section 58-37a-5 is renumbered
 11924 and amended to read:

11925 **[58-37a-5] 76-18-304 (Effective 05/06/26). Unlawful use of drug paraphernalia.**

11926 [(+)(a)]

11927 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.

11928 (2) [It is unlawful for a person to use, or to possess with intent to use,-] An actor commits

11929 ~~unlawful use of drug paraphernalia if the actor uses, or possesses with intent to use, drug~~
 11930 ~~paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound,~~
 11931 ~~convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal,~~
 11932 ~~inject, ingest, inhale or otherwise introduce a controlled substance into the human body~~
 11933 ~~in violation of this [chapter] part.~~

11934 [(b)] (3) ~~[A person who violates Subsection (1)(a) is guilty of.]~~ A violation of Subsection (2)
 11935 is a class B misdemeanor.

11936 [(2)(a) ~~It is unlawful for a person to deliver, possess with intent to deliver, or~~
 11937 ~~manufacture with intent to deliver, any drug paraphernalia, knowing that the drug~~
 11938 ~~paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture,~~
 11939 ~~compound, convert, produce, process, prepare, test, analyze, pack, repack, store,~~
 11940 ~~contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance~~
 11941 ~~into the human body in violation of this act.]~~

11942 [(b) ~~A person who violates Subsection (2)(a) is guilty of a class A misdemeanor.]~~

11943 [(3) ~~A person 18 years old or older who delivers drug paraphernalia to a person younger~~
 11944 ~~than 18 years old and who is three years or more younger than the person making the~~
 11945 ~~delivery is guilty of a third degree felony.]~~

11946 [(4)(a) ~~It is unlawful for a person to place in this state in a newspaper, magazine,~~
 11947 ~~handbill, or other publication an advertisement, knowing that the purpose of the~~
 11948 ~~advertisement is to promote the sale of drug paraphernalia.]~~

11949 [(b) ~~A person who violates Subsection (4)(a) is guilty of a class B misdemeanor.]~~

11950 [(5)(a) ~~A person may not be charged with distribution of hypodermic syringes as drug~~
 11951 ~~paraphernalia if at the time of sale or distribution the syringes are in a sealed sterile~~
 11952 ~~package and are for a legitimate medical purpose, including:]~~

11953 [(i) ~~injection of prescription medications as prescribed by a practitioner; or]~~

11954 [(ii) ~~the prevention of disease transmission.]~~

11955 [(b) ~~A person]~~

11956 (4) An actor may not be charged with possession of a hypodermic syringe as drug
 11957 paraphernalia if the syringe is unused and is in a sealed sterile package.

11958 [(6)] (5) In a prosecution under ~~[Subsection (1)]~~ this section for possession of a hypodermic
 11959 syringe or needle, the prosecutor or the court may dismiss the charge if the ~~[person]~~ actor
 11960 establishes, by a preponderance of the evidence, that:

11961 (a) at the time of the offense:

11962 (i) the hypodermic syringe or needle was stored in a sealed puncture-resistant

11963 container, such as a medical sharps disposal container, that was clearly marked on
 11964 the outside of the container with a warning that identified the container as
 11965 containing medical waste; and

11966 (ii) the [person] actor was enrolled or participating in a syringe exchange program
 11967 under Section 26B-7-117; and

11968 (b) after the day of the offense, but before the day on which the case is adjudicated, the [
 11969 person] actor demonstrated an intent to engage with substance abuse treatment by
 11970 commencing, continuing, or completing a substance use disorder treatment program.

11971 [(7)] (6) [A person] An actor may be charged and sentenced for a violation of this section,
 11972 notwithstanding a charge and sentence for a violation of any other section of this [chapter]
 11973 part.

11974 (7) If a minor is found by a court to have violated this section, the court may order the
 11975 minor to complete:

11976 (a) a screening as defined in Section 41-6a-501;

11977 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11978 Subsection (7)(a) indicates that an assessment is appropriate; or

11979 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11980 treatment as indicated by an assessment described in Subsection (7)(b).

11981 Section 203. Section **76-18-305** is enacted to read:

11982 **76-18-305 (Effective 05/06/26). Unlawful delivery of drug paraphernalia.**

11983 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.

11984 (2) An actor commits unlawful delivery of drug paraphernalia if the actor delivers,
 11985 possesses with intent to deliver, or manufactures with intent to deliver, any drug
 11986 paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate,
 11987 cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare,
 11988 test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise
 11989 introduce a controlled substance into the human body in violation of this part.

11990 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A
 11991 misdemeanor.

11992 (b) A violation of Subsection (2) is a third degree felony if the actor:

11993 (i) is 18 years old or older;

11994 (ii) delivers drug paraphernalia to a minor; and

11995 (iii) is older than the minor by three or more years.

11996 (4) An actor may not be charged with distribution of hypodermic syringes as drug

11997 paraphernalia if at the time of sale or distribution, the syringes are:

11998 (a) in a sealed sterile package; and

11999 (b) for a legitimate medical purpose, including:

12000 (i) injection of prescription medications as prescribed by a practitioner; or

12001 (ii) the prevention of disease transmission.

12002 (5) An actor may be charged and sentenced for a violation of this section, notwithstanding a
 12003 charge and sentence for a violation of any other section of this part.

12004 (6) If a minor is found by a court to have violated this section, the court may order the
 12005 minor to complete:

12006 (a) a screening as defined in Section 41-6a-501;

12007 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12008 Subsection (6)(a) indicates that an assessment is appropriate; or

12009 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12010 treatment as indicated by an assessment described in Subsection (6)(b).

12011 Section 204. Section **76-18-306** is enacted to read:

12012 **76-18-306 (Effective 05/06/26). Unlawful advertisement of drug paraphernalia.**

12013 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.

12014 (2) An actor commits unlawful advertisement of drug paraphernalia if the actor:

12015 (a) places in this state in a newspaper, magazine, handbill, or other publication an
 12016 advertisement; and

12017 (b) knows that the purpose of the advertisement described in Subsection (2)(a) is to
 12018 promote the sale of drug paraphernalia.

12019 (3) A violation of Subsection (2) is a class B misdemeanor.

12020 (4) An actor may be charged and sentenced for a violation of this section, notwithstanding a
 12021 charge and sentence for a violation of any other section of this part.

12022 (5) If a minor is found by a court to have violated this section, the court may order the
 12023 minor to complete:

12024 (a) a screening as defined in Section 41-6a-501;

12025 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12026 Subsection (5)(a) indicates that an assessment is appropriate; or

12027 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12028 treatment as indicated by an assessment described in Subsection (5)(b).

12029 Section 205. Section **76-18-401**, which is renumbered from Section 58-37b-2 is renumbered
 12030 and amended to read:

12031 **Part 4. Offenses Concerning Imitation Controlled Substances**

12032 **[58-37b-2] 76-18-401 (Effective 05/06/26). Definitions.**

12033 As used in this ~~[chapter]~~ part:

12034 (1) "Controlled substance" has the same meaning as provided in Section ~~[58-37-2]~~ 58-37-101.

12035 (2) "Distribute" means the actual, constructive, or attempted sale, transfer, delivery, or
12036 dispensing to another of an imitation controlled substance.

12037 (3)(a) "Imitation controlled substance" means a substance designed or packaged to
12038 substantially resemble any legally or illegally manufactured controlled substance~~;~~
12039 ~~but that is not:~~ .

12040 ~~[(a)]~~ (b) "Imitation controlled substance" does not include:

12041 (i) a controlled substance; or

12042 ~~[(b)]~~ (ii) a substance represented to be any legally or illegally manufactured controlled
12043 substance under Subsection ~~[58-37-2(1)(i)(ii)]~~ 58-37-101(1)(h)(ii).

12044 (4) "Manufacture" means the production, preparation, compounding, processing,
12045 encapsulating, tableting, packaging or repackaging, labeling or relabeling, of an
12046 imitation controlled substance.

12047 (5) "Minor" means an individual who is under 18 years old.

12048 Section 206. Section **76-18-402**, which is renumbered from Section 58-37b-8 is renumbered
12049 and amended to read:

12050 **[58-37b-8] 76-18-402 (Effective 05/06/26). Exemption of certain persons --**

12051 **Bystander defense.**

12052 (1) No civil or criminal liability shall be imposed by virtue of this ~~[act]~~ part on:

12053 (a) any person registered under ~~[the]~~ Title 58, Chapter 37, Controlled Substances~~[-Act]~~ ,
12054 who manufactures, distributes, or possesses an imitation controlled substance for use
12055 as a placebo or investigational new drug by a registered practitioner in the ordinary
12056 course of professional practice or research; or~~[-on any]~~

12057 (b) a law enforcement officer acting in the course and legitimate scope of [that] the law
12058 enforcement officer's employment.

12059 (2) It is an affirmative defense to an allegation of the commission of an offense under this
12060 part if the actor or bystander:

12061 (a) reasonably believes that the actor or another individual is experiencing an overdose
12062 event due to the ingestion, injection, inhalation, or other introduction into the human
12063 body of a controlled substance or other substance;

12064 (b) reports, or assists an individual who reports, in good faith, the overdose event to a

12065 medical provider, an emergency medical service provider as defined in Section
 12066 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency
 12067 dispatch system, or the actor is the subject of a report made under this section;

12068 (c) provides, in the report described in Subsection (2)(b), a functional description of the
 12069 actual location of the overdose event that facilitates responding to the individual
 12070 experiencing the overdose event;

12071 (d) remains at the location of the individual experiencing the overdose event until a
 12072 responding law enforcement officer or emergency medical service provider arrives,
 12073 or remains at the medical care facility where the individual experiencing an overdose
 12074 event is located until a responding law enforcement officer arrives;

12075 (e) cooperates with the responding medical provider, emergency medical service
 12076 provider, and law enforcement officer, including providing information regarding the
 12077 individual experiencing the overdose event and any substances the individual may
 12078 have injected, inhaled, or otherwise introduced into the individual's body; and

12079 (f) is alleged to have committed the offense in the same course of events from which the
 12080 reported overdose arose.

12081 Section 207. Section **76-18-403**, which is renumbered from Section 58-37b-6 is renumbered
 12082 and amended to read:

12083 **[58-37b-6] 76-18-403 (Effective 05/06/26). Unlawful use of an imitation**
 12084 **controlled substance.**

12085 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

12086 (2) [It is unlawful for any person to use, or to possess-] An actor commits unlawful use of
 12087 an imitation controlled substance if the actor uses, or possesses with the intent to use, an
 12088 imitation controlled substance.[-Any person who violates this section is guilty of]

12089 (3) A violation of Subsection (2) is a class C misdemeanor.

12090 (4) If a minor is found by a court to have violated this section, the court may order the
 12091 minor to complete:

12092 (a) a screening as defined in Section 41-6a-501;

12093 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12094 Subsection (4)(a) indicates that an assessment is appropriate; or

12095 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12096 treatment as indicated by an assessment described in Subsection (4)(b).

12097 Section 208. Section **76-18-404**, which is renumbered from Section 58-37b-4 is renumbered
 12098 and amended to read:

12099 **[58-37b-4] 76-18-404 (Effective 05/06/26). Unlawful manufacture of an imitation**
 12100 **controlled substance.**

12101 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

12102 (2) [It is unlawful for any person to manufacture, distribute, or possess with intent to
 12103 distribute, an imitation controlled substance. Any person who violates this section is
 12104 guilty of a class A misdemeanor.] An actor commits unlawful manufacture of an
 12105 imitation controlled substance if the actor manufactures an imitation controlled
 12106 substance.

12107 (3) Subject to Subsection (4), a violation of Subsection (2) is a class A misdemeanor.

12108 (4) A violation of this section is subject to the penalties and classifications under Section
 12109 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of
 12110 fact finds the elements described under Section 76-18-204.

12111 (5) If a minor is found by a court to have violated this section, the court may order the
 12112 minor to complete:

12113 (a) a screening as defined in Section 41-6a-501;

12114 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12115 Subsection (5)(a) indicates that an assessment is appropriate; or

12116 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12117 treatment as indicated by an assessment described in Subsection (5)(b).

12118 Section 209. Section **76-18-405** is enacted to read:

12119 **76-18-405 (Effective 05/06/26). Unlawful distribution or possession with intent to**
 12120 **distribute an imitation controlled substance.**

12121 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

12122 (2) An actor commits unlawful distribution or possession with intent to distribute an
 12123 imitation controlled substance if the actor:

12124 (a) distributes an imitation controlled substance; or

12125 (b) possesses an imitation controlled substance with the intent to distribute the imitation
 12126 controlled substance.

12127 (3) Subject to Subsection (4), a violation of Subsection (2) is a class A misdemeanor.

12128 (4) A violation of this section is subject to the penalties and classifications under Section
 12129 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of
 12130 fact finds the elements described under Section 76-18-204.

12131 (5) If a minor is found by a court to have violated this section, the court may order the
 12132 minor to complete:

- 12133 (a) a screening as defined in Section 41-6a-501;
 12134 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12135 Subsection (5)(a) indicates that an assessment is appropriate; or
 12136 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12137 treatment as indicated by an assessment described in Subsection (5)(b).

12138 Section 210. Section **76-18-406**, which is renumbered from Section 58-37b-7 is renumbered
 12139 and amended to read:

12140 **[58-37b-7] 76-18-406 (Effective 05/06/26). Unlawful advertisement of an**
 12141 **imitation controlled substance.**

12142 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

12143 (2) [It is unlawful for any person to place any] An actor commits unlawful advertisement
 12144 of an imitation controlled substance if the actor:

12145 (a) places in a newspaper, magazine, handbill, or other publication, or [to post or
 12146 distribute] posts or distributes in any public place, [any] an advertisement or
 12147 solicitation; and

12148 (b) takes the action described in Subsection (2)(a) with reasonable knowledge that the
 12149 purpose of the advertisement or solicitation is to promote the distribution of an
 12150 imitation controlled [substances] substance.

12151 (3) [~~Any person who violates this section is guilty of~~] A violation of Subsection (2) is a
 12152 class A misdemeanor.

12153 (4) If a minor is found by a court to have violated this section, the court may order the
 12154 minor to complete:

12155 (a) a screening as defined in Section 41-6a-501;

12156 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12157 Subsection (4)(a) indicates that an assessment is appropriate; or

12158 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12159 treatment as indicated by an assessment described in Subsection (4)(b).

12160 Section 211. Section **76-18-501**, which is renumbered from Section 58-37d-3 is renumbered
 12161 and amended to read:

12162 **Part 5. Clandestine Drug Labs**

12163 **[58-37d-3] 76-18-501 (Effective 05/06/26). Definitions.**

12164 (1) As used in this [chapter] part:

12165 (a)(i) "Booby trap" means a concealed or camouflaged device designed to cause
 12166 bodily injury when triggered by the action of a person making contact with the

- 12167 device.
- 12168 (ii) "Booby trap" includes guns, ammunition, or explosive devices attached to trip
12169 wires or other triggering mechanisms, sharpened stakes, nails, spikes, electrical
12170 devices, lines or wires with hooks attached, and devices for the production of
12171 toxic fumes or gases.
- 12172 (b) "Clandestine laboratory operation" means the:
- 12173 (i) purchase or procurement of chemicals, supplies, equipment, or laboratory location
12174 for the illegal manufacture of specified controlled substances;
- 12175 (ii) transportation or arranging for the transportation of chemicals, supplies, or
12176 equipment for the illegal manufacture of specified controlled substances;
- 12177 (iii) setting up of equipment or supplies in preparation for the illegal manufacture of
12178 specified controlled substances;
- 12179 (iv) activity of compounding, synthesis, concentration, purification, separation,
12180 extraction, or other physical or chemical processing of a substance, including a
12181 controlled substance precursor, or the packaging, repackaging, labeling, or
12182 relabeling of a container holding a substance that is a product of any of these
12183 activities, when the substance is to be used for the illegal manufacture of specified
12184 controlled substances;
- 12185 (v) illegal manufacture of specified controlled substances; or
- 12186 (vi) distribution or disposal of chemicals, equipment, supplies, or products used in or
12187 produced by the illegal manufacture of specified controlled substances.
- 12188 (c) "Controlled substance precursor" means those chemicals designated in [~~Title 58,~~
12189 ~~Chapter 37c, Utah Controlled Substance Precursor Act~~] Title 58, Chapter 37c,
12190 Controlled Substance Precursors, except those substances designated in [~~Subsections~~
12191 ~~58-37c-3(1)(kk) and (ll)~~] Subsection 58-37c-101(1)(kk) or (ll).
- 12192 (d) "Counterfeit opioid" means an opioid or container or labeling of an opioid that:
- 12193 (i)(A) without authorization bears the trademark, trade name, or other identifying
12194 mark, imprint, number, device, or any likeness of them, of a manufacturer,
12195 distributor, or dispenser other than the person or persons who in fact
12196 manufactured, distributed, or dispensed the substance [~~which~~] that falsely
12197 purports to be an opioid distributed by another manufacturer, distributor, or
12198 dispenser; and
- 12199 (B) a reasonable person would believe to be an opioid distributed by an authorized
12200 manufacturer, distributor, or dispenser based on the appearance of the

12201 substance as described under this Subsection (1)(d)(i) or the appearance of the
 12202 container or labeling of the opioid; or

12203 (ii)(A) is falsely represented to be any legally or illegally manufactured opioid; and
 12204 (B) a reasonable person would believe to be a legal or illegal opioid.

12205 (e) "Disposal" means the abandonment, discharge, deposit, injection, dumping, spilling,
 12206 leaking, or placing of hazardous or dangerous material into or on property, land, or
 12207 water so that the material may enter the environment, be emitted into the air, or
 12208 discharged into any waters, including groundwater.

12209 (f) "Hazardous or dangerous material" means a substance that because of [its] the
 12210 substance's quantity, concentration, physical characteristics, or chemical
 12211 characteristics may cause or significantly contribute to an increase in mortality, an
 12212 increase in serious illness, or may pose a substantial present or potential future hazard
 12213 to human health or the environment when improperly treated, stored, transported,
 12214 disposed of, or otherwise improperly managed.

12215 (g) "Illegal manufacture of specified controlled substances" means in violation of [~~Title~~
 12216 ~~58, Chapter 37, Utah Controlled Substances Act~~] Part 2, Offenses Concerning
 12217 Controlled Substances, or Title 58, Chapter 37, Controlled Substances, the:

12218 (i) compounding, synthesis, concentration, purification, separation, extraction, or
 12219 other physical or chemical processing for the purpose of producing
 12220 methamphetamine, other amphetamine compounds as listed in Schedule I of [~~the~~
 12221 ~~Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances,
 12222 phencyclidine, narcotic analgesic analogs as listed in Schedule I of [~~the Utah~~
 12223 ~~Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, lysergic
 12224 acid diethylamide, mescaline, tetrahydrocannabinol, or counterfeit opioid;

12225 (ii) conversion of cocaine or methamphetamine to their base forms; or

12226 (iii) extraction, concentration, or synthesis of tetrahydrocannabinol.

12227 (h) "Opioid" means the same as that term is defined in Section 58-37f-303.

12228 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section [~~58-37-3.6~~
 12229 ~~58-37-403~~].

12230 (2) Unless otherwise specified, the definitions in Section [~~58-37-2~~] 58-37-101 also apply to
 12231 this [~~chapter~~] part.

12232 Section 212. Section **76-18-502**, which is renumbered from Section 58-37d-2 is renumbered
 12233 and amended to read:

12234 [~~58-37d-2~~] **76-18-502 (Effective 05/06/26). Purpose -- Coordination with other**

12235 **sections.**

12236 (1) The clandestine production of methamphetamine, other amphetamines,
 12237 phencyclidine, narcotic analgesic analogs, so-called "designer drugs," various
 12238 hallucinogens, concentrated tetrahydrocannabinols, counterfeit opioids, cocaine and
 12239 methamphetamine, base "crack" cocaine and methamphetamine "ice" respectively, has
 12240 increased dramatically throughout the western states and Utah.

12241 (2) These highly technical illegal operations create substantial dangers to the general public
 12242 and environment from fire, explosions, and the release of toxic chemicals.

12243 (3) By their very nature, these activities often involve a number of persons in a
 12244 conspiratorial enterprise to bring together all necessary components for clandestine
 12245 production, to thwart regulation and detection, and to distribute the final product.

12246 (4) Therefore, the Legislature enacts [~~the following Utah Clandestine Laboratory Act~~] this
 12247 part for prosecution of specific illegal laboratory operations.

12248 (5) With regard to the controlled substances specified herein, this [~~act~~] part shall control,
 12249 notwithstanding the prohibitions and penalties in [~~Title 58, Chapter 37, Utah Controlled~~
 12250 ~~Substances Act~~] Part 2, Offenses Concerning Controlled Substances, and Title 58,
 12251 Chapter 37, Controlled Substances.

12252 Section 213. Section **76-18-503**, which is renumbered from Section 58-37d-9 is renumbered
 12253 and amended to read:

12254 **[~~58-37d-9~~] 76-18-503 (Effective 05/06/26). Department of Public Safety**
 12255 **enforcement authority.**

12256 (1) As used in this section, "division" means the Criminal Investigations and Technical
 12257 Services Division of the Department of Public Safety, created in Section 53-10-103.

12258 (2)(a) The division has authority to enforce this [~~chapter~~] part.

12259 (b) To carry out [~~this purpose~~] enforcement of this part, the division may:

12260 [(a)] (i) assist the law enforcement agencies of the state in enforcing this [~~chapter~~] part;

12261 [(b)] (ii) conduct investigations to enforce this [~~chapter~~] part;

12262 [(c)] (iii) present evidence obtained from investigations conducted in conjunction with
 12263 appropriate county and district attorneys and the Office of the Attorney General
 12264 for civil or criminal prosecution or for administrative action against a licensee; and

12265 [(d)] (iv) work in cooperation with the Division of Professional Licensing, created
 12266 under Section 58-1-103, to accomplish the purposes of this section.

12267 Section 214. Section **76-18-504**, which is renumbered from Section 58-37d-7 is renumbered
 12268 and amended to read:

12269 **[58-37d-7] 76-18-504 (Effective 05/06/26). Seizure and forfeiture.**

12270 Chemicals, equipment, supplies, vehicles, aircraft, vessels, and personal and real
 12271 property used in furtherance of a clandestine laboratory operation are subject to seizure and
 12272 forfeiture under the procedures and substantive protections of Title 77, Chapter 11a, Seizure of
 12273 Property and Contraband, and Title 77, Chapter 11b, Forfeiture of Seized Property.

12274 Section 215. Section **76-18-505**, which is renumbered from Section 58-37d-6 is renumbered
 12275 and amended to read:

12276 **[58-37d-6] 76-18-505 (Effective 05/06/26). Legal inference of intent -- Illegal**
 12277 **possession of a controlled substance precursor or clandestine laboratory equipment.**

12278 The trier of fact may infer that [a defendant] an actor intended to engage in a clandestine
 12279 laboratory operation if the [defendant] actor:

- 12280 (1) is in illegal possession of a controlled substance precursor; or
 12281 (2) illegally possesses, or attempts to illegally possess, a controlled substance or controlled
 12282 substance precursor and is in possession of any one of the following pieces of equipment:
 12283 (a) glass reaction vessel;
 12284 (b) separatory funnel;
 12285 (c) glass condenser;
 12286 (d) analytical balance;
 12287 (e) heating mantle;
 12288 (f) pill press machine or similar device;
 12289 (g) closed loop extraction system;
 12290 (h) extraction tube; or
 12291 (i) rotary evaporator.

12292 Section 216. Section **76-18-506**, which is renumbered from Section 58-37d-4 is renumbered
 12293 and amended to read:

12294 **[58-37d-4] 76-18-506 (Effective 05/06/26). Unlawful clandestine drug offense.**

12295 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-501 apply to
 12296 this section.

12297 (2) ~~[It is unlawful for any person to-]~~ An actor commits an unlawful clandestine drug
 12298 offense if the actor knowingly or intentionally:

- 12299 (a) ~~[possess]~~ possesses a controlled substance or a controlled substance precursor with
 12300 the intent to engage in a clandestine laboratory operation;
 12301 (b) ~~[possess]~~ possesses laboratory equipment or supplies with the intent to engage in a
 12302 clandestine laboratory operation;

- 12303 (c) [~~sell, distribute, or otherwise supply~~] sells, distributes, or otherwise supplies a
 12304 controlled substance, controlled substance precursor, laboratory equipment, or
 12305 laboratory supplies, knowing or having reasonable cause to believe any of these items
 12306 will be used for a clandestine laboratory operation;
- 12307 (d) [~~evade~~] evades the recordkeeping provisions of [~~Title 58, Chapter 37e, Utah~~
 12308 ~~Controlled Substance Precursor Act,~~] Title 58, Chapter 37c, Controlled Substance
 12309 Precursors, knowing or having reasonable cause to believe that the material
 12310 distributed or received will be used for a clandestine laboratory operation;
- 12311 (e) [~~conspire with or aid~~] conspires with or aids another to engage in a clandestine
 12312 laboratory operation;
- 12313 (f) [~~produce or manufacture, or possess~~] produces or manufactures, or possesses with
 12314 intent to produce or manufacture, a controlled or counterfeit substance except as
 12315 authorized under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Part 2,
 12316 Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled
 12317 Substances;
- 12318 (g) [~~transport or convey~~] transports or conveys a controlled or counterfeit substance with
 12319 the intent to distribute or to be distributed by the [~~person~~] actor transporting or
 12320 conveying the controlled or counterfeit substance or by another person regardless of
 12321 whether the final destination for the distribution is within this state or another
 12322 location; or
- 12323 (h) [~~engage~~] engages in compounding, synthesis, concentration, purification, separation,
 12324 extraction, or other physical or chemical processing of any substance, including a
 12325 controlled substance precursor, or the packaging, repackaging, labeling, or relabeling
 12326 of a container holding a substance that is a product of any of these activities, knowing
 12327 or having reasonable cause to believe that the substance is a product of any of these
 12328 activities and will be used in the illegal manufacture of specified controlled
 12329 substances.
- 12330 [(2)] (3)(a) [~~A person who violates Subsection (1) is guilty of~~] Except as provided in
 12331 Subsection (3)(b), a violation of Subsection (2) is a second degree felony punishable
 12332 by imprisonment for an indeterminate term of not less than three years nor more than
 12333 15 years.
- 12334 (b) Subject to Subsection (4), a violation of Subsection (2)(a), (b), (e), (f), or (h) is a first
 12335 degree felony if the trier of fact also finds any one of the following conditions
 12336 occurred in conjunction with the violation:

- 12337 (i) possession of a firearm;
 12338 (ii) use of a booby trap;
 12339 (iii) illegal possession, transportation, or disposal of hazardous or dangerous material,
 12340 or while transporting or causing to be transported materials in furtherance of a
 12341 clandestine laboratory operation, there was created a substantial risk to human
 12342 health or safety or a danger to the environment;
 12343 (iv) the intended laboratory operation was to take place or did take place within 500
 12344 feet of a residence, place of business, church, or school;
 12345 (v) the clandestine laboratory operation actually produced any amount of a specified
 12346 controlled substance or a counterfeit opioid; or
 12347 (vi) the intended clandestine laboratory operation was for the production of cocaine
 12348 base or methamphetamine base.

12349 (4) If the trier of fact finds that two or more of the conditions listed in Subsection (3)(b)
 12350 occurred in conjunction with a violation of Subsection (2)(a), (b), (e), (f), or (h) at
 12351 sentencing for the first degree felony:

- 12352 (a) probation may not be granted;
 12353 (b) the execution or imposition of the sentence may not be suspended; and
 12354 (c) the court may not enter a judgment for a lower category of offense.

12355 Section 217. Section **77-7-8** is amended to read:

12356 **77-7-8 (Effective 05/06/26). Forcible entry to conduct search or make arrest --**

12357 **Conditions requiring a warrant.**

12358 (1) As used in this section:

- 12359 (a) "Daytime hours" means the same as that term is defined in Section 77-7-5.
 12360 (b) "Forcibly enter" means entering any premises by force.
 12361 (c) "Knock" means to knock with reasonably strong force in a quick succession of three
 12362 or more contacts with a door or other point of entry into a building that would allow
 12363 the occupant to reasonably hear the peace officer's demand for entry.
 12364 (d) "Knock and announce warrant" means a lawful search warrant that authorizes entry
 12365 into a building after knocking and demanding entry onto a premises described in
 12366 Subsection (2).
 12367 (e) "Nighttime hours" means the same as that term is defined in Section 77-7-5.
 12368 (f) "Peace officer" means the same as that term is defined in Section 53-1-102.
 12369 (g) "Premises" means any building, room, conveyance, compartment, or other enclosure.
 12370 (h)(i) "Supervisory official" means a command-level officer.

12371 (ii) "Supervisory official" includes a sheriff, a head of a law enforcement agency, and
12372 a supervisory enforcement officer equivalent to a sergeant rank or higher.

12373 (2)(a) Subject to the provisions of this Subsection (2), a peace officer when making a
12374 lawful arrest, or serving a knock and announce warrant, may forcibly enter a
12375 premises:

12376 (i) if the individual to be arrested is located within the premises; or

12377 (ii) if there is probable cause to believe that the individual is located within the
12378 premises.

12379 (b)(i) Subject to Subsection (3), before forcibly entering a premises as described in
12380 Subsection (2)(a), a peace officer shall:

12381 (A) wear readily identifiable markings, including a badge and vest or clothing
12382 with a distinguishing label or other writing that identifies the individual as a
12383 law enforcement officer;

12384 (B) audibly identify himself or herself as a law enforcement officer;

12385 (C) knock and demand admission more than once;

12386 (D) wait a reasonable period of time for an occupant to admit access after
12387 knocking and demanding admission; and

12388 (E) explain the purpose for which admission is desired.

12389 (3)(a) A peace officer does not need to:

12390 (i) comply with the requirements of Subsection (2)(b)(i)(B), (2)(b)(i)(C), (2)(b)(i)(D),
12391 and (2)(b)(i)(E) before forcibly entering a premises:

12392 (A) under the exceptions in Section 77-7-6 or 77-7-8.1;

12393 (B) where there is probable cause to believe exigent circumstances exist due to the
12394 destruction of evidence; or

12395 (C) where there is reasonable suspicion to believe exigent circumstances exist due
12396 to the physical safety of a peace officer or individual inside or in near
12397 proximity to the premises; or

12398 (ii) comply with the requirements described in Subsections (2)(b)(i)(C) and
12399 (2)(b)(i)(D) before forcibly entering a premises if the officer, or another peace
12400 officer:

12401 (A) has been near the premises for an extended amount of time and a reasonable
12402 person would conclude that an individual on the premises knows or should
12403 know that a peace officer is present;

12404 (B) has demanded admission and announced an intent to enter the premises more

- 12405 than once; and
- 12406 (C) has complied with Subsections (2)(b)(i)(A), (2)(b)(i)(B), and (2)(b)(i)(E).
- 12407 (b) If a peace officer forcibly enters a premises under Subsection (3)(a)(i), the peace
- 12408 officer shall identify himself or herself and state the purpose for entering the premises
- 12409 as soon as practicable after entering the premises.
- 12410 (4) The peace officer may use only that force that is reasonable and necessary to forcibly
- 12411 enter a premises under this section.
- 12412 (5) Subject to Subsection (6), if the premises to be entered under Subsection (2)(a) appears
- 12413 to be a private residence or the peace officer knows the premises is a private residence,
- 12414 and if there is no consent to enter or there are no exigent circumstances, the peace officer
- 12415 shall, before entering the premises:
- 12416 (a) obtain an arrest or search warrant if the premises is the residence of the individual to
- 12417 be arrested; or
- 12418 (b) obtain a search warrant if the building is a private residence, but not the residence of
- 12419 the individual whose arrest is sought.
- 12420 (6) Before seeking a warrant from a judge or magistrate under Subsection (2)(a), a
- 12421 supervisory official shall, using the peace officer's affidavit:
- 12422 (a) independently perform an assessment to evaluate the totality of the circumstances;
- 12423 (b) ensure reasonable intelligence gathering efforts have been made;
- 12424 (c) ensure a threat assessment was completed on the individual or premises to be
- 12425 searched; and
- 12426 (d) determine either that there is a sufficient basis to support seeking a warrant or require
- 12427 that the peace officer continue evidence gathering efforts.
- 12428 (7) Notwithstanding any other provision of this chapter, a peace officer may not forcibly
- 12429 enter a premises based solely on:
- 12430 (a) the alleged possession or use of a controlled substance under Section [~~58-37-8~~]
- 12431 76-18-207; or
- 12432 (b) the alleged possession of drug paraphernalia as defined in Section [~~58-37a-3~~]
- 12433 76-18-301.
- 12434 (8) All arrest warrants are subject to the conditions described in Subsection 77-7-5(2).
- 12435 (9) A peace officer shall serve a knock and announce warrant during daytime hours unless a
- 12436 peace officer has requested, and a judge or magistrate has approved, for the warrant to
- 12437 be served during nighttime hours.
- 12438 Section 218. Section **77-11a-101** is amended to read:

77-11a-101 (Effective 05/06/26). Definitions.

As used in this chapter:

- 12439
- 12440
- 12441 (1)(a) "Agency" means an agency of this state or a political subdivision of this state.
- 12442 (b) "Agency" includes a law enforcement agency or a multijurisdictional task force.
- 12443 (2) "Claimant" means:
- 12444 (a) an owner of property;
- 12445 (b) an interest holder; or
- 12446 (c) an individual or entity who asserts a claim to any property for which an agency seeks
- 12447 to forfeit.
- 12448 (3)(a) "Computer" means, except as provided in Subsection (3)(c), an electronic,
- 12449 magnetic, optical, electrochemical, or other high-speed data processing device that
- 12450 performs logical, arithmetic, and storage functions.
- 12451 (b) "Computer" includes any device that is used for the storage of digital or electronic
- 12452 files, flash memory, software, or other electronic information.
- 12453 (c) "Computer" does not mean a computer server of an Internet or electronic service
- 12454 provider, or the service provider's employee, if used to comply with the requirements
- 12455 under 18 U.S.C. Sec. 2258A.
- 12456 (4)(a) "Contraband" means any property, item, or substance that is unlawful to produce
- 12457 or to possess under state or federal law.
- 12458 (b) "Contraband" includes:
- 12459 (i) a controlled substance that is possessed, transferred, distributed, or offered for
- 12460 distribution in violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~]
- 12461 Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2,
- 12462 Offenses Concerning Controlled Substances; or
- 12463 (ii) a computer that:
- 12464 (A) contains or houses child sexual abuse material, or is used to create, download,
- 12465 transfer, upload to a storage account, or store any electronic or digital files
- 12466 containing child sexual abuse material; or
- 12467 (B) contains the personal identifying information of another individual, as defined
- 12468 in Section 76-6-1101, whether that individual is alive or deceased, and the
- 12469 personal identifying information has been used to create false or fraudulent
- 12470 identification documents or financial transaction cards in violation of Title 76,
- 12471 Chapter 6, Part 5, Fraud.
- 12472 (5) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]

- 12473 58-37-101.
- 12474 (6) "Court" means a municipal, county, or state court.
- 12475 (7) "Division of Law Enforcement" means the division within the Department of Natural
12476 Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 12477 (8) "Evidence" means the same as that term is defined in Section 77-11c-101.
- 12478 (9) "Forfeit" means to divest a claimant of an ownership interest in property seized by a
12479 peace officer or agency.
- 12480 (10) "Innocent owner" means a claimant who:
- 12481 (a) held an ownership interest in property at the time of the commission of an offense
12482 subjecting the property to seizure, and:
- 12483 (i) did not have actual knowledge of the offense subjecting the property to seizure; or
12484 (ii) upon learning of the commission of the offense, took reasonable steps to prohibit
12485 the use of the property in the commission of the offense; or
- 12486 (b) acquired an ownership interest in the property and had no knowledge that the
12487 commission of the offense subjecting the property to seizure had occurred or that the
12488 property had been seized, and:
- 12489 (i) acquired the property in a bona fide transaction for value;
12490 (ii) was an individual, including a minor child, who acquired an interest in the
12491 property through probate or inheritance; or
12492 (iii) was a spouse who acquired an interest in property through dissolution of
12493 marriage or by operation of law.
- 12494 (11)(a) "Interest holder" means a secured party as defined in Section 70A-9a-102, a
12495 party with a right-of-offset, a mortgagee, lien creditor, or the beneficiary of a security
12496 interest or encumbrance pertaining to an interest in property, whose interest would be
12497 perfected against a good faith purchaser for value.
- 12498 (b) "Interest holder" does not mean a person:
- 12499 (i) who holds property for the benefit of or as an agent or nominee for another
12500 person; or
- 12501 (ii) who is not in substantial compliance with any statute requiring an interest in
12502 property to be:
- 12503 (A) recorded or reflected in public records in order to perfect the interest against a
12504 good faith purchaser for value; or
- 12505 (B) held in control by a secured party, as defined in Section 70A-9a-102, in
12506 accordance with Section 70A-9a-314 in order to perfect the interest against a

- 12507 good faith purchaser for value.
- 12508 (12) "Law enforcement agency" means:
- 12509 (a) a municipal, county, state institution of higher education, or state police force or
- 12510 department;
- 12511 (b) a sheriff's office; or
- 12512 (c) a municipal, county, or state prosecuting authority.
- 12513 (13) "Legislative body" means:
- 12514 (a)(i) the Legislature, county commission, county council, city commission, city
- 12515 council, or town council that has fiscal oversight and budgetary approval authority
- 12516 over an agency; or
- 12517 (ii) the agency's governing political subdivision; or
- 12518 (b) the lead governmental entity of a multijurisdictional task force, as designated in a
- 12519 memorandum of understanding executed by the agencies participating in the task
- 12520 force.
- 12521 (14) "Multijurisdictional task force" means a law enforcement task force or other agency
- 12522 comprised of individuals who are employed by or acting under the authority of different
- 12523 governmental entities, including federal, state, county, or municipal governments, or any
- 12524 combination of federal, state, county, or municipal agencies.
- 12525 (15) "Owner" means an individual or entity, other than an interest holder, that possesses a
- 12526 bona fide legal or equitable interest in property.
- 12527 (16) "Pawn or secondhand business" means the same as that term is defined in Section
- 12528 13-32a-102.
- 12529 (17) "Peace officer" means an employee:
- 12530 (a) of an agency;
- 12531 (b) whose duties consist primarily of the prevention and detection of violations of laws
- 12532 of this state or a political subdivision of this state; and
- 12533 (c) who is authorized by the agency to seize property.
- 12534 (18)(a) "Proceeds" means:
- 12535 (i) property of any kind that is obtained directly or indirectly as a result of the
- 12536 commission of an offense; or
- 12537 (ii) any property acquired directly or indirectly from, produced through, realized
- 12538 through, or caused by an act or omission regarding property under Subsection
- 12539 (18)(a)(i).
- 12540 (b) "Proceeds" includes any property of any kind without reduction for expenses

- 12541 incurred in the acquisition, maintenance, or production of that property, or any other
12542 purpose regarding property under Subsection (18)(a)(i).
- 12543 (c) "Proceeds" is not limited to the net gain or profit realized from the offense that
12544 subjects the property to seizure.
- 12545 (19)(a) "Property" means all property, whether real or personal, tangible or intangible.
- 12546 (b) "Property" does not include contraband.
- 12547 (20) "Prosecuting attorney" means:
- 12548 (a) the attorney general and an assistant attorney general;
- 12549 (b) a district attorney or deputy district attorney;
- 12550 (c) a county attorney or assistant county attorney; and
- 12551 (d) an attorney authorized to commence an action on behalf of the state.
- 12552 (21) "Public interest use" means a:
- 12553 (a) use by a government agency as determined by the legislative body of the agency's
12554 jurisdiction; or
- 12555 (b) donation of the property to a nonprofit charity registered with the state.
- 12556 (22) "Real property" means land, including any building, fixture, improvement,
12557 appurtenance, structure, or other development that is affixed permanently to land.
- 12558 (23)(a) "Seized property" means property seized by a peace officer or agency in
12559 accordance with Section 77-11a-201.
- 12560 (b) "Seized property" includes property that the agency seeks to forfeit under Chapter
12561 11b, Forfeiture of Seized Property.
- 12562 Section 219. Section **77-11b-102** is amended to read:
- 12563 **77-11b-102 (Effective 05/06/26). Property subject to forfeiture.**
- 12564 (1)(a) Except as provided in Subsection (2), (3), (4), or (5), an agency may seek to
12565 forfeit:
- 12566 (i) seized property that was used to facilitate the commission of an offense that is a
12567 violation of federal or state law; or
- 12568 (ii) seized proceeds.
- 12569 (b) An agency, or the prosecuting attorney, may not forfeit the seized property of an
12570 innocent owner or an interest holder.
- 12571 (2) If seized property is used to facilitate an offense that is a violation of Section 76-5c-202,
12572 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305, an agency may not forfeit
12573 the property if the forfeiture would constitute a prior restraint on the exercise of an
12574 affected party's rights under the First Amendment to the Constitution of the United

- 12575 States or Utah Constitution, Article I, Section 15, or would otherwise unlawfully
12576 interfere with the exercise of the party's rights under the First Amendment to the
12577 Constitution of the United States or Utah Constitution, Article I, Section 15.
- 12578 (3) If a motor vehicle is used in an offense that is a violation of Section 41-6a-502,
12579 41-6a-517, a local ordinance that complies with the requirements of Subsection
12580 41-6a-510(1), Subsection 76-5-102.1(2)(b), or Section 76-5-207, an agency may not
12581 seek forfeiture of the motor vehicle, unless:
- 12582 (a) the operator of the vehicle has previously been convicted of an offense committed
12583 after May 12, 2009, that is:
- 12584 (i) a felony driving under the influence violation under Section 41-6a-502 or
12585 Subsection 76-5-102.1(2)(a);
- 12586 (ii) a felony violation under Subsection 76-5-102.1(2)(b);
- 12587 (iii) a violation under Section 76-5-207; or
- 12588 (iv) operating a motor vehicle with any amount of a controlled substance in an
12589 individual's body and causing serious bodily injury or death, as codified before
12590 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
12591 58-37-8(2)(g); or
- 12592 (b) the operator of the vehicle was driving on a denied, suspended, revoked, or
12593 disqualified license and:
- 12594 (i) the denial, suspension, revocation, or disqualification under Subsection (3)(b)(ii)
12595 was imposed because of a violation under:
- 12596 (A) Section 41-6a-502;
- 12597 (B) Section 41-6a-517;
- 12598 (C) a local ordinance that complies with the requirements of Subsection
12599 41-6a-510(1);
- 12600 (D) Section 41-6a-520.1;
- 12601 (E) operating a motor vehicle with any amount of a controlled substance in an
12602 individual's body and causing serious bodily injury or death, as codified before
12603 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
12604 58-37-8(2)(g);
- 12605 (F) Section 76-5-102.1;
- 12606 (G) Section 76-5-207; or
- 12607 (H) a criminal prohibition as a result of a plea bargain after having been originally
12608 charged with violating one or more of the sections or ordinances described in

- 12609 Subsections (3)(b)(i)(A) through (G); or
- 12610 (ii) the denial, suspension, revocation, or disqualification described in Subsection
- 12611 (3)(b)(i):
- 12612 (A) is an extension imposed under Subsection 53-3-220(2) of a denial, suspension,
- 12613 revocation, or disqualification; and
- 12614 (B) the original denial, suspension, revocation, or disqualification was imposed
- 12615 because of a violation described in Subsection (3)(b)(i).
- 12616 (4) If a peace officer seizes property incident to an arrest solely for possession of a
- 12617 controlled substance under [~~Subsection 58-37-8(2)(a)(i)~~] Section 76-18-207 but not
- 12618 Subsection [~~58-37-8(2)(b)(i)~~] 76-18-207(3)(a), an agency may not seek to forfeit the
- 12619 property that was seized in accordance with the arrest.
- 12620 (5) If a peace officer seizes an individual's firearm as the result of an offense under Section
- 12621 76-11-218, an agency may not seek to forfeit the individual's firearm if the individual
- 12622 may lawfully possess the firearm.
- 12623 Section 220. Section **77-11c-101** is amended to read:
- 12624 **77-11c-101 (Effective 05/06/26). Definitions.**
- 12625 As used in this chapter:
- 12626 (1) "Acquitted" means the same as that term is defined in Section 77-11b-101.
- 12627 (2) "Adjudicated" means that:
- 12628 (a)(i) a judgment of conviction by plea or verdict of an offense has been entered by a
- 12629 court; and
- 12630 (ii) a sentence has been imposed by the court; or
- 12631 (b) a judgment has been entered for an adjudication of an offense by a juvenile court
- 12632 under Section 80-6-701.
- 12633 (3) "Adjudication" means:
- 12634 (a) a judgment of conviction by plea or verdict of an offense; or
- 12635 (b) an adjudication for an offense by a juvenile court under Section 80-6-701.
- 12636 (4) "Agency" means the same as that term is defined in Section 77-11a-101.
- 12637 (5) "Appellate court" means the Utah Court of Appeals, the Utah Supreme Court, or the
- 12638 United States Supreme Court.
- 12639 (6)(a) "Biological evidence" means an item that contains blood, semen, hair, saliva,
- 12640 epithelial cells, latent fingerprint evidence that may contain biological material
- 12641 suitable for DNA testing, or other identifiable human biological material that:
- 12642 (i) is collected as part of an investigation or prosecution of a violent felony offense;

- 12643 and
- 12644 (ii) may reasonably be used to incriminate or exculpate a person for the violent
- 12645 felony offense.
- 12646 (b) "Biological evidence" includes:
- 12647 (i) material that is catalogued separately, including:
- 12648 (A) on a slide or swab; or
- 12649 (B) inside a test tube, if the evidentiary sample that previously was inside the test
- 12650 tube has been consumed by testing;
- 12651 (ii) material that is present on other evidence, including clothing, a ligature, bedding,
- 12652 a drinking cup, a cigarette, or a weapon, from which a DNA profile may be
- 12653 obtained;
- 12654 (iii) the contents of a sexual assault kit; and
- 12655 (iv) for a violent felony offense, material described in this Subsection (6) that is in
- 12656 the custody of an evidence collecting or retaining entity on May 4, 2022.
- 12657 (7) "Claimant" means the same as that term is defined in Section 77-11a-101.
- 12658 (8) "Computer" means the same as that term is defined in Section 77-11a-101.
- 12659 (9) "Continuous chain of custody" means:
- 12660 (a) for a law enforcement agency or a court, that legal standards regarding a continuous
- 12661 chain of custody are maintained; and
- 12662 (b) for an entity that is not a law enforcement agency or a court, that the entity maintains
- 12663 a record in accordance with legal standards required of the entity.
- 12664 (10) "Contraband" means the same as that term is defined in Section 77-11a-101.
- 12665 (11) "Controlled substance" means the same as that term is defined in Section [58-37-2]
- 12666 58-37-101.
- 12667 (12) "Court" means a municipal, county, or state court.
- 12668 (13) "DNA" means deoxyribonucleic acid.
- 12669 (14) "DNA profile" means a unique identifier of an individual derived from DNA.
- 12670 (15) "Drug paraphernalia" means the same as that term is defined in Section [58-37a-3]
- 12671 76-18-301.
- 12672 (16) "Evidence" means property, contraband, or an item or substance that:
- 12673 (a) is seized or collected as part of an investigation or prosecution of an offense; and
- 12674 (b) may reasonably be used to incriminate or exculpate an individual for an offense.
- 12675 (17)(a) "Evidence collecting or retaining entity" means an entity within the state that
- 12676 collects, stores, or retrieves biological evidence.

- 12677 (b) "Evidence collecting or retaining entity" includes:
- 12678 (i) a medical or forensic entity;
- 12679 (ii) a law enforcement agency;
- 12680 (iii) a court; and
- 12681 (iv) an official, employee, or agent of an entity or agency described in this Subsection
- 12682 (17).
- 12683 [~~(b)~~] (c) "Evidence collecting or retaining entity" does not include a collecting facility
- 12684 defined in Section 53-10-902.
- 12685 (18) "Exhibit" means property, contraband, or an item or substance that is admitted into
- 12686 evidence for a court proceeding.
- 12687 (19) "In custody" means an individual who:
- 12688 (a) is incarcerated, civilly committed, on parole, or on probation; or
- 12689 (b) is required to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse
- 12690 Offender Registry.
- 12691 (20) "Law enforcement agency" means the same as that term is defined in Section
- 12692 77-11a-101.
- 12693 (21) "Medical or forensic entity" means a private or public hospital, medical facility, or
- 12694 other entity that secures biological evidence or conducts forensic examinations related to
- 12695 criminal investigations.
- 12696 (22) "Physical evidence" includes evidence that:
- 12697 (a) is related to:
- 12698 (i) an investigation;
- 12699 (ii) an arrest; or
- 12700 (iii) a prosecution that resulted in a judgment of conviction; and
- 12701 (b) is in the actual or constructive possession of a law enforcement agency or a court or
- 12702 an agent of a law enforcement agency or a court.
- 12703 (23) "Property" means the same as that term is defined in Section 77-11a-101.
- 12704 (24) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
- 12705 (25) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.
- 12706 (26) "Victim" means the same as that term is defined in Section 53-10-902.
- 12707 (27) "Violent felony offense" means the same as the term "violent felony" is defined in
- 12708 Section 76-3-203.5.
- 12709 (28) "Wildlife" means the same as that term is defined in Section 23A-1-101.
- 12710 Section 221. Section **77-23-210** is amended to read:

12711 **77-23-210 (Effective 05/06/26). Force used in executing a search warrant --**

12712 **When notice of authority is required as a prerequisite.**

12713 (1)(a) No later than July 1, 2015, any law enforcement agency that seeks a warrant under
12714 this section shall comply with guidelines and procedures which are, at a minimum, in
12715 accordance with state law and model guidelines and procedures recommended by the
12716 Utah Peace Officer Standards and Training Council created in Section 53-6-106.

12717 (b) Written policies adopted pursuant to this section shall be subject to public disclosure
12718 and inspection, in accordance with Title 63G, Chapter 2, Government Records
12719 Access and Management Act.

12720 (2) When a search warrant has been issued authorizing entry into any building, room,
12721 conveyance, compartment, or other enclosure, the officer executing the warrant may
12722 enter:

12723 (a) if, after giving notice of the officer's authority and purpose, there is no response or
12724 the officer is not admitted with reasonable promptness; or

12725 (b) without notice of the officer's authority and purpose as provided in Subsection (3).

12726 (3)(a) The officer may enter without notice only if:

12727 (i) there is reasonable suspicion to believe that the notice will endanger the life or
12728 safety of the officer or another person;

12729 (ii) there is probable cause to believe that evidence may be easily or quickly
12730 destroyed; [or]

12731 (iii) the magistrate, having found probable cause based upon proof provided under
12732 oath that the object of the search may be easily or quickly destroyed, or having
12733 found reason to believe that physical harm may result to any person if notice were
12734 given, has directed that the officer need not give notice of authority and purpose
12735 before entering the premises to be searched under the Rules of Criminal
12736 Procedure; or

12737 (iv) the officer physically observes and documents a previously unknown event or
12738 circumstance at the time the warrant is being executed which creates probable
12739 cause to believe the object of the search is being destroyed, or creates reasonable
12740 suspicion to believe that physical harm may result to any person if notice were
12741 given.

12742 (b) The officer shall identify himself or herself and state the purpose for entering the
12743 premises as soon as practicable after entering.

12744 (4) An officer executing a warrant under this section may use only that force which is

12745 reasonable and necessary to execute the warrant.

12746 (5) An officer executing a warrant under this section shall wear readily identifiable
12747 markings, including a badge and vest or clothing with a distinguishing label or other
12748 writing which indicates that he or she is a law enforcement officer.

12749 (6)(a) An officer executing a warrant under this section shall comply with the officer's
12750 employing agency's body worn camera policy when the officer is equipped with a
12751 body-worn camera.

12752 (b) The employing agency's policy regarding the use of body-worn cameras shall include
12753 a provision that an officer executing a warrant under this section shall wear a
12754 body-worn camera when a camera is available, except in exigent circumstances
12755 where it is not practicable to do so.

12756 (7)(a) The officer shall take reasonable precautions in execution of any search warrant to
12757 minimize the risks of unnecessarily confrontational or invasive methods which may
12758 result in harm to any person.

12759 (b) The officer shall minimize the risk of searching the wrong premises by verifying that
12760 the premises being searched is consistent with a particularized description in the
12761 search warrant, including such factors as the type of structure, the color, the address,
12762 and orientation of the target property in relation to nearby structures as is reasonably
12763 necessary.

12764 (8) Notwithstanding any provision in this chapter, a warrant authorizing forcible entry
12765 without prior announcement may not be issued under this section, solely for:

12766 (a) the alleged possession or use of a controlled substance; or

12767 (b) the alleged possession of drug paraphernalia as provided in Section ~~58-37a-3~~
12768 76-18-301.

12769 Section 222. Section **77-23a-8** is amended to read:

12770 **77-23a-8 (Effective 05/06/26). Court order to authorize or approve interception**
12771 **-- Procedure.**

12772 (1) The attorney general of the state, any assistant attorney general specially designated by
12773 the attorney general, any county attorney, district attorney, deputy county attorney, or
12774 deputy district attorney specially designated by the county attorney or by the district
12775 attorney, may authorize an application to a judge of competent jurisdiction for an order
12776 for an interception of wire, electronic, or oral communications by any law enforcement
12777 agency of the state, the federal government or of any political subdivision of the state
12778 that is responsible for investigating the type of offense for which the application is made.

- 12779 (2) The judge may grant the order in conformity with the required procedures when the
 12780 interception sought may provide or has provided evidence of the commission of:
- 12781 (a) an act:
- 12782 (i) prohibited by the criminal provisions of:
- 12783 (A) [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
 12784 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
 12785 Controlled Substances;
- 12786 (B) [~~Title 58, Chapter 37c, Utah Controlled Substance Precursor Act~~] Title 58,
 12787 Chapter 37c, Controlled Substance Precursors; or
- 12788 (C) [~~Title 58, Chapter 37d, Clandestine Drug Lab Act~~] Title 76, Chapter 18, Part 5,
 12789 Clandestine Drug Labs; and
- 12790 (ii) punishable by a term of imprisonment of more than one year;
- 12791 (b) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
 12792 Securities Act, and punishable by a term of imprisonment of more than one year;
- 12793 (c) an offense:
- 12794 (i) of:
- 12795 (A) attempt under Section 76-4-101;
- 12796 (B) conspiracy under Section 76-4-201;
- 12797 (C) criminal solicitation of an adult, Section 76-4-203; or
- 12798 (D) criminal solicitation of a minor, Section 76-4-205; and
- 12799 (ii) punishable by a term of imprisonment of more than one year;
- 12800 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
 12801 more than one year under Section 76-5-107.3;
- 12802 (e)(i) aggravated murder under Section 76-5-202;
- 12803 (ii) murder under Section 76-5-203; or
- 12804 (iii) manslaughter under Section 76-5-205;
- 12805 (f)(i) kidnapping under Section 76-5-301;
- 12806 (ii) child kidnapping under Section 76-5-301.1;
- 12807 (iii) aggravated kidnapping under Section 76-5-302;
- 12808 (iv) human trafficking for labor under Section 76-5-308;
- 12809 (v) human trafficking for sexual exploitation under Section 76-5-308.1;
- 12810 (vi) human trafficking of a child under Section 76-5-308.5;
- 12811 (vii) human smuggling under Section 76-5-308.3;
- 12812 (viii) aggravated human trafficking under Section 76-5-310; or

- 12813 (ix) aggravated human smuggling under Section 76-5-310.1;
- 12814 (g)(i) arson under Section 76-6-102; or
- 12815 (ii) aggravated arson under Section 76-6-103;
- 12816 (h)(i) burglary under Section 76-6-202; or
- 12817 (ii) aggravated burglary under Section 76-6-203;
- 12818 (i)(i) robbery under Section 76-6-301; or
- 12819 (ii) aggravated robbery under Section 76-6-302;
- 12820 (j) an offense:
- 12821 (i) of:
- 12822 (A) theft under Section 76-6-404;
- 12823 (B) theft by deception under Section 76-6-405; or
- 12824 (C) theft by extortion under Section 76-6-406; and
- 12825 (ii) punishable by a maximum term of imprisonment of more than one year;
- 12826 (k) an offense of receiving stolen property that is punishable by a maximum term of
- 12827 imprisonment of more than one year under Section 76-6-408;
- 12828 (l) a financial card transaction offense punishable by a maximum term of imprisonment
- 12829 of more than one year under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
- 12830 (m) bribery of a labor official under Section 76-6-509;
- 12831 (n) bribery or threat to influence a publicly exhibited contest under Section 76-6-514;
- 12832 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
- 12833 more than one year under Section 76-6-518;
- 12834 (p) criminal usury under Section 76-6-520;
- 12835 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
- 12836 year under Section 76-6-521;
- 12837 (r) a violation under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable
- 12838 by a maximum term of imprisonment of more than one year under Section 76-6-703;
- 12839 (s) bribery to influence official or political actions under Section 76-8-103;
- 12840 (t) misusing public money or public property under Section 76-8-402;
- 12841 (u) tampering with a witness under Section 76-8-508;
- 12842 (v) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 12843 (w) tampering or retaliating against a juror under Section 76-8-508.5;
- 12844 (x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 12845 (y) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 12846 (z) obstruction of justice in a criminal investigation or proceeding under Section

- 12847 76-8-306;
- 12848 (aa) harboring or concealing offender who has escaped from official custody under
12849 Section 76-8-309.2;
- 12850 (bb) destruction of property to interfere with preparations for defense or war under
12851 Section 76-8-802;
- 12852 (cc) an attempt to commit crimes of sabotage under Section 76-8-804;
- 12853 (dd) conspiracy to commit crimes of sabotage under Section 76-8-805;
- 12854 (ee) advocating criminal syndicalism or sabotage under Section 76-8-902;
- 12855 (ff) assembling for advocating criminal syndicalism or sabotage under Section 76-8-903;
- 12856 (gg) riot punishable by a maximum term of imprisonment of more than one year under
12857 Section 76-9-101;
- 12858 (hh) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a
12859 maximum term of imprisonment of more than one year under Section 76-13-205;
- 12860 (ii) delivery to a common carrier or mailing of an explosive, chemical, or incendiary
12861 device under Section 76-15-209;
- 12862 (jj) unlawful conduct involving an explosive, chemical, or incendiary device under
12863 Section 76-15-210;
- 12864 (kk) unlawful conduct involving an explosive, chemical, or incendiary part under
12865 Section 76-15-211;
- 12866 (ll) exploiting prostitution under Section 76-5d-207;
- 12867 (mm) aggravated exploitation of prostitution under Section 76-5d-208;
- 12868 (nn) bus hijacking under Section 76-9-1502;
- 12869 (oo) assault with intent to commit bus hijacking under Section 76-9-1503;
- 12870 (pp) unlawful discharge of a firearm or hurling of a missile into a bus or terminal under
12871 Section 76-9-1504;
- 12872 (qq) violations under Title 76, Chapter 17, Part 4, Offenses Concerning [~~a-Pattern~~
12873 Patterns of Unlawful Activity, and the offenses listed under the definition of unlawful
12874 activity in the act, including the offenses not punishable by a maximum term of
12875 imprisonment of more than one year when those offenses are investigated as
12876 predicates for the offenses prohibited by the act under Section 76-17-401;
- 12877 (rr) communications fraud under Section 76-6-525;
- 12878 (ss) money laundering under Sections 76-9-1602 and 76-9-1603; or
- 12879 (tt) reporting by a person engaged in a trade or business when the offense is punishable
12880 by a maximum term of imprisonment of more than one year under Section 76-9-1604.

12881 Section 223. Section **77-40a-101** is amended to read:

12882 **77-40a-101 (Effective 05/06/26). Definitions.**

12883 As used in this chapter:

- 12884 (1) "Agency" means a state, county, or local government entity that generates or maintains
12885 records relating to an investigation, arrest, detention, or conviction for an offense for
12886 which expungement may be ordered.
- 12887 (2) "Automatic expungement" means the expungement of records of an investigation,
12888 arrest, detention, or conviction of an offense without the filing of a petition.
- 12889 (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public
12890 Safety established in Section 53-10-201.
- 12891 (4) "Certificate of eligibility" means a document issued by the bureau stating that the
12892 criminal record and all records of arrest, investigation, and detention associated with a
12893 case that is the subject of a petition for expungement is eligible for expungement.
- 12894 (5) "Civil accounts receivable" means the same as that term is defined in Section
12895 77-32b-102.
- 12896 (6) "Civil judgment of restitution" means the same as that term is defined in Section
12897 77-32b-102.
- 12898 (7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.
- 12899 (8) "Clean slate eligible case" means a case that is eligible for automatic expungement
12900 under Section 77-40a-205.
- 12901 (9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after
12902 trial, a plea of guilty, or a plea of nolo contendere.
- 12903 (10) "Court" means a district court or a justice court.
- 12904 (11) "Criminal accounts receivable" means the same as that term is defined in Section
12905 77-32b-102.
- 12906 (12) "Criminal protective order" means the same as that term is defined in Section
12907 78B-7-102.
- 12908 (13) "Criminal stalking injunction" means the same as that term is defined in Section
12909 78B-7-102.
- 12910 (14) "Department" means the Department of Public Safety established in Section 53-1-103.
- 12911 (15) "Drug possession offense" means:
- 12912 (a) an offense described in [~~Subsection 58-37-8(2)~~] Section 76-18-207, 76-18-212, or
12913 76-18-213, except for:
- 12914 (i) an offense under Subsection [~~58-37-8(2)(b)(i)~~] 76-18-207(3)(a), possession of 100

- 12915 pounds or more of marijuana;
- 12916 (ii) an offense enhanced under Subsection [~~58-37-8(2)(e)] 76-18-207(4)(b), violation~~
- 12917 in a correctional facility; or
- 12918 (iii) an offense for driving with a controlled substance illegally in the person's body
- 12919 and negligently causing serious bodily injury or death of another, as codified
- 12920 before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
- 12921 58-37-8(2)(g);
- 12922 (b) an offense described in [~~Subsection 58-37a-5(1)] Section 76-18-304, regarding use or~~
- 12923 possession of drug paraphernalia;
- 12924 (c) an offense described in Section [~~58-37b-6] 76-18-403, regarding possession or use of~~
- 12925 an imitation controlled substance; or
- 12926 (d) any local ordinance which is substantially similar to any of the offenses described in
- 12927 this Subsection (15).
- 12928 (16)(a) "Expunge" means to remove a record from public inspection by:
- 12929 (i) sealing the record; or
- 12930 (ii) restricting or denying access to the record.
- 12931 (b) "Expunge" does not include the destruction of a record.
- 12932 (17) "Indigent" means a financial status that results from a court finding that a petitioner is
- 12933 financially unable to pay the fee to file a petition for expungement under Section
- 12934 78A-2-302.
- 12935 (18) "Jurisdiction" means a state, district, province, political subdivision, territory, or
- 12936 possession of the United States or any foreign country.
- 12937 (19)(a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local
- 12938 ordinance.
- 12939 (b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.
- 12940 (c) "Minor regulatory offense" does not include:
- 12941 (i) any drug possession offense;
- 12942 (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and
- 12943 Reckless Driving;
- 12944 (iii) an offense under Sections 73-18-13 through 73-18-13.6;
- 12945 (iv) except as provided in Subsection (19)(b), an offense under Title 76, Utah
- 12946 Criminal Code; or
- 12947 (v) any local ordinance that is substantially similar to an offense listed in Subsections
- 12948 (19)(c)(i) through (iv).

- 12949 (20) "Petitioner" means an individual applying for expungement under this chapter.
- 12950 (21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.
- 12951 (22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card,
12952 tape, recording, electronic data, or other documentary material, regardless of physical
12953 form or characteristics, that:
- 12954 (a) is contained in the agency's file regarding the arrest, detention, investigation,
12955 conviction, sentence, incarceration, probation, or parole of an individual; and
12956 (b) is prepared, owned, received, or retained by an agency, including a court.
- 12957 (23) "Special certificate" means a document issued as described in Subsection
12958 77-40a-304(1)(c) by the bureau stating that the criminal record and all records of arrest,
12959 investigation, and detention associated with the case do not clearly demonstrate whether
12960 the case is eligible for expungement.
- 12961 (24)(a) "Traffic offense" means:
- 12962 (i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor
12963 Vehicle Act;
- 12964 (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
12965 under Title 41, Chapter 6a, Traffic Code;
- 12966 (iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a,
12967 Financial Responsibility of Motor Vehicle Owners and Operators Act;
- 12968 (iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
12969 under Title 53, Chapter 3, Part 2, Driver Licensing Act;
- 12970 (v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
12971 under Title 73, Chapter 18, State Boating Act; and
- 12972 (vi) all local ordinances that are substantially similar to an offense listed in
12973 Subsections (24)(a)(i) through (iii).
- 12974 (b) "Traffic offense" does not include:
- 12975 (i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and
12976 Reckless Driving;
- 12977 (ii) an offense under Section 41-12a-302 for operating a motor vehicle without
12978 owner's or operator's security;
- 12979 (iii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or
12980 operator's security;
- 12981 (iv) an offense under Sections 73-18-13 through 73-18-13.6; or
12982 (v) any local ordinance that is substantially similar to an offense listed in Subsection

- 12983 (24)(b)(i) or (ii).
- 12984 (25) "Traffic offense case" means that each offense in the case is a traffic offense.
- 12985 Section 224. Section **77-40a-205** is amended to read:
- 12986 **77-40a-205 (Effective 05/06/26). Automatic expungement of state records for a**
- 12987 **clean slate case.**
- 12988 (1) A court shall issue an order of expungement, without the filing of a petition, for all
- 12989 records of the case that are held by the court and the bureau if:
- 12990 (a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a
- 12991 form requesting expungement of a case as described in Section 77-40a-204;
- 12992 (b) the case is eligible for expungement under this section; and
- 12993 (c) the prosecuting agency does not object to the expungement of the case as described
- 12994 in Subsection (6).
- 12995 (2) Except as otherwise provided in Subsection (3), a case is eligible for expungement
- 12996 under this section if:
- 12997 (a)(i) each conviction within the case is a conviction for:
- 12998 (A) a misdemeanor offense for possession of a controlled substance in violation of [
- 12999 ~~Subsection 58-37-8(2)(a)(i)] Section 76-18-207;~~
- 13000 (B) a class B misdemeanor offense;
- 13001 (C) a class C misdemeanor offense; or
- 13002 (D) an infraction; and
- 13003 (ii) the following time periods have passed after the day on which the individual is
- 13004 adjudicated:
- 13005 (A) at least five years for the conviction of a class C misdemeanor offense or an
- 13006 infraction;
- 13007 (B) at least six years for the conviction of a class B misdemeanor offense; or
- 13008 (C) at least seven years for the conviction of a class A misdemeanor offense for
- 13009 possession of a controlled substance in violation of [~~Subsection 58-37-8(2)(a)(i)]~~
- 13010 Section 76-18-207; or
- 13011 (b)(i) the case is dismissed as a result of a successful completion of a plea in
- 13012 abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is
- 13013 dismissed without prejudice;
- 13014 (ii) each charge within the case is:
- 13015 (A) a misdemeanor offense for possession of a controlled substance in violation of [
- 13016 ~~Subsection 58-37-8(2)(a)(i)] Section 76-18-207;~~

- 13017 (B) a class B misdemeanor offense;
- 13018 (C) a class C misdemeanor offense; or
- 13019 (D) an infraction; and
- 13020 (iii) the following time periods have passed after the day on which the case is
- 13021 dismissed:
- 13022 (A) at least five years for a charge in the case for a class C misdemeanor offense
- 13023 or an infraction;
- 13024 (B) at least six years for a charge in the case for a class B misdemeanor offense; or
- 13025 (C) at least seven years for a charge in the case for a class A misdemeanor offense
- 13026 for possession of a controlled substance in violation of [~~Subsection~~
- 13027 ~~58-37-8(2)(a)(i)~~] Section 76-18-207.
- 13028 (3) A case is not eligible for expungement under this section if:
- 13029 (a) the individual has a total number of convictions in courts of this state that exceed the
- 13030 limits under Subsection 77-40a-303(4) or (5) without taking into consideration:
- 13031 (i) the exception in Subsection 77-40a-303(7); or
- 13032 (ii) any infraction, traffic offense, or minor regulatory offense;
- 13033 (b) there is a criminal proceeding for a misdemeanor or felony offense pending in a
- 13034 court of this state against the individual, unless the proceeding is for a traffic offense;
- 13035 (c) for an individual seeking an automatic expungement on and after January 1, 2025,
- 13036 the individual is incarcerated in the state prison or on probation or parole that is
- 13037 supervised by the Division of Adult Probation and Parole created in Section
- 13038 64-14-202;
- 13039 (d) the case resulted in the individual being found not guilty by reason of insanity;
- 13040 (e) the case establishes a criminal accounts receivable that:
- 13041 (i) has been entered as a civil accounts receivable or a civil judgment of restitution
- 13042 and transferred to the Office of State Debt Collection under Section 77-18-114; or
- 13043 (ii) has not been satisfied according to court records; or
- 13044 (f) the case resulted in a plea held in abeyance or a conviction for the following offenses:
- 13045 (i) any of the offenses listed in Subsection 77-40a-303(2)(a);
- 13046 (ii) an offense against the person in violation of Title 76, Chapter 5, Offenses Against
- 13047 the Individual;
- 13048 (iii) a weapons offense in violation of Title 76, Chapter 11, Weapons;
- 13049 (iv) sexual battery in violation of Section 76-5-418;
- 13050 (v) an act of lewdness in violation of Section 76-5-419 or 76-5-420;

- 13051 (vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the
13052 Influence and Reckless Driving;
- 13053 (vii) damage to or interruption of a communication device in violation of Section
13054 76-6-108;
- 13055 (viii) a domestic violence offense as defined in Section 77-36-1;
- 13056 (ix) driving under the influence of alcohol, drugs, or a combination of both, or with
13057 specified or unsafe blood alcohol concentration, as codified before February 2,
13058 2005, Laws of Utah 2005, Chapter 2; or
- 13059 (x) any other offense classified in the Utah Code as a felony or a class A
13060 misdemeanor other than a class A misdemeanor conviction for possession of a
13061 controlled substance in violation of [~~Subsection 58-37-8(2)(a)(i)~~] Section
13062 76-18-207.
- 13063 (4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal
13064 Procedure shall receive notice on a monthly basis for any case prosecuted by that agency
13065 that appears to be eligible for automatic expungement under this section.
- 13066 (5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the
13067 prosecuting agency shall provide written notice in accordance with Rule 42 of the Utah
13068 Rules of Criminal Procedure if the prosecuting agency objects to an automatic
13069 expungement for any of the following reasons:
- 13070 (a) the prosecuting agency believes that the case is not eligible for expungement under
13071 this section after reviewing the agency record;
- 13072 (b) the individual has not paid restitution to the victim as ordered by the court; or
- 13073 (c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an
13074 individual involved in the case is continuing to engage in criminal activity within or
13075 outside of the state.
- 13076 (6) If a prosecuting agency provides written notice of an objection for a reason described in
13077 Subsection (5) within 35 days after the day on which the notice under Subsection (4) is
13078 sent, the court may not proceed with automatic expungement of the case.
- 13079 (7) If 35 days pass after the day on which the notice described in Subsection (4) is sent
13080 without the prosecuting agency providing written notice of an objection under
13081 Subsection (5), the court shall proceed with automatic expungement of the case.
- 13082 (8) If a court issues an order of expungement under Subsection (1), the court shall:
- 13083 (a) expunge all records of the case held by the court in accordance with Section
13084 77-40a-401; and

13085 (b) notify the bureau and the prosecuting agency identified in the case, based on
13086 information available to the court, of the order of expungement.

13087 Section 225. Section **78A-2-231** is amended to read:

13088 **78A-2-231 (Effective 05/06/26). Consideration of lawful use or possession of**
13089 **medical cannabis.**

13090 (1) As used in this section:

13091 (a) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

13092 (b) "Directions of use" means the same as that term is defined in Section 26B-4-201.

13093 (c) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.

13094 (d) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.

13095 (e) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.

13096 (f) "Medical cannabis device" means the same as that term is defined in Section
13097 26B-4-201.

13098 (g) "Recommending medical provider" means the same as that term is defined in Section
13099 26B-4-201.

13100 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner makes a
13101 finding, determination, or otherwise considers an individual's medical cannabis card,
13102 medical cannabis recommendation from a recommending medical provider, or
13103 possession or use of medical cannabis, a cannabis product, or a medical cannabis device,
13104 the judge, panel, jury, or court commissioner may not consider or treat the individual's
13105 card, recommendation, possession, or use any differently than the lawful possession or
13106 use of any prescribed controlled substance if:

13107 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production
13108 Establishments and Pharmacies;

13109 (b) the individual's possession or use complies with Subsection [58-37-3.7(2)]
13110 58-37-404(2) or (3); or

13111 (c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2,
13112 Cannabinoid Research and Medical Cannabis; and

13113 (ii) the individual reasonably complies with the directions of use and dosing
13114 guidelines determined by the individual's recommending medical provider or
13115 through a consultation described in Subsection 26B-4-230(5).

13116 (3) Notwithstanding Sections 77-18-105 and 77-2a-3, for probation, release, a plea in
13117 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules
13118 of Juvenile Procedure, Rule 25, a term or condition may not require that an individual

13119 abstain from the use or possession of medical cannabis, a cannabis product, or a medical
13120 cannabis device, either directly or through a general prohibition on violating federal law,
13121 without an exception related to medical cannabis use, if the individual's use or
13122 possession complies with:

- 13123 (a) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
- 13124 (b) Subsection ~~[58-37-3.7(2)]~~ 58-37-404(2) or (3).

13125 Section 226. Section **78A-5-102** is amended to read:

13126 **78A-5-102 (Effective 05/06/26). Jurisdiction of the district court -- Appeals.**

- 13127 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court
13128 has original jurisdiction in all matters civil and criminal.
- 13129 (2) A district court judge may:
 - 13130 (a) issue all extraordinary writs and other writs necessary to carry into effect the district
13131 court judge's [-]orders, judgments, and decrees; and
 - 13132 (b) preside over an action for which the Business and Chancery Court has jurisdiction if:
 - 13133 (i) the district court judge is designated by the presiding officer of the Judicial
13134 Council to preside over an action in the Business and Chancery Court as described
13135 in Section 78A-1-103.5; and
 - 13136 (ii) a Business and Chancery Court judge is unable to preside over the action due to
13137 recusal or disqualification.
- 13138 (3) The district court has jurisdiction:
 - 13139 (a) over matters of lawyer discipline consistent with the rules of the Supreme Court;
 - 13140 (b) over all matters properly filed in the circuit court prior to July 1, 1996;
 - 13141 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);
 - 13142 (d) to enjoin a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title
13143 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
13144 Concerning Controlled Substances;
 - 13145 (e) over a petition seeking to terminate parental rights as described in Section 81-13-205;
 - 13146 (f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), over an adoption
13147 proceeding; and
 - 13148 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
13149 Declaratory Judgments.
- 13150 (4) The district court has appellate jurisdiction over judgments and orders of the justice
13151 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
13152 with Section 78A-8-106.

- 13153 (5) The district court has jurisdiction to review:
- 13154 (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 13155 (b) a decision resulting from a formal adjudicative proceeding by the State Tax
- 13156 Commission as described in Section 59-1-601;
- 13157 (c) except as provided in Section 63G-4-402, a final agency action resulting from an
- 13158 informal adjudicative proceeding as described in Title 63G, Chapter 4,
- 13159 Administrative Procedures Act; and
- 13160 (d) by trial de novo, a final order of the Department of Transportation resulting from
- 13161 formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,
- 13162 Junkyard Control Act.
- 13163 (6) The district court has original and exclusive jurisdiction over an action brought under
- 13164 Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 13165 (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent
- 13166 custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).
- 13167 (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a
- 13168 class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
- 13169 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 13170 (a) there is no justice court with territorial jurisdiction;
- 13171 (b) the offense occurred within the boundaries of the municipality in which the district
- 13172 courthouse is located and that municipality has not formed, or has formed and
- 13173 dissolved, a justice court; or
- 13174 (c) the offense is [-]included in an indictment or information covering a single criminal
- 13175 episode alleging the commission of a felony or a class A misdemeanor by an
- 13176 individual who is 18 years old or older.
- 13177 (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the
- 13178 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if
- 13179 the offense is committed by an individual who is 16 or 17 years old.
- 13180 (10) The district court has subject matter jurisdiction over an action under Title 78B,
- 13181 Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the
- 13182 district court.
- 13183 (11)(a) The district court has subject matter jurisdiction over a criminal action that the
- 13184 justice court transfers to the district court.
- 13185 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction
- 13186 over any refiled case of a criminal action transferred to the district court if the district

13187 court dismissed the transferred case without prejudice.

13188 (12) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)
13189 over a parentage action filed in the district court, the district court may transfer
13190 jurisdiction over the parentage action to the juvenile court.

13191 (13) The Supreme Court and Court of Appeals have jurisdiction over an appeal from a final
13192 order, judgment, and decree of the district court as described in Sections 78A-3-102 and
13193 78A-4-103.

13194 Section 227. Section **78A-5-201** is amended to read:

13195 **78A-5-201 (Effective 05/06/26). Creation and expansion of existing drug court**
13196 **programs -- Definition of drug court program -- Criteria for participation in drug court**
13197 **programs -- Reporting requirements.**

13198 (1) There may be created a drug court program in any judicial district that demonstrates:

13199 (a) the need for a drug court program; and

13200 (b) the existence of a collaborative strategy between the court, prosecutors, defense
13201 counsel, corrections, and substance abuse treatment services to reduce substance
13202 abuse by offenders.

13203 (2) The collaborative strategy in each drug court program shall:

13204 (a) include monitoring and evaluation components to measure program effectiveness;
13205 and

13206 (b) be submitted to, for the purpose of coordinating the disbursement of funding, the:

13207 (i) executive director of the Department of Health and Human Services;

13208 (ii) executive director of the Department of Corrections; and

13209 (iii) state court administrator.

13210 (3)(a) Funds disbursed to a drug court program shall be allocated as follows:

13211 (i) 87% to the Department of Health and Human Services for testing, treatment, and
13212 case management; and

13213 (ii) 13% to the Administrative Office of the Courts for increased judicial and court
13214 support costs.

13215 (b) This provision does not apply to federal block grant funds.

13216 (4) A drug court program shall include continuous judicial supervision using a cooperative
13217 approach with prosecutors, defense counsel, corrections, substance abuse treatment
13218 services, juvenile court probation, and the Division of Child and Family Services as
13219 appropriate to promote public safety, protect participants' due process rights, and
13220 integrate substance abuse treatment with justice system case processing.

- 13221 (5) Screening criteria for participation in a drug court program shall include:
- 13222 (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or drug-related
- 13223 offense;
- 13224 (b) an agreement to frequent alcohol and other drug testing;
- 13225 (c) participation in one or more substance abuse treatment programs; and
- 13226 (d) an agreement to submit to sanctions for noncompliance with drug court program
- 13227 requirements.
- 13228 (6)(a) The Judicial Council shall develop rules prescribing eligibility requirements for
- 13229 participation in adult criminal drug courts.
- 13230 (b) The eligibility requirements described in Subsection (6)(a):
- 13231 (i) shall require that the acceptance of an offender into a drug court is based on a risk
- 13232 and needs assessment and targeted at individuals who are high risk and high
- 13233 needs; and
- 13234 (ii) may not limit participation in a drug court only to individuals convicted of an
- 13235 offense described in Section ~~[58-37-8]~~ 76-18-204, 76-18-207, 76-18-208,
- 13236 76-18-209, 76-18-210, 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215,
- 13237 76-18-216, 76-18-217, 76-18-218, or 76-18-219.
- 13238 (c) A plea to, conviction of, or adjudication for a felony offense is not required for
- 13239 participation in a drug court program.

13240 Section 228. Section **78B-3-801** is amended to read:

13241 **78B-3-801 (Effective 05/06/26). Cause of action for death or addiction caused by**

13242 **use or ingestion of illegal controlled substances -- Damages.**

- 13243 (1) As used in this section, "substance" means any illegal controlled substance under [~~Title~~
- 13244 ~~58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37, Controlled
- 13245 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.
- 13246 (2) A person is subject to a civil action by a person or an estate under Subsection (3) who:
- 13247 (a) unlawfully provided to or administered to the deceased person or the addicted person
- 13248 any substance that caused or contributed to the person's addiction or to the death of
- 13249 the deceased person; or
- 13250 (b) unlawfully provided any substance to any person in the chain of transfer of the
- 13251 substance that connects directly to the person who subsequently provided or
- 13252 administered the illegal controlled substance to the addicted person or to the deceased
- 13253 person under Subsection (2)(a).
- 13254 (3)(a) A civil action for treble damages and punitive damages may be brought against

13255 any person under Subsection (2) by the estate of a person whose death was caused in
 13256 whole or in part by ingestion or other exposure to any illegal controlled substance.

13257 (b) A civil action for treble damages, punitive damages, and costs of addiction treatment
 13258 or rehabilitation may be brought against any person under Subsection (2) by a person
 13259 who has become or is addicted to any illegal controlled substance and the addiction
 13260 was caused in whole or in part by ingestion of any illegal controlled substance.

13261 (4) The burden is on the estate or the addicted person to prove the causal connection
 13262 between the death or addiction, any substances provided or administered to the deceased
 13263 or addicted person, and the defendant.

13264 (5) This section does not establish liability of or create a cause of action regarding:

13265 (a) a parent or guardian of a person younger than 18 years [~~of age~~] old who acts in
 13266 violation of this section, unless the parent or guardian acts in violation of this section;

13267 or

13268 (b) a person who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, and
 13269 who acts in accordance with the act.

13270 Section 229. Section **78B-4-504** is amended to read:

13271 **78B-4-504 (Effective 05/06/26). Donation of nonschedule drugs or devices --**

13272 **Liability limitation.**

13273 (1) As used in this section:

13274 (a) "Administer" is as defined in Section 58-17b-102.

13275 (b) "Dispense" is as defined in Section 58-17b-102.

13276 (c) "Distribute" is as defined in Section 58-17b-102.

13277 (d) "Drug outlet" means:

13278 (i) a pharmacy or pharmaceutical facility as defined in Section 58-17b-102; or

13279 (ii) a person with the authority to engage in the dispensing, delivering,
 13280 manufacturing, or wholesaling of prescription drugs or devices outside of the state
 13281 under the law of the jurisdiction in which the person operates.

13282 (e) "Health care provider" means:

13283 (i) a person who is a health care provider, as defined in Section 78B-3-403, with the
 13284 authority under Title 58, Occupations and Professions, to prescribe, dispense, or
 13285 administer prescription drugs or devices; or

13286 (ii) a person outside of the state with the authority to prescribe, dispense, or
 13287 administer prescription drugs or devices under the law of the jurisdiction in which
 13288 the person practices.

- 13289 (f) "Nonschedule drug or device" means:
- 13290 (i) a prescription drug or device, as defined in Section 58-17b-102, except that it does
- 13291 not include controlled substances, as defined in Section [58-37-2] 58-37-101; or
- 13292 (ii) a nonprescription drug, as defined in Section 58-17b-102.
- 13293 (g) "Prescription drug or device" is as defined in Section 58-17b-102.
- 13294 (2) A drug outlet is not subject to civil liability for an injury or death resulting from the
- 13295 defective condition of a nonschedule drug or device that the drug outlet distributes at no
- 13296 charge, in good faith, and for a charitable purpose to a drug outlet or health care provider
- 13297 for ultimate use by a needy person, provided that:
- 13298 (a) the drug outlet complies with applicable state and federal laws regarding the storage,
- 13299 handling, and distribution of the nonschedule drug or device; and
- 13300 (b) the injury or death is not the result of any act or omission of the drug outlet that
- 13301 constitutes gross negligence, recklessness, or intentional misconduct.
- 13302 (3) A health care provider is not subject to civil liability for an injury or death resulting
- 13303 from the defective condition of a nonschedule drug or device that the health care
- 13304 provider distributes to a drug outlet or health care provider for ultimate use by a needy
- 13305 person or directly administers, dispenses, or distributes to a needy person, provided that:
- 13306 (a) the health care provider complies with applicable state and federal laws regarding the
- 13307 storage, handling, distribution, dispensing, and administration of the nonschedule
- 13308 drug or device;
- 13309 (b) the injury or death is not the result of any act or omission of the health care provider
- 13310 that constitutes gross negligence, recklessness, or intentional misconduct; and
- 13311 (c) in the event that the health care provider directly administers, distributes, or
- 13312 dispenses the nonschedule drug or device to the needy person, the health care
- 13313 provider has retained a consent form signed by the needy person that explains the
- 13314 provisions of this section which extend liability protection for charitable donations of
- 13315 nonschedule drugs and devices.
- 13316 (4) Nothing in this section may be construed as:
- 13317 (a) permitting a person who is not authorized under Title 58, Occupations and
- 13318 Professions, to operate as a drug outlet or practice as a health care provider within the
- 13319 state; or
- 13320 (b) extending liability protection to any person who acts outside of the scope of authority
- 13321 granted to that person under the laws of this state or the jurisdiction in which the
- 13322 person operates or practices.

13323 Section 230. Section **78B-6-1101** is amended to read:

13324 **78B-6-1101 (Effective 05/06/26). Definitions -- Nuisance -- Agriculture**

13325 **operations.**

13326 (1) As used in this part:

13327 (a) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~
13328 58-37-101].

13329 (b) "Critical infrastructure materials operations" means the same as the term "critical
13330 infrastructure materials use" is defined in Section 10-20-701.

13331 (c) "Manufacturing facility" means a factory, plant, or other facility including its
13332 appurtenances, where the form of raw materials, processed materials, commodities,
13333 or other physical objects is converted or otherwise changed into other materials,
13334 commodities, or physical objects or where such materials, commodities, or physical
13335 objects are combined to form a new material, commodity, or physical object.

13336 (d) "Nuisance" means anything that is injurious to health, indecent, offensive to the
13337 senses, or an obstruction to the free use of property, so as to interfere with the
13338 comfortable enjoyment of life or property.

13339 (e)(i) "Possession or use" means the joint or individual ownership, control,
13340 occupancy, holding, retaining, belonging, maintaining, or the application,
13341 inhalation, swallowing, injection, or consumption, as distinguished from
13342 distribution, of a controlled substance, and includes individual, joint, or group
13343 possession or use of a controlled substance.

13344 (ii) For a person to be a possessor or user of a controlled substance, it is not required
13345 that the person be shown to have individually possessed, used, or controlled the
13346 substance, but it is sufficient if it is shown that the person jointly participated with
13347 one or more persons in the use, possession, or control of a controlled substance
13348 with knowledge that the activity was occurring, or the controlled substance is
13349 found in a place or under circumstances indicating that the person had the ability
13350 and the intent to exercise dominion and control over it.

13351 (2) A nuisance may be the subject of an action.

13352 (3) A nuisance may include the following:

13353 (a) drug houses and drug dealing as provided in Section 78B-6-1107;

13354 (b) gambling as provided in Title 76, Chapter 9, Part 14, Gambling;

13355 (c) criminal activity committed in concert with two or more individuals as provided in
13356 Section 76-3-203.1;

- 13357 (d) criminal activity committed for the benefit of, at the direction of, or in association
 13358 with any criminal street gang as defined in Section 76-9-802;
- 13359 (e) criminal activity committed to gain recognition, acceptance, membership, or
 13360 increased status with a criminal street gang as defined in Section 76-9-802;
- 13361 (f) party houses that frequently create conditions defined in Subsection (1)(d);
- 13362 (g) prostitution as provided in Title 76, Chapter 5d, Prostitution; or
- 13363 (h) the unlawful discharge of a firearm as provided in state or local law.
- 13364 (4) A nuisance under this part includes:
- 13365 (a) tobacco smoke that drifts into a residential unit a person rents, leases, or owns, from
 13366 another residential or commercial unit and the smoke:
- 13367 (i) drifts in more than once in each of two or more consecutive seven-day periods; and
 13368 (ii) creates any of the conditions described in Subsection (1)(d); or
- 13369 (b) fumes resulting from the unlawful manufacturing or the unlawful possession or use
 13370 of a controlled substance that drift into a residential unit a person rents, leases, or
 13371 owns, from another residential or commercial unit.
- 13372 (5) Subsection (4)(a) does not apply to:
- 13373 (a) a residential rental unit available for temporary rental, such as for a vacation, or
 13374 available for only 30 or fewer days at a time; or
- 13375 (b) a hotel or motel room.
- 13376 (6) Subsection (4)(a) does not apply to a unit that is part of a timeshare development, as
 13377 defined in Section 57-19-2, or subject to a timeshare interest as defined in Section
 13378 57-19-2.
- 13379 (7) An action for nuisance against an agricultural operation is governed by Title 4, Chapter
 13380 44, Agricultural Operations Nuisances Act.
- 13381 Section 231. Section **78B-6-1107** is amended to read:
- 13382 **78B-6-1107 (Effective 05/06/26). Nuisance -- Drug houses and drug dealing --**
 13383 **Gambling -- Group criminal activity -- Party house -- Prostitution -- Weapons --**
 13384 **Discharge of a firearm -- Defense.**
- 13385 (1) Every building or place is a nuisance where:
- 13386 (a) the unlawful sale, manufacture, service, storage, distribution, dispensing, acquisition,
 13387 or use occurs of any controlled substance, precursor, or analog described in [~~Title 58,~~
 13388 ~~Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37. Controlled
 13389 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 13390 Substances;

- 13391 (b) gambling is permitted to be played, conducted, or dealt upon as prohibited in Title
 13392 76, Chapter 9, Part 14, Gambling, which creates the conditions of a nuisance as that
 13393 term is defined in Subsection 78B-6-1101(1);
- 13394 (c) criminal activity is committed in concert with two or more individuals as described
 13395 in Section 76-3-203.1;
- 13396 (d) criminal activity is committed for the benefit of, at the direction of, or in association
 13397 with any criminal street gang as defined in Section 76-9-802;
- 13398 (e) criminal activity is committed to gain recognition, acceptance, membership, or
 13399 increased status with a criminal street gang as defined in Section 76-9-802;
- 13400 (f) parties occur frequently which create the conditions of a nuisance as that term is
 13401 defined in Subsection 78B-6-1101(1);
- 13402 (g) prostitution or promotion of prostitution is regularly carried on by one or more
 13403 persons as described in Title 76, Chapter 5d, Prostitution;
- 13404 (h) a violation of an offense under Title 76, Chapter 11, Weapons, occurs on the
 13405 premises;
- 13406 (i) the unlawful discharge of a firearm, as provided in state or local law, occurs on the
 13407 premises; and
- 13408 (j) human trafficking occurs as described in Title 76, Chapter 5, Part 3, Kidnapping,
 13409 Trafficking, and Smuggling.
- 13410 (2) It is a defense to nuisance under Subsection (1)(a) if the defendant can prove that the
 13411 defendant is lawfully entitled to the possession or use of a controlled substance.
- 13412 (3) Evidence of a previous conviction for a crime described in Subsection (1) may not be
 13413 used in an action for nuisance under this part.

13414 Section 232. Section **78B-9-104** is amended to read:

13415 **78B-9-104 (Effective 05/06/26). Grounds for relief -- Retroactivity of rule.**

- 13416 (1) Unless precluded by Section 78B-9-106 or 78B-9-107, an individual who has been
 13417 convicted and sentenced for a criminal offense may file an action in the district court of
 13418 original jurisdiction for postconviction relief to vacate or modify the conviction or
 13419 sentence upon the following grounds:
- 13420 (a) the conviction was obtained or the sentence was imposed in violation of the United
 13421 States Constitution or Utah Constitution;
- 13422 (b) the conviction was obtained or the sentence was imposed under a statute that is in
 13423 violation of the United States Constitution or Utah Constitution, or the conduct for
 13424 which the petitioner was prosecuted is constitutionally protected;

- 13425 (c) the sentence was imposed or probation was revoked in violation of the controlling
13426 statutory provisions;
- 13427 (d) the petitioner had ineffective assistance of counsel in violation of the United States
13428 Constitution or Utah Constitution;
- 13429 (e) newly discovered material evidence exists that requires the court to vacate the
13430 conviction or sentence, because:
- 13431 (i) neither the petitioner nor petitioner's counsel knew of the evidence at the time of
13432 trial or sentencing or in time to include the evidence in any previously filed
13433 post-trial motion or postconviction proceeding, and the evidence could not have
13434 been discovered through the exercise of reasonable diligence;
- 13435 (ii) the material evidence is not merely cumulative of evidence that was known;
- 13436 (iii) the material evidence is not merely impeachment evidence; and
- 13437 (iv) viewed with all the other evidence, the newly discovered material evidence
13438 demonstrates that no reasonable trier of fact could have found the petitioner guilty
13439 of the offense or subject to the sentence received;
- 13440 (f) the petitioner can prove that:
- 13441 (i) biological evidence, as that term is defined in Section 77-11c-101, relevant to the
13442 petitioner's conviction was not preserved in accordance with Title 77, Chapter
13443 11c, Part 4, Preservation of Biological Evidence for Violent Felony Offenses;
- 13444 (ii)(A) the biological evidence described in Subsection (1)(f)(i) was not tested
13445 previously; or
- 13446 (B) if the biological evidence described in Subsection (1)(f)(i) was tested
13447 previously, there is a material change in circumstance, including a scientific or
13448 technological advance, that would make it plausible that a test of the biological
13449 evidence described in Subsection (1)(f)(i) would produce a favorable test result
13450 for the petitioner; and
- 13451 (iii) a favorable result described in Subsection (1)(f)(ii), which is presumed for
13452 purposes of the petitioner's action under this section, when viewed with all the
13453 other evidence, demonstrates a reasonable probability of a more favorable
13454 outcome at trial for the petitioner;
- 13455 (g) the petitioner can prove entitlement to relief under a rule announced by the United
13456 States Supreme Court, the Utah Supreme Court, or the Utah Court of Appeals after
13457 conviction and sentence became final on direct appeal, and that:
- 13458 (i) the rule was dictated by precedent existing at the time the petitioner's conviction

- 13459 or sentence became final; or
- 13460 (ii) the rule decriminalizes the conduct that comprises the elements of the crime for
- 13461 which the petitioner was convicted; or
- 13462 (h) the petitioner committed any of the following offenses while subject to force, fraud,
- 13463 or coercion, as defined in Section 76-5-308:
- 13464 (i) Section [~~58-37-8~~] 76-18-207, possession of a controlled substance;
- 13465 (ii) Section 76-5d-206, aiding prostitution;
- 13466 (iii) Section 76-6-206, criminal trespass;
- 13467 (iv) Section 76-6-413, theft;
- 13468 (v) Section 76-6-502, possession of forged writing or device for writing;
- 13469 (vi) any offense in Title 76, Chapter 6, Part 6, Retail Theft;
- 13470 (vii) Subsection 76-6-1105(2)(a)(i)(A), unlawful possession of another's
- 13471 identification document;
- 13472 (viii) Section 76-5-419, lewdness;
- 13473 (ix) Section 76-5d-202, engaging in prostitution;
- 13474 (x) Section 76-5d-209, sexual solicitation by an actor offering to engage in sexual
- 13475 activity for compensation; or
- 13476 (xi) Section 76-5d-210, sexual solicitation of a child.
- 13477 (2) The court may not grant relief from a conviction or sentence unless in light of the facts
- 13478 proved in the postconviction proceeding, viewed with the evidence and facts introduced
- 13479 at trial or during sentencing:
- 13480 (a) the petitioner establishes that there would be a reasonable likelihood of a more
- 13481 favorable outcome; or
- 13482 (b) if the petitioner challenges the conviction or the sentence on grounds that the
- 13483 prosecutor knowingly failed to correct false testimony at trial or at sentencing, the
- 13484 petitioner establishes that the false testimony, in any reasonable likelihood, could
- 13485 have affected the judgment of the fact finder.
- 13486 (3)(a) The court may not grant relief from a conviction based on a claim that the
- 13487 petitioner is innocent of the crime for which convicted except as provided in Part 3,
- 13488 Postconviction Testing of DNA, or Part 4, Postconviction Determination of Factual
- 13489 Innocence.
- 13490 (b) Claims under Part 3, Postconviction Testing of DNA, or Part 4, Postconviction
- 13491 Determination of Factual Innocence, of this chapter may not be filed as part of a
- 13492 petition under this part, but shall be filed separately and in conformity with the

13493 provisions of Part 3, Postconviction Testing of DNA, or Part 4, Postconviction
13494 Determination of Factual Innocence.

13495 Section 233. Section **80-1-102** is amended to read:

13496 **80-1-102 (Effective 05/06/26). Juvenile Code definitions.**

13497 Except as provided in Section 80-6-1103, as used in this title:

13498 (1)(a) "Abuse" means:

13499 (i)(A) nonaccidental harm of a child;

13500 (B) threatened harm of a child;

13501 (C) sexual exploitation;

13502 (D) sexual abuse; or

13503 (E) human trafficking of a child in violation of Section 76-5-308.5; or

13504 (ii) that a child's parent:

13505 (A) intentionally, knowingly, or recklessly causes the death of another parent of
13506 the child;

13507 (B) is identified by a law enforcement agency as the primary suspect in an
13508 investigation for intentionally, knowingly, or recklessly causing the death of
13509 another parent of the child; or

13510 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
13511 recklessly causing the death of another parent of the child.

13512 (b) "Abuse" does not include:

13513 (i) reasonable discipline or management of a child, including withholding privileges;

13514 (ii) conduct described in Section 76-2-401; or

13515 (iii) the use of reasonable and necessary physical restraint or force on a child:

13516 (A) in self-defense;

13517 (B) in defense of others;

13518 (C) to protect the child; or

13519 (D) to remove a weapon in the possession of a child for any of the reasons
13520 described in Subsections (1)(b)(iii)(A) through (C).

13521 (2) "Abused child" means a child who has been subjected to abuse.

13522 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):

13523 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
13524 Justice:

13525 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
13526 or criminal information alleging that a minor committed an offense have been

- 13527 proved;
- 13528 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
- 13529 or
- 13530 (C) a plea of no contest by a minor in the juvenile court; or
- 13531 (ii) for all other proceedings under this title, a finding by the juvenile court that the
- 13532 facts alleged in the petition have been proved.
- 13533 (b) "Adjudication" does not include:
- 13534 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
- 13535 enters the minor's admission; or
- 13536 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 13537 (4)(a) "Adult" means an individual who is 18 years old or older.
- 13538 (b) "Adult" does not include an individual:
- 13539 (i) who is 18 years old or older; and
- 13540 (ii) who is a minor.
- 13541 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 13542 78A-2-801.
- 13543 (6) "Board" means the Board of [-]Juvenile Court Judges.
- 13544 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
- 13545 years old.
- 13546 (8) "Child and family plan" means a written agreement between a child's parents or
- 13547 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 13548 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 13549 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 13550 (11) "Child protection team" means a team consisting of:
- 13551 (a) the child welfare caseworker assigned to the case;
- 13552 (b) if applicable, the child welfare caseworker who made the decision to remove the
- 13553 child;
- 13554 (c) a representative of the school or school district where the child attends school;
- 13555 (d) if applicable, the law enforcement officer who removed the child from the home;
- 13556 (e) a representative of the appropriate Children's Justice Center, if one is established
- 13557 within the county where the child resides;
- 13558 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
- 13559 with the child's circumstances;
- 13560 (g) if appropriate, a representative of law enforcement selected by the chief of police or

- 13561 sheriff in the city or county where the child resides; and
- 13562 (h) any other individuals determined appropriate and necessary by the team coordinator
13563 and chair.
- 13564 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 13565 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 13566 (13)(a) "Chronic neglect" means repeated or patterned neglect.
- 13567 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 13568 (14) "Clandestine laboratory operation" means the same as that term is defined in Section [
13569 ~~58-37d-3~~] 76-18-501.
- 13570 (15) "Commit" or "committed" means, unless specified otherwise:
- 13571 (a) with respect to a child, to transfer legal custody; and
- 13572 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 13573 (16) "Community-based program" means a nonsecure residential or nonresidential program,
13574 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
13575 restrictive setting, consistent with public safety, and operated by or under contract with
13576 the Division of Juvenile Justice and Youth Services.
- 13577 (17) "Community placement" means placement of a minor in a community-based program
13578 described in Section 80-5-402.
- 13579 (18) "Correctional facility" means:
- 13580 (a) a county jail; or
- 13581 (b) a secure correctional facility as defined in Section 64-13-1.
- 13582 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
13583 minor's likelihood of reoffending.
- 13584 (20) "Department" means the Department of Health and Human Services created in Section
13585 26B-1-201.
- 13586 (21) "Dependent child" or "dependency" means a child who is without proper care through
13587 no fault of the child's parent, [-]guardian, or custodian.
- 13588 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
13589 parent or a previous custodian to another person, agency, or institution.
- 13590 (23) "Detention" means home detention or secure detention.
- 13591 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
13592 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 13593 (25) "Detention risk assessment tool" means an evidence-based tool established under
13594 Section 80-5-203 that:

- 13595 (a) assesses a minor's risk of failing to appear in court or reoffending before
13596 adjudication; and
- 13597 (b) is designed to assist in making a determination of whether a minor shall be held in
13598 detention.
- 13599 (26) "Developmental immaturity" means incomplete development in one or more domains
13600 that manifests as a functional limitation in the minor's present ability to:
- 13601 (a) consult with counsel with a reasonable degree of rational understanding; and
13602 (b) have a rational as well as factual understanding of the proceedings.
- 13603 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,
13604 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 13605 (28) "Educational neglect" means that, after receiving a notice of compulsory education
13606 violation under Section 53G-6-202, the parent or guardian fails to make a good faith
13607 effort to ensure that the child receives an appropriate education.
- 13608 (29) "Educational series" means an evidence-based instructional series:
- 13609 (a) obtained at a substance abuse program that is approved by the Division of Integrated
13610 Healthcare in accordance with Section 26B-5-104; and
- 13611 (b) designed to prevent substance use or the onset of a mental health disorder.
- 13612 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 13613 (31) "Evidence-based" means a program or practice that has had multiple randomized
13614 control studies or a meta-analysis demonstrating that the program or practice is effective
13615 for a specific population or has been rated as effective by a standardized program
13616 evaluation tool.
- 13617 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 13618 (33) "Formal probation" means a minor is:
- 13619 (a) supervised in the community by, and reports to, a juvenile probation officer or an
13620 agency designated by the juvenile court; and
- 13621 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 13622 (34) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- 13623 (35) "Group rehabilitation therapy" means psychological and social counseling of one or
13624 more individuals in the group, depending upon the recommendation of the therapist.
- 13625 (36) "Guardian" means a person appointed by a court to make decisions regarding a minor,
13626 including the authority to consent to:
- 13627 (a) marriage;
- 13628 (b) enlistment in the armed forces;

- 13629 (c) major medical, surgical, or psychiatric treatment; or
13630 (d) legal custody, if legal custody is not vested in another individual, agency, or
13631 institution.
- 13632 (37) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 13633 (38) "Harm" means:
- 13634 (a) physical or developmental injury or damage;
13635 (b) emotional damage that results in a serious impairment in the child's growth,
13636 development, behavior, or psychological functioning;
13637 (c) sexual abuse; or
13638 (d) sexual exploitation.
- 13639 (39) "Home detention" means placement of a minor:
- 13640 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent
13641 of the minor's parent, guardian, or custodian, under terms and conditions established
13642 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
13643 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
13644 minor's home, or in a surrogate home with the consent of the minor's parent,
13645 guardian, or custodian, under terms and conditions established by the Division of
13646 Juvenile Justice and Youth Services or the juvenile court.
- 13647 (40)(a) "Incest" means engaging in sexual intercourse with an individual whom the
13648 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
13649 aunt, nephew, niece, or first cousin.
- 13650 (b) "Incest" includes:
- 13651 (i) blood relationships of the whole or half blood, regardless of whether the
13652 relationship is legally recognized;
13653 (ii) relationships of parent and child by adoption; and
13654 (iii) relationships of stepparent and stepchild while the marriage creating the
13655 relationship of a stepparent and stepchild exists.
- 13656 (41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 13657 (42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 13658 (43) "Indigent defense service provider" means the same as that term is defined in Section
13659 78B-22-102.
- 13660 (44) "Indigent defense services" means the same as that term is defined in Section
13661 78B-22-102.
- 13662 (45) "Indigent individual" means the same as that term is defined in Section 78B-22-102.

- 13663 (46)(a) "Intake probation" means a minor is:
- 13664 (i) monitored by a juvenile probation officer; and
- 13665 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 13666 (b) "Intake probation" does not include formal probation.
- 13667 (47) "Intellectual disability" means a significant subaverage general intellectual functioning
- 13668 existing concurrently with deficits in adaptive behavior that constitutes a substantial
- 13669 limitation to the individual's ability to function in society.
- 13670 (48) "Juvenile offender" means:
- 13671 (a) a serious youth offender; or
- 13672 (b) a youth offender.
- 13673 (49) "Juvenile probation officer" means a probation officer appointed under Section
- 13674 78A-6-205.
- 13675 (50) "Juvenile receiving center" means a nonsecure, nonresidential program established by
- 13676 the Division of Juvenile Justice and Youth Services, or under contract with the Division
- 13677 of Juvenile Justice and Youth Services, that is responsible for minors taken into
- 13678 temporary custody under Section 80-6-201.
- 13679 (51) "Legal custody" means a relationship embodying:
- 13680 (a) the right to physical custody [-]of the minor;
- 13681 (b) the right and duty to protect, train, and discipline the minor;
- 13682 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
- 13683 medical care;
- 13684 (d) the right to determine where and with whom the minor shall live; and
- 13685 (e) the right, in an emergency, to authorize surgery or other extraordinary [-]care.
- 13686 (52) "Licensing Information System" means the Licensing Information System maintained
- 13687 by the Division of Child and Family Services under Section 80-2-1002.
- 13688 (53) "Management Information System" means the Management Information System
- 13689 developed by the Division of Child and Family Services under Section 80-2-1001.
- 13690 (54) "Mental illness" means:
- 13691 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
- 13692 behavioral, or related functioning; or
- 13693 (b) the same as that term is defined in:
- 13694 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
- 13695 published by the American Psychiatric Association; or
- 13696 (ii) the current edition of the International Statistical Classification of Diseases and

- 13697 Related Health Problems.
- 13698 (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 13699 (a) a child; or
- 13700 (b) an individual:
- 13701 (i)(A) who is at least 18 years old and younger than 21 years old; and
- 13702 (B) for whom the Division of Child and Family Services has been specifically
- 13703 ordered by the juvenile court to provide services because the individual was an
- 13704 abused, neglected, or dependent child or because the individual was
- 13705 adjudicated for an offense;
- 13706 (ii)(A) who is at least 18 years old and younger than 25 years old; and
- 13707 (B) whose case is under the jurisdiction of the juvenile court in accordance with
- 13708 Subsection 78A-6-103(1)(b); or
- 13709 (iii)(A) who is at least 18 years old and younger than 21 years old; and
- 13710 (B) whose case is under the jurisdiction of the juvenile court in accordance with
- 13711 Subsection 78A-6-103(1)(c).
- 13712 (56) "Mobile crisis outreach team" means the same as that term is defined in Section
- 13713 26B-5-101.
- 13714 (57) "Molestation" means that an individual, with the intent to arouse or gratify the sexual
- 13715 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
- 13716 or the breast of a female child, or takes indecent liberties with a child as defined in
- 13717 Section 76-5-401.1.
- 13718 (58)(a) "Neglect" means action or inaction causing:
- 13719 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe
- 13720 Relinquishment of a Newborn Child;
- 13721 (ii) lack of proper parental care of a child by reason of the fault or habits of the
- 13722 parent, guardian, or custodian;
- 13723 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
- 13724 necessary subsistence or medical care, or any other care necessary for the child's
- 13725 health, safety, morals, or well-being;
- 13726 (iv) a child to be at risk of being neglected or abused because another child in the
- 13727 same home is neglected or abused;
- 13728 (v) abandonment of a child through an unregulated child custody transfer under
- 13729 Section 81-14-203; or
- 13730 (vi) educational neglect.

- 13731 (b) "Neglect" does not include:
- 13732 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
- 13733 reason, does not provide specified medical treatment for a child;
- 13734 (ii) a health care decision made for a child by the child's parent or guardian, unless
- 13735 the state or other party to a proceeding shows, by clear and convincing evidence,
- 13736 that the health care decision is not reasonable and informed;
- 13737 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 13738 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
- 13739 maturity to avoid harm or unreasonable risk of harm, to engage in independent
- 13740 activities, including:
- 13741 (A) traveling to and from school, including by walking, running, or bicycling;
- 13742 (B) traveling to and from nearby commercial or recreational facilities;
- 13743 (C) engaging in outdoor play;
- 13744 (D) remaining in a vehicle unattended, except under the conditions described in
- 13745 Subsection 76-5-115(2);
- 13746 (E) remaining at home unattended; or
- 13747 (F) engaging in a similar independent activity.
- 13748 (59) "Neglected child" means a child who has been subjected to neglect.
- 13749 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation
- 13750 officer, without an adjudication of the minor's case under Section 80-6-701, upon the
- 13751 consent in writing of:
- 13752 (a) the assigned juvenile probation officer; and
- 13753 (b)(i) the minor; or
- 13754 (ii) the minor and the minor's parent, guardian, or custodian.
- 13755 (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual
- 13756 disability or related condition, or developmental immaturity, lacks the ability to:
- 13757 (a) understand the nature of the proceedings against the minor or of the potential
- 13758 disposition for the offense charged; or
- 13759 (b) consult with counsel and participate in the proceedings against the minor with a
- 13760 reasonable degree of rational understanding.
- 13761 (62)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a
- 13762 parent-child relationship to a minor under Section 81-5-201.
- 13763 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 13764 (63) "Parole" means a conditional release of a juvenile offender from residency in secure

- 13765 care to live outside of secure care under the supervision of the Division of Juvenile
13766 Justice and Youth Services, or another person designated by the Division of Juvenile
13767 Justice and Youth Services.
- 13768 (64) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 13769 (65)(a) "Probation" means a legal status created by court order, following an
13770 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
13771 minor's home under prescribed conditions.
- 13772 (b) "Probation" includes intake probation or formal probation.
- 13773 (66) "Prosecuting attorney" means:
- 13774 (a) the attorney general and any assistant attorney general;
13775 (b) any district attorney or deputy district attorney;
13776 (c) any county attorney or assistant county attorney; and
13777 (d) any other attorney authorized to commence an action on behalf of the state.
- 13778 (67) "Protective custody" means the shelter of a child by the Division of Child and Family
13779 Services from the time the child is removed from the home until the earlier of:
- 13780 (a) the day on which the shelter hearing is held under Section 80-3-301; or
13781 (b) the day on which the child is returned home.
- 13782 (68) "Protective services" means expedited services that are provided:
- 13783 (a) in response to evidence of neglect, abuse, or dependency of a child;
13784 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 13785 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
13786 causes of neglect or abuse; and
13787 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
13788 (c) in cases where the child's welfare is endangered:
- 13789 (i) to bring the situation to the attention of the appropriate juvenile court and law
13790 enforcement agency;
13791 (ii) to cause a protective order to be issued for the protection of the child, when
13792 appropriate; and
13793 (iii) to protect the child from the circumstances that endanger the child's welfare
13794 including, when appropriate:
- 13795 (A) removal from the child's home;
13796 (B) placement in substitute care; and
13797 (C) petitioning the court for termination of parental rights.
- 13798 (69) "Protective supervision" means a legal status created by court order, following an

- 13799 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 13800 (a) the minor is permitted to remain in the minor's home; and
- 13801 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
- 13802 by an agency designated by the juvenile court.
- 13803 (70)(a) "Related condition" means a condition that:
- 13804 (i) is found to be closely related to intellectual disability;
- 13805 (ii) results in impairment of general intellectual functioning or adaptive behavior
- 13806 similar to that of an intellectually disabled individual;
- 13807 (iii) is likely to continue indefinitely; and
- 13808 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 13809 (b) "Related condition" does not include mental illness, psychiatric impairment, or
- 13810 serious emotional or behavioral disturbance.
- 13811 (71)(a) "Residual parental rights and duties" means the rights and duties remaining with
- 13812 a parent after legal custody or guardianship, or both, have been vested in another
- 13813 person or agency, including:
- 13814 (i) the responsibility for support;
- 13815 (ii) the right to consent to adoption;
- 13816 (iii) the right to determine the child's religious affiliation; and
- 13817 (iv) the right to reasonable parent-time unless restricted by the court.
- 13818 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
- 13819 right to consent to:
- 13820 (i) marriage;
- 13821 (ii) enlistment; and
- 13822 (iii) major medical, surgical, or psychiatric treatment.
- 13823 (72) "Runaway" means a child, other than an emancipated child, who willfully leaves the
- 13824 home of the child's parent or guardian, or the lawfully prescribed residence of the child,
- 13825 without permission.
- 13826 (73) "Secure care" means placement of a minor, who is committed to the Division of
- 13827 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
- 13828 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
- 13829 supervision and confinement of the minor.
- 13830 (74) "Secure care facility" means a facility, established in accordance with Section 80-5-503,
- 13831 for juvenile offenders in secure care.
- 13832 (75) "Secure detention" means temporary care of a minor who requires secure custody in a

- 13833 physically restricting facility operated by, or under contract with, the Division of
13834 Juvenile Justice and Youth Services:
- 13835 (a) before disposition of an offense that is alleged to have been committed by the minor;
13836 or
13837 (b) under Section 80-6-704.
- 13838 (76) "Serious youth offender" means an individual who:
13839 (a) is at least 14 years old, but under 25 years old;
13840 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
13841 of the juvenile court was extended over the individual's case until the individual was
13842 25 years old in accordance with Section 80-6-605; and
13843 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth
13844 Services for secure care under Sections 80-6-703 and 80-6-705.
- 13845 (77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 13846 (78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
13847 child.
- 13848 (79)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection
13849 (79)(b):
- 13850 (i) if committed by an individual who is 18 years old or older:
13851 (A) chronic abuse;
13852 (B) severe abuse;
13853 (C) sexual abuse;
13854 (D) sexual exploitation;
13855 (E) abandonment;
13856 (F) chronic neglect; or
13857 (G) severe neglect; or
- 13858 (ii) if committed by an individual who is under 18 years old:
13859 (A) causing serious injury, as defined in Subsection 76-5-109(1), to another child
13860 that indicates a significant risk to other children; or
13861 (B) sexual behavior with or upon another child that indicates a significant risk to
13862 other children.
- 13863 (b) "Severe type of child abuse or neglect" does not include:
13864 (i) the use of reasonable and necessary physical restraint by an educator in
13865 accordance with Section 53G-8-301 or Section 76-2-401;
13866 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the

- 13867 use of reasonable and necessary physical restraint or force in self-defense or
13868 otherwise appropriate to the circumstances to obtain possession of a weapon or
13869 other dangerous object in the possession or under the control of a child or to
13870 protect the child or another individual from physical injury; or
- 13871 (iii) a health care decision made for a child by a child's parent or guardian, unless,
13872 subject to Subsection (79)(c), the state or other party to the proceeding shows, by
13873 clear and convincing evidence, that the health care decision is not reasonable and
13874 informed.
- 13875 (c) Subsection (79)(b)(iii) does not prohibit a parent or guardian from exercising the
13876 right to obtain a second health care opinion.
- 13877 (80)(a) "Sexual abuse" means:
- 13878 (i) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
13879 adult directed towards a child;
- 13880 (ii) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
13881 committed by a child towards another child if:
- 13882 (A) there is an indication of force or coercion;
- 13883 (B) the children are related, as described in Subsection (40), including siblings by
13884 marriage while the marriage exists or by adoption; or
- 13885 (C) the act or attempted act constitutes unlawful sexual activity as described in
13886 Section 76-5-401.3.
- 13887 (iii) engaging in any conduct with a child that would constitute an offense under any
13888 of the following, regardless of whether the individual who engages in the conduct
13889 is actually charged with, or convicted of, the offense:
- 13890 (A) Title 76, Chapter 5, Part 4, Sexual Offenses;
- 13891 (B) child bigamy, Section 76-7-101.5;
- 13892 (C) incest, Section 76-7-102;
- 13893 (D) voyeurism, Section 76-12-306;
- 13894 (E) recorded or photographed voyeurism, Section 76-12-307; or
- 13895 (F) distribution of images obtained through voyeurism, Section 76-12-308; or
- 13896 (iv) subjecting a child to participate in or threatening to subject a child to participate
13897 in a sexual relationship, regardless of whether that sexual relationship is part of a
13898 legal or cultural marriage.
- 13899 (b) "Sexual abuse" does not include engaging in any conduct with a child that would
13900 constitute an offense described in:

- 13901 (i) Section 76-5-401, unlawful sexual activity with a minor, if the alleged perpetrator
13902 of the offense is a minor; or
- 13903 (ii) Section 76-5-417, enticing a minor.
- 13904 (81) "Sexual exploitation" means knowingly:
- 13905 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 13906 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 13907 (ii) engage in any sexual or simulated sexual conduct for the purpose of
- 13908 photographing, filming, recording, or displaying in any way the sexual or
- 13909 simulated sexual conduct;
- 13910 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
- 13911 depicting a child:
- 13912 (i) in the nude, for the purpose of sexual arousal of any individual; or
- 13913 (ii) engaging in sexual or simulated sexual conduct; or
- 13914 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
- 13915 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
- 13916 exploitation of a minor, regardless of whether the individual who engages in the
- 13917 conduct is actually charged with, or convicted of, the offense.
- 13918 (82) "Shelter" means the temporary care of a child in a physically unrestricted facility
- 13919 pending a disposition or transfer to another jurisdiction.
- 13920 (83) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 13921 (84) "Significant risk" means a risk of harm that is determined to be significant in
- 13922 accordance with risk assessment tools and rules established by the Division of Child and
- 13923 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative
- 13924 Rulemaking Act, that focus on:
- 13925 (a) age;
- 13926 (b) social factors;
- 13927 (c) emotional factors;
- 13928 (d) sexual factors;
- 13929 (e) intellectual factors;
- 13930 (f) family risk factors; and
- 13931 (g) other related considerations.
- 13932 (85) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 13933 (86) "Status offense" means an offense that would not be an offense but for the age of the
- 13934 offender.

- 13935 (87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or
13936 excessive use of alcohol or other drugs or substances.
- 13937 (88) "Substantiated" or "substantiation" means a judicial finding based on a preponderance
13938 of the evidence, and separate consideration of each allegation made or identified in the
13939 case, that abuse, neglect, or dependency occurred.
- 13940 (89) "Substitute care" means:
- 13941 (a) the placement of a minor in a family home, group care facility, or other placement
13942 outside the minor's own home, either at the request of a parent or other responsible
13943 relative, or upon court order, when it is determined that continuation of care in the
13944 minor's own home would be contrary to the minor's welfare;
- 13945 (b) services provided for a minor in the protective custody of the Division of Child and
13946 Family Services, or a minor in the temporary custody or custody of the Division of
13947 Child and Family Services, as those terms are defined in Section 80-2-102; or
- 13948 (c) the licensing and supervision of a substitute care facility.
- 13949 (90) "Supported" means a finding by the Division of Child and Family Services based on
13950 the evidence available at the completion of an investigation, and separate consideration
13951 of each allegation made or identified during the investigation, that there is a reasonable
13952 basis to conclude that abuse, neglect, or dependency occurred.
- 13953 (91) "Termination of parental rights" means the permanent elimination of all parental rights
13954 and duties, including residual parental rights and duties, by court order.
- 13955 (92) "Therapist" means:
- 13956 (a) an individual employed by a state division or agency for the purpose of conducting
13957 psychological treatment and counseling of a minor in the division's or agency's
13958 custody; or
- 13959 (b) any other individual licensed or approved by the state for the purpose of conducting
13960 psychological treatment and counseling.
- 13961 (93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that
13962 the child is at an unreasonable risk of harm or neglect.
- 13963 (94) "Torture" means:
- 13964 (a) the infliction of a serious injury upon a child in an exceptionally cruel or
13965 exceptionally depraved manner that causes the child to experience extreme physical
13966 or psychological pain or anguish; or
- 13967 (b) the infliction of a serious injury, or more than one serious injury, upon a child as part
13968 of a course of conduct or over a prolonged period of time.

- 13969 (95) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
- 13970 (a) results in behavior that is beyond the control or ability of the child, or the parent or
- 13971 guardian, to manage effectively;
- 13972 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or
- 13973 (c) results in the situations described in Subsections (95)(a) and (b).
- 13974 (96) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
- 13975 conclude that abuse, neglect, or dependency occurred.
- 13976 (97) "Unsupported" means a finding by the Division of Child and Family Services at the
- 13977 completion of an investigation, after the day on which the Division of Child and Family
- 13978 Services concludes the alleged abuse, neglect, or dependency is not without merit, that
- 13979 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 13980 (98) "Validated risk and needs assessment" means an evidence-based tool that assesses a
- 13981 minor's risk of reoffending and a minor's criminogenic needs.
- 13982 (99) "Without merit" means a finding at the completion of an investigation by the Division
- 13983 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or
- 13984 dependency did not occur, or that the alleged perpetrator was not responsible for the
- 13985 abuse, neglect, or dependency.
- 13986 (100) "Youth offender" means an individual who is:
- 13987 (a) at least 12 years old, but under 21 years old; and
- 13988 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth
- 13989 Services for secure care under Sections 80-6-703 and 80-6-705.
- 13990 Section 234. Section **80-3-110** is amended to read:
- 13991 **80-3-110 (Effective 05/06/26). Consideration of cannabis during proceedings --**
- 13992 **Drug testing.**
- 13993 (1) As used in this section:
- 13994 (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 13995 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 13996 (c)(i) "Chronic" means repeated or patterned.
- 13997 (ii) "Chronic" does not mean an isolated incident.
- 13998 (d) "Directions of use" means the same as that term is defined in Section 26B-4-201.
- 13999 (e) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.
- 14000 (f) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 14001 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
- 14002 26B-4-201.

- 14003 (h) " Recommending medical provider" means the same as that term is defined in
14004 Section 26B-4-201.
- 14005 (2) In a proceeding under this chapter, in which the juvenile court makes a finding,
14006 determination, or otherwise considers an individual's medical cannabis card, medical
14007 cannabis recommendation from a recommending medical provider, or possession or use
14008 of medical cannabis, a cannabis product, or a medical cannabis device, the juvenile court
14009 may not consider or treat the individual's medical cannabis card, recommendation,
14010 possession, or use any differently than the lawful possession or use of any prescribed
14011 controlled substance if:
- 14012 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
14013 Production Establishments and Pharmacies;
- 14014 (b) the individual's possession or use complies with Subsection [~~58-37-3.7(2)~~]
14015 58-37-404(2) or (3); or
- 14016 (c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2,
14017 Cannabinoid Research and Medical Cannabis; and
- 14018 (ii) the individual reasonably complies with the directions of use and dosing
14019 guidelines determined by the individual's recommending medical provider or
14020 through a consultation described in Subsection 26B-4-230(5).
- 14021 (3) In a proceeding under this chapter, a child's parent's or guardian's use of cannabis or a
14022 cannabis product is not abuse or neglect of the child unless there is evidence showing
14023 that:
- 14024 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
14025 because of cannabis being introduced to the child's body in another manner; or
- 14026 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
14027 ingestion of cannabis or chronic introduction of cannabis to the child's body in
14028 another manner.
- 14029 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
14030 Subsection (3), in a child welfare proceeding under this chapter, a child's parent's or
14031 guardian's use of medical cannabis or a cannabis product is not contrary to the best
14032 interests of the child if:
- 14033 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
14034 possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research
14035 and Medical Cannabis, and there is no evidence that the parent's or guardian's use of
14036 medical cannabis unreasonably deviates from the directions of use and dosing

14037 guidelines determined by the parent's or guardian's recommending medical provider
 14038 or through a consultation described in Subsection 26B-4-230(5); or

14039 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
 14040 Subsection [58-37-3.7(2)] 58-37-404(2) or (3).

14041 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child, and Subsection
 14042 (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis or a
 14043 cannabis product is contrary to the best interests of a child, if there is evidence showing
 14044 a nexus between the parent's or guardian's use of cannabis or a cannabis product and
 14045 behavior that would separately constitute abuse or neglect of the child.

14046 (6)(a) Except as provided in Subsection (6)(c), if an individual, who is party to a
 14047 proceeding under this chapter, is ordered by the juvenile court to submit to drug
 14048 testing, the individual may not be ordered to complete for drug testing by means of a
 14049 hair, fingernail, or saliva test that is administered to detect the presence of drugs.

14050 (b) Except as provided in Subsection (6)(c), if an individual, who is party to a
 14051 proceeding under this chapter, is referred by the division or a guardian ad litem for
 14052 drug testing, the individual may not be referred for drug testing by means of a hair,
 14053 fingernail, or saliva test that is administered to detect the presence of drugs.

14054 (c) Notwithstanding Subsections (6)(a) and (b), an individual who is party to a
 14055 proceeding under this chapter:

14056 (i) may be ordered by the juvenile court to submit to drug testing by means of a saliva
 14057 test, if the court finds that such testing is necessary in the circumstances; or

14058 (ii) may be referred by the division for drug testing by means of a saliva test if the
 14059 individual consents to drug testing by means of a saliva test.

14060 Section 235. Section **80-3-204** is amended to read:

14061 **80-3-204 (Effective 05/06/26). Protective custody of a child after a petition is filed**

14062 **-- Grounds.**

14063 (1) When an abuse, neglect, or dependency petition is filed, the juvenile court shall apply,
 14064 in addressing the petition, the least restrictive means and alternatives available to
 14065 accomplish a compelling state interest and to prevent irretrievable destruction of family
 14066 life as described in Subsections 80-2a-201(1) and (7)(a) and Section 80-4-104.

14067 (2) After an abuse, neglect, or dependency petition is filed, if the child who is the subject of
 14068 the petition is not in protective custody, a juvenile court may order that the child be
 14069 removed from the child's home or otherwise taken into protective custody if the juvenile
 14070 court finds, by a preponderance of the evidence, that any one or more of the following

- 14071 circumstances exist:
- 14072 (a)(i) there is an imminent danger to the physical health or safety of the child; and
- 14073 (ii) the child's physical health or safety may not be protected without removing the
- 14074 child from the custody of the child's parent or guardian;
- 14075 (b)(i) a parent or guardian engages in or threatens the child with unreasonable
- 14076 conduct that causes the child to suffer harm; and
- 14077 (ii) there are no less restrictive means available by which the child's emotional health
- 14078 may be protected without removing the child from the custody of the child's
- 14079 parent or guardian;
- 14080 (c) the child or another child residing in the same household has been, or is considered
- 14081 to be at substantial risk of being, physically abused, sexually abused, or sexually
- 14082 exploited, by a parent or guardian, a member of the parent's or guardian's household,
- 14083 or other individual known to the parent or guardian;
- 14084 (d) the parent or guardian is unwilling to have physical custody of the child;
- 14085 (e) the child is abandoned or left without any provision for the child's support;
- 14086 (f) a parent or guardian who has been incarcerated or institutionalized has not arranged
- 14087 or cannot arrange for safe and appropriate care for the child;
- 14088 (g)(i) a relative or other adult custodian with whom the child is left by the parent or
- 14089 guardian is unwilling or unable to provide care or support for the child;
- 14090 (ii) the whereabouts of the parent or guardian are unknown; and
- 14091 (iii) reasonable efforts to locate the parent or guardian are unsuccessful;
- 14092 (h) subject to Subsection 80-1-102(58)(b) and Sections 80-3-109 and 80-3-304, the child
- 14093 is in immediate need of medical care;
- 14094 (i)(i) a parent's or guardian's actions, omissions, or habitual action create an
- 14095 environment that poses a serious risk to the child's health or safety for which
- 14096 immediate remedial or preventive action is necessary; or
- 14097 (ii) a parent's or guardian's action in leaving a child unattended would reasonably
- 14098 pose a threat to the child's health or safety;
- 14099 (j) the child or another child residing in the same household has been neglected;
- 14100 (k) the child's parent:
- 14101 (i) intentionally, knowingly, or recklessly causes the death of another parent of the
- 14102 child;
- 14103 (ii) is identified by a law enforcement agency as the primary suspect in an
- 14104 investigation for intentionally, knowingly, or recklessly causing the death of

- 14105 another parent of the child; or
- 14106 (iii) is being prosecuted for or has been convicted of intentionally, knowingly, or
- 14107 recklessly causing the death of another parent of the child;
- 14108 (l) an infant is an abandoned infant, as defined in Section 80-4-203;
- 14109 (m)(i) the parent or guardian, or an adult residing in the same household as the parent
- 14110 or guardian, is charged or arrested pursuant to [~~Title 58, Chapter 37d, Clandestine~~
- 14111 ~~Drug Lab Act~~] Title 76, Chapter 18, Part 5, Clandestine Drug Labs; and
- 14112 (ii) any clandestine laboratory operation was located in the residence or on the
- 14113 property where the child resided; or
- 14114 (n) the child's welfare is otherwise endangered.
- 14115 (3)(a) For purposes of Subsection (2)(a), if a child has previously been adjudicated as
- 14116 abused, neglected, or dependent, and a subsequent incident of abuse, neglect, or
- 14117 dependency occurs involving the same substantiated abuser or under similar
- 14118 circumstance as the previous abuse, that fact is prima facie evidence that the child
- 14119 cannot safely remain in the custody of the child's parent.
- 14120 (b) For purposes of Subsection (2)(c):
- 14121 (i) another child residing in the same household may not be removed from the home
- 14122 unless that child is considered to be at substantial risk of being physically abused,
- 14123 sexually abused, or sexually exploited as described in Subsection (2)(c) or
- 14124 Subsection (3)(b)(ii); and
- 14125 (ii) if a parent or guardian has received actual notice that physical abuse, sexual
- 14126 abuse, or sexual exploitation by an individual known to the parent has occurred,
- 14127 and there is evidence that the parent or guardian failed to protect the child, after
- 14128 having received the notice, by allowing the child to be in the physical presence of
- 14129 the alleged abuser, that fact is prima facie evidence that the child is at substantial
- 14130 risk of being physically abused, sexually abused, or sexually exploited.
- 14131 (4)(a) For purposes of Subsection (2), if the division files an abuse, neglect, or
- 14132 dependency petition, the juvenile court shall consider the division's safety and risk
- 14133 assessments described in Section 80-2-403 to determine whether a child should be
- 14134 removed from the custody of the child's parent or guardian or should otherwise be
- 14135 taken into protective custody.
- 14136 (b) The division shall make a diligent effort to provide the safety and risk assessments
- 14137 described in Section 80-2-403 to the juvenile court, guardian ad litem, and counsel
- 14138 for the parent or guardian, as soon as practicable before the shelter hearing described

14139 in Section 80-3-301.

14140 (5) In the absence of one of the factors described in Subsection (2), a juvenile court may not
14141 remove a child from the parent's or guardian's custody on the basis of:

14142 (a) educational neglect, truancy, or failure to comply with a court order to attend school;

14143 (b) mental illness or poverty of the parent or guardian;

14144 (c) disability of the parent or guardian, as defined in Section 57-21-2; or

14145 (d) the possession or use, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid
14146 Research and Medical Cannabis, of cannabis in a medicinal dosage form, a cannabis
14147 product in a medicinal dosage form, or a medical cannabis device, as those terms are
14148 defined in Section 26B-4-201.

14149 (6) A child removed from the custody of the child's parent or guardian under this section
14150 may not be placed or kept in detention, unless the child may be admitted to detention
14151 under Chapter 6, Part 2, Custody and Detention.

14152 (7) This section does not preclude removal of a child from the child's home without a
14153 warrant or court order under Section 80-2a-202.

14154 (8)(a) Except as provided in Subsection (8)(b), a juvenile court and the division may not
14155 remove a child from the custody of the child's parent or guardian on the sole or
14156 primary basis that the parent or guardian refuses to consent to:

14157 (i) the administration of a psychotropic medication to a child;

14158 (ii) a psychiatric, psychological, or behavioral treatment for a child; or

14159 (iii) a psychiatric or behavioral health evaluation of a child.

14160 (b) Notwithstanding Subsection (8)(a), a juvenile court or the division may remove a
14161 child under conditions that would otherwise be prohibited under Subsection (8)(a) if
14162 failure to take an action described under Subsection (8)(a) would present a serious,
14163 imminent risk to the child's physical safety or the physical safety of others.

14164 Section 236. Section **80-3-301** is amended to read:

14165 **80-3-301 (Effective 05/06/26). Shelter hearing -- Court considerations.**

14166 (1) A juvenile court shall hold a shelter hearing to determine the temporary custody of a
14167 child within 72 hours, excluding weekends and holidays, after any one or all of the
14168 following occur:

14169 (a) removal of the child from the child's home by the division;

14170 (b) placement of the child in protective custody;

14171 (c) emergency placement under Subsection 80-2a-202(5);

14172 (d) as an alternative to removal of the child, a parent enters a domestic violence shelter

- 14173 at the request of the division; or
- 14174 (e) a motion for expedited placement in temporary custody is filed under Section
14175 80-3-203.
- 14176 (2) If one of the circumstances described in Subsections (1)(a) through (e) occurs, the
14177 division shall issue a notice that contains all of the following:
- 14178 (a) the name and address of the individual to whom the notice is directed;
- 14179 (b) the date, time, and place of the shelter hearing;
- 14180 (c) the name of the child on whose behalf an abuse, neglect, or dependency petition is
14181 brought;
- 14182 (d) a concise statement regarding:
- 14183 (i) the reasons for removal or other action of the division under Subsection (1); and
14184 (ii) the allegations and code sections under which the proceeding is instituted;
- 14185 (e) a statement that the parent or guardian to whom notice is given, and the child, are
14186 entitled to have an attorney present at the shelter hearing, and that if the parent or
14187 guardian is an indigent individual and cannot afford an attorney, and desires to be
14188 represented by an attorney, one will be provided in accordance with Title 78B,
14189 Chapter 22, Indigent Defense Act; and
- 14190 (f) a statement that the parent or guardian is liable for the cost of support of the child in
14191 the protective custody, temporary custody, and custody of the division, and the cost
14192 for legal counsel appointed for the parent or guardian under Subsection (2)(e),
14193 according to the financial ability of the parent or guardian.
- 14194 (3) The notice described in Subsection (2) shall be personally served as soon as possible,
14195 but no later than one business day after the day on which the child is removed from the
14196 child's home, or the day on which a motion for expedited placement in temporary
14197 custody under Section 80-3-203 is filed, on:
- 14198 (a) the appropriate guardian ad litem; and
- 14199 (b) both parents and any guardian of the child, unless the parents or guardians cannot be
14200 located.
- 14201 (4) Notwithstanding Section 80-3-104, the following individuals shall be present at the
14202 shelter hearing:
- 14203 (a) the child, unless it would be detrimental for the child;
- 14204 (b) the child's parents or guardian, unless the parents or guardian cannot be located, or
14205 fail to appear in response to the notice;
- 14206 (c) counsel for the parents, if one is requested;

- 14207 (d) the child's guardian ad litem;
- 14208 (e) the child welfare caseworker from the division who is assigned to the case; and
- 14209 (f) the attorney from the attorney general's office who is representing the division.
- 14210 (5)(a) At the shelter hearing, the juvenile court shall:
- 14211 (i) provide an opportunity to provide relevant testimony to:
- 14212 (A) the child's parent or guardian, if present; and
- 14213 (B) any other individual with relevant knowledge;
- 14214 (ii) subject to Section 80-3-108, provide an opportunity for the child to testify; and
- 14215 (iii) in accordance with Subsections 80-3-302(7)(c) and (d), grant preferential
- 14216 consideration to a relative or friend for the temporary placement of the child.
- 14217 (b) The juvenile court:
- 14218 (i) may consider all relevant evidence, in accordance with the Utah Rules of Juvenile
- 14219 Procedure;
- 14220 (ii) shall hear relevant evidence presented by the child, the child's parent or guardian,
- 14221 the requesting party, or the requesting party's counsel, including relevant evidence
- 14222 regarding harm the specific child has suffered or will suffer due to the separation
- 14223 or continued separation from the child's parent or guardian; and
- 14224 (iii) may in the juvenile court's discretion limit testimony and evidence to only that
- 14225 which goes to the issues of removal and the child's need for continued protection.
- 14226 (6) If the child is in protective custody, the division shall report to the juvenile court:
- 14227 (a) the reason why the child was removed from the parent's or guardian's custody;
- 14228 (b) any services provided to the child and the child's family in an effort to prevent
- 14229 removal;
- 14230 (c) the need, if any, for continued shelter;
- 14231 (d) the available services that could facilitate the return of the child to the custody of the
- 14232 child's parent or guardian; and
- 14233 (e) subject to Subsections 80-3-302(7)(c) and (d), whether any relatives of the child or
- 14234 friends of the child's parents may be able and willing to accept temporary placement
- 14235 of the child.
- 14236 (7) The juvenile court shall consider all relevant evidence provided by an individual or
- 14237 entity authorized to present relevant evidence under this section.
- 14238 (8)(a) If necessary to protect the child, preserve the rights of a party, or for other good
- 14239 cause shown, the juvenile court may grant no more than one continuance, not to
- 14240 exceed five judicial days.

- 14241 (b) A juvenile court shall honor, as nearly as practicable, the request by a parent or
14242 guardian for a continuance under Subsection (8)(a).
- 14243 (c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice
14244 described in Subsection (2) within the time described in Subsection (3), the juvenile
14245 court may grant the request of a parent or guardian for a continuance, not to exceed
14246 five judicial days.
- 14247 (9)(a) If the child is in protective custody, the juvenile court shall order that the child be
14248 returned to the custody of the parent or guardian unless the juvenile court finds, by a
14249 preponderance of the evidence, consistent with the protections and requirements
14250 provided in Subsection 80-2a-201(1), that any one of the following exists:
- 14251 (i) subject to Subsection (9)(b)(i), there is a serious danger to the physical health or
14252 safety of the child and the child's physical health or safety may not be protected
14253 without removing the child from the custody of the child's parent;
- 14254 (ii)(A) the child is suffering emotional damage that results in a serious impairment
14255 in the child's growth, development, behavior, or psychological functioning;
14256 (B) the parent or guardian is unwilling or unable to make reasonable changes that
14257 would sufficiently prevent future damage; and
14258 (C) there are no reasonable means available by which the child's emotional health
14259 may be protected without removing the child from the custody of the child's
14260 parent or guardian;
- 14261 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is
14262 not removed from the custody of the child's parent or guardian;
- 14263 (iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same
14264 household has been, or is considered to be at substantial risk of being, physically
14265 abused, sexually abused, or sexually exploited by:
- 14266 (A) a parent or guardian;
14267 (B) a member of the parent's household or the guardian's household; or
14268 (C) an individual known to the parent or guardian;
- 14269 (v) the parent or guardian is unwilling to have physical custody of the child;
14270 (vi) the parent or guardian is unable to have physical custody of the child;
14271 (vii) the child is without any provision for the child's support;
14272 (viii) a parent who is incarcerated or institutionalized has not or cannot arrange for
14273 safe and appropriate care for the child;
- 14274 (ix)(A) a relative or other adult custodian with whom the child is left by the parent

- 14275 or guardian is unwilling or unable to provide care or support for the child;
- 14276 (B) the whereabouts of the parent or guardian are unknown; and
- 14277 (C) reasonable efforts to locate the parent or guardian are unsuccessful;
- 14278 (x) subject to Subsection 80-1-102(58)(b)(i) and Sections 80-3-109 and 80-3-304, the
- 14279 child is in immediate need of medical care;
- 14280 (xi)(A) the physical environment or the fact that the child is left unattended
- 14281 beyond a reasonable period of time poses a threat to the child's health or safety;
- 14282 and
- 14283 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 14284 would remove the threat;
- 14285 (xii)(A) the child or a minor residing in the same household has been neglected;
- 14286 and
- 14287 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 14288 would prevent the neglect;
- 14289 (xiii) the parent, guardian, or an adult residing in the same household as the parent or
- 14290 guardian, is charged or arrested pursuant to [~~Title 58, Chapter 37d, Clandestine~~
- 14291 ~~Drug Lab Act~~] Title 76, Chapter 18, Part 5, Clandestine Drug Labs, and any
- 14292 clandestine laboratory operation was located in the residence or on the property
- 14293 where the child resided;
- 14294 (xiv)(A) the child's welfare is substantially endangered; and
- 14295 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 14296 would remove the danger; or
- 14297 (xv) the child's parent:
- 14298 (A) intentionally, knowingly, or recklessly causes the death of another parent of
- 14299 the child;
- 14300 (B) is identified by a law enforcement agency as the primary suspect in an
- 14301 investigation for intentionally, knowingly, or recklessly causing the death of
- 14302 another parent of the child; or
- 14303 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
- 14304 recklessly causing the death of another parent of the child.
- 14305 (b)(i) Prima facie evidence of the finding described in Subsection (9)(a)(i) is
- 14306 established if:
- 14307 (A) a court previously adjudicated that the child suffered abuse, neglect, or
- 14308 dependency involving the parent; and

- 14309 (B) a subsequent incident of abuse, neglect, or dependency involving the parent
14310 occurs.
- 14311 (ii) For purposes of Subsection (9)(a)(iv), if the juvenile court finds that the parent
14312 knowingly allowed the child to be in the physical care of an individual after the
14313 parent received actual notice that the individual physically abused, sexually
14314 abused, or sexually exploited the child, that fact is prima facie evidence that there
14315 is a substantial risk that the child will be physically abused, sexually abused, or
14316 sexually exploited.
- 14317 (10)(a)(i) The juvenile court shall make a determination on the record as to whether
14318 reasonable efforts were made to prevent or eliminate the need for removal of the
14319 child from the child's home and whether there are available services that would
14320 prevent the need for continued removal.
- 14321 (ii) If the juvenile court finds that the child can be safely returned to the custody of
14322 the child's parent or guardian through the provision of the services described in
14323 Subsection (10)(a)(i), the juvenile court shall place the child with the child's
14324 parent or guardian and order that the services be provided by the division.
- 14325 (b) In accordance with federal law, the juvenile court shall consider the child's health,
14326 safety, and welfare as the paramount concern when making the determination
14327 described in Subsection (10)(a), and in ordering and providing the services described
14328 in Subsection (10)(a).
- 14329 (11) If the division's first contact with the family occurred during an emergency situation in
14330 which the child could not safely remain at home, the juvenile court shall make a finding
14331 that any lack of preplacement preventive efforts, as described in Section 80-2a-302, was
14332 appropriate.
- 14333 (12) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or severe
14334 neglect are involved, the juvenile court and the division do not have any duty to make
14335 reasonable efforts or to, in any other way, attempt to maintain a child in the child's
14336 home, return a child to the child's home, provide reunification services, or attempt to
14337 rehabilitate the offending parent or parents.
- 14338 (13) The juvenile court may not order continued removal of a child solely on the basis of
14339 educational neglect, truancy, or failure to comply with a court order to attend school.
- 14340 (14)(a) If a juvenile court orders continued removal of a child under this section, the
14341 juvenile court shall state the facts on which the decision is based.
- 14342 (b) If no continued removal is ordered and the child is returned home, the juvenile court

14343 shall state the facts on which the decision is based.

- 14344 (15) If the juvenile court finds that continued removal and temporary custody are necessary
 14345 for the protection of a child under Subsection (9)(a), the juvenile court shall order
 14346 continued removal regardless of:
 14347 (a) any error in the initial removal of the child;
 14348 (b) the failure of a party to comply with notice provisions; or
 14349 (c) any other procedural requirement of this chapter, Chapter 2, Child Welfare Services,
 14350 or Chapter 2a, Removal and Protective Custody of a Child.

14351 Section 237. Section **80-4-109** is amended to read:

14352 **80-4-109 (Effective 05/06/26). Consideration of cannabis during proceedings.**

- 14353 (1) As used in this section:
- 14354 (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
 14355 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
 14356 (c)(i) "Chronic" means repeated or patterned.
 14357 (ii) "Chronic" does not mean an isolated incident.
 14358 (d) "Directions of use" means the same as that term is defined in Section 26B-4-201.
 14359 (e) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.
 14360 (f) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
 14361 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
 14362 26B-4-201.
 14363 (h) "Recommending medical provider" means the same as that term is defined in Section
 14364 26B-4-201.
- 14365 (2) In a proceeding under this chapter in which the juvenile court makes a finding,
 14366 determination, or otherwise considers an individual's possession or use of medical
 14367 cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not
 14368 consider or treat the individual's possession or use any differently than the lawful
 14369 possession or use of any prescribed controlled substance if:
 14370 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
 14371 Production Establishments and Pharmacies;
 14372 (b) the individual's possession or use complies with Subsection [58-37-3.7(2)]
 14373 58-37-404(2) or (3); or
 14374 (c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2,
 14375 Cannabinoid Research and Medical Cannabis; and
 14376 (ii) the individual reasonably complies with the directions of use and dosing

- 14377 guidelines determined by the individual's recommending medical provider or
 14378 through a consultation described in Subsection 26B-4-231(5).
- 14379 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a cannabis
 14380 product is not abuse or neglect of a child unless there is evidence showing that:
 14381 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
 14382 because of cannabis being introduced to the child's body in another manner; or
 14383 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
 14384 ingestion of cannabis or chronic introduction of cannabis to the child's body in
 14385 another manner.
- 14386 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
 14387 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is
 14388 not contrary to the best interests of a child if:
 14389 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
 14390 possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research
 14391 and Medical Cannabis, and there is no evidence that the parent's or guardian's use of
 14392 medical cannabis unreasonably deviates from the directions of use and dosing
 14393 guidelines determined by the parent's or guardian's recommending medical provider
 14394 or through a consultation described in Subsection 26B-4-231(5); or
 14395 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
 14396 Subsection [~~58-37-3.7(2)~~] 58-37-404(2) or (3).
- 14397 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and Subsection
 14398 (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis or a
 14399 cannabis product is contrary to the best interests of a child, if there is evidence showing
 14400 a nexus between the parent's or guardian's use of cannabis or a cannabis product and
 14401 behavior that would separately constitute abuse or neglect of the child.
- 14402 Section 238. Section **80-6-707** is amended to read:
 14403 **80-6-707 (Effective 05/06/26). Suspension of driving privileges.**
- 14404 (1) This section applies to a minor who:
 14405 (a) at the time that the minor is adjudicated under Section 80-6-701, is at least the age
 14406 eligible for a driver license under Section 53-3-204; and
 14407 (b) is found by the juvenile court to be in actual physical control of a motor vehicle
 14408 during the commission of the offense for which the minor is adjudicated.
- 14409 (2)(a) Except as otherwise provided by this section, if a minor is adjudicated for a
 14410 violation of a traffic law by the juvenile court under Section 80-6-701, the juvenile

- 14411 court may:
- 14412 (i) suspend the minor's driving privileges; and
- 14413 (ii) take possession of the minor's driver license.
- 14414 (b) The juvenile court may order any other eligible disposition under Subsection (1),
- 14415 except for a disposition under Section 80-6-703 or 80-6-705.
- 14416 (c) If a juvenile court suspends a minor's driving privileges under Subsection (2)(a):
- 14417 (i) the juvenile court shall prepare and send the order to the Driver License Division
- 14418 of the Department of Public Safety; and
- 14419 (ii) the minor's license shall be suspended under Section 53-3-219.
- 14420 (3) The juvenile court may reduce a suspension period imposed under Section 53-3-219 if:
- 14421 (a)(i) the violation is the minor's first violation of:
- 14422 (A) Section 32B-4-409;
- 14423 (B) Section 32B-4-410;
- 14424 (C) Section [~~58-37-8~~] 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210,
- 14425 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216,
- 14426 76-18-217, 76-18-218, or 76-18-219;
- 14427 (D) [~~Title 58, Chapter 37a, Utah Drug Paraphernalia Act~~] Title 76, Chapter 18,
- 14428 Part 3, Offenses Concerning Drug Paraphernalia;
- 14429 (E) [~~Title 58, Chapter 37b, Imitation Controlled Substances Act~~] Title 76, Chapter
- 14430 18, Part 4, Offenses Concerning Imitation Controlled Substances;
- 14431 (F) Subsection 76-5-102.1(2)(b);
- 14432 (G) Subsection 76-5-207(2)(b); or
- 14433 (H) Subsection 76-9-110(2); and
- 14434 (ii)(A) the minor completes an educational series as defined in Section 41-6a-501;
- 14435 or
- 14436 (B) the minor demonstrates substantial progress in substance use disorder
- 14437 treatment; or
- 14438 (b)(i) the violation is the minor's second or subsequent violation of:
- 14439 (A) Section 32B-4-409;
- 14440 (B) Section 32B-4-410;
- 14441 (C) Section [~~58-37-8~~] 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210,
- 14442 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216,
- 14443 76-18-217, 76-18-218, or 76-18-219;
- 14444 (D) [~~Title 58, Chapter 37a, Utah Drug Paraphernalia Act~~] Title 76, Chapter 18,

- 14445 Part 3, Offenses Concerning Drug Paraphernalia;
- 14446 (E) [~~Title 58, Chapter 37b, Imitation Controlled Substances Act~~] Title 76, Chapter
- 14447 18, Part 4, Offenses Concerning Imitation Controlled Substances;
- 14448 (F) Subsection 76-5-102.1(2)(b);
- 14449 (G) Subsection 76-5-207(2)(b); [~~or~~]
- 14450 (H) Subsection 76-9-110(2); or
- 14451 (I) an offense described in a statute previously in effect in this state that is the
- 14452 same or substantially similar to a violation of an offense described in
- 14453 Subsections (3)(b)(i)(A) through (H);
- 14454 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
- 14455 demonstrated substantial progress in substance use disorder treatment; and
- 14456 (iii)(A) the minor is 18 years old or older and provides a sworn statement to the
- 14457 juvenile court that the minor has not unlawfully consumed alcohol or drugs for
- 14458 at least a one-year consecutive period during the suspension period imposed
- 14459 under Section 53-3-219; or
- 14460 (B) the minor is under 18 years old and the minor's parent or guardian provides an
- 14461 affidavit or sworn statement to the juvenile court certifying that to the parent or
- 14462 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs
- 14463 for at least a one-year consecutive period during the suspension period imposed
- 14464 under Section 53-3-219.
- 14465 (4)(a) If a minor is adjudicated under Section 80-6-701 for a proof of age violation, as
- 14466 defined in Section 32B-4-411:
- 14467 (i) the juvenile court may forward a record of adjudication to the Department of
- 14468 Public Safety for a first or subsequent violation; and
- 14469 (ii) the minor's driving privileges will be suspended:
- 14470 (A) for a period of at least one year under Section 53-3-220 for a first conviction
- 14471 for a violation of Section 32B-4-411; or
- 14472 (B) for a period of two years for a second or subsequent conviction for a violation
- 14473 of Section 32B-4-411.
- 14474 (b) The juvenile court may reduce the suspension period imposed under Subsection
- 14475 (4)(a)(ii)(A) if:
- 14476 (i) the violation is the minor's first violation of Section 32B-4-411; and
- 14477 (ii)(A) the minor completes an educational series as defined in Section 41-6a-501;
- 14478 or

- 14479 (B) the minor demonstrates substantial progress in substance use disorder
 14480 treatment.
- 14481 (c) The juvenile court may reduce the suspension period imposed under Subsection
 14482 (4)(a)(ii)(B) if:
- 14483 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;
 14484 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
 14485 demonstrated substantial progress in substance use disorder treatment; and
 14486 (iii)(A) the minor is 18 years old or older and provides a sworn statement to the
 14487 court that the minor has not unlawfully consumed alcohol or drugs for at least a
 14488 one-year consecutive period during the suspension period imposed under
 14489 Subsection (4)(a)(ii)(B); or
- 14490 (B) the minor is under 18 years old and has the minor's parent or guardian provide
 14491 an affidavit or sworn statement to the court certifying that to the parent's or
 14492 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs
 14493 for at least a one-year consecutive period during the suspension period imposed
 14494 under Subsection (4)(a)(ii)(B).
- 14495 (5) When the Department of Public Safety receives the arrest or conviction record of a
 14496 minor for a driving offense committed while the minor's license is suspended under this
 14497 section, the Department of Public Safety shall extend the suspension for a like period of
 14498 time.
- 14499 Section 239. Section **80-6-708** is amended to read:
- 14500 **80-6-708 (Effective 05/06/26). Service in National Guard.**
- 14501 If a minor is adjudicated under Section 80-6-701, the minor may be given a choice by
 14502 the juvenile court to serve in the National Guard in lieu of other sanctions described in this part
 14503 if:
- 14504 (1) the minor meets the current entrance qualifications for service in the National Guard as
 14505 determined by a recruiter, whose determination is final;
- 14506 (2) the offense:
- 14507 (a) would be a felony if committed by an adult;
- 14508 (b) is a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
 14509 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
 14510 Concerning Controlled Substances; or
- 14511 (c) was committed with a weapon; and
- 14512 (3) the juvenile court retains jurisdiction over the minor's case under conditions set by the

14513 juvenile court and agreed upon by the recruiter or the unit commander to which the
14514 minor is eventually assigned.

14515 Section 240. Section **81-9-204** is amended to read:

14516 **81-9-204 (Effective 05/06/26). Custody and parent-time of a minor child --**

14517 **Custody factors -- Preferences.**

14518 (1) In a proceeding between parents in which the custody and parent-time of a minor child
14519 is at issue, the court shall consider the best interests of the minor child in determining
14520 any form of custody and parent-time.

14521 (2) The court shall determine whether an order for custody or parent-time is in the best
14522 interests of the minor child by a preponderance of the evidence.

14523 (3) In determining any form of custody and parent-time under Subsection (1), the court
14524 shall consider:

14525 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic
14526 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a
14527 household member of the parent;

14528 (b) whether the parent has intentionally exposed the minor child to:

14529 (i) pornography; or

14530 (ii) material harmful to minors, as "material" and "harmful to minors" are defined in
14531 Section 76-5c-101; and

14532 (c) whether custody and parent-time would endanger the minor child's health or physical
14533 or psychological safety.

14534 (4) In determining the form of custody and parent-time that is in the best interests of the
14535 minor child, the court may consider, among other factors the court finds relevant, the
14536 following for each parent:

14537 (a) evidence of psychological maltreatment;

14538 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the
14539 developmental needs of the minor child, including the minor child's:

14540 (i) physical needs;

14541 (ii) emotional needs;

14542 (iii) educational needs;

14543 (iv) medical needs; and

14544 (v) any special needs;

14545 (c) the parent's capacity and willingness to function as a parent, including:

14546 (i) parenting skills;

- 14547 (ii) co-parenting skills, including:
- 14548 (A) ability to appropriately communicate with the other parent;
- 14549 (B) ability to encourage the sharing of love and affection; and
- 14550 (C) willingness to allow frequent and continuous contact between the minor child
- 14551 and the other parent, except that, if the court determines that the parent is
- 14552 acting to protect the minor child from domestic violence, neglect, or abuse, the
- 14553 parent's protective actions may be taken into consideration; and
- 14554 (iii) ability to provide personal care rather than surrogate care;
- 14555 (d) the past conduct and demonstrated moral character of the parent as described in
- 14556 Subsection (9);
- 14557 (e) the emotional stability of the parent;
- 14558 (f) the parent's inability to function as a parent because of drug abuse, excessive
- 14559 drinking, or other causes;
- 14560 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 14561 (h) duration and depth of desire for custody or parent-time;
- 14562 (i) the parent's religious compatibility with the minor child;
- 14563 (j) the parent's financial responsibility;
- 14564 (k) the child's interaction and relationship with step-parents, extended family members
- 14565 of other individuals who may significantly affect the minor child's best interests;
- 14566 (l) who has been the primary caretaker of the minor child;
- 14567 (m) previous parenting arrangements in which the minor child has been happy and
- 14568 well-adjusted in the home, school, and community;
- 14569 (n) the relative benefit of keeping siblings together;
- 14570 (o) the stated wishes and concerns of the minor child, taking into consideration the
- 14571 minor child's cognitive ability and emotional maturity;
- 14572 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
- 14573 quality, and nature of the relationship between the parent and the minor child; and
- 14574 (q) any other factor the court finds relevant.
- 14575 (5)(a) A minor child may not be required by either party to testify unless the trier of fact
- 14576 determines that extenuating circumstances exist that would necessitate the testimony
- 14577 of the minor child be heard and there is no other reasonable method to present the
- 14578 minor child's testimony.
- 14579 (b)(i) The court may inquire and take into consideration the minor child's desires
- 14580 regarding future custody or parent-time schedules, but the expressed desires are

- 14581 not controlling and the court may determine the minor child's custody or
14582 parent-time otherwise.
- 14583 (ii) The desires of a minor child who is 14 years old or older shall be given added
14584 weight, but is not the single controlling factor.
- 14585 (c)(i) If an interview with a minor child is conducted by the court in accordance with
14586 Subsection (5)(b), the interview shall be conducted by the court in camera.
- 14587 (ii) The prior consent of the parties may be obtained but is not necessary if the court
14588 finds that an interview with a minor child is the only method to ascertain the
14589 minor child's desires regarding custody.
- 14590 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a
14591 parent due to a disability, as defined in Section 57-21-2, in awarding custody or
14592 determining whether a substantial change has occurred for the purpose of modifying
14593 an award of custody.
- 14594 (b) The court may not consider the disability of a parent as a factor in awarding custody
14595 or modifying an award of custody based on a determination of a substantial change in
14596 circumstances, unless the court makes specific findings that:
- 14597 (i) the disability significantly or substantially inhibits the parent's ability to provide
14598 for the physical and emotional needs of the minor child at issue; and
- 14599 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
14600 available to supplement the parent's ability to provide for the physical and
14601 emotional needs of the minor child at issue.
- 14602 (c) Nothing in this section may be construed to apply to adoption proceedings under
14603 Chapter 13, Adoption.
- 14604 (7) This section does not establish:
- 14605 (a) a preference for either parent solely because of the gender of the parent; or
14606 (b) a preference for or against joint physical custody or sole physical custody, but allows
14607 the court and the family the widest discretion to choose a parenting plan that is in the
14608 best interest of the minor child.
- 14609 (8) When an issue before the court involves custodial responsibility in the event of a
14610 deployment of a parent who is a service member and the service member has not yet
14611 been notified of deployment, the court shall resolve the issue based on the standards in
14612 Sections 81-10-306 through 81-10-309.
- 14613 (9) In considering the past conduct and demonstrated moral standards of each party under
14614 Subsection (4)(d) or any other factor a court finds relevant, the court may not:

- 14615 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal
14616 dosage form, a cannabis product in a medicinal dosage form, or a medical
14617 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production
14618 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid
14619 Research and Medical Cannabis, or Subsection ~~[58-37-3.7(2)]~~58-37-404(2) or (3)
14620 any differently than the court would consider or treat the lawful possession or use
14621 of any prescribed controlled substance; or
- 14622 (ii) discriminate against a parent because of the parent's status as a:
- 14623 (A) cannabis production establishment agent, as that term is defined in Section
14624 4-41a-102;
- 14625 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 14626 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
- 14627 or
- 14628 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
14629 Cannabinoid Research and Medical Cannabis; or
- 14630 (b) discriminate against a parent based upon the parent's agreement or disagreement with
14631 a minor child of the couple's:
- 14632 (i) assertion that the minor child's gender identity is different from the minor child's
14633 biological sex;
- 14634 (ii) practice of having or expressing a different gender identity than the minor child's
14635 biological sex; or
- 14636 (iii) sexual orientation.
- 14637 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic
14638 violence is presented.
- 14639 (b) The court shall consider as primary, the safety and well-being of the minor child and
14640 the parent who experiences domestic violence.
- 14641 (c) A court shall consider an order issued by a court in accordance with Title 78B,
14642 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
14643 substantiated potential harm to the minor child.
- 14644 (d) If a parent relocates because of an act of domestic violence or family violence by the
14645 other parent, the court shall make specific findings and orders with regards to the
14646 application of Section 81-9-209.
- 14647 (11) Absent a showing by a preponderance of evidence of real harm or substantiated
14648 potential harm to the minor child:

- 14649 (a) it is in the best interest of the minor child to have frequent, meaningful, and
 14650 continuing access to each parent following separation or divorce;
- 14651 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
 14652 access with the parent's minor child consistent with the minor child's best interests;
 14653 and
- 14654 (c) it is in the best interest of the minor child to have both parents actively involved in
 14655 parenting the minor child.
- 14656 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or
 14657 parent-time of a minor child to a parent convicted of a sexual offense, as defined in
 14658 Section 77-37-2, that resulted in the conception of the minor child unless:
- 14659 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents
 14660 to custody or parent-time and the court determines it is in the best interest of the
 14661 minor child to award custody or parent-time to the convicted parent; or
- 14662 (b) after the date of the conviction, the convicted parent and the nonconvicted parent
 14663 cohabit and establish a mutual custodial environment for the minor child.
- 14664 (13) A denial of custody or parent-time under Subsection (12) does not:
- 14665 (a) terminate the parental rights of the parent denied parent-time or custody; or
 14666 (b) affect the obligation of the convicted parent to financially support the minor child.
- 14667 **Section 241. Repealer.**
- 14668 This bill repeals:
- 14669 **Section 58-37-1, Short title.**
- 14670 **Section 58-37-8, Prohibited acts -- Penalties.**
- 14671 **Section 58-37a-1, Short title.**
- 14672 **Section 58-37a-2, Purpose.**
- 14673 **Section 58-37a-7, Sentencing requirements for minors.**
- 14674 **Section 58-37b-1, Short title.**
- 14675 **Section 58-37b-9, Sentencing requirements for minors.**
- 14676 **Section 58-37c-1, Short title.**
- 14677 **Section 58-37c-2, Purpose.**
- 14678 **Section 58-37c-16, Civil penalties.**
- 14679 **Section 58-37d-1, Short title.**
- 14680 **Section 58-37d-5, Prohibited acts -- First degree felony.**
- 14681 **Section 58-37d-8, Applicability of Title 76 prosecutions under this chapter.**
- 14682 **Section 58-37e-1, Title.**

14683 Section 242. **Effective Date.**
14684 This bill takes effect on May 6, 2026.