

County Recodification External References Amendments

2025 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill makes technical corrections related to the recodification of Title 17, Counties.

Highlighted Provisions:

This bill:

- modifies cross references to provisions in Title 17, Counties; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

4-2-301 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2017, Chapter 345

4-41a-204 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 91, 128 and 414

4-41a-1206 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 114

4-44-102 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 30

4-46-102 (Effective 11/06/25), as last amended by Laws of Utah 2023, Chapter 180

7-9-51 (Effective 11/06/25), as last amended by Laws of Utah 2014, Chapter 97

7-9-55 (Effective 11/06/25), as last amended by Laws of Utah 2014, Chapter 189

10-2-805 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2025, Chapter 399

10-2-806 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2025, Chapter 399

29 **10-2a-219 (Effective 11/06/25)**, as last amended by Laws of Utah 2019, Chapter 165
30 **10-8-44.6 (Effective 11/06/25)**, as last amended by Laws of Utah 2018, Chapter 166
31 **10-8-93 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 354
32 **11-13-202 (Effective 11/06/25)**, as last amended by Laws of Utah 2023, Chapter 181
33 **11-26-401 (Effective 11/06/25)**, as last amended by Laws of Utah 2024, Chapter 438
34 **11-36a-102 (Effective 11/06/25)**, as last amended by Laws of Utah 2023, Chapter 16
35 **11-41-102 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 477
36 **11-46-104 (Effective 11/06/25)**, as enacted by Laws of Utah 2021, Chapter 434
37 **11-51-102 (Effective 11/06/25)**, as last amended by Laws of Utah 2016, Chapter 348
38 **11-51a-102 (Effective 11/06/25)**, as enacted by Laws of Utah 2015, Chapter 419
39 **11-52-102 (Effective 11/06/25)**, as last amended by Laws of Utah 2023, Chapter 16
40 **11-55-103 (Effective 11/06/25)**, as enacted by Laws of Utah 2017, Chapter 70 and last
41 amended by Coordination Clause, Laws of Utah 2017, Chapter 165
42 **11-58-601 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 24
43 **11-60-102 (Effective 11/06/25)**, as last amended by Laws of Utah 2023, Chapter 16
44 **11-63-201 (Effective 11/06/25)**, as enacted by Laws of Utah 2019, Chapter 50
45 **11-65-304 (Effective 11/06/25)**, as last amended by Laws of Utah 2024, Chapter 443
46 **11-70-304 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 498
47 **11-70-401 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 498
48 **15A-1-204 (Effective 11/06/25)**, as last amended by Laws of Utah 2024, Chapter 507
49 **17B-1-105 (Effective 11/06/25)**, as last amended by Laws of Utah 2024, Chapter 388
50 **17B-1-119 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 399
51 **17B-2a-806 (Effective 11/06/25)**, as last amended by Laws of Utah 2024, Chapter 517
52 **17B-2a-823 (Effective 11/06/25)**, as last amended by Laws of Utah 2019, Chapter 136
53 **17B-2a-1102 (Effective 11/06/25)**, as last amended by Laws of Utah 2024, Chapter 438
54 **17C-1-102 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 459
55 **17C-1-202 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 459
56 **17C-1-203 (Effective 11/06/25)**, as last amended by Laws of Utah 2018, Chapter 68
57 **17C-1-207 (Effective 11/06/25)**, as last amended by Laws of Utah 2023, Chapter 435
58 **17C-1-409 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 459
59 **17D-1-604 (Effective 11/06/25)**, as last amended by Laws of Utah 2023, Chapter 15
60 **17D-2-203 (Effective 11/06/25)**, as last amended by Laws of Utah 2018, Chapter 68
61 **19-4-109 (Effective 11/06/25) (Repealed 07/01/29)**, as last amended by Laws of Utah
62 2024, Chapter 158

63 **19-4-113 (Effective 11/06/25) (Repealed 07/01/29)**, as last amended by Laws of Utah
64 2024, Chapter 158
65 **19-5-115 (Effective 11/06/25) (Repealed 07/01/29)**, as last amended by Laws of Utah
66 2025, Chapter 158
67 **19-6-113 (Effective 11/06/25) (Repealed 07/01/29)**, as last amended by Laws of Utah
68 2013, Chapter 237
69 **19-6-119 (Effective 11/06/25) (Repealed 07/01/29)**, as last amended by Laws of Utah
70 2021, Chapter 64
71 **19-6-502 (Effective 11/06/25)**, as last amended by Laws of Utah 2023, Chapter 206
72 **20A-1-203 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 45
73 **20A-1-404 (Effective 11/06/25)**, as last amended by Laws of Utah 2008, Chapter 13
74 **20A-1-501 (Effective 11/06/25)**, as last amended by Laws of Utah 2023, Chapter 234
75 **20A-1-508 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapters 90,
76 230 and 448
77 **20A-1-509.1 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapters 90,
78 448
79 **20A-1-509.2 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapters 90,
80 448
81 **20A-1-511 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapters 90, 448
82 **20A-1-1001 (Effective 11/06/25)**, as enacted by Laws of Utah 2023, Chapter 116
83 **20A-7-101 (Effective 11/06/25)**, as last amended by Laws of Utah 2024, Third Special
84 Session, Chapter 3
85 **20A-7-602.8 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 448
86 **20A-7-607 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 448
87 **20A-9-409 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 39
88 **20A-11-103 (Effective 11/06/25) (Superseded 01/01/26)**, as last amended by Laws of
89 Utah 2025, Chapters 90, 448
90 **20A-11-103 (Effective 01/01/26)**, as last amended by Laws of Utah 2025, Chapter 129
91 **20A-11-701.5 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 448
92 **20A-11-1602 (Effective 11/06/25)**, as last amended by Laws of Utah 2024, Chapter 443
93 **26A-1-102 (Effective 11/06/25)**, as last amended by Laws of Utah 2025, Chapter 109
94 **26A-1-105.5 (Effective 11/06/25)**, as enacted by Laws of Utah 2016, Chapter 113
95 **26A-1-117 (Effective 11/06/25)**, as last amended by Laws of Utah 2002, Chapter 249
96 **26B-1-324 (Effective 11/06/25)**, as last amended by Laws of Utah 2024, Chapters 240,

245 and 250

26B-2-101 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 63

26B-3-113 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 439

26B-3-203 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapters 264, 284

26B-3-207 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023, Chapter 306

26B-3-218 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 250

26B-3-224 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 284

26B-4-317 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023, Chapter 307

26B-4-701 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 240

26B-5-102 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 51, 135, 208, 395, 470, and 494

26B-5-104 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-5-107 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-5-108 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-5-109 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-5-114 (Effective 11/06/25) (Repealed 12/31/26), as last amended by Laws of Utah 2024, Chapters 245, 250

26B-5-121 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 141

26B-5-201 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-5-301 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 46, 135

26B-5-382 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 530

26B-5-413 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-5-612 (Effective 11/06/25) (Repealed 12/31/25), as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-6-208 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023,

Chapter 308

26B-6-801 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023,
Chapter 308

31A-3-102 (Effective 11/06/25), as last amended by Laws of Utah 2020, Chapter 127

32B-1-102 (Effective 11/06/25) (Superseded 01/01/26), as last amended by Laws of Utah
2025, Chapter 162

32B-1-102 (Effective 01/01/26), as last amended by Laws of Utah 2025, Chapter 471

32B-2-402 (Effective 11/06/25) (Partially Repealed 01/01/33), as last amended by Laws
of Utah 2024, Chapters 245, 438

35A-1-501 (Effective 11/06/25), as last amended by Laws of Utah 2013, Chapter 237

35A-8-504.5 (Effective 11/06/25), as enacted by Laws of Utah 2021, Chapter 102

35A-8-804 (Effective 11/06/25), as last amended by Laws of Utah 2018, Chapter 218

35A-16-102 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 217

36-11-102 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 90

39A-3-111 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2022,
Chapter 373

41-1a-407 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 251

41-1a-1320 (Effective 11/06/25), as last amended by Laws of Utah 2006, Chapter 39

46-1-2 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 391

49-11-623 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 72

51-2a-401 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 353

51-7-15 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 76

51-9-408 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 366

52-3-1 (Effective 11/06/25), as last amended by Laws of Utah 2023, Chapter 254

52-6-102 (Effective 11/06/25), as last amended by Laws of Utah 2023, Chapter 444

53-2a-605 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 387

53-2d-402 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 340

53-13-105 (Effective 11/06/25), as last amended by Laws of Utah 2023, Chapter 328

53-30-101 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 364

53-31-101 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 273

53F-2-304 (Effective 11/06/25), as repealed and reenacted by Laws of Utah 2025,
Chapter 145

53F-2-520 (Effective 11/06/25), as last amended by Laws of Utah 2021, Chapter 303

53F-10-303 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 413

53G-3-102 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 33
53G-3-202 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 33
53G-3-203 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 526
53G-4-402 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 173,
394 and 501
53G-4-901 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2018,
Chapter 3
53G-7-303 (Effective 11/06/25), as last amended by Laws of Utah 2019, Chapter 293
57-1-45 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 40
57-3-105 (Effective 11/06/25), as last amended by Laws of Utah 2022, Chapter 420
57-3-106 (Effective 11/06/25), as last amended by Laws of Utah 2014, Chapters 89, 151
57-3-202 (Effective 11/06/25), as enacted by Laws of Utah 1998, Chapter 61
57-8-8.1 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 226, 291
and 453

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

Section 1. Section 4-2-301 is amended to read:

**4-2-301 (Effective 11/06/25). Attorney general legal advisor for department --
County or district attorney may bring action upon request of department for violations
of title.**

(1) The attorney general is the legal advisor for the department and shall defend the
department and the department's representatives in all actions and proceedings brought
against the department.

(2)(a) The county attorney or the district attorney, as provided [~~under Sections~~
~~17-18a-202 and 17-18a-203,~~] in Title 17, Chapter 68, County and District Attorney, of
the county in which a cause of action arises or a public offense occurs may bring civil
or criminal action, upon request of the department, to enforce the laws, standards,
orders, and rules of the department or to prosecute violations of this title.

(b) If the county attorney or district attorney fails to act under Subsection (2)(a), the
department may request the attorney general to bring an action on behalf of the
department.

Section 2. Section 4-41a-204 is amended to read:

4-41a-204 (Effective 11/06/25). Operating plan.

(1) A person applying for a cannabis production establishment license or license renewal

shall submit to the department for the department's review a proposed operating plan that complies with this section and that includes:

- (a) a description of the physical characteristics of each proposed facility, including a floor plan and an architectural elevation;
 - (b) a description of the credentials and experience of:
 - (i) each officer, director, and owner of the proposed cannabis production establishment; and
 - (ii) any highly skilled or experienced prospective employee;
 - (c) the cannabis production establishment's employee training standards;
 - (d) a security plan;
 - (e) a description of the cannabis production establishment's inventory control system, including a description of how the inventory control system is compatible with the state electronic verification system described in Section 26B-4-202;
 - (f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a manner that is sanitary and preserves the integrity of the cannabis;
 - (g) for a cannabis cultivation facility, the information described in Subsection (2);
 - (h) for a cannabis processing facility, the information described in Subsection (3);
 - (i) for an independent cannabis testing laboratory, the information described in Subsection (4); and
 - (j) for a cannabis production establishment located in an industrial zone, a plan to reduce odor created by the cannabis production establishment that:
 - (i) meets local ordinance nuisance laws; and
 - (ii) identifies:
 - (A) operations and materials that generate odors; and
 - (B) equipment, operations, or materials the cannabis production establishment will use to mitigate odor emissions, including plans to maintain equipment.
- (2)(a) A cannabis cultivation facility shall ensure that the facility's operating plan includes the facility's intended:
- (i) cannabis cultivation practices, including the facility's intended pesticide use and plant food use; and
 - (ii) subject to Subsection (2)(b), acreage or square footage under cultivation and anticipated cannabis yield.
- (b) Except as provided in Subsection (2)(c)(i) or (c)(ii), a cannabis cultivation facility may not:

- 233 (i) for a facility that cultivates cannabis only indoors, use more than 100,000 total
234 square feet of cultivation space;
- 235 (ii) for a facility that cultivates cannabis only outdoors, use more than four acres for
236 cultivation; and
- 237 (iii) for a facility that cultivates cannabis through a combination of indoor and
238 outdoor cultivation, use more combined indoor square footage and outdoor
239 acreage than allowed under the department's formula described in Subsection
240 (2)(e).
- 241 (c)(i) Each licensee may apply to the department for:
- 242 (A) a one-time, permanent increase of up to 20% of the limitation on the cannabis
243 cultivation facility's cultivation space; or
- 244 (B) a short-term increase, not to exceed 12 months, of up to 40% of the limitation
245 on the cannabis cultivation facility's cultivation space.
- 246 (ii) After conducting a review equivalent to the review described in Subsection
247 4-41a-205(2)(a), if the department determines that additional cultivation is
248 needed, the department may:
- 249 (A) grant the one-time, permanent increase described in Subsection (2)(c)(i)(A); or
250 (B) grant the short-term increase described in Subsection (2)(c)(i)(B).
- 251 (d) If a licensee describes an intended acreage or square footage under cultivation under
252 Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b), the
253 licensee may not cultivate more than the licensee's identified intended acreage or
254 square footage under cultivation.
- 255 (e) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative
256 Rulemaking Act, establish a formula for combined usage of indoor and outdoor
257 cultivation that:
- 258 (i) does not exceed, in estimated cultivation yield, the aggregate limitations described
259 in Subsection (2)(b)(i) or (ii); and
- 260 (ii) allows a cannabis cultivation facility to operate both indoors and outdoors.
- 261 (f)(i) The department may authorize a cannabis cultivation facility to operate at no
262 more than two separate locations.
- 263 (ii) If the department authorizes multiple locations under Subsection (2)(f)(i), the two
264 cannabis cultivation facility locations combined may not exceed the cultivation
265 limitations described in this Subsection (2).
- 266 (3) A cannabis processing facility's operating plan shall include the facility's intended

cannabis processing practices, including the cannabis processing facility's intended:

- (a) offered variety of cannabis product;
- (b) cannabinoid extraction method;
- (c) cannabinoid extraction equipment;
- (d) processing equipment;
- (e) processing techniques; and
- (f) sanitation and manufacturing safety procedures for items for human consumption.

(4) An independent cannabis testing laboratory's operating plan shall include the laboratory's intended:

- (a) cannabis and cannabis product testing capability;
- (b) cannabis and cannabis product testing equipment; and
- (c) testing methods, standards, practices, and procedures for testing cannabis and cannabis products.

(5) Notwithstanding an applicant's proposed operating plan, a cannabis production establishment is subject to land use regulations[~~as defined in Sections 10-9a-103 and 17-27a-103;~~] implemented by a local land use authority under Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, or Title 17, Chapter 79, County Land Use, Development, and Management Act, regarding the availability of outdoor cultivation in an industrial zone.

Section 3. Section **4-41a-1206** is amended to read:

4-41a-1206 (Effective 11/06/25). Closed-door medical cannabis pharmacy.

(1)(a) Subject to Subsections (1)(b) and (c), a home delivery medical cannabis pharmacy may open a single closed-door medical cannabis pharmacy.

(b) A home delivery medical cannabis pharmacy may not open a closed-door medical cannabis pharmacy unless the home delivery medical cannabis pharmacy:

- (i) has an operating plan that includes a closed-door medical cannabis pharmacy; and
- (ii) obtains a license issued by the department for a closed-door medical cannabis pharmacy.

(c) An entity that owns multiple home delivery medical cannabis pharmacies may open only one closed-door medical cannabis pharmacy.

(d) The department may institute a fee in accordance with Section 63J-1-504 to administer this section.

(2) A home delivery medical cannabis pharmacy that opens a closed-door medical cannabis pharmacy under Subsection (1) shall ensure:

- (a) that a pharmacy medical provider who is a licensed pharmacist:
- (i) is directly supervising the packaging of an order; and
 - (ii) is present in the closed-door medical cannabis pharmacy when an order is packaged for delivery; and
- (b) all record keeping requirements, labeling requirements, and patient counseling requirements described in this chapter and Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, are satisfied before sending out an order.
- (3) An individual who prepares an order at a closed-door medical cannabis pharmacy under this section shall be registered as:
- (a) a pharmacy medical provider; or
 - (b) a medical cannabis pharmacy agent.
- (4)(a) A closed-door medical cannabis pharmacy shall operate:
- (i) except as provided in Subsection (4)(b), in a facility that is accessible only by an individual who is a pharmacy medical provider or a medical cannabis pharmacy agent; and
 - (ii) at a physical address in accordance with Subsection (6).
- (b) A closed-door medical cannabis pharmacy may authorize an individual who is at least 18 years old and is not a pharmacy medical provider or a cannabis pharmacy agent to access the closed-door medical cannabis pharmacy if the closed-door medical cannabis pharmacy:
- (i) tracks and monitors the individual at all times while the individual is at the closed-door medical cannabis pharmacy; and
 - (ii) maintains a record of the individual's access, including arrival and departure.
- (c) A closed-door medical cannabis pharmacy shall operate in a facility that has:
- (i) a single, secure public entrance; and
 - (ii) a security system with a backup power source that:
 - (A) detects and records entry into the closed-door medical cannabis pharmacy;
 - (B) provides notice of an unauthorized entry to law enforcement when the closed-door medical cannabis pharmacy is closed; and
 - (C) a lock or equivalent restrictive security feature on any area where the closed-door medical cannabis pharmacy stores a cannabis product.
- (d) A closed-door medical cannabis pharmacy shall ensure that any cannabis or cannabis products in the closed-door medical cannabis pharmacy that are intended for home delivery are separated in a manner that is readily distinguishable from any other

cannabis or cannabis product in the facility.

(5) A closed-door medical cannabis pharmacy may only provide cannabis or a cannabis product to an individual through a delivery that complies with this part.

(6)(a) A person may not locate a closed-door medical cannabis pharmacy:

(i) within 1,000 feet of a community location; or

(ii) in or within 600 feet of a district that the relevant municipality or county has zoned as primarily residential.

(b) The proximity requirements described in Subsection (6)(a) shall be measured from the nearest entrance to the closed-door medical cannabis pharmacy by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area.

(c) The licensing board may grant a waiver to reduce the proximity requirements in Subsection (6)(a) by up to 20% if the licensing board determines that it is not reasonably feasible for the applicant to site the proposed closed-door medical cannabis pharmacy without the waiver.

(d) An applicant for a license under this section shall provide evidence of compliance with the proximity requirements described in Subsection (6)(a).

(7) When determining where a closed-door medical cannabis pharmacy may open, the licensing board:

(a) shall utilize geographic regions created by the department through rule;

(b) shall prioritize allowing entities that do not have a medical cannabis pharmacy in a region to open a closed-door medical cannabis pharmacy in the region;

(c) of the total amount of closed-door medical cannabis pharmacies, may allow only three closed-door medical cannabis pharmacies to operate in counties of the first and second class as described in Section [17-50-501] 17-60-104; and

(d) for determining the three closed-door medical cannabis pharmacies described in Subsection (7)(c), consider the following:

(i) the history of compliance with state law and rules for all licenses issued under this chapter;

(ii) the medical cannabis pharmacy's willingness to offer a variety of brands and products;

(iii) the ability of the operating plan to ensure the safety and security of the community;

(iv) the suitability of the proposed location and the location's ability to serve the local

- community; and
- (v) any other relevant information determined through rule.
- (8) A closed-door medical cannabis pharmacy may not account for more than:
- (a) for an entity that holds a single medical cannabis pharmacy license, the greater of:
- (i) 35% of the medical cannabis pharmacy's total revenue; or
- (ii) \$2,000,000 in total revenue; or
- (b) for an entity that holds more than one medical cannabis pharmacy license, the greater of:
- (i) 35% of the total revenue of the entity's medical cannabis pharmacy that generates the most revenue; or
- (ii) \$2,000,000 in total revenue.
- (9) Notwithstanding any other provision of this section, the licensing board may issue only one closed-door medical cannabis pharmacy license before July 1, 2027.
- (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to implement this section.
- Section 4. Section ~~4-44-102~~ is amended to read:
- 4-44-102 (Effective 11/06/25). Definitions.**
- As used in this chapter:
- (1)(a) "Agricultural operation" means the commercial production of crops, orchards, livestock, poultry, aquaculture, livestock products, or poultry products.
- (b) "Agricultural operation" includes:
- (i) the real property where the commercial production described in Subsection (1)(a) occurs;
- (ii) a facility, a property, or equipment used to facilitate the commercial production described in Subsection (1)(a);
- (iii) an agritourism activity, as defined in Section 78B-4-512; or
- (iv) an agricultural protection area established under ~~[Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas]~~ Title 17, Chapter 81, Agriculture, Industrial, and Critical Infrastructure Materials.
- (2) "Fundamental change to the operation" does not include:
- (a) a change in ownership or size;
- (b) an interruption of farming for a period of no more than three years;
- (c) participation in a government-sponsored agricultural program;
- (d) employment of new technology; or

(e) a change in the type of agricultural product produced.

- (3) "Nuisance" means anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

Section 5. Section **4-46-102** is amended to read:

4-46-102 (Effective 11/06/25). Definitions.

As used in this chapter:

- (1) "Agricultural land" means "land in agricultural use," as defined in Section 59-2-502.
- (2) "Board" means the Land Conservation Board established in Section 4-46-201.
- (3) "Conservation commission" means the Conservation Commission created in Section 4-18-104.
- (4) "Conservation district" means a limited purpose local government entity created under Title 17D, Chapter 3, Conservation District Act.
- (5) "Director" means the director of the Division of Conservation.
- (6) "Division" means the Division of Conservation created in Section 4-46-401.
- (7) "Fund" means the LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.
- (8) "Land use authority" means:
 - (a) a land use authority, as defined in Section [~~10-9a-103~~] 10-20-102, of a municipality;
 - or
 - (b) a land use authority, as defined in Section [~~17-27a-103~~] 17-79-102, of a county.
- (9) "Local entity" means a county, city, or town.
- (10)(a) "Open land" means land that is:
 - (i) preserved in or restored to a predominantly natural, open, and undeveloped condition; and
 - (ii) used for:
 - (A) wildlife habitat;
 - (B) cultural or recreational use;
 - (C) watershed protection; or
 - (D) another use consistent with the preservation of the land in, or restoration of the land to, a predominantly natural, open, and undeveloped condition.
- (b) "Open land" includes land described in Subsection (10)(a) that contains facilities, including trails, waterways, and grassy areas, that:
 - (i) enhance the natural, scenic, or aesthetic qualities of the land; or

- 437 (ii) facilitate the public's access to or use of the land for the enjoyment of the land's
438 natural, scenic, or aesthetic qualities and for compatible recreational activities.
- 439 (c) "Open land" does not include land whose predominant use is as a developed facility
440 for active recreational activities, including baseball, tennis, soccer, golf, or other
441 sporting or similar activities.
- 442 (11)(a) "State conservation efforts" includes:
- 443 (i) efforts to optimize and preserve the uses of land for the benefit of the state's
444 agricultural industry and natural resources; and
- 445 (ii) conservation of working landscapes that if conserved, preserves the state's
446 agricultural industry and natural resources, such as working agricultural land.
- 447 (b) "State conservation efforts" does not include the purpose of opening private property
448 to public access without the consent of the owner of the private property.
- 449 (12)(a) "Working agricultural land" means agricultural land for which an owner or
450 producer engages in the activity of producing for commercial purposes crops,
451 orchards, livestock, poultry, aquaculture, livestock products, or poultry products and
452 the facilities, equipment, and property used to facilitate the activity.
- 453 (b) "Working agricultural land" includes an agricultural protection area established
454 under ~~[Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure~~
455 ~~Materials Protection Areas]~~ Title 17, Chapter 81, Agriculture, Industrial, and Critical
456 Infrastructure Materials.
- 457 Section 6. Section **7-9-51** is amended to read:
- 458 **7-9-51 (Effective 11/06/25). Field of membership.**
- 459 (1) Except as provided in Subsection (3) or (5), the field of membership of a credit union
460 may include only the following:
- 461 (a) the immediate family of a member of the credit union;
- 462 (b) the employees of the credit union;
- 463 (c) residents of a single county;
- 464 (d) one or more associations; and
- 465 (e) residents of a city of the third, fourth, or fifth class or a town as classified in Section
466 10-2-301 if:
- 467 (i) the city or town is located in a county of the fourth through sixth class as classified
468 in Section ~~[17-50-501]~~ 17-60-104;
- 469 (ii) at the time the residents of the city or town are included in the field of
470 membership of a credit union, the credit union has not become a nonexempt credit

- union under Section 7-9-55; and
- (iii) approved by the commissioner in accordance with Subsection 7-9-52(6).
- (2) A credit union may have a field of membership that is more restrictive than the field of membership described in Subsection (1).
- (3) A credit union may have a field of membership that is less restrictive than the field of membership described in Subsection (1) if the field of membership of the credit union:
- (a) is determined under Subsection 7-9-53(2)(c);
- (b) is approved by the commissioner after a merger under Subsection 7-9-39(5); or
- (c) is permitted by the commissioner after a merger in accordance with Section 7-9-39.5.
- (4) If a credit union includes the residents of one county in its field of membership, the credit union may not change its field of membership to include a different county than the county that is first included in the field of membership of the credit union.
- (5) Notwithstanding the other provisions of this section or any restrictions of Section 7-9-53, a credit union may have a field of membership that is less restrictive than the field of membership described in Subsection (1), under the following conditions:
- (a) the field of membership of the credit union may include no more than all the residents of two counties in addition to any association included in the field of membership of the credit union; and
- (b) both counties described in Subsection (5)(a) must be a county of the third through sixth class, as classified in Section ~~[17-50-501]~~ 17-60-104.
- Section 7. Section **7-9-55** is amended to read:
- 7-9-55 (Effective 11/06/25). Nonexempt credit unions.**
- (1)(a) A credit union organized under this chapter is a nonexempt credit union under this section on the day on which:
- (i) on or after May 5, 2003, the credit union has a field of membership as evidenced by the bylaws of the credit union that includes all residents of two or more counties; and
- (ii) at least two of the counties described in Subsection (1)(a)(i) are counties of the first or second class as classified by Section ~~[17-50-501]~~ 17-60-104.
- (b) For purposes of Subsection (1)(a) only:
- (i) residents of a county that are added to the field of membership of a credit union as a result of a supervisory action under Chapter 2, Possession of Depository Institution by Commissioner, or Chapter 19, Acquisition of Failing Depository Institutions or Holding Companies, are not considered to be within the field of

- membership of that credit union; and
- (ii) residents of a city of the third, fourth, or fifth class or a town that are added to the field of membership of a credit union in accordance with Section 7-9-52 are not considered to be within the field of membership of that credit union unless all residents of the county in which that city or town are located are included in the field of membership of the credit union.
- (2) If a credit union becomes a nonexempt credit union under this section, the nonexempt credit union is a nonexempt credit union:
- (a) for as long as the nonexempt credit union is organized under this chapter; and
- (b) notwithstanding whether after the day on which the nonexempt credit union becomes a nonexempt credit union the nonexempt credit union meets the requirements of Subsection (1)(a).
- (3) Regardless of whether or not a credit union has located branches in two or more counties in this state, a credit union organized under this chapter does not become a nonexempt credit union if the field of membership of the credit union as evidenced by the bylaws of the credit union does not meet the requirements of Subsection (1).
- Section 8. Section **10-2-805** is amended to read:
- 10-2-805 (Effective 11/06/25). Cross-county annexation -- Requirements.**
- (1) As used in this section:
- (a) "Affected county" means the county in which an area proposed for cross-county annexation is located.
- (b) "Affected municipality" means a municipality:
- (i) located in an affected county; and
- (ii) whose expansion area includes the area proposed for cross-county annexation.
- (c) "Applicant" means a person intending to file an annexation petition proposing a cross-county annexation.
- (d) "Cross-county annexation" means the annexation of an area located in a county that is not the county in which the proposed annexing municipality is located.
- (e) "Specified public utility" means the same as that term is defined in Section [~~10-9a-103~~] 10-20-102.
- (2) An applicant may not file a petition under Section 10-2-806 that proposes a cross-county annexation unless:
- (a) the applicant sends a written notice of intent to file a petition proposing a cross-county annexation to the legislative body of each affected municipality

- 539 describing:
- 540 (i) the area proposed for cross-county annexation; and
- 541 (ii) the proposed annexing municipality;
- 542 (b) the proposed annexing municipality adopts or amends the municipality's annexation
- 543 policy plan under Section 10-2-803 to include the area proposed for cross-county
- 544 annexation within the proposed annexing municipality's expansion area;
- 545 (c) the applicant files a request to approve the proposed cross-county annexation with
- 546 the legislative body of the affected county:
- 547 (i) no sooner than 90 days after the day on which the applicant sends the written
- 548 notice described in Subsection (2)(a) to each affected municipality; and
- 549 (ii) no later than 180 days after the day on which the applicant sends the written
- 550 notice described in Subsection (2)(a) to each affected municipality;
- 551 (d) a feasibility consultant conducts a feasibility study in accordance with Subsection (3),
- 552 unless the feasibility study is waived under Subsection (3)(b); and
- 553 (e) the legislative body of the affected county:
- 554 (i) holds a public hearing in accordance with Subsection (4); and
- 555 (ii) adopts the resolution described in Subsection (4)(a)(iii)(A).
- 556 (3)(a) Within 60 days after the day on which a legislative body of an affected county
- 557 receives the request described in Subsection (2)(c), or within a time period longer
- 558 than 60 days if agreed to by the legislative body of the affected county and the
- 559 applicant, the legislative body of the affected county and the applicant shall jointly
- 560 select and engage a feasibility consultant to:
- 561 (i) conduct a feasibility study on the proposed cross-county annexation; and
- 562 (ii) submit written results of the feasibility study to the legislative body of the
- 563 affected county and the applicant no later than 90 days after the day on which the
- 564 feasibility consultant is engaged to conduct the feasibility study.
- 565 (b) The legislative body of the affected county may waive the requirement for a
- 566 feasibility study under Subsection (3)(a).
- 567 (c) The feasibility study under Subsection (3)(a) shall determine:
- 568 (i) whether the proposed cross-county annexation eliminates, leaves, or creates an
- 569 unincorporated island or unincorporated peninsula;
- 570 (ii) the fiscal impact of the proposed cross-county annexation on:
- 571 (A) the affected county;
- 572 (B) affected municipalities;

- 573 (C) specified public utilities that serve the area proposed for cross-county
574 annexation; and
- 575 (D) affected entities;
- 576 (iii) the estimated cost that the proposed annexing municipality would incur to
577 provide governmental services in the area proposed for cross-county annexation
578 during the current fiscal year;
- 579 (iv) the estimated revenue that the proposed annexing municipality would receive
580 from the area proposed for cross-county annexation during the current fiscal year;
581 and
- 582 (v)(A) each entity that has provided municipal-type services in the area proposed
583 for cross-county annexation;
- 584 (B) the methods under which each entity described in Subsection (3)(c)(v)(A) has
585 provided municipal-type services in the area proposed for cross-county
586 annexation; and
- 587 (C) the feasibility of the proposed annexing municipality providing
588 municipal-type services in the area proposed for cross-county annexation.
- 589 (d) For purposes of Subsection (3)(c)(iv), the feasibility consultant shall assume that the
590 ad valorem property tax rate on property within the area proposed for cross-county
591 annexation is the same property tax rate that the proposed annexing municipality
592 currently imposes on property within the municipality.
- 593 (e) The applicant and the affected county shall share equally the feasibility consultant
594 fees and expenses.
- 595 (4)(a) A legislative body of an affected county shall hold, within 30 days after the day
596 on which the legislative body receives the written results of the feasibility study
597 under Subsection (3)(a) or waives the requirement for a feasibility study under
598 Subsection (3)(b), a public hearing to:
- 599 (i) determine whether the requirements described in Subsections (2)(a) and (b) have
600 been met;
- 601 (ii) consider the results of the feasibility study under Subsection (3)(a), unless the
602 feasibility study is waived under Subsection (3)(b); and
- 603 (iii)(A) adopt a resolution approving the proposed cross-county annexation; or
604 (B) adopt a resolution rejecting the proposed cross-county annexation.
- 605 (b) The legislative body of the affected county shall send, at least 15 days before the day
606 on which the public hearing described in Subsection (4)(a) occurs, written notice of

- 607 the public hearing to:
- 608 (i) the applicant;
- 609 (ii) each residence within, and to each owner of real property located within:
- 610 (A) the area proposed for cross-county annexation; and
- 611 (B) 300 feet of the area proposed for cross-county annexation;
- 612 (iii) the legislative body of:
- 613 (A) the proposed annexing municipality; and
- 614 (B) the county in which the proposed annexing municipality is located;
- 615 (iv) each specified public utility that serves the area proposed for cross-county
- 616 annexation;
- 617 (v) each affected municipality; and
- 618 (vi) each affected entity.
- 619 (c) At the public hearing described in Subsection (4)(a), the legislative body of the
- 620 affected county shall allow the individuals present to speak to the proposed
- 621 cross-county annexation.
- 622 (d) A legislative body of an affected county may not adopt a resolution rejecting a
- 623 proposed cross-county annexation under this section unless the legislative body
- 624 determines that:
- 625 (i) the requirements described in Subsections (2)(a) and (b) have not been met; or
- 626 (ii) the results of the feasibility study under Subsection (3)(a) show that:
- 627 (A) the proposed cross-county annexation would impose a substantial burden on
- 628 the affected county;
- 629 (B) the estimated revenue under Subsection (3)(c)(iv) exceeds the estimated cost
- 630 to provide governmental services under Subsection (3)(c)(iii) by more than
- 631 5%; or
- 632 (C) it would not be feasible for the proposed annexing municipality to provide
- 633 municipal-type services in the area proposed for cross-county annexation.
- 634 (e) A legislative body of an affected county that adopts a resolution rejecting a proposed
- 635 cross-county annexation under this section shall provide to the applicant a written
- 636 explanation of the legislative body's decision.
- 637 (f) A legislative body of an affected county may adopt a resolution approving a proposed
- 638 cross-county annexation under this section regardless of the results of a feasibility
- 639 study under Subsection (3)(a).
- 640 (5)(a) A party adversely affected by a legislative body of an affected county's decision

under Subsection (4)(a) may, within 30 days after the day on which the legislative body adopts a resolution approving or rejecting a cross-county annexation, file a petition for review of the decision in the district court with jurisdiction in the affected county.

(b) The district court shall defer to the legislative body of the affected county's decision under Subsection (4)(a) unless the court determines that the decision is arbitrary, capricious, or unlawful.

(6) Section 10-2-812 does not apply to a cross-county annexation unless consented to by all affected counties.

Section 9. Section **10-2-806** is amended to read:

10-2-806 (Effective 11/06/25). Annexation petition -- Requirements -- Notice required before filing.

(1) Except as provided in Section 10-2-812 and except for an automatic annexation under Section 10-2-814, the process to annex an unincorporated area to a municipality is initiated by a petition as provided in this section.

(2)(a)(i) Before filing a petition under Subsection (1), the person intending to file a petition shall:

(A) file with the municipal records officer of the proposed annexing municipality a notice of intent to file a petition; and

(B) send a copy of the notice of intent to file a petition to each affected entity.

(ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the area that is proposed to be annexed.

(b)(i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be annexed is located shall:

(A) mail the notice described in Subsection (2)(b)(iii) to:

(I) each owner of real property located within the area proposed to be annexed; and

(II) each owner of real property located within 300 feet of the area proposed to be annexed; and

(B) send to the proposed annexing municipality a copy of the notice and a certificate indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

(ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20 days after receiving from the person who filed the notice of intent:

- 675 (A) a written request to mail the required notice; and
676 (B) payment of an amount equal to the county's expected actual cost of mailing
677 the notice.
- 678 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:
679 (A) be in writing;
680 (B) state, in bold and conspicuous terms, substantially the following:
681 "Attention: Your property may be affected by a proposed annexation.
682 Records show that you own property within an area that is intended to be included in a
683 proposed annexation to (state the name of the proposed annexing municipality) or that is
684 within 300 feet of that area. If your property is within the area proposed for annexation, you
685 may be asked to sign a petition supporting the annexation. You may choose whether to sign
686 the petition. By signing the petition, you indicate your support of the proposed annexation. If
687 you sign the petition but later change your mind about supporting the annexation, you may
688 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
689 of (state the name of the proposed annexing municipality) within 30 days after (state the name
690 of the proposed annexing municipality) receives notice that the petition has been certified.
- 691 There will be no public election on the proposed annexation because Utah law does not
692 provide for an annexation to be approved by voters at a public election. Signing or not signing
693 the annexation petition is the method under Utah law for the owners of property within the
694 area proposed for annexation to demonstrate their support of or opposition to the proposed
695 annexation.
- 696 You may obtain more information on the proposed annexation by contacting (state the
697 name, mailing address, telephone number, and email address of the official or employee of the
698 proposed annexing municipality designated to respond to questions about the proposed
699 annexation), (state the name, mailing address, telephone number, and email address of the
700 county official or employee designated to respond to questions about the proposed
701 annexation), or (state the name, mailing address, telephone number, and email address of the
702 person who filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person
703 filed the notice of intent, one of those persons). Once filed, the annexation petition will be
704 available for inspection and copying at the office of (state the name of the proposed annexing
705 municipality) located at (state the address of the municipal offices of the proposed annexing
706 municipality)."; and
- 707 (C) be accompanied by an accurate map identifying the area proposed for
708 annexation.

- 709 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A)
710 any other information or materials related or unrelated to the proposed annexation.
- 711 (c)(i) After receiving the certificate from the county as provided in Subsection
712 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the
713 person who filed the notice of intent under Subsection (2)(a)(i)(A), provide an
714 annexation petition for the annexation proposed in the notice of intent.
- 715 (ii) An annexation petition provided by the proposed annexing municipality may be
716 duplicated for circulation for signatures.
- 717 (3) Each petition under Subsection (1) shall:
- 718 (a) be filed with the municipal records officer of the proposed annexing municipality;
- 719 (b) contain the signatures of, if all the real property within the area proposed for
720 annexation is owned by a public entity other than the federal government, the owners
721 of all the publicly owned real property, or the owners of private real property that:
- 722 (i) is located within the area proposed for annexation;
- 723 (ii)(A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land
724 area within the area proposed for annexation;
- 725 (B) covers 100% of all of the rural real property within the area proposed for
726 annexation; and
- 727 (C) covers 100% of all of the private land area within the area proposed for
728 annexation if the area is within a migratory bird production area created under
729 Title 23A, Chapter 13, Migratory Bird Production Area; and
- 730 (iii) is equal in value to at least 1/3 of the value of all private real property within the
731 area proposed for annexation;
- 732 (c) be accompanied by:
- 733 (i) an accurate and recordable map, prepared by a licensed surveyor in accordance
734 with Section ~~[17-23-20]~~ 17-73-507, of the area proposed for annexation; and
- 735 (ii) a copy of the notice sent to affected entities as required under Subsection
736 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;
- 737 (d) contain on each signature page a notice in bold and conspicuous terms that states
738 substantially the following:
- 739 "Notice:
- 740 • There will be no public election on the annexation proposed by this petition because
741 Utah law does not provide for an annexation to be approved by voters at a public election.
- 742 • If you sign this petition and later decide that you do not support the petition, you may

withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.";

(e) if the petition proposes a cross-county annexation, as defined in Section 10-2-805, be accompanied by a copy of the resolution described in Subsection 10-2-805(4)(a)(iii)(A); and

(f) designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

(4) A petition under Subsection (1) may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.

(5) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

(a) along the boundaries of existing special districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;

(b) to eliminate islands and peninsulas of territory that is not receiving municipal-type services;

(c) to facilitate the consolidation of overlapping functions of local government;

(d) to promote the efficient delivery of services; and

(e) to encourage the equitable distribution of community resources and obligations.

(6) On the date of filing, the petition contact sponsor shall deliver or mail a copy of the petition to the county clerk of the county in which the area proposed for annexation is located.

(7) A property owner who signs an annexation petition may withdraw the owner's signature by filing a written withdrawal, signed by the property owner, with the municipal records officer no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-807(2)(c)(i).

Section 10. Section **10-2a-219** is amended to read:

10-2a-219 (Effective 11/06/25). Division of municipal service revenues -- County may provide startup funds.

- 777 (1) The county in which an area incorporating under this part is located shall, until the day
778 on which the municipality's incorporation is effective under Section 10-2a-217, continue
779 to:
- 780 (a) levy and collect ad valorem property tax and other revenues from or pertaining to the
781 future municipality; and
- 782 (b) except as otherwise agreed by the county and the officers of the municipality, to
783 provide the same services to the future municipality as the county provided before the
784 commencement of the incorporation proceedings.
- 785 (2)(a) The legislative body of the county in which a newly incorporated municipality is
786 located shall share pro rata with the new municipality, based on the date of
787 incorporation, the taxes and service charges or fees levied and collected by the
788 county under Section [~~17-34-3~~] 17-78-502 during the year of the new municipality's
789 incorporation if and to the extent that the new municipality provides, by itself or by
790 contract, the same services for which the county levied and collected the taxes and
791 service charges or fees.
- 792 (b)(i) The legislative body of a county in which a municipality incorporated after
793 January 1, 2004, is located may share with the new municipality taxes and service
794 charges or fees that were levied and collected by the county under Section [
795 ~~17-34-3~~] 17-78-502:
- 796 (A) before the year of the new municipality's incorporation;
- 797 (B) from the previously unincorporated area that, because of the municipality's
798 incorporation, is located within the boundaries of the newly incorporated
799 municipality; and
- 800 (C) to provide services to the area that before the new municipality's incorporation
801 was unincorporated.
- 802 (ii) A county legislative body may share taxes and service charges or fees under
803 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset
804 against amounts due under a contract for a municipal service provided by the
805 county to the new municipality.
- 806 (3)(a) The legislative body of a county in which an area incorporating under this part is
807 located may appropriate county funds to:
- 808 (i) before incorporation but after the canvass of the final election of municipal
809 officers under Section 10-2a-215, the officers of the future municipality to pay
810 startup expenses of the future municipality; or

(ii) after incorporation, the new municipality.

(b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a grant, a loan, or as an advance against future distributions made under Subsection (2).

Section 11. Section **10-8-44.6** is amended to read:

10-8-44.6 (Effective 11/06/25). Regulation of drive-through facilities.

(1) As used in this section:

(a) "Business" means a private enterprise carried on for the purpose of gain or economic profit.

(b)(i) "Business lobby" means a public area, including a lobby, dining area, or other area accessible to the public where business is conducted within a place of business.

(ii) "Business lobby" does not include the area of a business where drive-through service is conducted.

(c) "Land use application" means the same as that term is defined in Section [~~10-9a-103~~] 10-20-102.

(d)(i) "Motor vehicle" means a self-propelled vehicle, including a motorcycle, intended primarily for use and operation on the highways.

(ii) "Motor vehicle" does not include an off-highway vehicle.

(e) "Motorcycle" means a motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

(f) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle.

(2) A municipality may not withhold a business license, deny a land use application, or otherwise require a business that has a drive-through service as a component of [its business] the business's operations to:

(a) allow a person other than a person in a motorized vehicle to use the drive-through service; or

(b) offer designated hours of the day that a customer is accommodated and business is conducted in the business lobby that are the same as or exceed the hours of the day that a customer is accommodated and business is conducted in the drive-through service.

Section 12. Section **10-8-93** is amended to read:

10-8-93 (Effective 11/06/25). Control of funds and disbursements -- Auditing of accounts by county auditor -- Transfer of county tax funds to board to cover deficiencies.

(1)(a) ~~[The]~~ Subject to Subsection (1)(b), the joint board created pursuant to this part shall have the custody and control of all funds collected in the joint operation of such hospital and the disbursement thereof[;] .

~~(b) [provided that the]~~ The county auditor of any county participating under the provisions of this part shall audit the accounts of said board quarterly or at more frequent intervals, if ~~[public interest, in the judgment of such]~~ the county auditor [~~requires~~] determines the accounts require a more frequent audit.

(2) The county executive of any county participating in the operation and maintenance of hospitals pursuant to this part may pay over to the joint board of such hospitals any funds yielded by a levy made pursuant to ~~[Section 17-53-221]~~ Subsection 17-63-701(2) that may be required to cover any deficiencies incurred in the operation and maintenance of such hospital.

Section 13. Section **11-13-202** is amended to read:

11-13-202 (Effective 11/06/25). Agreements for joint or cooperative undertaking, for providing or exchanging services, or for law enforcement services -- Effective date of agreement -- Public agencies may restrict their authority or exempt each other regarding permits and fees.

(1) Any two or more public agencies may enter into an agreement with one another under this chapter:

- (a) for joint or cooperative action;
- (b) to provide services that they are each authorized by statute to provide;
- (c) to exchange services that they are each authorized by statute to provide;
- (d) for a public agency to provide law enforcement services to one or more other public agencies, if the public agency providing law enforcement services under the interlocal agreement is authorized by law to provide those services, or to provide joint or cooperative law enforcement services between or among public agencies that are each authorized by law to provide those services;
- (e) to create a transportation reinvestment zone as defined in Section 11-13-103; or
- (f) to do anything else that they are each authorized by statute to do.

(2) An agreement under Subsection (1) does not take effect until each public agency that is a party to the agreement approves the agreement, as provided in Section 11-13-202.5.

(3)(a) In an agreement under Subsection (1), a public agency that is a party to the agreement may agree:

- (i) to restrict its authority to issue permits to or assess fees from another public

- 879 agency that is a party to the agreement; and
- 880 (ii) to exempt another public agency that is a party to the agreement from permit or
- 881 fee requirements.
- 882 (b) A provision in an agreement under Subsection (1) whereby the parties agree as
- 883 provided in Subsection (3)(a) is subject to all remedies provided by law and in the
- 884 agreement, including injunction, mandamus, abatement, or other remedy to prevent,
- 885 enjoin, abate, or enforce the provision.
- 886 (4) A peace officer employed by the interlocal entity, as defined in Section 11-13-103, as of
- 887 May 3, 2023, who transfers to the county sheriff's office before July 1, 2025, retains the
- 888 protections of ~~[Title 17, Chapter 30A, Part 3, Merit Officer Conditions of Employment]~~
- 889 Title 17, Chapter 76, Part 3, Peace Officer Merit Systems in Counties of the First Class.
- 890 Section 14. Section **11-26-401** is amended to read:
- 891 **11-26-401 (Effective 11/06/25). Definitions -- Prohibition on car sharing program**
- 892 **taxes, fees, and other charges.**
- 893 (1) As used in this part:
- 894 (a) "Car sharing" means the same as that term is defined in Section 13-48a-101.
- 895 ~~[(b) "County" means the same as that term is defined in Section 17-50-101.]~~
- 896 ~~[(c)] (b)~~ "Local political subdivision" means the same as that term is defined in Section
- 897 11-14-102.
- 898 ~~[(d) "Municipality" means a city or a town.]~~
- 899 ~~[(e)] (c)~~ "Rental" means the same as the terms "lease" or "rental" are defined in Section
- 900 59-12-102.
- 901 (2) A local political subdivision may not impose a tax, fee, or charge on the gross proceeds
- 902 or gross income of a car sharing transaction that the ~~[jurisdiction]~~ local political
- 903 subdivision does not impose on other transactions involving the rental of a motor vehicle
- 904 without a driver.
- 905 Section 15. Section **11-36a-102** is amended to read:
- 906 **11-36a-102 (Effective 11/06/25). Definitions.**
- 907 As used in this chapter:
- 908 (1)(a) "Affected entity" means each county, municipality, special district under Title
- 909 17B, Limited Purpose Local Government Entities - Special Districts, special service
- 910 district under Title 17D, Chapter 1, Special Service District Act, school district,
- 911 interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act,
- 912 and specified public utility:

- 913 (i) whose services or facilities are likely to require expansion or significant
914 modification because of the facilities proposed in the proposed impact fee
915 facilities plan; or
916 (ii) that has filed with the local political subdivision or private entity a copy of the
917 general or long-range plan of the county, municipality, special district, special
918 service district, school district, interlocal cooperation entity, or specified public
919 utility.

920 (b) "Affected entity" does not include the local political subdivision or private entity that
921 is required under Section 11-36a-501 to provide notice.

922 (2) "Charter school" includes:

- 923 (a) an operating charter school;
924 (b) an applicant for a charter school whose application has been approved by a charter
925 school authorizer as provided in Title 53G, Chapter 5, Part 6, Charter School Credit
926 Enhancement Program; and
927 (c) an entity that is working on behalf of a charter school or approved charter applicant
928 to develop or construct a charter school building.

929 (3) "Development activity" means any construction or expansion of a building, structure, or
930 use, any change in use of a building or structure, or any changes in the use of land that
931 creates additional demand and need for public facilities.

932 (4) "Development approval" means:

- 933 (a) except as provided in Subsection (4)(b), any written authorization from a local
934 political subdivision that authorizes the commencement of development activity;
935 (b) development activity, for a public entity that may develop without written
936 authorization from a local political subdivision;
937 (c) a written authorization from a public water supplier, as defined in Section 73-1-4, or
938 a private water company:
939 (i) to reserve or provide:
940 (A) a water right;
941 (B) a system capacity; or
942 (C) a distribution facility; or
943 (ii) to deliver for a development activity:
944 (A) culinary water; or
945 (B) irrigation water; or
946 (d) a written authorization from a sanitary sewer authority, as defined in Section [

~~10-9a-103]~~ 10-20-102:

(i) to reserve or provide:

(A) sewer collection capacity; or

(B) treatment capacity; or

(ii) to provide sewer service for a development activity.

(5) "Enactment" means:

(a) a municipal ordinance, for a municipality;

(b) a county ordinance, for a county; and

(c) a governing board resolution, for a special district, special service district, or private entity.

(6) "Encumber" means:

(a) a pledge to retire a debt; or

(b) an allocation to a current purchase order or contract.

(7) "Expense for overhead" means a cost that a local political subdivision or private entity:

(a) incurs in connection with:

(i) developing an impact fee facilities plan;

(ii) developing an impact fee analysis; or

(iii) imposing an impact fee, including any related overhead expenses; and

(b) calculates in accordance with a methodology that is consistent with generally accepted cost accounting practices.

(8) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system of a municipality, county, special district, special service district, or private entity.

(9)(a) "Impact fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure.

(b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.

(10) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.

(11) "Impact fee facilities plan" means the plan required by Section 11-36a-301.

(12) "Level of service" means the defined performance standard or unit of demand for each

capital component of a public facility within a service area.

(13)(a) "Local political subdivision" means a county, a municipality, a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, a special service district under Title 17D, Chapter 1, Special Service District Act, or the Point of the Mountain State Land Authority, created in Section 11-59-201.

(b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 11-36a-206.

(14) "Private entity" means an entity in private ownership with at least 100 individual shareholders, customers, or connections, that is located in a first, second, third, or fourth class county and provides water to an applicant for development approval who is required to obtain water from the private entity either as a:

(a) specific condition of development approval by a local political subdivision acting pursuant to a prior agreement, whether written or unwritten, with the private entity; or

(b) functional condition of development approval because the private entity:

(i) has no reasonably equivalent competition in the immediate market; and

(ii) is the only realistic source of water for the applicant's development.

(15)(a) "Project improvements" means site improvements and facilities that are:

(i) planned and designed to provide service for development resulting from a development activity;

(ii) necessary for the use and convenience of the occupants or users of development resulting from a development activity; and

(iii) not identified or reimbursed as a system improvement.

(b) "Project improvements" does not mean system improvements.

(16) "Proportionate share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.

(17) "Public facilities" means only the following impact fee facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity:

(a) water rights and water supply, treatment, storage, and distribution facilities;

(b) wastewater collection and treatment facilities;

(c) storm water, drainage, and flood control facilities;

(d) municipal power facilities;

(e) roadway facilities;

- 1015 (f) parks, recreation facilities, open space, and trails;
1016 (g) public safety facilities;
1017 (h) environmental mitigation as provided in Section 11-36a-205; or
1018 (i) municipal natural gas facilities.
- 1019 (18)(a) "Public safety facility" means:
1020 (i) a building constructed or leased to house police, fire, or other public safety
1021 entities; or
1022 (ii) a fire suppression vehicle costing in excess of \$500,000.
- 1023 (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary
1024 incarceration.
- 1025 (19)(a) "Roadway facilities" means a street or road that has been designated on an
1026 officially adopted subdivision plat, roadway plan, or general plan of a political
1027 subdivision, together with all necessary appurtenances.
- 1028 (b) "Roadway facilities" includes associated improvements to a federal or state roadway
1029 only when the associated improvements:
1030 (i) are necessitated by the new development; and
1031 (ii) are not funded by the state or federal government.
- 1032 (c) "Roadway facilities" does not mean federal or state roadways.
- 1033 (20)(a) "Service area" means a geographic area designated by an entity that imposes an
1034 impact fee on the basis of sound planning or engineering principles in which a public
1035 facility, or a defined set of public facilities, provides service within the area.
- 1036 (b) "Service area" may include the entire local political subdivision or an entire area
1037 served by a private entity.
- 1038 (21) "Specified public agency" means:
1039 (a) the state;
1040 (b) a school district; or
1041 (c) a charter school.
- 1042 (22)(a) "System improvements" means:
1043 (i) existing public facilities that are:
1044 (A) identified in the impact fee analysis under Section 11-36a-304; and
1045 (B) designed to provide services to service areas within the community at large;
1046 and
1047 (ii) future public facilities identified in the impact fee analysis under Section
1048 11-36a-304 that are intended to provide services to service areas within the

community at large.

(b) "System improvements" does not mean project improvements.

Section 16. Section **11-41-102** is amended to read:

11-41-102 (Effective 11/06/25). Definitions.

As used in this chapter:

- (1) "Agreement" means an oral or written agreement between a public entity and a person.
- (2) "Business entity" means a sole proprietorship, partnership, limited partnership, limited liability company, corporation, or other entity or association used to carry on a business for profit.
- (3) "Determination of violation" means a determination by the Governor's Office of Economic Opportunity of substantial likelihood that a retail facility incentive payment has been made in violation of Section 11-41-103, in accordance with Section 11-41-104.
- (4) "Environmental mitigation" means an action or activity intended to remedy known negative impacts to the environment.
- (5) "Executive director" means the executive director of the Governor's Office of Economic Opportunity.
- (6) "General plan" means the same as that term is defined in Section 23A-6-101.
- (7) "Legislative body" means the same as that term is defined in:
 - (a) Section [~~10-9a-103~~] 10-20-102; or
 - (b) Section [~~17-27a-103~~] 17-79-102.
- (8) "Mixed-use development" means development with mixed land uses, including housing.
- (9) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.
- (10) "Moderate income housing plan" means the moderate income housing plan element of a general plan.
- (11) "Office" means the Governor's Office of Economic Opportunity.
- (12) "Political subdivision" means any county, city, town, school district, special district, special service district, community reinvestment agency, or entity created by an interlocal agreement adopted under [~~Title 11, Chapter 13~~] Chapter 13, Interlocal Cooperation Act.
- (13) "Public entity" means:
 - (a) a political subdivision;
 - (b) a department, commission, board, council, agency, institution, officer, corporation,

- 1083 fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or
1084 other administrative unit of the executive branch of the state;
- 1085 (c) a higher education institution as defined in Section 53B-1-201;
- 1086 (d) the Military Installation Development Authority created in Section 63H-1-201;
- 1087 (e) the Utah Inland Port Authority created in Section 11-58-201; or
- 1088 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.
- 1089 (14) "Public funds" means any money received by a public entity that is derived from:
- 1090 (a) a sales and use tax authorized under Title 59, Chapter 12, Sales and Use Tax Act; or
- 1091 (b) a property tax levy.
- 1092 (15) "Public infrastructure" means:
- 1093 (a) a public facility, as defined in Section 11-36a-102;
- 1094 (b) a system improvement, as defined in Section 11-36a-102; or
- 1095 (c) infrastructure developed with public funds included as part of an infrastructure
- 1096 master plan related to a general plan.
- 1097 (16) "Retail facility" means any facility operated by a business entity for the primary
- 1098 purpose of making retail transactions.
- 1099 (17) "Retail facility incentive payment" means a payment of public funds:
- 1100 (a) to a person by a public entity;
- 1101 (b) for the development, construction, renovation, or operation of a retail facility within
- 1102 an area of the state; and
- 1103 (c) in the form of:
- 1104 (i) a payment;
- 1105 (ii) a rebate;
- 1106 (iii) a refund;
- 1107 (iv) a subsidy; or
- 1108 (v) any other similar incentive, award, or offset.
- 1109 (18) "Retail transaction" means any transaction subject to a sales and use tax under Title 59,
- 1110 Chapter 12, Sales and Use Tax Act.
- 1111 (19)(a) "Small business" means a business entity that:
- 1112 (i) has fewer than 30 full-time equivalent employees; and
- 1113 (ii) maintains the business entity's principal office in the state.
- 1114 (b) "Small business" does not include:
- 1115 (i) a franchisee, as defined in 16 C.F.R. Sec. 436.1;
- 1116 (ii) a dealer, as defined in Section 41-1a-102; or

1117 (iii) a subsidiary or affiliate of another business entity that is not a small business.

1118 Section 17. Section **11-46-104** is amended to read:

1119 **11-46-104 (Effective 11/06/25). County tax for provision of animal welfare**
1120 **services.**

1121 (1) As used in this section:

1122 (a) "County" means a county:

1123 (i) of the second, third, fourth, fifth, or sixth class; and

1124 (ii) in which the county is the sole provider of animal welfare services under this part.

1125 (b) "Municipality" means a city or a town that receives animal welfare services from the
1126 county.

1127 (2) Subject to Subsections (5) and (6), a legislative body in a county may levy annually a
1128 tax not to exceed .0002 of taxable value of taxable property in the county to provide the
1129 services described in this chapter.

1130 (3)(a) Except as provided in Section [~~17-36-31~~] 17-63-704, the levy described in this
1131 section is in addition to other taxes that the county is authorized to levy.

1132 (b) The levy described in this section is not subject to the aggregate maximum levy
1133 limitation described in Section 59-2-908.

1134 (4)(a) The county shall levy and collect the tax described in this section in the same
1135 manner as other general taxes of the county.

1136 (b) The county shall deposit revenue collected from the levy described in this section
1137 into a fund known as the county animal welfare fund.

1138 (5) Before a county that provides animal welfare services on behalf of one or more
1139 municipalities may impose a tax under this section for the first time:

1140 (a) the county shall notify each municipality of:

1141 (i) the total cost to the county for providing animal welfare services; and

1142 (ii) the total amount of revenue the county will generate by imposing a levy under
1143 this section;

1144 (b) the county and the municipalities shall determine the county's and each
1145 municipality's percentage share of the county's cost for providing animal welfare
1146 services; and

1147 (c) the county shall notify the State Tax Commission of:

1148 (i) the names of the municipalities;

1149 (ii) the revenue calculated by multiplying the county's percentage share of the cost for
1150 providing animal welfare services by the total amount of revenue the county will

1151 generate by imposing a levy under this section; and

1152 (iii) for each municipality described in Subsection (5)(c)(i), the revenue calculated by
1153 multiplying the municipality's percentage share of the cost for providing animal
1154 welfare services by the total amount of revenue the county will generate by
1155 imposing a levy under this section.

1156 (6) A county, as a condition of providing animal welfare services, may not prohibit a
1157 municipality from imposing a local animal control ordinance within the municipality
1158 that is different than a county animal control ordinance.

1159 Section 18. Section **11-51-102** is amended to read:

1160 **11-51-102 (Effective 11/06/25). Definitions.**

1161 As used in this chapter:

1162 (1) "Chief executive officer" means:

1163 (a) for a municipality:

1164 (i) the mayor, if the municipality is operating under a form of municipal government
1165 other than the council-manager form of government; or

1166 (ii) the city manager, if the municipality is operating under the council-manager form
1167 of government; or

1168 (b) for a county:

1169 (i) the chair of the county commission, if the county is operating under the county
1170 commission or expanded county commission form of government;

1171 (ii) the county executive officer, if the county is operating under the county-executive
1172 council form of government; or

1173 (iii) the county manager, if the county is operating under the council-manager form
1174 of government.

1175 (2) "County sheriff" means an individual elected to the office of county sheriff in the state
1176 who meets the qualifications described in Section ~~[17-22-1.5]~~ 17-72-201.

1177 (3) "Federal agency" means the United States Bureau of Land Management, the United
1178 States Forest Service, the United States Fish and Wildlife Service, or the National Park
1179 Service.

1180 (4) "Federally managed land" means land that is managed by the United States Bureau of
1181 Land Management, the United States Forest Service, or the National Park Service.

1182 (5) "National monument" means a national monument designated or declared in accordance
1183 with the Antiquities Act of 1906, 54 U.S.C. Sec. 320301 et seq.

1184 (6) "National recreation area" means a recreation area designated by an act of Congress.

(7) "Political subdivision" means a municipality or county.

Section 19. Section **11-51a-102** is amended to read:

11-51a-102 (Effective 11/06/25). Definitions.

As used in this chapter:

(1) "Catastrophic public nuisance" means a condition on state or federal land where natural resources and biota have been managed or neglected to such an extent as to cause:

(a) the threat of a catastrophic wildfire demonstrated by:

(i) stand density, basal area, or ground fuel load greater than 150% of land health standards; or

(ii) an insect or disease infestation severe enough to threaten the mortality of at least 20% of the trees in the area; or

(b) a condition in the area that threatens the:

(i) quantity or quality of the public water supply of a political subdivision;

(ii) health, safety, or welfare of the citizens of a political subdivision;

(iii) air quality of a nonattainment area; or

(iv) vegetative resources required to support land health and authorized livestock grazing.

(2) "Chief executive officer" means:

(a) for a municipality:

(i) the mayor, if the municipality is operating under a form of municipal government other than the council-manager form of government; or

(ii) the city manager, if the municipality is operating under the council-manager form of government; and

(b) for a county:

(i) the chair of the county commission, if the county is operating under the county commission or expanded county commission form of government;

(ii) the county executive officer, if the county is operating under the county-executive form of government; or

(iii) the county manager, if the county is operating under the council-manager form of government.

(3) "County sheriff" means an individual:

(a) elected to the office of county sheriff; and

(b) who fulfills the duties described in [~~Subsection 17-22-1.5(1)]~~ Section 17-72-201.

(4) "Federal agency" means the:

- 1219 (a) United States Bureau of Land Management;
1220 (b) United States Forest Service;
1221 (c) United States Fish and Wildlife Service; or
1222 (d) National Park Service.
1223 (5) "Federally managed land" means land that is managed by a federal agency.
1224 (6) "Political subdivision" means a municipality or county.

1225 Section 20. Section **11-52-102** is amended to read:

1226 **11-52-102 (Effective 11/06/25). Definitions.**

1227 As used in this chapter:

1228 (1) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C. Sec.
1229 7501, that is reported as part of a single audit.

1230 (2) "Political subdivision" means:

- 1231 (a) a county, as defined in Section ~~[17-50-101]~~ 17-60-101;
1232 (b) a municipality, as defined in Section 10-1-104;
1233 (c) a special district, as defined in Section 17B-1-102;
1234 (d) a special service district, as defined in Section 17D-1-102;
1235 (e) an interlocal entity, as defined in Section 11-13-103;
1236 (f) a community reinvestment agency created under Title 17C, Limited Purpose Local
1237 Government Entities - Community Reinvestment Agency Act;
1238 (g) a local building authority, as defined in Section 17D-2-102; or
1239 (h) a conservation district, as defined in Section 17D-3-102.

1240 (3) "Single audit" has the same meaning as defined in 31 U.S.C. Sec. 7501.

1241 Section 21. Section **11-55-103** is amended to read:

1242 **11-55-103 (Effective 11/06/25). General provisions.**

1243 (1) A political subdivision may authorize a board member who serves on a board within or
1244 created by the political subdivision to receive per diem and travel expenses for meetings
1245 actually attended at a rate that the political subdivision establishes, subject to Subsection
1246 (2).

1247 (2) A political subdivision may not establish rates for payment of per diem and travel
1248 expenses described in Subsection (1) that exceed the rates established in accordance
1249 with:

- 1250 (a) Section 63A-3-106;
1251 (b) Section 63A-3-107; and
1252 (c) a rule adopted by the Division of Finance in accordance with Sections 63A-3-106

and 63A-3-107.

- (3) Nothing in this section limits or supercedes the authority of a political subdivision to set compensation in accordance with Section 10-3-818, 11-13-403, [~~17-28-2, 17-33-4~~]
17-75-501, 17-76-503, 17B-1-307, or 17D-1-305.

Section 22. Section **11-58-601** is amended to read:

11-58-601 (Effective 11/06/25). General differential and nonmunicipal differential.

- (1) As used in this section:

- (a) "Designation resolution" means a resolution adopted by the board that designates a transition date and a trigger date, which may be the same date, for the parcel specified in the resolution.
- (b) "Post-designation parcel" means a parcel within a project area after the transition date for that parcel.
- (c) "Pre-designation parcel" means a parcel within a project area before the transition date for that parcel.
- (d) "Transition date" means the date indicated in a designation resolution after which the parcel that is the subject of the designation resolution is a post-designation parcel.
- (e) "Trigger date" means the date indicated in a designation resolution upon which tax differential payments due to the authority commence.

- (2) This section applies to nonmunicipal differential and general differential to be paid to the authority.

- (3) The authority shall be paid 75% of nonmunicipal differential generated from a pre-designation parcel that is part of the authority jurisdictional land:

- (a) for the period beginning November 2019 and ending the earlier of:
- (i) the transition date for that parcel; and
- (ii) November 30, 2044; and
- (b) for a period of up to 15 years following November 2044 if, before the end of November 2044:
- (i) the parcel has not become a post-designation parcel; and
- (ii) the board adopts a resolution approving the extension.

- (4)(a) As provided in Subsection (4)(b), the authority shall be paid:

- (i) 75% of nonmunicipal differential generated from a post-designation parcel that is part of the authority jurisdictional land; and
- (ii) 75% of general differential generated from a post-designation parcel that is not

part of the authority jurisdictional land.

(b) The property tax differential paid under Subsection (4)(a) from a post-designation parcel shall be paid:

(i) for a period of 25 years beginning on the trigger date for that parcel; and

(ii) for a period of up to an additional 15 years beyond the period stated in Subsection (4)(b)(i) if the board determines by resolution that the additional years of nonmunicipal differential or general differential, as the case may be, from that parcel will produce a significant benefit.

(5)(a) For purposes of this section, the authority may designate an improved portion of a parcel in a project area as a separate parcel.

(b) An authority designation of an improved portion of a parcel as a separate parcel under Subsection (5)(a) does not constitute a subdivision, as defined in Section [~~10-9a-103~~] 10-20-102 or Section [~~17-27a-103~~] 17-79-102.

(c) A county recorder shall assign a separate tax identification number to the improved portion of a parcel designated by the authority as a separate parcel under Subsection (5)(a).

Section 23. Section **11-60-102** is amended to read:

11-60-102 (Effective 11/06/25). Definitions.

As used in this chapter:

(1) "Direct charge" means a charge, fee, assessment, or amount, other than a property tax, that a political subdivision charges to a property owner.

(2) "Nonrecurring tax notice charge" means a tax notice charge that a political subdivision certifies to the county treasurer on a one-time or case-by-case basis rather than regularly over multiple calendar years.

(3) "Notice of lien" means a notice that:

(a) a political subdivision records in the office of the recorder of the county in which a property that is the subject of a nonrecurring tax notice charge is located; and

(b) describes the nature and amount of the nonrecurring tax notice charge and whether the political subdivision intends to certify the charge to the county treasurer under statutory authority that allows the treasurer to place the charge on the property tax notice described in Section 59-2-1317.

(4) "Political subdivision" means:

(a) a county, as that term is defined in Section [~~17-50-101~~] 17-60-101;

(b) a municipality, as that term is defined in Section 10-1-104;

- (c) a special district, as that term is defined in Section 17B-1-102;
- (d) a special service district, as that term is defined in Section 17D-1-102;
- (e) an interlocal entity, as that term is defined in Section 11-13-103;
- (f) a community reinvestment agency created under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act;
- (g) a local building authority, as that term is defined in Section 17D-2-102;
- (h) a conservation district, as that term is defined in Section 17D-3-102; or
- (i) a local entity, as that term is defined in Sections 11-42-102 and 11-42a-102.

(5) "Political subdivision lien" means a lien that a statute expressly authorizes a political subdivision to hold and record, including a direct charge that constitutes, according to an express statutory provision, a lien.

(6) "Property tax" means a tax imposed on real property under Title 59, Chapter 2, Property Tax Act, Title 59, Chapter 3, Tax Equivalent Property Act, or Title 59, Chapter 4, Privilege Tax.

(7) "Tax notice charge" means the same as that term is defined in Section 59-2-1301.5.

(8) "Tax sale" means the tax sale described in Title 59, Chapter 2, Part 13, Collection of Taxes.

Section 24. Section **11-63-201** is amended to read:

11-63-201 (Effective 11/06/25). Municipal or county business license required.

To operate a trampoline park the operator of a trampoline park shall obtain and maintain, conditioned upon compliance with this chapter:

- (1) if the trampoline park is located within an incorporated municipality, a municipal business license authorized under Section 10-1-203; or
- (2) if located within the unincorporated area of a county, a county business license authorized under Section [17-53-216] 17-64-505.

Section 25. Section **11-65-304** is amended to read:

11-65-304 (Effective 11/06/25). Limitations on board members and executive director -- Annual conflict of interest disclosure statement -- Exception -- Penalties.

(1) As used in this section:

(a) "Direct financial benefit":

- (i) means any form of financial benefit that accrues to an individual directly, including:

(A) compensation, commission, or any other form of a payment or increase of money; and

- 1355 (B) an increase in the value of a business or property; and
1356 (ii) does not include a financial benefit that accrues to the public generally.
- 1357 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.
- 1358 (2) An individual may not serve as a voting member of the board or as executive director if
1359 the individual or a family member of the individual owns an interest in, is directly
1360 affiliated with, or is an employee or officer of a private firm, private company, or other
1361 private entity that the individual reasonably believes is likely to participate in or receive
1362 a direct financial benefit from the management of Utah Lake.
- 1363 (3) Before taking office as a voting member of the board or accepting employment as
1364 executive director, an individual shall submit to the lake authority a statement verifying
1365 that the individual's service as a board member or employment as executive director
1366 does not violate Subsection (2).
- 1367 (4)(a) A voting member or nonvoting member of the board or an employee of the lake
1368 authority may not receive a direct financial benefit from the management of Utah
1369 Lake.
- 1370 (b) For purposes of Subsection (4)(a), a direct financial benefit does not include:
1371 (i) expense reimbursements;
1372 (ii) per diem pay for board member service, if applicable; or
1373 (iii) an employee's compensation or benefits from employment with the lake
1374 authority.
- 1375 (5) Except as provided Subsection (11), a voting member or nonvoting member of the
1376 board shall, no sooner than January 1 and no later than January 31 of each year during
1377 which the board member holds office on the lake authority's board:
1378 (a) prepare a written conflict of interest disclosure statement that contains a response to
1379 each item of information described in Subsection 20A-11-1604(6); and
1380 (b) submit the written disclosure statement to the administrator or clerk of the lake
1381 authority's board.
- 1382 (6)(a) No later than 10 business days after the date on which the board member submits
1383 the written disclosure statement described in Subsection (5) to the administrator or
1384 clerk of the lake authority's board, the administrator or clerk shall:
1385 (i) post an electronic copy of the written disclosure statement on the lake authority's
1386 website; and
1387 (ii) provide the lieutenant governor with a link to the electronic posting described in
1388 Subsection (6)(a)(i).

(b) The administrator or clerk shall ensure that the board member's written disclosure statement remains posted on the lake authority's website until the board member leaves office.

(7) The administrator or clerk of the lake authority's board shall take the action described in Subsection (8) if:

(a) a board member fails to timely submit the written disclosure statement described in Subsection (5); or

(b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).

(8) If a circumstance described in Subsection (7) occurs, the administrator or clerk of the lake authority's board shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the board member of the violation and direct the board member to submit an amended written disclosure statement correcting the problem.

(9)(a) It is unlawful for a board member to fail to submit or amend a written disclosure statement within seven days after the day on which the board member receives the notice described in Subsection (8).

(b) A board member who violates Subsection (9)(a) is guilty of a class B misdemeanor.

(c) The administrator or clerk of the lake authority's board shall report a violation of Subsection (9)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (9)(b), the administrator or clerk of the lake authority's board shall impose a civil fine of \$100 against a board member who violates Subsection (9)(a).

(10) The administrator or clerk of the lake authority's board shall deposit a fine collected under this section into the lake authority's account to pay for the costs of administering this section.

(11) For an individual who is appointed as a board member under Subsection 11-65-302

(2)(b), (c), (d), or (e)(ii):

(a) Subsection (5) does not apply; and

(b) the administrator or clerk of the lake authority's board shall, instead:

(i) post an electronic link on the lake authority's website to the written disclosure statement the board member made in the board member's capacity as:

(A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures;

(B) an elected officer of a county, under Section ~~[17-16a-13]~~ 17-70-509; or

(C) an elected officer of a municipality, under Section 10-3-1313; and

(ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (11)(b)(i).

(12) Nothing in this section may be construed to affect the application or effect of any other code provision applicable to a board member or employee relating to ethics or conflicts of interest.

Section 26. Section **11-70-304** is amended to read:

11-70-304 (Effective 11/06/25). Limitations on board members and executive director -- Annual conflict of interest disclosure statement -- Penalties.

(1) As used in this section:

(a) "Direct financial benefit":

(i) means any form of financial benefit that accrues to an individual directly, including:

(A) compensation, commission, or any other form of a payment or increase of money; and

(B) an increase in the value of a business or property; and

(ii) does not include a financial benefit that accrues to the public generally.

(b) "Family member" means a parent, spouse, sibling, child, or grandchild.

(2) An individual may not serve as a member of the board or as executive director if:

(a) the individual owns real property, other than a personal residence in which the individual resides, within the fairpark district boundary, whether or not the ownership interest is a recorded interest;

(b) a family member of the individual owns an interest in real property, other than a personal residence in which the family member resides, located within the fairpark district boundary; or

(c) the individual or a family member of the individual owns an interest in, is directly affiliated with, or is an employee or officer of a private firm, private company, or other private entity that the individual reasonably believes is likely to:

(i) participate in or receive a direct financial benefit from the development of land within the fairpark district boundary; or

(ii) acquire an interest in or locate a facility within the fairpark district boundary.

(3) Before taking office as a board member or accepting employment as executive director, an individual shall submit to the fairpark district a statement verifying that the

individual's service as a board member or employment as executive director does not violate Subsection (2).

- (4)(a) An individual may not, at any time during the individual's service as a board member or employment with the fairpark district, acquire, or take any action to initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property located within the fairpark district boundary, if:
- (i) the acquisition is in the individual's personal capacity or in the individual's capacity as an employee or officer of a private firm, private company, or other private entity; and
 - (ii) the acquisition will enable the individual to receive a direct financial benefit as a result of the development of land within the fairpark district boundary.
- (b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property that is a personal residence in which the individual will reside upon acquisition of the real property.

- (5)(a) A board member or an employee of the fairpark district may not receive a direct financial benefit from development within the fairpark district boundary.

(b) For purposes of Subsection (5)(a), a direct financial benefit does not include:

- (i) expense reimbursements;
- (ii) per diem pay for board member service, if applicable; or
- (iii) an employee's compensation or benefits from employment with the fairpark district.

- (6)(a) In addition to any other limitation on a board member described in this section, and except as provided in Subsection (7), a voting member or nonvoting advisory member of the board shall, no sooner than January 1 and no later than January 31 of each year during which the board member holds office on the board:

- (i) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
- (ii) submit the written disclosure statement to the administrator or clerk of the board.

(b) No later than 10 business days after the day on which the board member submits the written disclosure statement described in Subsection (6)(a) to the administrator or clerk of the board, the administrator or clerk shall:

- (i)(A) post an electronic copy of the written disclosure statement on the fairpark district website; or

- 1491 (B) if the fairpark district does not have a website, post an electronic copy of the
1492 disclosure statement on the Utah Public Notice Website created in Section
1493 63A-16-601; and
- 1494 (ii) provide the lieutenant governor with a link to the posting described in Subsection
1495 (6)(b)(i).
- 1496 (c) The administrator or clerk of the board shall ensure that the board member's written
1497 disclosure statement remains posted on the website described in Subsection (6)(b)(i)
1498 until the board member leaves office.
- 1499 (d) The administrator or clerk of the board shall take the action described in Subsection
1500 (6)(e) if:
- 1501 (i) a board member fails to timely submit the written disclosure statement described
1502 in Subsection (6)(a); or
- 1503 (ii) a submitted written disclosure statement does not comply with the requirements
1504 of Subsection 20A-11-1604(6).
- 1505 (e) If a circumstance described in Subsection (6)(d) occurs, the administrator or clerk of
1506 the board shall, within five days after the day on which the administrator or clerk
1507 determines that a violation occurred, notify the board member of the violation and
1508 direct the board member to submit an amended written disclosure statement
1509 correcting the problem.
- 1510 (f)(i) It is unlawful for a board member to fail to submit or amend a written
1511 disclosure statement within seven days after the day on which the board member
1512 receives the notice described in Subsection (6)(e).
- 1513 (ii) A board member who violates Subsection (6)(f)(i) is guilty of a class B
1514 misdemeanor.
- 1515 (iii) The administrator or clerk of the board shall report a violation of Subsection
1516 (6)(f)(i) to the attorney general.
- 1517 (iv) In addition to the criminal penalty described in Subsection (6)(f)(ii), the
1518 administrator or clerk of the board shall impose a civil fine of \$100 against a
1519 board member who violates Subsection (6)(f)(i).
- 1520 (g) The administrator or clerk of the board shall deposit a fine collected under this
1521 section into the board's account to pay for the costs of administering this section.
- 1522 (7) For a board member who is also a state legislator, a member of a county or municipal
1523 legislative body, or who is otherwise required to make the written disclosure statement
1524 described in Subsection (6)(a) under another provision of law:

- 1525 (a) Subsection (6) does not apply; and
1526 (b) the administrator or clerk of the board shall, instead:
1527 (i) post an electronic link, on the website described in Subsection (6)(b)(i), to the
1528 written disclosure statement the board member made in the board member's
1529 capacity as:
1530 (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest
1531 Disclosures;
1532 (B) an elected officer of a county, under Section ~~[17-16a-13]~~ 17-70-209;
1533 (C) an elected officer of a municipality, under Section 10-3-1313; or
1534 (D) an individual who is required to make the written disclosure statement
1535 described in Subsection (6)(a) under another provision of law; and
1536 (ii) provide the lieutenant governor with a link to the electronic posting described in
1537 Subsection (7)(b)(i).
1538 (8) Nothing in this section may be construed to affect the application or effect of any other
1539 code provision applicable to a board member or employee relating to ethics or conflicts
1540 of interest.

1541 Section 27. Section ~~11-70-401~~ is amended to read:

1542 **11-70-401 (Effective 11/06/25). Enhanced property tax revenue to be paid to**
1543 **fairpark district.**

- 1544 (1) Subject to Subsection (5), the fairpark district shall be paid 90% of enhanced property
1545 tax revenue generated from each parcel of privately owned land within the fairpark
1546 district boundary:
1547 (a) beginning the tax year that begins on January 1, 2025; and
1548 (b) until the transition date for that parcel.
1549 (2) Subject to Subsection (5), during the payment period the fairpark district shall be paid
1550 up to 100% of enhanced property tax revenue:
1551 (a) generated from designated parcels of privately owned land within a project area; and
1552 (b) as the board specifies in a designation resolution adopted in consultation with a
1553 qualified owner.
1554 (3) For purposes of the payment of enhanced property tax revenue under this section, a
1555 payment period shall begin, as specified in the designation resolution, on January 1 of a
1556 year that begins after the designation resolution is adopted.
1557 (4)(a) For purposes of this section, the fairpark district may designate an improved
1558 portion of a parcel in a project area as a separate parcel.

(b) A fairpark district designation of an improved portion of a parcel as a separate parcel under Subsection (4)(a) does not constitute a subdivision, as defined in Section [~~10-9a-103~~] 10-20-102 or Section [~~17-27a-103~~] 17-79-102.

(c) A county recorder shall assign a separate tax identification number to the improved portion of a parcel designated by the fairpark district as a separate parcel under Subsection (4)(a).

(5) A host municipality shall be paid a minimum of 25% of the enhanced property tax revenue generated by a property tax imposed by the host municipality to reimburse the host municipality for services the host municipality provides to a project area in accordance with Subsection 11-70-206(6)(c), with the exact amount determined in an agreement between the host municipality and the fairpark district.

Section 28. Section **15A-1-204** is amended to read:

**15A-1-204 (Effective 11/06/25). Adoption of State Construction Code --
Amendments by commission -- Approved codes -- Exemptions.**

(1)(a) The State Construction Code is the construction codes adopted with any modifications in accordance with this section that the state and each political subdivision of the state shall follow.

(b) A person shall comply with the applicable provisions of the State Construction Code when:

(i) new construction is involved; and

(ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:

(A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation, conservation, or reconstruction of the building; or

(B) changing the character or use of the building in a manner that increases the occupancy loads, other demands, or safety risks of the building.

(c) On and after July 1, 2010, the State Construction Code is the State Construction Code in effect on July 1, 2010, until in accordance with this section:

(i) a new State Construction Code is adopted; or

(ii) one or more provisions of the State Construction Code are amended or repealed in accordance with this section.

(d) A provision of the State Construction Code may be applicable:

(i) to the entire state; or

(ii) within a county, city, or town.

(2)(a) The Legislature shall adopt a State Construction Code by enacting legislation that

adopts a nationally recognized construction code with any modifications.

(b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.

(c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is the State Construction Code until, in accordance with this section, the Legislature adopts a new State Construction Code by:

(i) adopting a new State Construction Code in its entirety; or

(ii) amending or repealing one or more provisions of the State Construction Code.

(3)(a) Except as provided in Subsection (3)(b), for each update of a nationally recognized construction code, the commission shall prepare a report described in Subsection (4).

(b) For the provisions of a nationally recognized construction code that apply only to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures, the commission shall prepare a report described in Subsection (4) in 2022 and, thereafter, for every second update of the nationally recognized construction code.

(4)(a) In accordance with Subsection (3), on or before September 1 of the year after the year designated in the title of a nationally recognized construction code, the commission shall prepare and submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee that:

(i) states whether the commission recommends the Legislature adopt the update with any modifications; and

(ii) describes the costs and benefits of each recommended change in the update or in any modification.

(b) After the Business and Labor Interim Committee receives the report described in Subsection (4)(a), the Business and Labor Interim Committee shall:

(i) study the recommendations; and

(ii) if the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, prepare legislation for consideration by the Legislature in the next general session.

(5)(a)(i) The commission shall, by no later than September 1 of each year in which the commission is not required to submit a report described in Subsection (4),

submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee recommending whether the Legislature should amend or repeal one or more provisions of the State Construction Code.

(ii) As part of a recommendation described in Subsection (5)(a)(i), the commission shall describe the costs and benefits of each proposed amendment or repeal.

(b) The commission may recommend legislative action related to the State Construction Code:

(i) on the commission's own initiative;

(ii) upon the recommendation of the division; or

(iii) upon the receipt of a request by one of the following that the commission recommend legislative action related to the State Construction Code:

(A) a local regulator;

(B) a state regulator;

(C) a state agency involved with the construction and design of a building;

(D) the Construction Services Commission;

(E) the Electricians and Plumbers Licensing Board; or

(F) a recognized construction-related association.

(c) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session.

(6)(a) Notwithstanding the provisions of this section, the commission may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if the commission determines that waiting for legislative action in the next general legislative session would:

(i) cause an imminent peril to the public health, safety, or welfare; or

(ii) place a person in violation of federal or other state law.

(b) If the commission amends the State Construction Code in accordance with this Subsection (6), the commission shall file with the division:

(i) the text of the amendment to the State Construction Code; and

(ii) an analysis that includes the specific reasons and justifications for the commission's findings.

(c) If the State Construction Code is amended under this Subsection (6), the division shall:

(i) publish the amendment to the State Construction Code in accordance with Section

15A-1-205; and

(ii) prepare and submit, in accordance with Section 68-3-14, a written notice to the Business and Labor Interim Committee containing the amendment to the State Construction Code, including a copy of the commission's analysis described in Subsection (6)(b)(ii).

(d) If not formally adopted by the Legislature at the next annual general session, an amendment to the State Construction Code under this Subsection (6) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.

(7)(a) The division, in consultation with the commission, may approve, without adopting, one or more approved codes, including a specific edition of a construction code, for use by a compliance agency.

(b) If the code adopted by a compliance agency is an approved code described in Subsection (7)(a), the compliance agency may:

(i) adopt an ordinance requiring removal, demolition, or repair of a building;

(ii) adopt, by ordinance or rule, a dangerous building code; or

(iii) adopt, by ordinance or rule, a building rehabilitation code.

(8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in state law, a state executive branch entity or political subdivision of the state may not, after December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies to a subject specifically addressed by, and that is more restrictive than, the State Construction Code.

(9) A state executive branch entity or political subdivision of the state may:

(a) enforce a federal law or regulation;

(b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or requirement applies only to a facility or construction owned or used by a state entity or a political subdivision of the state; or

(c) enforce a rule, ordinance, or requirement:

(i) that the state executive branch entity or political subdivision adopted or made effective before July 1, 2015; and

(ii) for which the state executive branch entity or political subdivision can demonstrate, with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an individual from a condition likely to cause imminent injury or death.

- 1695 (10) The Department of Health and Human Services or the Department of Environmental
1696 Quality may enforce a rule or requirement adopted before January 1, 2015.
- 1697 (11)(a) Except as provided in Subsection (11)(b), a structure used solely in conjunction
1698 with agriculture use, and not for human occupancy, or a structure that is no more than
1699 1,500 square feet and used solely for the type of sales described in Subsection
1700 59-12-104(20), is exempt from the requirements of the State Construction Code.
- 1701 (b)(i) Unless exempted by a provision other than Subsection (11)(a), a plumbing,
1702 electrical, and mechanical permit may be required when that work is included in a
1703 structure described in Subsection (11)(a).
- 1704 (ii) Unless located in whole or in part in an agricultural protection area created under [
1705 ~~Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials~~
1706 ~~Protection Areas]~~ Title 17, Chapter 81, Agriculture, Industrial, and Critical
1707 Infrastructure Materials, a structure described in Subsection (11)(a) is not exempt
1708 from a permit requirement if the structure is located on land that is:
1709 (A) within the boundaries of a city or town, and less than five contiguous acres; or
1710 (B) within a subdivision for which the county has approved a subdivision plat
1711 under [~~Title 17, Chapter 27a, Part 6, Subdivisions]~~ Title 17, Chapter 79, Part 7,
1712 Subdivisions, and less than two contiguous acres.
- 1713 (12)(a) A remote yurt is exempt from the State Construction Code including the permit
1714 requirements of the State Construction Code.
- 1715 (b) Notwithstanding Subsection (12)(a), a county may by ordinance require remote yurts
1716 to comply with the State Construction Code, if the ordinance requires the remote
1717 yurts to comply with all of the following:
1718 (i) the State Construction Code;
1719 (ii) notwithstanding Section 15A-5-104, the State Fire Code; and
1720 (iii) notwithstanding Section 19-5-125, Title 19, Chapter 5, Water Quality Act, rules
1721 made under that chapter, and local health department's jurisdiction over onsite
1722 wastewater disposal.
- 1723 Section 29. Section **17B-1-105** is amended to read:
1724 **17B-1-105 (Effective 11/06/25). Name of special district -- Name change.**
- 1725 (1)(a) The name of each special district created on or after May 1, 2000, shall comply
1726 with [~~Subsection 17-50-103(2)(a)]~~ Section 17-60-103.
- 1727 (b) The board of each special district affected by [~~Subsection 17-50-103(2)(b)]~~ Section
1728 17-60-103 shall ensure that after January 1, 2005, the special district name complies

with the requirements of [~~Subsection 17-50-103(2)(b)~~] Section 17-60-103.

(2) The name of a special district created after April 30, 2007, may not include the name of a county or municipality.

(3) The name of a special district may include words descriptive of the type of service that the district provides.

(4) The name of an infrastructure financing district shall comply with Subsection 17B-1-208 (1)(b)(ii).

(5)(a) A special district board may change the name of that special district as provided in this Subsection (5).

(b) To initiate a name change, the special district board shall:

(i) hold a public hearing on the proposed name change;

(ii) adopt a resolution approving the name change; and

(iii) file with the lieutenant governor a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7 (3).

(c) Upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7, the special district board shall:

(i) if the special district is located within the boundary of a single county, submit to the recorder of that county:

(A) the original:

(I) notice of an impending name change; and

(II) certificate of name change; and

(B) a certified copy of the resolution approving the name change; or

(ii) if the special district is located within the boundaries of more than a single county:

(A) submit to the recorder of one of those counties:

(I) the original of the documents listed in Subsections (5)(c)(i)(A)(I) and (II);
and

(II) a certified copy of the resolution approving the name change; and

(B) submit to the recorder of each other county:

(I) a certified copy of the documents listed in Subsections (5)(c)(i)(A)(I) and
(II); and

(II) a certified copy of the resolution approving the name change.

(d)(i) A name change under this Subsection (5) becomes effective upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7.

- (ii) Notwithstanding Subsection (5)(d)(i), the special district may not operate under the new name until the documents listed in Subsection (5)(c) are recorded in the office of the recorder of each county in which the special district is located.

Section 30. Section **17B-1-119** is amended to read:

17B-1-119 (Effective 11/06/25). Duty to comply with local land use provisions -- Requirements before providing a service.

(1)(a) If a land use authority consults with or allows a special district to participate in any way in a land use authority's land use development review or approval process, the special district shall comply with [~~Title 10, Chapter 9a, Municipal Land Use and Development Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, or [~~Title 17, Chapter 27a, County Land Use and Development Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act, as applicable to the land use authority.

(b) The compliance required under Subsection (1)(a) is not limited to the special district's participation in the land use authority's review or approval process.

(2)(a) Before a special district begins providing a service to a service applicant, the service applicant shall provide the special district with an improvement assurance and an improvement assurance warranty.

(b) A special district that has not received an improvement assurance and an improvement assurance warranty from a service applicant may not begin providing service to the service applicant.

Section 31. Section **17B-2a-806** is amended to read:

17B-2a-806 (Effective 11/06/25). Authority of the state or an agency of the state with respect to a public transit district -- Counties and municipalities authorized to provide funds to public transit district -- Equitable allocation of resources within the public transit district.

(1) The state or an agency of the state may:

(a) make public contributions to a public transit district as in the judgment of the Legislature or governing board of the agency are necessary or proper;

(b) authorize a public transit district to perform, or aid and assist a public transit district in performing, an activity that the state or agency is authorized by law to perform; or

(c) perform any action that the state agency is authorized by law to perform for the benefit of a public transit district.

(2)(a) A county or municipality involved in the establishment and operation of a public

transit district may provide funds necessary for the operation and maintenance of the district.

(b) A county's use of property tax funds to establish and operate a public transit district within any part of the county is a county purpose under Section [17-53-220] 17-63-702.

(3)(a) To allocate resources and funds for development and operation of a public transit district, whether received under this section or from other sources, and subject to Section 72-1-203 pertaining to fixed guideway capital development within a large public transit district, a public transit district may:

(i) give priority to public transit services that feed rail fixed guideway services; and

(ii) allocate funds according to population distribution within the public transit district.

(b) The comptroller of a public transit district shall report the criteria and data supporting the allocation of resources and funds in the statement required in Section 17B-2a-812.

Section 32. Section **17B-2a-823** is amended to read:

17B-2a-823 (Effective 11/06/25). Public transit district special services.

(1) As used in this section, "bureau" means a recreational, tourist, or convention advisory board, council, committee, body, or bureau [under Title 17, Chapter 31, Recreational, Tourist, and Convention Bureaus] that substantially conforms to the requirements of Section 17-78-706.

(2)(a) A public transit district may lease its buses to private certified public carriers or operate transit services requested by a public entity if a bureau certifies that privately owned carriers furnishing like services or operating like equipment within the area served by the bureau:

(i) have declined to provide the service; or

(ii) do not have the equipment necessary to provide the service.

(b) A public transit district may lease [its] the public transit district's buses or operate services as authorized under Subsection (2)(a) outside of the area served by the district.

(3) If part or all of the transportation services are paid for by public funds, a public transit district may:

(a) provide school bus services for transportation of pupils and supervisory personnel between homes and school and other related school activities within the area served by the district; or

(b) provide the transportation of passengers covered by a program within the district for people who are elderly or who have a disability.

(4) Notwithstanding the provisions in Subsection (3), a municipality or county is not prohibited from providing the transportation services identified in Subsection (3).

Section 33. Section **17B-2a-1102** is amended to read:

17B-2a-1102 (Effective 11/06/25). Definitions.

As used in this part, "municipal services" means one or more of the services identified in Section [~~17-34-1, 17-36-3~~] 17-63-101, 17-78-501, or 17B-1-202.

Section 34. Section **17C-1-102** is amended to read:

17C-1-102 (Effective 11/06/25). Definitions.

As used in this title:

(1) "Active project area" means a project area that has not been dissolved in accordance with Section 17C-1-702.

(2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%, that an agency is authorized to receive:

(a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3);

(b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax increment under Section 17C-1-406;

(c) under a project area budget approved by a taxing entity committee; or

(d) under an interlocal agreement that authorizes the agency to receive a taxing entity's tax increment.

(3) "Affordable housing" means housing owned or occupied by a low or moderate income family, as determined by resolution of the agency.

(4) "Agency" or "community reinvestment agency" means a separate body corporate and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community development and renewal agency under previous law:

(a) that is a political subdivision of the state;

(b) that is created to undertake or promote project area development as provided in this title; and

(c) whose geographic boundaries are coterminous with:

(i) for an agency created by a county, the unincorporated area of the county; and

(ii) for an agency created by a municipality, the boundaries of the municipality.

(5) "Agency funds" means money that an agency collects or receives for agency operations,

1865 implementing a project area plan or an implementation plan as defined in Section
1866 17C-1-1001, or other agency purposes, including:

- 1867 (a) project area funds;
1868 (b) income, proceeds, revenue, or property derived from or held in connection with the
1869 agency's undertaking and implementation of project area development or
1870 agency-wide project development as defined in Section 17C-1-1001;

1871 (c) a contribution, loan, grant, or other financial assistance from any public or private
1872 source;

1873 (d) project area incremental revenue as defined in Section 17C-1-1001; or

1874 (e) property tax revenue as defined in Section 17C-1-1001.

1875 (6) "Annual income" means the same as that term is defined in regulations of the United
1876 States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as
1877 amended or as superseded by replacement regulations.

1878 (7) "Assessment roll" means the same as that term is defined in Section 59-2-102.

1879 (8) "Base taxable value" means, unless otherwise adjusted in accordance with provisions of
1880 this title, a property's taxable value as shown upon the assessment roll last equalized
1881 during the base year.

1882 (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year during
1883 which the assessment roll is last equalized:

1884 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,
1885 before the project area plan's effective date;

1886 (b) for a post-June 30, 1993, urban renewal or economic development project area plan,
1887 or a community reinvestment project area plan that is subject to a taxing entity
1888 committee:

1889 (i) before the date on which the taxing entity committee approves the project area
1890 budget; or

1891 (ii) if taxing entity committee approval is not required for the project area budget,
1892 before the date on which the community legislative body adopts the project area
1893 plan;

1894 (c) for a project on an inactive airport site, after the later of:

1895 (i) the date on which the inactive airport site is sold for remediation and
1896 development; or

1897 (ii) the date on which the airport that operated on the inactive airport site ceased
1898 operations; or

- 1899 (d) for a community development project area plan or a community reinvestment project
1900 area plan that is subject to an interlocal agreement, as described in the interlocal
1901 agreement.
- 1902 (10) "Basic levy" means the portion of a school district's tax levy constituting the minimum
1903 basic levy under Section 59-2-902.
- 1904 (11) "Board" means the governing body of an agency, as described in Section 17C-1-203.
- 1905 (12) "Budget hearing" means the public hearing on a proposed project area budget required
1906 under Subsection 17C-2-201(2)(d) for an urban renewal project area budget, Subsection
1907 17C-3-201(2)(d) for an economic development project area budget, or Subsection
1908 17C-5-302(2)(e) for a community reinvestment project area budget.
- 1909 (13) "Closed military base" means land within a former military base that the Defense Base
1910 Closure and Realignment Commission has voted to close or realign when that action has
1911 been sustained by the president of the United States and Congress.
- 1912 (14) "Combined incremental value" means the combined total of all incremental values
1913 from all project areas, except project areas that contain some or all of a military
1914 installation or inactive industrial site, within the agency's boundaries under project area
1915 plans and project area budgets at the time that a project area budget for a new project
1916 area is being considered.
- 1917 (15) "Community" means a county or municipality.
- 1918 (16) "Community development project area plan" means a project area plan adopted under
1919 Chapter 4, Part 1, Community Development Project Area Plan.
- 1920 (17) "Community legislative body" means the legislative body of the community that
1921 created the agency.
- 1922 (18) "Community reinvestment project area plan" means a project area plan adopted under
1923 Chapter 5, Part 1, Community Reinvestment Project Area Plan.
- 1924 (19) "Contest" means to file a written complaint in a court with jurisdiction under Title
1925 78A, Judiciary and Judicial Administration, and in a county in which the agency is
1926 located if the action is filed in the district court.
- 1927 (20) "Development impediment" means a condition of an area that meets the requirements
1928 described in Section 17C-2-303 for an urban renewal project area or Section 17C-5-405
1929 for a community reinvestment project area.
- 1930 (21) "Development impediment hearing" means a public hearing regarding whether a
1931 development impediment exists within a proposed:
- 1932 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section

- 1933 17C-2-302; or
- 1934 (b) community reinvestment project area under Section 17C-5-404.
- 1935 (22) "Development impediment study" means a study to determine whether a development
- 1936 impediment exists within a survey area as described in Section 17C-2-301 for an urban
- 1937 renewal project area or Section 17C-5-403 for a community reinvestment project area.
- 1938 (23) "Economic development project area plan" means a project area plan adopted under
- 1939 Chapter 3, Part 1, Economic Development Project Area Plan.
- 1940 (24) "Fair share ratio" means the ratio derived by:
- 1941 (a) for a municipality, comparing the percentage of all housing units within the
- 1942 municipality that are publicly subsidized income targeted housing units to the
- 1943 percentage of all housing units within the county in which the municipality is located
- 1944 that are publicly subsidized income targeted housing units; or
- 1945 (b) for the unincorporated part of a county, comparing the percentage of all housing
- 1946 units within the unincorporated county that are publicly subsidized income targeted
- 1947 housing units to the percentage of all housing units within the whole county that are
- 1948 publicly subsidized income targeted housing units.
- 1949 (25) "Family" means the same as that term is defined in regulations of the United States
- 1950 Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended
- 1951 or as superseded by replacement regulations.
- 1952 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.
- 1953 (27) "Hazardous waste" means any substance defined, regulated, or listed as a hazardous
- 1954 substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or
- 1955 toxic substance, or identified as hazardous to human health or the environment, under
- 1956 state or federal law or regulation.
- 1957 (28) "Housing allocation" means project area funds allocated for housing under Section
- 1958 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.
- 1959 (29) "Housing fund" means a fund created by an agency for purposes described in Section
- 1960 17C-1-411 or 17C-1-412 that is comprised of:
- 1961 (a) project area funds, project area incremental revenue as defined in Section 17C-1-1001,
- 1962 or property tax revenue as defined in Section 17C-1-1001 allocated for the purposes
- 1963 described in Section 17C-1-411; or
- 1964 (b) an agency's housing allocation.
- 1965 (30)(a) "Inactive airport site" means land that:
- 1966 (i) consists of at least 100 acres;

- 1967 (ii) is occupied by an airport:
- 1968 (A)(I) that is no longer in operation as an airport; or
- 1969 (II)(Aa) that is scheduled to be decommissioned; and
- 1970 (Bb) for which a replacement commercial service airport is under
- 1971 construction; and
- 1972 (B) that is owned or was formerly owned and operated by a public entity; and
- 1973 (iii) requires remediation because:
- 1974 (A) of the presence of hazardous waste or solid waste; or
- 1975 (B) the site lacks sufficient public infrastructure and facilities, including public
- 1976 roads, electric service, water system, and sewer system, needed to support
- 1977 development of the site.
- 1978 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
- 1979 described in Subsection (30)(a).
- 1980 (31)(a) "Inactive industrial site" means land that:
- 1981 (i) consists of at least 1,000 acres;
- 1982 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
- 1983 facility; and
- 1984 (iii) requires remediation because of the presence of hazardous waste or solid waste.
- 1985 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
- 1986 described in Subsection (31)(a).
- 1987 (32) "Income targeted housing" means housing that is:
- 1988 (a) owned and occupied by a family whose annual income is at or below 120% of the
- 1989 median annual income for a family within the county in which the housing is located;
- 1990 or
- 1991 (b) occupied by a family whose annual income is at or below 80% of the median annual
- 1992 income for a family within the county in which the housing is located.
- 1993 (33) "Incremental value" means a figure derived by multiplying the marginal value of the
- 1994 property located within a project area on which tax increment is collected by a number
- 1995 that represents the adjusted tax increment from that project area that is paid to the
- 1996 agency.
- 1997 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board, established
- 1998 under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- 1999 (35)(a) "Local government building" means a building owned and operated by a
- 2000 community for the primary purpose of providing one or more primary community

- 2001 functions, including:
- 2002 (i) a fire station;
- 2003 (ii) a police station;
- 2004 (iii) a city hall; or
- 2005 (iv) a court or other judicial building.
- 2006 (b) "Local government building" does not include a building the primary purpose of
- 2007 which is cultural or recreational in nature.
- 2008 (36) "Low-income individual" means the same as that term is defined in Section
- 2009 35A-8-504.5.
- 2010 (37) "Major transit investment corridor" means the same as that term is defined in Section [
- 2011 ~~10-9a-103~~] 10-20-102.
- 2012 (38) "Marginal value" means the difference between actual taxable value and base taxable
- 2013 value.
- 2014 (39) "Military installation project area" means a project area or a portion of a project area
- 2015 located within a federal military installation ordered closed by the federal Defense Base
- 2016 Realignment and Closure Commission.
- 2017 (40) "Municipality" means a city or town.
- 2018 (41) "Non-profit housing fund" means:
- 2019 (a) an organization that meets the definition of "housing organization" in Section
- 2020 35A-8-2401;
- 2021 (b) a registered nonprofit that assists veterans or individuals who work in public service
- 2022 to achieve homeownership in the state;
- 2023 (c) a registered nonprofit that:
- 2024 (i) assists low-income individuals or families who would qualify for income targeted
- 2025 housing to achieve homeownership in the state; and
- 2026 (ii) provides direct support to help a low-income individual or a family eligible for
- 2027 income targeted housing to retain ownership of a home, including through
- 2028 rehabilitation services, lending for rehabilitation, or foreclosure mitigation
- 2029 counseling that results in retention of the home, refinancing, or a reverse mortgage;
- 2030 (d) a registered nonprofit that partners with a community to promote affordable housing
- 2031 for the workforce in that community; or
- 2032 (e) a registered nonprofit established to administer housing programs on behalf of an
- 2033 association representing 10 or more counties in the state.
- 2034 (42) "Participant" means one or more persons that enter into a participation agreement with

an agency.

(43) "Participation agreement" means a written agreement between a person and an agency under Subsection 17C-1-202(5).

(44) "Plan hearing" means the public hearing on a proposed project area plan required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d) for a community development project area plan, or Subsection 17C-5-104(3)(e) for a community reinvestment project area plan.

(45) "Post-June 30, 1993, project area plan" means a project area plan adopted on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project area plan's adoption.

(46) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July 1, 1993, whether or not amended subsequent to the project area plan's adoption.

(47) "Private," with respect to real property, means property not owned by a public entity or any other governmental entity.

(48) "Project area" means the geographic area described in a project area plan within which the project area development described in the project area plan takes place or is proposed to take place.

(49) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to a project area prepared in accordance with:

(a) for an urban renewal project area, Section 17C-2-201;

(b) for an economic development project area, Section 17C-3-201;

(c) for a community development project area, Section 17C-4-204; or

(d) for a community reinvestment project area, Section 17C-5-302.

(50) "Project area development" means activity within a project area that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of implementing a project area plan, including:

(a) promoting, creating, or retaining public or private jobs within the state or a community;

(b) providing office, manufacturing, warehousing, distribution, parking, or other facilities or improvements;

(c) planning, designing, demolishing, clearing, constructing, rehabilitating, or remediating environmental issues;

- (d) providing residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to the structures or spaces;
- (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating existing structures;
- (f) providing open space, including streets or other public grounds or space around buildings;
- (g) providing public or private buildings, infrastructure, structures, or improvements;
- (h) relocating a business;
- (i) improving public or private recreation areas or other public grounds;
- (j) eliminating a development impediment or the causes of a development impediment;
- (k) redevelopment as defined under the law in effect before May 1, 2006; or
- (l) any activity described in this Subsection (50) outside of a project area that the board determines to be a benefit to the project area.

(51) "Project area funds" means tax increment or sales and use tax revenue that an agency receives under a project area budget adopted by a taxing entity committee or an interlocal agreement.

(52) "Project area funds collection period" means the period of time that:

- (a) begins the day on which the first payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement; and
- (b) ends the day on which the last payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement.

(53) "Project area plan" means an urban renewal project area plan, an economic development project area plan, a community development project area plan, or a community reinvestment project area plan that, after the project area plan's effective date, guides and controls the project area development.

(54)(a) "Property tax" means each levy on an ad valorem basis on tangible or intangible personal or real property.

(b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege Tax.

(55) "Public entity" means:

- (a) the United States, including an agency of the United States;

- 2103 (b) the state, including any of the state's departments or agencies; or
2104 (c) a political subdivision of the state, including a county, municipality, school district,
2105 special district, special service district, community reinvestment agency, or interlocal
2106 cooperation entity.
- 2107 (56) "Publicly owned infrastructure and improvements" means water, sewer, storm
2108 drainage, electrical, natural gas, telecommunication, or other similar systems and lines,
2109 streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation
2110 facilities, or other facilities, infrastructure, and improvements benefitting the public and
2111 to be publicly owned or publicly maintained or operated.
- 2112 (57) "Record property owner" or "record owner of property" means the owner of real
2113 property, as shown on the records of the county in which the property is located, to
2114 whom the property's tax notice is sent.
- 2115 (58) "Sales and use tax revenue" means revenue that is:
2116 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act; and
2117 (b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.
- 2118 (59) "Superfund site":
2119 (a) means an area included in the National Priorities List under the Comprehensive
2120 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec.
2121 9605; and
2122 (b) includes an area formerly included in the National Priorities List, as described in
2123 Subsection (59)(a), but removed from the list following remediation that leaves on
2124 site the waste that caused the area to be included in the National Priorities List.
- 2125 (60) "Survey area" means a geographic area designated for study by a survey area
2126 resolution to determine whether:
2127 (a) one or more project areas within the survey area are feasible; or
2128 (b) a development impediment exists within the survey area.
- 2129 (61) "Survey area resolution" means a resolution adopted by a board that designates a
2130 survey area.
- 2131 (62) "Taxable value" means:
2132 (a) the taxable value of all real property a county assessor assesses in accordance with
2133 Title 59, Chapter 2, Part 3, County Assessment, for the current year;
2134 (b) the taxable value of all real and personal property the commission assesses in
2135 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current
2136 year; and

(c) the year end taxable value of all personal property a county assessor assesses in accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

(63)(a) "Tax increment" means the difference between:

- (i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924; and
- (ii) the amount of property tax revenue that would be generated from that same area using the base taxable value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924.

(b) "Tax increment" does not include taxes levied and collected under Section 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

- (i) the project area plan was adopted before May 4, 1993, whether or not the project area plan was subsequently amended; and
- (ii) the taxes were pledged to support bond indebtedness or other contractual obligations of the agency.

(64) "Taxing entity" means a public entity that:

- (a) levies a tax on property located within a project area; or
- (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

(65) "Taxing entity committee" means a committee representing the interests of taxing entities, created in accordance with Section 17C-1-402.

(66) "Unincorporated" means not within a municipality.

(67) "Urban renewal project area plan" means a project area plan adopted under Chapter 2, Part 1, Urban Renewal Project Area Plan.

(68) "Veteran" means the same as that term is defined in Section 68-3-12.5.

Section 35. Section **17C-1-202** is amended to read:

17C-1-202 (Effective 11/06/25). Agency powers.

(1) An agency may:

- (a) sue and be sued;
- (b) enter into contracts generally;
- (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real or personal property;

- 2171 (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal
2172 property;
- 2173 (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may
2174 include the use of agency funds or the collection of revenue;
- 2175 (f) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 2176 (g) provide for project area development as provided in this title;
- 2177 (h) receive and use agency funds as provided in this title;
- 2178 (i) if disposing of or leasing land, retain controls or establish restrictions and covenants
2179 running with the land consistent with the project area plan;
- 2180 (j) accept financial or other assistance from any public or private source for the agency's
2181 activities, powers, and duties, and expend any funds the agency receives for any
2182 purpose described in this title;
- 2183 (k) borrow money or accept financial or other assistance from a public entity or any
2184 other source for any of the purposes of this title and comply with any conditions of
2185 any loan or assistance;
- 2186 (l) issue bonds to finance the undertaking of any project area development or for any of
2187 the agency's other purposes, including:
- 2188 (i) reimbursing an advance made by the agency or by a public entity to the agency;
- 2189 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
- 2190 (iii) refunding bonds to pay or retire bonds previously issued by the community that
2191 created the agency for expenses associated with project area development;
- 2192 (m) pay an impact fee, exaction, or other fee imposed by a community in connection
2193 with land development;
- 2194 (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
- 2195 (o) transact other business and exercise all other powers described in this title.
- 2196 (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a
2197 public purpose.
- 2198 (3) An agency may acquire real property under Subsection (1)(c) that is outside a project
2199 area only if the board determines that the property will benefit a project area.
- 2200 (4) An agency is not subject to Section 10-8-2 or ~~[17-50-312]~~ 17-78-103.
- 2201 (5)(a) An agency may, subject to Subsection (5)(c), enter into a participation agreement
2202 with a person to govern the development the person will undertake within a project
2203 area.
- 2204 (b) A participation agreement under Subsection (5)(a) shall include a description of:

- (i) the project area development that the person will undertake;
- (ii) the amount of project area funds the agency agrees to pay to the person to facilitate the development; and
- (iii) the terms and conditions under which the agency agrees to pay project area funds to the person.

(c)(i) A participation agreement under Subsection (5)(a) is subject to board approval by resolution of the board.

- (ii) A resolution under Subsection (5)(c)(i) shall include a finding by the board describing how the project area development described in the participation agreement will contribute to achieving the goals, policies, and purposes of the project area plan.

(d)(i) Beginning on May 7, 2025, any participation agreement under this Subsection (5) shall include a provision authorizing the agency, directly or through the county in which the agency operates, to use funding that would otherwise be provided to the participant to pay a participant's delinquent property tax or privilege tax or resolve a political subdivision lien against the participant, as described in Subsection 17C-1-409(6).

- (ii) An agency that has entered into a participation agreement before May 7, 2025, shall, as soon as reasonably practical, enter into an amendment to the participation agreement with a participant to include a provision authorizing the agency to use funding that would otherwise be provided to the participant to pay a participant's delinquent property tax or privilege tax or resolve a political subdivision lien against the participant, as described in Subsection 17C-1-409(6).

Section 36. Section **17C-1-203** is amended to read:

17C-1-203 (Effective 11/06/25). Agency board -- Quorum.

- (1) The governing body of an agency is a board consisting of the current members of the community legislative body.
- (2) A majority of board members constitutes a quorum for the transaction of agency business.
- (3) A board may not adopt a resolution, pass a motion, or take any other official board action without the concurrence of at least a majority of the board members present at a meeting at which a quorum is present.
- (4)(a) The mayor or the mayor's designee of a municipality operating under a council-mayor form of government, as defined in Section 10-3b-102:

- 2239 (i) serves as the executive director of an agency created by the municipality; and
2240 (ii) exercises the agency's executive powers.
- 2241 (b) The county executive or the county executive's designee of a county operating under
2242 a county executive-council form of government, as described in Section [~~17-52a-203~~
2243 17-62-203:
2244 (i) serves as the executive director of an agency created by the county; and
2245 (ii) exercises the agency's executive powers.

2246 Section 37. Section **17C-1-207** is amended to read:

2247 **17C-1-207 (Effective 11/06/25). Public entities may assist with project area**
2248 **development -- Notice requirements.**

- 2249 (1) In order to assist and cooperate in the planning, undertaking, construction, or operation
2250 of project area development within an area in which the public entity is authorized to
2251 act, a public entity may:
2252 (a)(i) provide or cause to be furnished:
2253 (A) parks, playgrounds, or other recreational facilities;
2254 (B) community, educational, water, sewer, or drainage facilities; or
2255 (C) any other works which the public entity is otherwise empowered to undertake;
2256 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
2257 replan streets, roads, roadways, alleys, sidewalks, or other places;
2258 (iii) in any part of the project area:
2259 (A)(I) plan or replan any property within the project area;
2260 (II) plat or replat any property within the project area;
2261 (III) vacate a plat;
2262 (IV) amend a plat; or
2263 (V) zone or rezone any property within the project area; and
2264 (B) make any legal exceptions from building regulations and ordinances;
2265 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
2266 rights of any holder of the bonds;
2267 (v) notwithstanding any law to the contrary, enter into an agreement for a period of
2268 time with another public entity concerning action to be taken pursuant to any of
2269 the powers granted in this title;
2270 (vi) do anything necessary to aid or cooperate in the planning or implementation of
2271 the project area development;
2272 (vii) in connection with the project area plan, become obligated to the extent

authorized and funds have been made available to make required improvements or construct required structures; and

(viii) lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and

(b) for less than fair market value or for no consideration, and subject to Subsection (3):

(i) purchase or otherwise acquire property from an agency;

(ii) lease property from an agency;

(iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to an agency; or

(iv) lease the public entity's property to an agency.

(2) The following are not subject to Section 10-8-2, [17-50-312, or 17-50-303] 17-60-203, or 17-78-103:

(a) project area development assistance that a public entity provides under this section; or

(b) a transfer of funds or property from an agency to a public entity.

(3) A public entity may provide assistance described in Subsection (1)(b) no sooner than 15 days after the day on which the public entity completes the requirements for publishing notice of the assistance for the public entity's jurisdiction, as a class A notice under Section 63G-30-102, for at least 15 days.

Section 38. Section **17C-1-409** is amended to read:

17C-1-409 (Effective 11/06/25). Allowable uses of agency funds.

(1)(a) An agency may use agency funds:

(i) for any purpose authorized under this title;

(ii) for administrative, overhead, legal, or other operating expenses of the agency, including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for a business resource center;

(iii) subject to Section 11-41-103, to pay for, including financing or refinancing, all or part of:

(A) project area development in a project area, including environmental remediation activities occurring before or after adoption of the project area plan;

(B) housing-related expenditures, projects, or programs as described in Section 17C-1-411 or 17C-1-412;

(C) an incentive or other consideration paid to a participant under a participation

- 2307 agreement, subject to Subsection (6);
- 2308 (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of
- 2309 the installation and construction of any publicly owned building, facility,
- 2310 structure, landscaping, or other improvement within the project area from
- 2311 which the project area funds are collected; or
- 2312 (E) the cost of the installation of publicly owned infrastructure and improvements
- 2313 outside the project area from which the project area funds are collected if the
- 2314 board and the community legislative body determine by resolution that the
- 2315 publicly owned infrastructure and improvements benefit the project area;
- 2316 (iv) in an urban renewal project area that includes some or all of an inactive industrial
- 2317 site and subject to Subsection (1)(e), to reimburse the Department of
- 2318 Transportation created under Section 72-1-201, or a public transit district created
- 2319 under Title 17B, Chapter 2a, Part 8, Public Transit District Act, for the cost of:
- 2320 (A) construction of a public road, bridge, or overpass;
- 2321 (B) relocation of a railroad track within the urban renewal project area; or
- 2322 (C) relocation of a railroad facility within the urban renewal project area;
- 2323 (v) subject to Subsection (5), to transfer funds to a community that created the
- 2324 agency; or
- 2325 (vi) subject to Subsection (1)(f), for agency-wide project development under Part 10,
- 2326 Agency Taxing Authority.
- 2327 (b) The determination of the board and the community legislative body under Subsection
- 2328 (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.
- 2329 (c) An agency may not use project area funds received from a taxing entity for the
- 2330 purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan,
- 2331 an economic development project area plan, or a community reinvestment project
- 2332 area plan without the community legislative body's consent.
- 2333 (d)(i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a
- 2334 project area fund to another project area fund if:
- 2335 (A) the board approves; and
- 2336 (B) the community legislative body approves.
- 2337 (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the
- 2338 projections for agency funds are sufficient to repay the loan amount.
- 2339 (iii) A loan described in this Subsection (1)(d) is not subject to Title 10, Chapter 5,
- 2340 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform

Fiscal Procedures Act for Utah Cities, [~~Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties~~] Title 17, Chapter 63, Fiscal Authority and Processes, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts.

(e) Before an agency may pay any tax increment or sales tax revenue under Subsection (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the reimbursement with:

- (i) the Department of Transportation; or
- (ii) a public transit district.

(f) Before an agency may use project area funds for agency-wide project development, as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity committee or each taxing entity party to an interlocal agreement with the agency.

(2)(a) Sales and use tax revenue that an agency receives from a taxing entity is not subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Retail Facility Incentive Payments Act.

(b) An agency may use sales and use tax revenue that the agency receives under an interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the interlocal agreement.

(3)(a) An agency may contract with the community that created the agency or another public entity to use agency funds to reimburse the cost of items authorized by this title to be paid by the agency that are paid by the community or other public entity.

(b) If land is acquired or the cost of an improvement is paid by another public entity and the land or improvement is leased to the community, an agency may contract with and make reimbursement from agency funds to the community.

(4) Notwithstanding any other provision of this title, an agency may not use project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001, to construct a local government building unless the taxing entity committee or each taxing entity party to an interlocal agreement with the agency consents.

(5) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(5).

- 2375 (6)(a) Before providing tax increment funding to a private participant pursuant to a
2376 participation agreement, an agency shall consult with the county treasurer of the
2377 county in which the agency operates to determine if:
- 2378 (i) the private participant is delinquent on property tax;
 - 2379 (ii) the private participant is delinquent on privilege tax; or
 - 2380 (iii) the private participant is subject to a political subdivision lien for past due fees or
2381 charges.
- 2382 (b) If the county treasurer, in consultation with the agency, determines a participant is
2383 delinquent on property tax or privilege tax or subject to a political subdivision lien,
2384 the agency shall confirm whether the participation agreement between the agency and
2385 private participant includes a provision described in Subsection 17C-1-202(5)(d).
- 2386 (c) If authorized by the agency pursuant to a participation agreement, the county
2387 treasurer of the county in which the agency operates may provide tax increment
2388 funding that would otherwise be provided directly to the agency to provide to the
2389 private participant to:
- 2390 (i) the county, in the amount the private entity is delinquent for property tax or
2391 privilege tax; and
 - 2392 (ii) the political subdivision holding the political subdivision lien, in the amount
2393 necessary to resolve the political subdivision lien.
- 2394 Section 39. Section **17D-1-604** is amended to read:
- 2395 **17D-1-604 (Effective 11/06/25). Reorganization as a special district.**
- 2396 (1) The legislative body of a county or municipality that has created a special service
2397 district may reorganize the special service district as a special district in accordance with
2398 this section.
- 2399 (2) The process to reorganize a special service district as a special district is initiated if the
2400 legislative body of the county or municipality that originally created the special service
2401 district adopts a resolution that:
- 2402 (a) indicates the legislative body's intent to reorganize the special service district as a
2403 special district; and
 - 2404 (b) complies with the requirements of Subsection (3).
- 2405 (3) A resolution to initiate reorganization described in Subsection (2) shall:
- 2406 (a) state the name of the special service district that is proposed to be reorganized as a
2407 special district;
 - 2408 (b) generally describe the boundaries of the special service district, whether or not those

2409 boundaries coincide with the boundaries of the creating county or municipality; and
2410 (c) specify each service that the special service district is authorized to provide.

2411 (4) After adopting the resolution described in Subsection (3), the legislative body of the
2412 county or municipality that created the special service district shall hold a public hearing
2413 following the notice requirements of Section 17D-1-205 applicable to the creation of a
2414 special service district, with changes as appropriate for the reorganization of the special
2415 service district as a special district.

2416 (5)(a) At or following the public hearing, the county or municipal legislative body shall:

2417 (i) subject to Subsection (5)(b), adopt a resolution approving the reorganization of the
2418 special service district as a special district; or

2419 (ii) abandon the reorganization.

2420 (b) A resolution approving reorganization shall:

2421 (i) state the name of the special service district that is being reorganized as a special
2422 district;

2423 (ii) state the name of the special district in accordance with Subsection (7);

2424 (iii) subject to Subsection (5)(c), describe the boundaries of the special district;

2425 (iv) subject to Subsection (8)(a), specify the service or services to be provided by the
2426 special district;

2427 (v) state:

2428 (A) whether the special district is a different type of special district other than a
2429 basic special district; and

2430 (B) if the reorganized special district is not a basic special district, the type of
2431 special district, including the governing part in Title 17B, Chapter 2a,
2432 Provisions Applicable to Different Types of Special Districts;

2433 (vi) state whether the special district is to be governed by an appointed or an elected
2434 board of trustees, or a combination of appointed and elected trustees, in
2435 accordance with Title 17B, Chapter 1, Part 3, Board of Trustees;

2436 (vii) state whether an administrative control board established for the special service
2437 district that is being reorganized as a special district will serve as the first board of
2438 trustees of the special district; and

2439 (viii) contain additional provisions as necessary.

2440 (c) The boundaries of the special district shall reflect the boundaries of the reorganized
2441 special service district.

2442 (6) A county may not reorganize a special service district as a special district to include

- 2443 some or all of the area within a municipality unless the legislative body of the
2444 municipality adopts a resolution or ordinance consenting to the reorganization.
- 2445 (7) The name of the special district:
- 2446 (a) shall comply with Subsection [~~17-50-103(2)(a)~~] 17-60-102(3); and
- 2447 (b) may not include the phrase "special service district."
- 2448 (8) A special district created under this section may not provide:
- 2449 (a)(i) at the time of reorganization, a service that it could not have provided as the
2450 special service district prior to reorganization; or
- 2451 (ii) after reorganization, an additional service listed in Section 17B-1-202, unless the
2452 special district adds the service in accordance with the provisions of Title 17B,
2453 Chapter 1, Provisions Applicable to All Special Districts; and
- 2454 (b) more than four of the services listed in Section 17B-1-202 at any time.
- 2455 (9) After the lieutenant governor issues, in accordance with Section 67-1a-6.5, a certificate
2456 of incorporation for a special district created under this section, the special district:
- 2457 (a) is:
- 2458 (i) a body corporate and politic with perpetual succession;
- 2459 (ii) a quasi-municipal corporation; and
- 2460 (iii) a political subdivision of the state as provided in Section 17B-1-103; and
- 2461 (b) may, subject to Subsection (8), provide a service that:
- 2462 (i) the special service district was authorized to provide before reorganization; and
- 2463 (ii) the special district is authorized to provide under the resolution adopted in
2464 accordance with Subsection (5).
- 2465 (10) An action taken, a bond issued, or a contract or other obligation entered into by the
2466 reorganized special service district before reorganization is a valid action, bond issuance,
2467 contract, or other obligation of the special district.
- 2468 (11) A special district created under this section:
- 2469 (a) may impose and collect taxes, fees, and other charges for services provided in
2470 accordance with applicable law;
- 2471 (b) shall own all property acquired by the special service district before reorganization;
2472 and
- 2473 (c) shall have a power, right, or obligation that the reorganized special service district
2474 had before the reorganization, unless otherwise provided by law.
- 2475 Section 40. Section **17D-2-203** is amended to read:
- 2476 **17D-2-203 (Effective 11/06/25). Local building authority board of directors.**

(1) Except as provided in Subsection (3), the members of the governing body of the creating local entity constitute the authority board of the local building authority created by the creating local entity.

(2) An authority board may be referred to as a board of trustees.

(3)(a) For a local building authority whose creating local entity is a county that operates under the county commission form of government under Section ~~[17-52a-201]~~ 17-62-201, two members of the authority board may appoint an elected officer of the county to serve temporarily as a member of the authority board if the other authority board member:

(i) is, as a member of the county commission, placed on paid administrative leave under Section ~~[17-16-10.5]~~ 17-66-204;

(ii) is unable to serve due to a disability;

(iii) has a conflict of interest with respect to a matter before the authority board that disqualifies the authority board member or causes the member to abstain from participating in action on that matter; or

(iv) is unable for any other reason to serve temporarily on the authority board or to participate in a matter before the board.

(b) An elected county officer appointed to an authority board under Subsection (3)(a) may serve only until the condition under Subsection (3)(a)(i), (ii), (iii), or (iv) causing the need for the appointment is no longer present.

Section 41. Section **19-4-109** is amended to read:

19-4-109 (Effective 11/06/25) (Repealed 07/01/29). Violations -- Penalties -- Reimbursement for expenses.

(1) As used in this section, "criminal negligence" means the same as that term is defined in Section 76-2-103.

(2)(a) A person who violates this chapter, a rule or order issued under the authority of this chapter, or the terms of a permit or other administrative authorization issued under the authority of this chapter is subject to an administrative penalty:

(i) not to exceed \$1,000 per day per violation, with respect to a public water system serving a population of less than 10,000 individuals; or

(ii) exactly \$1,000 per day per violation, with respect to a public water system serving a population of more than 10,000 individuals.

(b) In all cases, each day of violation is considered a separate violation.

(3) The director may assess and make a demand for payment of an administrative penalty

under this section and may compromise or settle that penalty.

- (4) To make a demand for payment of an administrative penalty assessed under this section, the director shall issue a notice of agency action, specifying, in addition to the requirements for notices of agency action contained in Title 63G, Chapter 4, Administrative Procedures Act:
- (a) the date, facts, and nature of each act or omission charged;
 - (b) the provision of the statute, rule, order, permit, or administrative authorization that is alleged to have been violated;
 - (c) each penalty that the director proposes to assess, together with the amount and date of effect of that penalty; and
 - (d) that failure to pay the penalty or respond may result in a civil action for collection.
- (5) A person notified according to Subsection (4) may request an adjudicative proceeding.
- (6) Upon request by the director, the attorney general may institute a civil action to collect a penalty assessed under this section.
- (7)(a) A person who, with criminal negligence, violates any rule or order made or issued pursuant to this chapter, or with criminal negligence fails to take corrective action required by an order, is guilty of a class B misdemeanor and subject to a fine of not more than \$5,000 per day for each day of violation.
- (b) In addition, the person is subject, in a civil proceeding, to a penalty of not more than \$5,000 per day for each day of violation.
- (8)(a) The director may bring a civil action for appropriate relief, including a permanent or temporary injunction, for a violation for which the director is authorized to issue a compliance order under Section 19-4-107.
- (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director shall bring an action under this Subsection (8) in the county where the violation occurs if the director brings the action in a district court.
- (9)(a) The attorney general is the legal advisor for the board and the director and shall defend them in an action or proceeding brought against the board or director.
- (b) The county attorney or district attorney, as appropriate under Section [17-18a-202] 17-68-302 or [17-18a-203] 17-68-303, in the county in which a cause of action arises, shall bring an action, civil or criminal, requested by the director, to abate a condition that exists in violation of, or to prosecute for the violation of, or to enforce the laws or the standards, orders, and rules of the board or the director issued under this chapter.

(c) The director may initiate action under this section and be represented by the attorney general.

(10) If a person fails to comply with a cease and desist order that is not subject to a stay pending administrative or judicial review, the director may initiate an action for and be entitled to injunctive relief to prevent further or continued violation of the order.

(11) A bond may not be required for injunctive relief under this chapter.

(12)(a) Except as provided in Subsection (12)(b), a penalty assessed and collected under the authority of this section shall be deposited into the General Fund.

(b) The department may reimburse itself and local governments from money collected from civil penalties for extraordinary expenses incurred in environmental enforcement activities.

(c) The department shall regulate reimbursements by making rules that define:

- (i) qualifying environmental enforcement activities; and
- (ii) qualifying extraordinary expenses.

Section 42. Section **19-4-113** is amended to read:

19-4-113 (Effective 11/06/25) (Repealed 07/01/29). Water source protection ordinance.

(1) As used in this section, "municipality" means the same as that term is defined in Section 10-1-104.

(2)(a) Before May 3, 2010, a first or second class county shall:

(i) adopt an ordinance in compliance with this section after:

(A) considering the rules established by the board to protect a watershed or water source used by a public water system;

(B) consulting with a wholesale water supplier or retail water supplier whose drinking water source is within the county's jurisdiction;

(C) considering the effect of the proposed ordinance on:

(I) agriculture production within an agricultural protection area created under [

~~Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure~~

~~Materials Protection Areas]~~ Title 17, Chapter 81, Agriculture, Industrial, and

Critical Infrastructure Materials; and

(II) a manufacturing, industrial, or mining operation within the county's jurisdiction; and

(D) holding a public hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and

- 2579 (ii) file a copy of the ordinance with the board.
- 2580 (b) A municipality in a first or second class county may adopt an ordinance that a first or
- 2581 second class county is required to adopt by this section by following the procedures
- 2582 and requirements of this section.
- 2583 (3)(a) A county ordinance adopted in accordance with this section applies to the
- 2584 incorporated and unincorporated areas of the county unless a municipality adopts an
- 2585 ordinance in accordance with this section.
- 2586 (b) A municipal ordinance adopted in accordance with this section supercedes, within
- 2587 the municipality's jurisdiction, a county ordinance adopted in accordance with this
- 2588 section.
- 2589 (4) An ordinance required or authorized by this section at a minimum shall:
- 2590 (a) designate a drinking water source protection zone in accordance with Subsection (5)
- 2591 for a groundwater source that is:
- 2592 (i) used by a public water system; and
- 2593 (ii) located within the county's or municipality's jurisdiction;
- 2594 (b) contain a zoning provision regulating the storage, handling, use, or production of a
- 2595 hazardous or toxic substance within a drinking water source protection zone
- 2596 designated under Subsection (4)(a); and
- 2597 (c) authorize a retail water supplier or wholesale water supplier to seek enforcement of
- 2598 the ordinance provision required by Subsections (4)(a) and (b) in a court with
- 2599 jurisdiction under Title 78A, Judiciary and Judicial Administration, if the county or
- 2600 municipality:
- 2601 (i) notifies the retail water supplier or wholesale water supplier within 10 days of
- 2602 receiving notice of a violation of the ordinance that the county or municipality
- 2603 will not seek enforcement of the ordinance; or
- 2604 (ii) does not seek enforcement within two days of a notice of violation of the
- 2605 ordinance when the violation may cause irreparable harm to the groundwater
- 2606 source.
- 2607 (5) A county shall designate a drinking water source protection zone required by Subsection
- 2608 (4)(a) within:
- 2609 (a) a 100 foot radius from the groundwater source; and
- 2610 (b) a 250 day groundwater time of travel to the groundwater source if the supplier
- 2611 calculates the time of travel in the public water system's drinking water source
- 2612 protection plan in accordance with board rules.

- (6) A zoning provision required by Subsection (4)(b) is not subject to Subsection [~~17-41-402(3)~~] 17-81-302(3).
- (7) An ordinance authorized by Section 10-8-15 supercedes an ordinance required or authorized by this section to the extent that the ordinances conflict.
- (8) The board shall provide information, guidelines, and technical resources to a county or municipality preparing and implementing an ordinance in accordance with this section.
- (9) A third, fourth, fifth, or sixth class county or a municipality located within a third, fourth, fifth, or sixth class county may adopt an ordinance in accordance with this section to establish a drinking water source protection zone and take any other action allowed under this section.

Section 43. Section **19-5-115** is amended to read:

19-5-115 (Effective 11/06/25) (Repealed 07/01/29). Violations -- Penalties -- Civil actions by director -- Ordinances and rules of political subdivisions -- Acts of individuals.

- (1) As used in this section:
- (a) "Criminal negligence" means the same as that term is defined in Section 76-2-103.
- (b) "Knowingly" means the same as that term is defined in Section 76-2-103.
- (c)(i) "Organization" means a legal entity, other than a government, established or organized for any purpose.
- (ii) "Organization" includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.
- (d) "Serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- (e) "Willfully" means the same as that term is defined in Section 76-2-103.
- (2)(a) A person that violates this chapter, or any permit, rule, or order adopted under this chapter, is subject in a civil proceeding to a civil penalty not to exceed \$10,000 per day of violation.
- (b) The department shall retain the revenue from an administrative fine under Subsection 19-5-108.3(7) as a dedicated credit for the purposes of outreach and education to applicants.
- (c) The division may issue an order to stop construction in accordance with Subsection 19-5-108.3(7).

- 2647 (3)(a) A person is guilty of a class A misdemeanor, subject to imprisonment under
2648 Section 76-3-204, and subject to a fine not exceeding \$25,000 per day, if the person
2649 with criminal negligence:
- 2650 (i) discharges pollutants in violation of Subsection 19-5-107(1) or in violation of any
2651 condition or limitation included in a permit issued under Subsection 19-5-107(3);
 - 2652 (ii) violates Section 19-5-113;
 - 2653 (iii) violates a pretreatment standard or toxic effluent standard for publicly owned
2654 treatment works; or
 - 2655 (iv) manages sewage sludge in violation of this chapter or rules adopted under this
2656 chapter.
- 2657 (b) A person is guilty of a third degree felony, subject to imprisonment under Section
2658 76-3-203, and subject to a fine not to exceed \$50,000 per day of violation, if the
2659 person knowingly:
- 2660 (i) discharges pollutants in violation of Subsection 19-5-107(1) or in violation of any
2661 condition or limitation included in a permit issued under Subsection 19-5-107(3);
 - 2662 (ii) violates Section 19-5-113;
 - 2663 (iii) violates a pretreatment standard or toxic effluent standard for publicly owned
2664 treatment works; or
 - 2665 (iv) manages sewage sludge in violation of this chapter or rules adopted under this
2666 chapter.
- 2667 (4) A person is guilty of a third degree felony, subject to imprisonment under Section
2668 76-3-203, and subject to a fine not exceeding \$10,000 per day of violation, if the person
2669 knowingly:
- 2670 (a) makes a false material statement, representation, or certification in any application,
2671 record, report, plan, or other document filed or required to be maintained under this
2672 chapter, or by any permit, rule, or order issued under this chapter; or
 - 2673 (b) falsifies, tampers with, or knowingly renders inaccurate a monitoring device or
2674 method required to be maintained under this chapter.
- 2675 (5)(a) A person is guilty of a second degree felony, subject to imprisonment under
2676 Section 76-3-203, and subject to a fine of not more than \$250,000 if the person:
- 2677 (i) knowingly violates this chapter, or any permit, rule, or order adopted under this
2678 chapter; and
 - 2679 (ii) knows at that time that the person is placing another person in imminent danger
2680 of death or serious bodily injury.

- (b) If a person is an organization, the organization shall, upon conviction of violating Subsection (5)(a), be subject to a fine of not more than \$1,000,000.
- (c)(i) A defendant who is an individual is considered to have acted knowingly if:
- (A) the defendant's conduct placed another person in imminent danger of death or serious bodily injury; and
 - (B) the defendant was aware of or believed that there was an imminent danger of death or serious bodily injury to another person.
- (ii) Knowledge possessed by a person other than the defendant may not be attributed to the defendant.
- (iii) Circumstantial evidence may be used to prove that the defendant possessed actual knowledge, including evidence that the defendant took affirmative steps to be shielded from receiving relevant information.
- (d)(i) It is an affirmative defense to prosecution under this Subsection (5) that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of:
- (A) an occupation, a business, or a profession; or
 - (B) medical treatment or medical or scientific experimentation conducted by professionally approved methods and the other person was aware of the risks involved before giving consent.
- (ii) The defendant has the burden of proof to establish an affirmative defense under this Subsection (5)(d) and shall prove that defense by a preponderance of the evidence.
- (6) For purposes of Subsections (3) through (5), a single operational upset that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.
- (7)(a) The director may bring a civil action for appropriate relief, including a permanent or temporary injunction, for any violation or threatened violation for which the director is authorized to issue a compliance order under Section 19-5-111.
- (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director shall bring a civil action in the district court where the violation or threatened violation occurs if the director brings the action in a district court.
- (8)(a) The attorney general is the legal advisor for the board and the director and shall defend the board or director in an action or proceeding brought against the board or director.

(b) The county attorney or district attorney, as appropriate under Section [17-18a-202] 17-68-302 or [17-18a-203] 17-68-303, in the county in which a cause of action arises, shall bring an action, civil or criminal, requested by the director, to abate a condition that exists in violation of, or to prosecute for the violation of, or to enforce, the laws or the standards, orders, and rules of the board or the director issued under this chapter.

(c) The director may initiate an action under this section and be represented by the attorney general.

(9) If a person fails to comply with a cease and desist order that is not subject to a stay pending administrative or judicial review, the director may initiate an action for and be entitled to injunctive relief to prevent any further or continued violation of the order.

(10) A political subdivision of the state may enact and enforce ordinances or rules for the implementation of this chapter that are not inconsistent with this chapter.

(11)(a) Except as provided in Subsections 19-5-108.3(7)(d) and 19-5-115(11)(b) and (c), the department shall deposit penalties imposed and collected under the authority of this section into the General Fund.

(b) The department may reimburse itself and local governments from money collected from civil penalties for extraordinary expenses incurred in environmental enforcement activities.

(c) The department shall regulate reimbursements by making rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(i) define qualifying environmental enforcement activities; and

(ii) define qualifying extraordinary expenses.

(12)(a) For purposes of this section or an ordinance or rule enacted by a political subdivision under Subsection (10), an act performed by an individual wholly within the scope of the individual's employment with an organization, is attributed to the organization.

(b) Notwithstanding the other provisions of this section, an action may not be brought against an individual acting wholly within the scope of the individual's employment with an organization if the action is brought under:

(i) this section;

(ii) an ordinance or rule issued by a political subdivision under Subsection (10); or

(iii) any local law or ordinance governing discharge.

Section 44. Section **19-6-113** is amended to read:

- 2749 **19-6-113 (Effective 11/06/25) (Repealed 07/01/29). Violations -- Penalties --**
2750 **Reimbursement for expenses.**
- 2751 (1) As used in this section, "RCRA" means the Resource Conservation and Recovery Act,
2752 42 U.S.C. Section 6901, et seq.
- 2753 (2) Any person who violates any order, plan, rule, or other requirement issued or adopted
2754 under this part is subject in a civil proceeding to a penalty of not more than \$13,000 per
2755 day for each day of violation.
- 2756 (3) On or after July 1, 1990, no person shall knowingly:
- 2757 (a) transport or cause to be transported any hazardous waste identified or listed under
2758 this part to a facility that does not have a hazardous waste operation plan or permit
2759 under this part or RCRA;
- 2760 (b) treat, store, or dispose of any hazardous waste identified or listed under this part:
- 2761 (i) without having obtained a hazardous waste operation plan or permit as required by
2762 this part or RCRA;
- 2763 (ii) in knowing violation of any material condition or requirement of a hazardous
2764 waste operation plan or permit; or
- 2765 (iii) in knowing violation of any material condition or requirement of any rules or
2766 regulations under this part or RCRA;
- 2767 (c) omit material information or make any false material statement or representation in
2768 any application, label, manifest, record, report, permit, operation plan, or other
2769 document filed, maintained, or used for purposes of compliance with this part or
2770 RCRA or any rules or regulations made under this part or RCRA; and
- 2771 (d) transport or cause to be transported without a manifest any hazardous waste
2772 identified or listed under this part and required by rules or regulations made under
2773 this part or RCRA to be accompanied by a manifest.
- 2774 (4)(a)(i) Any person who knowingly violates any provision of Subsection (3)(a) or (b)
2775 is guilty of a felony.
- 2776 (ii) Notwithstanding Sections 76-3-203, 76-3-301, and 76-3-302, a person convicted
2777 of a felony under Subsection (3)(a) or (b) is subject to a fine of not more than
2778 \$50,000 for each day of violation, or imprisonment for a term not to exceed five
2779 years, or both.
- 2780 (iii) If a person is convicted of a second or subsequent violation under Subsection
2781 (3)(a) or (b), the maximum punishment is double both the fine and the term of
2782 imprisonment authorized in Subsection (4)(a)(ii).

- (b)(i) Any person who knowingly violates any of the provisions of Subsection (3)(c) or (d) is guilty of a felony.
- (ii) Notwithstanding Sections 76-3-203, 76-3-301, and 76-3-302, a person convicted of a felony for a violation of Subsection (3)(c) or (d) is subject to a fine of not more than \$50,000 for each day of violation, or imprisonment for a term not to exceed two years, or both.
- (iii) If a person is convicted of a second or subsequent violation under Subsection (3)(c) or (d), the maximum punishment is double both the fine and the imprisonment authorized in Subsection (4)(b)(ii).
- (c)(i) Any person who knowingly transports, treats, stores, or disposes of any hazardous waste identified or listed under this part in violation of Subsection (3)(a), (b), (c), or (d), who knows at that time that the person thereby places another person in imminent danger of death or serious bodily injury, is guilty of a felony.
- (ii) Notwithstanding Sections 76-3-203, 76-3-301, and 76-3-302, a person convicted of a felony described in Subsection (4)(c)(i) is subject to a fine of not more than \$250,000, or imprisonment for a term not to exceed 15 years, or both.
- (iii) A corporation, association, partnership, or governmental instrumentality, upon conviction of violating Subsection (4)(c)(i), is subject to a fine of not more than \$1,000,000.
- (5)(a) Except as provided in Subsections (5)(b) and (c) and Section 19-6-722, all penalties assessed and collected under authority of this section shall be deposited in the General Fund.
- (b) The department may reimburse itself and local governments from money collected from civil penalties for qualifying extraordinary expenses incurred in qualifying environmental enforcement activities.
- (c) Notwithstanding the provisions of Section 78A-5-110, the department may reimburse itself and local governments from money collected from criminal fines for qualifying extraordinary expenses incurred in prosecutions for violations of this part.
- (d) The department shall regulate reimbursements by making rules that define:
- (i) qualifying environmental enforcement activities; and
- (ii) qualifying extraordinary expenses.
- (6) ~~[Prosecution for criminal violations of this part may be commenced by the]~~ The attorney general, the county attorney, or the district attorney, as appropriate under Section ~~[17-18a-202]~~ 17-68-302 or ~~[17-18a-203]~~ 17-68-303, may commence prosecution

for a criminal violation of this part in any county where venue is proper.

Section 45. Section 19-6-119 is amended to read:

19-6-119 (Effective 11/06/25) (Repealed 07/01/29). Nonhazardous solid waste disposal fees.

(1)(a) Through December 31, 2018, and except as provided in Subsection (4), the owner or operator of a commercial nonhazardous solid waste disposal facility or incinerator shall pay the following fees for waste received for treatment or disposal at the facility if the facility or incinerator is required to have operation plan approval under Section 19-6-108 and primarily receives waste generated by off-site sources not owned, controlled, or operated by the facility or site owner or operator:

- (i) 13 cents per ton on all municipal waste and municipal incinerator ash;
- (ii) 50 cents per ton on the following wastes if the facility disposes of one or more of the following wastes in a cell exclusively designated for the waste being disposed:
 - (A) construction waste or demolition waste;
 - (B) yard waste, including vegetative matter resulting from landscaping, land maintenance, and land clearing operations;
 - (C) dead animals;
 - (D) waste tires and materials derived from waste tires disposed of in accordance with [Title 19, Chapter 6, Part 8, ~~Waste Tire Recycling Act~~] Chapter 6, Part 8, Waste Tire Recycling Act; and
 - (E) petroleum contaminated soils that are approved by the director; and
- (iii) \$2.50 per ton on:
 - (A) all nonhazardous solid waste not described in Subsections (1)(a)(i) and (ii); and
 - (B)(I) fly ash waste;
 - (II) bottom ash waste;
 - (III) slag waste;
 - (IV) flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
 - (V) waste from the extraction, beneficiation, and processing of ores and minerals; and
 - (VI) cement kiln dust wastes.

(b) A commercial nonhazardous solid waste disposal facility or incinerator subject to the fees under Subsection (1)(a)(i) or (ii) is not subject to the fee under Subsection

- 2851 (1)(a)(iii) for those wastes described in Subsections (1)(a)(i) and (ii).
- 2852 (c) The owner or operator of a facility described in Subsection 19-6-102(3)(b)(iii) shall
- 2853 pay a fee of 13 cents per ton on all municipal waste received for disposal at the
- 2854 facility.
- 2855 (2)(a) Through December 31, 2018, and except as provided in Subsections (2)(c) and (4),
- 2856 a waste facility that is owned by a political subdivision shall pay the following annual
- 2857 facility fee to the department by January 15 of each year:
- 2858 (i) \$800 if the facility receives 5,000 or more but fewer than 10,000 tons of municipal
- 2859 waste each year;
- 2860 (ii) \$1,450 if the facility receives 10,000 or more but fewer than 20,000 tons of
- 2861 municipal waste each year;
- 2862 (iii) \$3,850 if the facility receives 20,000 or more but fewer than 50,000 tons of
- 2863 municipal waste each year;
- 2864 (iv) \$12,250 if the facility receives 50,000 or more but fewer than 100,000 tons of
- 2865 municipal waste each year;
- 2866 (v) \$14,700 if the facility receives 100,000 or more but fewer than 200,000 tons of
- 2867 municipal waste each year;
- 2868 (vi) \$33,000 if the facility receives 200,000 or more but fewer than 500,000 tons of
- 2869 municipal waste each year; and
- 2870 (vii) \$66,000 if the facility receives 500,000 or more tons of municipal waste each
- 2871 year.
- 2872 (b) The fee identified in Subsection (2)(a) for 2018 shall be paid by January 15, 2019.
- 2873 (c) Through December 31, 2018, and except as provided in Subsection (4), a waste
- 2874 facility that is owned by a political subdivision shall pay \$2.50 per ton for:
- 2875 (i) nonhazardous solid waste that is not a waste described in Subsection (1)(a)(i) or
- 2876 (ii) received for disposal if the waste is:
- 2877 (A) generated outside the boundaries of the political subdivision; and
- 2878 (B) received from a single generator and exceeds 500 tons in a calendar year; and
- 2879 (ii) waste described in Subsection (1)(a)(iii)(B) received for disposal if the waste is:
- 2880 (A) generated outside the boundaries of the political subdivision; and
- 2881 (B) received from a single generator and exceeds 500 tons in a calendar year.
- 2882 (d) Waste received at a facility owned by a political subdivision under Subsection (2)(c)
- 2883 may not be counted as part of the total tonnage received by the facility under
- 2884 Subsection (2)(a).

(3)(a) As used in this Subsection (3):

(i) "Recycling center" means a facility that extracts valuable materials from a waste stream or transforms or remanufactures the material into a usable form that has demonstrated or potential market value.

(ii) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility that is used to deposit collected solid waste from off-site into a transfer vehicle for transport to a solid waste handling or disposal facility.

(b) Through December 31, 2018, and except as provided in Subsection (4), the owner or operator of a transfer station or recycling center shall pay to the department the following fees on waste sent for disposal to a nonhazardous solid waste disposal or treatment facility that is not subject to a fee under this section:

(i) \$1.25 per ton on:

(A) all nonhazardous solid waste; and

(B) waste described in Subsection (1)(a)(iii)(B);

(ii) 10 cents per ton on all construction and demolition waste; and

(iii) 5 cents per ton on all municipal waste or municipal incinerator ash.

(c) Wastes subject to fees under Subsection (3)(b)(ii) or (iii) are not subject to the fee required under Subsection (3)(b)(i).

(4) The owner or operator of a waste disposal facility that receives nonhazardous solid waste described in Subsection (1)(a)(iii)(B) is not required to pay any fee on those nonhazardous solid wastes if received solely for the purpose of recycling, reuse, or reprocessing.

(5) Through December 31, 2018, and except as provided in Subsection (2)(a), a facility required to pay fees under this section shall:

(a) calculate the fees by multiplying the total tonnage of nonhazardous solid waste received during the calendar month, computed to the first decimal place, by the required fee rate;

(b) pay the fees imposed by this section to the department by the 15th day of the month following the month in which the fees accrued; and

(c) with the fees required under Subsection (6)(b), submit to the department, on a form prescribed by the department, information that verifies the amount of nonhazardous solid waste received and the fees that the owner or operator is required to pay.

(6)(a) In accordance with Section 63J-1-504, on or before July 1, 2018, and each fiscal year thereafter, the department shall establish a fee schedule for the treatment,

2919 transfer, and disposal of all nonhazardous solid waste.

2920 (b) The department shall, before establishing the annual fee schedule described in
2921 Subsection (6)(a), consult with industry and local government and complete a review
2922 of program costs and indirect costs of regulating nonhazardous solid waste in the
2923 state and use the findings of the review to create the fee schedule.

2924 (c) The fee schedule described in Subsection (6)(a) shall:

- 2925 (i) create an equitable and fair, though not necessarily equal or uniform, fee to be
2926 paid by all persons whose treatment, transfer, or disposal of nonhazardous solid
2927 waste creates a regulatory burden to the department, based on the actual cost, and
2928 taking into consideration whether the owner or operator of a facility elects to
2929 self-inspect under Section 19-6-109, except as provided in Subsection (6)(d);
- 2930 (ii) cover the fully burdened costs of the program and provide for reasonable and
2931 timely oversight by the department;
- 2932 (iii) adequately meet the needs of industry, local government, and the department,
2933 including enabling the department to employ the appropriate number of qualified
2934 personnel to appropriately oversee industry and local government regulation;
- 2935 (iv) provide stable funding for the Environmental Quality Restricted Account created
2936 in Section 19-1-108; and
- 2937 (v) for solid waste managed at a transfer facility, be no greater than the cost of
2938 regulatory services provided to the transfer facility.

2939 (d) Any person who treats, transfers, stores, or disposes of solid waste from the
2940 extraction, beneficiation, and processing of ores and minerals on a site owned,
2941 controlled, or operated by that person may not be charged a fee under this section for
2942 the treatment, transfer, storage, or disposal of solid waste from the extraction,
2943 beneficiation, and processing of ores and minerals that are generated:

- 2944 (i) on-site by the person; or
- 2945 (ii) by off-site sources owned, controlled, or operated by the person.

2946 (e) The fees in the fee schedule established by Subsection (6)(a) shall take effect on
2947 January 1, 2019.

2948 (7) On and after January 1, 2019, a facility required to pay fees under this section shall:

- 2949 (a) pay the fees imposed by this section to the department by the 15th day of the month
2950 following the quarter in which the fees accrued; and
- 2951 (b) with the fees required under Subsection (7)(a), submit to the department, on a form
2952 prescribed by the department, information that verifies the amount of nonhazardous

solid waste received and the fees that the owner or operator is required to pay.

- (8) In setting the fee schedule described in Subsection (6)(a), the department shall ensure that a party is not charged multiple fees for the same solid waste, except the department may charge a separate fee for a transfer station.

- (9) The department shall:

(a) deposit all fees received under this section into the Environmental Quality Restricted Account created in Section 19-1-108; and

(b) in preparing its budget for the governor and the Legislature, separately indicate the amount of the department's budget necessary to administer the solid and hazardous waste program established by this part.

- (10) The department may contract or agree with a county to assist in performing nonhazardous solid waste management activities, including agreements for:

(a) the development of a solid waste management plan required under Section ~~17-15-23~~ 17E-7-101; and

(b) pass-through of available funding.

- (11) This section does not exempt any facility from applicable regulation under the Atomic Energy Act, 42 U.S.C. Sec. 2014 and 2021 through 2114.

- (12) The department shall report to the Natural Resources, Agriculture, and Environment Interim Committee by November 30, 2017, on the fee schedule described in Subsection (6)(a).

Section 46. Section **19-6-502** is amended to read:

19-6-502 (Effective 11/06/25). Definitions.

As used in this part:

- (1)(a) "Advanced recycling" means a manufacturing process that converts post-use polymers or recovered feedstock into basic raw materials, chemicals, or advanced recycling products using technology including:

(i) pyrolysis;

(ii) gasification;

(iii) depolymerization;

(iv) catalytic cracking;

(v) reforming;

(vi) hydrogenation;

(vii) solvolysis; or

(viii) chemolysis.

- 2987 (b) "Advanced recycling" does not include incineration of plastics, energy recovery
2988 processes, or a product sold as fuel.
- 2989 (2) "Advanced recycling facility" means a manufacturing facility:
- 2990 (a) that is registered with the Division of Waste Management and Radiation Control,
2991 created in Subsection 19-1-105(1)(d);
- 2992 (b) that receives, stores, and converts post-use polymers or recovered feedstock using
2993 advanced recycling;
- 2994 (c) that is subject to applicable Department of Environmental Quality manufacturing
2995 regulations for air, water, waste, and land use; and
- 2996 (d) for which the feedstock received by the manufacturing facility is source-separated,
2997 diverted, or recovered from municipal or other waste streams prior to acceptance at
2998 the facility.
- 2999 (3) "Advanced recycling product" means a recycled product produced at an advanced
3000 recycling facility, including:
- 3001 (a) a monomer;
- 3002 (b) an oligomer;
- 3003 (c) a plastic;
- 3004 (d) a chemical feedstock;
- 3005 (e) a basic and unfinished chemical;
- 3006 (f) a wax;
- 3007 (g) a lubricant;
- 3008 (h) a coating; or
- 3009 (i) an adhesive.
- 3010 (4) "Depolymerization" means a manufacturing process that breaks post-use polymers into
3011 smaller molecules to produce raw materials or products.
- 3012 (5) "Gasification" means a manufacturing process that:
- 3013 (a) heats post-use polymers or recovered feedstock in an oxygen-controlled atmosphere;
3014 and
- 3015 (b) following the process described in Subsection (5)(a), converts the polymers or
3016 recovered feedstock into syngas or a raw, intermediate, or final product.
- 3017 (6) "Governing body" means the governing board, commission, or council of a public entity.
- 3018 (7) "Jurisdiction" means the area within the incorporated limits of:
- 3019 (a) a municipality;
- 3020 (b) a special service district;

- 3021 (c) a municipal-type service district;
3022 (d) a service area; or
3023 (e) the territorial area of a county not lying within a municipality.
- 3024 (8) "Long-term agreement" means an agreement or contract having a term of more than five
3025 years but less than 50 years.
- 3026 (9) "Mass balance attribution" means a chain of custody accounting methodology with rules
3027 defined by a third-party certification system that enables the attribution of the mass of
3028 advanced recycling feedstock to at least one advanced recycling product.
- 3029 (10) "Municipal residential waste" means solid waste that is:
3030 (a) discarded or rejected at a residence within the public entity's jurisdiction; and
3031 (b) collected at or near the residence by:
3032 (i) a public entity; or
3033 (ii) a person with whom the public entity has as an agreement to provide solid waste
3034 management.
- 3035 (11) "Post-use polymer" means a plastic that:
3036 (a) is derived from an industrial, commercial, agricultural, or domestic activity;
3037 (b) includes pre-consumer materials and post-consumer materials;
3038 (c) has been sorted from solid waste and other regulated waste but may contain residual
3039 amounts of waste including organic material and incidental contaminants or
3040 impurities;
3041 (d) is not mixed with solid waste or hazardous waste during processing at the advanced
3042 recycling facility;
3043 (e) is used as a feedstock for the manufacturing of raw materials, intermediate products,
3044 or final products using advanced recycling; and
3045 (f) is held for processing or processed at the advanced recycling facility.
- 3046 (12) "Product sold as fuel" does not mean a recycled product.
- 3047 (13) "Public entity" means:
3048 (a) a county;
3049 (b) a municipality;
3050 (c) a special service district under Title 17D, Chapter 1, Special Service District Act;
3051 (d) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act; or
3052 (e) a municipal-type service district created under [~~Title 17, Chapter 34, Municipal-Type~~
3053 ~~Services to Unincorporated Areas~~] Title 17, Chapter 78, Part 5, Provision of
3054 Municipal-Type Services to Unincorporated Areas.

- 3055 (14) "Pyrolysis" means a manufacturing process that:
- 3056 (a) heats post-use polymers or recovered feedstock, without oxygen, until melted and
- 3057 thermally decomposed; and
- 3058 (b) following the process described in Subsection (14)(a), cools, condenses, and converts
- 3059 post-use polymers or recovered feedstock into raw materials and intermediate and
- 3060 final products.
- 3061 (15)(a) "Recovered feedstock" means a material:
- 3062 (i) that includes post-use polymers;
- 3063 (ii) for which the United States Environmental Protection Agency made a non-waste
- 3064 determination or has otherwise determined is feedstock and solid waste; or
- 3065 (iii) that is converted using an advanced recycling process after storage of less than
- 3066 270 days.
- 3067 (b) "Recovered feedstock" does not include unprocessed municipal solid waste or
- 3068 recovered feedstock that is not mixed with solid waste or hazardous waste onsite, or
- 3069 during processing, at an advanced recycling facility.
- 3070 (16) "Recycled plastic" means a product produced from:
- 3071 (a) mechanical recycling of pre-consumer feedstock or plastic, or post-consumer plastic;
- 3072 (b) the advanced recycling of pre-consumer feedstock or plastic, or post-consumer
- 3073 plastic, using mass balance attribution under a third-party certification system; or
- 3074 (c) a recycled material, as that term is defined in Section 4-10-102.
- 3075 (17) "Requirement" means an ordinance, policy, rule, mandate, or other directive that
- 3076 imposes a legal duty on a person.
- 3077 (18) "Residence" means an improvement to real property used or occupied as a primary or
- 3078 secondary detached single-family dwelling.
- 3079 (19) "Resource recovery" means the separation, extraction, recycling, or recovery of usable
- 3080 material, energy, fuel, or heat from solid waste and the disposition of it.
- 3081 (20) "Short-term agreement" means a contract or agreement having a term of five years or
- 3082 less.
- 3083 (21)(a) "Solid waste" means a putrescible or nonputrescible material or substance
- 3084 discarded or rejected as being spent, useless, worthless, or in excess of the owner's
- 3085 needs at the time of discard or rejection, including:
- 3086 (i) garbage;
- 3087 (ii) refuse;
- 3088 (iii) industrial and commercial waste;

- 3089 (iv) sludge from an air or water control facility;
3090 (v) rubbish;
3091 (vi) ash;
3092 (vii) contained gaseous material;
3093 (viii) incinerator residue;
3094 (ix) demolition and construction debris;
3095 (x) a discarded automobile; and
3096 (xi) offal.
- 3097 (b) "Solid waste" does not include:
3098 (i) sewage or another highly diluted water carried material or substance and those in
3099 gaseous form; or
3100 (ii) post-use polymers or recovered feedstock that are converted or held at an
3101 advanced recycling facility.
- 3102 (22)(a) "Solid waste management" means the purposeful and systematic collection,
3103 transportation, storage, processing, recovery, or disposal of solid waste.
- 3104 (b) "Solid waste management" does not include advanced recycling.
- 3105 (23)(a) "Solid waste management facility" means a facility employed for solid waste
3106 management, including:
3107 (i) a transfer station;
3108 (ii) a transport system;
3109 (iii) a baling facility;
3110 (iv) a landfill; and
3111 (v) a processing system, including:
3112 (A) a resource recovery facility;
3113 (B) a facility for reducing solid waste volume;
3114 (C) a plant or facility for compacting, or composting, of solid waste;
3115 (D) an incinerator;
3116 (E) a solid waste disposal, reduction, pyrolyzation, or conversion facility;
3117 (F) a facility for resource recovery of energy consisting of:
3118 (I) a facility for the production, transmission, distribution, and sale of heat and
3119 steam;
3120 (II) a facility for the generation and sale of electric energy to a public utility,
3121 municipality, or other public entity that owns and operates an electric power
3122 system on March 15, 1982; and

(III) a facility for the generation, sale, and transmission of electric energy on an emergency basis only to a military installation of the United States; and

(G) an auxiliary energy facility that is connected to a facility for resource recovery of energy as described in Subsection (23)(a)(v)(F), that:

(I) is fueled by natural gas, landfill gas, or both;

(II) consists of a facility for the production, transmission, distribution, and sale of supplemental heat and steam to meet all or a portion of the heat and steam requirements of a military installation of the United States; and

(III) consists of a facility for the generation, transmission, distribution, and sale of electric energy to a public utility, a municipality described in Subsection (23)(a)(v)(F)(II), or a political subdivision created under Title 11, Chapter 13, Interlocal Cooperation Act.

(b) "Solid waste management facility" does not mean a facility that:

(i) accepts and processes metal, as described in Subsection 19-6-102(19)(b), by separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle commodity grade product of prepared scrap metal for sale or use for remelting purposes provided that any byproduct or residual that would qualify as solid waste is managed at a solid waste management facility; or

(ii) accepts and processes paper, plastic, rubber, glass, or textiles that:

(A) have been source-separated or otherwise diverted from the solid waste stream before acceptance at the facility and that are not otherwise hazardous waste or subject to conditions of federal hazardous waste regulations; and

(B) are reused or recycled as a valuable commercial commodity by separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle commodity grade product, provided that any byproduct or residual that would qualify as solid waste is managed at a solid waste management facility.

(c) "Solid waste management facility" does not include an advanced recycling facility.

(24) "Solvolysis" means a manufacturing process that:

(a) purifies post-use polymers using solvents, while heated at low temperatures or pressurized, allowing additives and contaminants to be removed;

(b) uses technology, including:

(i) hydrolysis;

(ii) aminolysis;

- 3157 (iii) ammonolysis;
- 3158 (iv) methanolysis; or
- 3159 (v) glycolysis; and
- 3160 (c) manufactures products, including:
- 3161 (i) monomers;
- 3162 (ii) intermediates;
- 3163 (iii) valuable chemicals;
- 3164 (iv) chemical feedstock; or
- 3165 (v) raw materials.

3166 (25) "Third-party certification system" means an international or multinational third-party
3167 certification system of rules to implement mass balance attribution approaches for
3168 advanced recycling, including:

- 3169 (a) International Sustainability and Carbon Certification;
- 3170 (b) Underwriter Laboratories;
- 3171 (c) SCS Recycled Content;
- 3172 (d) Roundtable on Sustainable Biomaterials;
- 3173 (e) Ecoloop; or
- 3174 (f) REDcert2.

3175 Section 47. Section **20A-1-203** is amended to read:

3176 **20A-1-203 (Effective 11/06/25). Calling and purpose of special elections --**
3177 **Two-thirds vote limitations.**

3178 (1) Statewide and local special elections may be held for any purpose authorized by law.

3179 (2)(a) Statewide special elections shall be conducted using the procedure for regular
3180 general elections.

3181 (b) Except as otherwise provided in this title, local special elections shall be conducted
3182 using the procedures for regular municipal elections.

3183 (3) The governor may call a statewide special election by issuing an executive order that
3184 designates:

- 3185 (a) the date for the statewide special election; and
- 3186 (b) the purpose for the statewide special election.

3187 (4) The Legislature may call a statewide special election by passing a joint or concurrent
3188 resolution that designates:

- 3189 (a) the date for the statewide special election; and
- 3190 (b) the purpose for the statewide special election.

(5)(a) The legislative body of a local political subdivision may call a local special election only for:

- (i) a vote on a bond or debt issue;
- (ii) a vote on a voted local levy authorized by Section 53F-8-402 or 53F-8-301;
- (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
- (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
- (v) if required or authorized by federal law, a vote to determine whether Utah's legal boundaries should be changed;
- (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
- (vii) a vote on a municipality providing a broadband service, a cable television service, or a public telecommunications service under Section 10-18-204;
- (viii) a vote to create a new county under Section [17-3-1] 17-61-401;
- (ix) a vote on a special property tax under Section 53F-8-402; or
- (x) a vote on the incorporation of a municipality in accordance with Section 10-2a-210.

(b) The legislative body of a local political subdivision may call a local special election by adopting an ordinance or resolution that designates:

- (i) the date for the local special election as authorized by Section 20A-1-204; and
- (ii) the purpose for the local special election.

(c) A local political subdivision may not call a local special election unless the ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a two-thirds majority of all members of the legislative body, if the local special election is for:

- (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
- (iii) a vote authorized or required for a sales tax issue as described in Subsection (5)(a)(vi).

Section 48. Section **20A-1-404** is amended to read:

20A-1-404 (Effective 11/06/25). Election controversies.

(1)(a)(i) Whenever any controversy occurs between any election officer or other person or entity charged with any duty or function under this title and any candidate, or the officers or representatives of any political party, or persons who have made nominations, either party to the controversy may file a verified petition with the district court.

- 3225 (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the
3226 respondents on the same day that the petition is filed with the court.
- 3227 (b) The verified petition shall identify concisely the nature of the controversy and the
3228 relief sought.
- 3229 (2) After reviewing the petition, the court shall:
- 3230 (a) issue an order commanding the respondent named in the petition to appear before the
3231 court to answer, under oath, to the petition;
- 3232 (b) summarily hear and dispose of any issues raised by the petition to obtain:
- 3233 (i) strict compliance with all filing deadlines for financial disclosure reports under:
- 3234 (A) Section 10-3-208, regarding campaign finance statements in municipal
3235 elections;
- 3236 (B) Section [~~17-16-6.5~~] 17-70-403, regarding campaign finance statements for
3237 county offices;
- 3238 (C) Title 20A, Chapter 11, Part 2, State Office Candidates - Campaign
3239 Organization and Financial Reporting Requirements;
- 3240 (D) Title 20A, Chapter 11, Part 3, Candidates for Legislative Office - Campaign
3241 Organization and Financial Reporting Requirements;
- 3242 (E) Title 20A, Chapter 11, Part 4, Officeholder Financial Reporting Requirements;
- 3243 (F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial
3244 Reporting Requirements;
- 3245 (G) Title 20A, Chapter 11, Part 6, Political Action Committee Registration and
3246 Financial Reporting Requirements;
- 3247 (H) Title 20A, Chapter 11, Part 7, Campaign Financial Reporting by Corporations;
- 3248 (I) Title 20A, Chapter 11, Part 8, Political Issues Committees - Registration and
3249 Financial Reporting;
- 3250 (J) Title 20A, Chapter 11, Part 13, State School Board Candidates; and
- 3251 (K) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting
3252 Requirements for Judicial Retention Elections; and
- 3253 (ii) substantial compliance with all other provisions of this title by the parties to the
3254 controversy; and
- 3255 (c) make and enter orders and judgments, and issue the process of the court to enforce
3256 all of those orders and judgments.
- 3257 Section 49. Section **20A-1-501** is amended to read:
- 3258 **20A-1-501 (Effective 11/06/25). Candidate vacancies -- Procedure for filling.**

- (1) As used in this section, "central committee" means:
- (a) the state central committee of a political party, for a candidate for:
 - (i) United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, or state auditor; or
 - (ii) state legislator if the legislative district encompasses all or a portion of more than one county; or
 - (b) the county central committee of a political party, for a party candidate seeking an office, other than an office described in Subsection (1)(a), elected at an election held in an even-numbered year.
- (2) Except as provided in Subsection (6), the central committee may certify the name of another candidate to the appropriate election officer if:
- (a) for a registered political party that will have a candidate on a ballot in a primary election:
 - (i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a), only one or two candidates from that party have filed a declaration of candidacy for that office and one or both dies, resigns as a candidate, or is disqualified as a candidate; and
 - (ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a);~~and~~
 - (b) for a registered political party that does not have a candidate on the ballot in a primary, but will have a candidate on the ballot for a regular general election:
 - (i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and
 - (ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409; or
 - (c) for a registered political party with a candidate certified as winning a primary election:
 - (i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the

certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and

(ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409.

(3) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the central committee of that political party may certify the name of another candidate to the appropriate election officer.

(4) Each replacement candidate shall file a declaration of candidacy as required by [~~Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy~~] Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

(5)(a) The name of a candidate who is certified under Subsection (2)(a) after the deadline described in Subsection (2)(a)(ii) may not appear on the primary election ballot.

(b) The name of a candidate who is certified under Subsection (2)(b) after the deadline described in Subsection (2)(b)(ii) may not appear on the general election ballot.

(c) The name of a candidate who is certified under Subsection (2)(c) after the deadline described in Subsection (2)(c)(ii) may not appear on the general election ballot.

(6) A political party may not replace a candidate who is disqualified for failure to timely file a campaign disclosure financial report under [~~Title 20A, Chapter 11, Campaign and Financial Reporting Requirements~~] Chapter 11, Campaign and Financial Reporting Requirements, or Section [~~17-16-6.5~~] 17-70-403.

(7) This section does not apply to a candidate vacancy for a nonpartisan office.

Section 50. Section **20A-1-508** is amended to read:

20A-1-508 (Effective 11/06/25). Midterm vacancies in county elected offices -- Temporary manager -- Interim replacement.

(1) As used in this section:

(a)(i) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county surveyor, and the county assessor.

(ii) "County offices" does not include the office of county attorney, district attorney, or judge.

(b) "Party liaison" means the political party officer designated to serve as a liaison with

3327 each county legislative body on all matters relating to the political party's relationship
3328 with a county as required by Section 20A-8-401.

3329 (2)(a) Except as provided in Subsection (2)(d), until a county legislative body appoints
3330 an interim replacement to fill a vacant county office under Subsection (3), the
3331 following shall temporarily discharge the duties of the county office as a temporary
3332 manager:

3333 (i) for a county office with one chief deputy, the chief deputy;

3334 (ii) for a county office with more than one chief deputy:

3335 (A) the chief deputy with the most cumulative time served as a chief deputy for
3336 the county office; or

3337 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
3338 vacates the office, the county officer files with the county clerk a written
3339 statement designating one of the county officer's chief deputies to discharge the
3340 duties of the county office in the event the county officer vacates the office, the
3341 designated chief deputy; or

3342 (iii) for a county office without a chief deputy:

3343 (A) if one management-level employee serving under the county office has a
3344 higher-seniority management level than any other employee serving under the
3345 county office, that management-level employee;

3346 (B) if two or more management-level employees serving under the county office
3347 have the same and highest-seniority management level, the highest-seniority
3348 management-level employee with the most cumulative time served in the
3349 employee's current position; or

3350 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
3351 officer vacates the office, the county officer files with the county clerk a
3352 written statement designating one of the county officer's employees to
3353 discharge the county officer's duties in the event the county officer vacates the
3354 office, the designated employee.

3355 (b) Except as provided in Subsection (2)(c), a temporary manager described in
3356 Subsection (2)(a) who temporarily discharges the duties of a county office holds the
3357 powers and duties of the county office until the county legislative body appoints an
3358 interim replacement under Subsection (3).

3359 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges
3360 the duties of a county office:

- 3361 (i) may not take an oath of office for the county office as a temporary manager;
3362 (ii) shall comply with [~~Title 17, Chapter 36, Uniform Fiscal Procedures Act for~~
3363 ~~Counties~~] Title 17, Chapter 63, Fiscal Authority and Processes, and the county's
3364 budget ordinances and policies;
3365 (iii) unless approved by the county legislative body, may not change the
3366 compensation of an employee;
3367 (iv) unless approved by the county legislative body, may not promote or demote an
3368 employee or change an employee's job title;
3369 (v) may terminate an employee only if the termination is conducted in accordance
3370 with:
3371 (A) personnel rules described in Subsection [~~17-33-5(4)~~] 17-75-602(2) that are
3372 approved by the county legislative body; and
3373 (B) applicable law;
3374 (vi) unless approved by the county legislative body, may not exceed by more than 5%
3375 an expenditure that was planned before the county office for which the temporary
3376 manager discharges duties was vacated;
3377 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
3378 compensation; and
3379 (viii) if approved by the county legislative body, may receive a performance award
3380 after:
3381 (A) the county legislative body appoints an interim replacement under Subsection
3382 (3); and
3383 (B) the interim replacement is sworn into office.
3384 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
3385 body member.
3386 (3)(a) Until a replacement is selected as provided in this section and has qualified, the
3387 county legislative body shall appoint an interim replacement to fill the vacant office
3388 by following the procedures and requirements of this Subsection (3).
3389 (b) In addition to this Subsection (3), an interim replacement appointed to the office of
3390 county auditor in a county of the first class is subject to the requirements described in
3391 Section [~~17-19a-201.5~~] 17-69-202.
3392 (c)(i) To appoint an interim replacement, the county legislative body shall, within 10
3393 calendar days after the day on which the vacancy occurs, give notice of the
3394 vacancy to:

- 3395 (A) the county clerk; and
- 3396 (B) the party liaison of the same political party of the prior office holder.
- 3397 (ii) The county legislative body shall invite the party liaison described in Subsection
- 3398 (3)(c)(i)(B) to submit the name of an individual to fill the vacancy.
- 3399 (iii) The party liaison shall, no later than 5 p.m. on the first business day that is at
- 3400 least 30 calendar days after the day on which the party liaison receives the notice
- 3401 described in Subsection (3)(c)(i)(B), or if the party liaison does not receive the
- 3402 notice, no later than 5 p.m. on the first business day that is at least 40 calendar
- 3403 days after the day on which the vacancy occurs, submit to the county legislative
- 3404 body the name of an individual the party selects in accordance with the party's
- 3405 constitution or bylaws to serve as the interim replacement.
- 3406 (iv) The county legislative body shall, no later than seven calendar days after the day
- 3407 on which a party liaison submits the name of the individual to serve as the interim
- 3408 replacement, appoint the individual to serve out the unexpired term.
- 3409 (d)(i) If the county legislative body fails to appoint an interim replacement to fill the
- 3410 vacancy in accordance with Subsection (3)(c)(iv), the county clerk shall, no later
- 3411 than seven calendar days after the day of the deadline described in Subsection
- 3412 (3)(c)(iv), send to the governor a letter that:
- 3413 (A) informs the governor that the county legislative body has failed to appoint a
- 3414 replacement within the statutory time period; and
- 3415 (B) contains the name of the individual submitted by the party liaison to fill the
- 3416 vacancy.
- 3417 (ii) The governor shall, within 10 calendar days after the day on which the governor
- 3418 receives the letter described in Subsection (3)(d)(i), appoint the individual named
- 3419 by the party liaison as an interim replacement to fill the vacancy.
- 3420 (e) An individual appointed as interim replacement under this Subsection (3) shall hold
- 3421 office until a successor is elected and has qualified.
- 3422 (4)(a) The requirements of this Subsection (4) apply to all county offices that become
- 3423 vacant if:
- 3424 (i) the vacant office has an unexpired term of two years or more; and
- 3425 (ii) the vacancy occurs after the election at which the officeholder was elected, but
- 3426 before the first day of the declaration of candidacy filing period described in
- 3427 Section 20A-9-201.5.
- 3428 (b)(i) When the conditions described in Subsection (4)(a) are met, the county clerk

shall as soon as practicable, but no later than 180 calendar days before the next regular general election, notify the public and each registered political party that the vacancy exists.

(ii) An individual intending to become a party candidate for the vacant office shall file a declaration of candidacy in accordance with:

(A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

(B) for a county commission office, Subsection [~~17-52a-201(6)~~] 17-62-201(6) or [~~17-52a-202(6)~~] 17-62-202(6), if applicable.

(iii) An individual who is nominated as a party candidate, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

(5)(a) The requirements of this Subsection (5) apply to all county offices that become vacant if:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs on or after the first day of the declaration of candidacy filing period described in Section 20A-9-201.5, but more than 75 calendar days before the regular primary election.

(b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as soon as practicable, but no later than 70 calendar days before the next regular primary election, notify the public and each registered political party:

(i) that the vacancy exists; and

(ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established under Subsection (5)(d)(ii).

(c)(i) An individual intending to become a party candidate for a vacant office shall, no later than 5 p.m. on the first business day that is at least five calendar days after the day on which the notice is given, file a declaration of candidacy for the vacant office in accordance with:

(A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

(B) for a county commission office, Subsection [~~17-52a-201(6)~~] 17-62-201(6) or [~~17-52a-202(6)~~] 17-62-202(6), if applicable.

- 3463 (ii) The county central committee of each party shall:
- 3464 (A) select a candidate or candidates from among those qualified candidates who
- 3465 have filed declarations of candidacy; and
- 3466 (B) certify the name of the candidate or candidates to the county clerk as soon as
- 3467 practicable, but no later than 5 p.m. on the last business day that is at least 60
- 3468 calendar days before the day of the regular primary election.
- 3469 (d)(i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a
- 3470 candidate for a vacant office who does not wish to affiliate with a registered
- 3471 political party shall file a verified certificate of nomination described in Section
- 3472 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates
- 3473 not Affiliated with a Party.
- 3474 (ii)(A) The county clerk shall establish, in the clerk's reasonable discretion, a
- 3475 deadline that is no later than 5 p.m. on the last business day that is at least 65
- 3476 calendar days before the day of the next regular general election by which an
- 3477 individual who is not affiliated with a registered political party is required to
- 3478 submit a certificate of nomination under Subsection (5)(d)(i).
- 3479 (B) The county clerk shall establish the deadline described in Subsection
- 3480 (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal
- 3481 opportunity to access the regular general election ballot.
- 3482 (e) An individual who is nominated as a party candidate for the vacant office, who
- 3483 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
- 3484 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
- 3485 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
- 3486 general election.
- 3487 (6)(a) The requirements of this Subsection (6) apply to all county offices that become
- 3488 vacant:
- 3489 (i) if the vacant office has an unexpired term of two years or more; and
- 3490 (ii) when 75 calendar days or less remain before the day of the regular primary
- 3491 election but more than 65 calendar days remain before the day of the regular
- 3492 general election.
- 3493 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as
- 3494 soon as practicable, notify the public and each registered political party:
- 3495 (i) that the vacancy exists; and
- 3496 (ii) of the deadlines established under Subsection (6)(d).

- 3497 (c)(i) Before the deadline that the county clerk establishes under Subsection
3498 (6)(d)(i)(A), the county central committee of each registered political party that
3499 wishes to submit a candidate for the office shall certify the name of one candidate
3500 to the county clerk for placement on the regular general election ballot.
- 3501 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),
3502 a candidate who does not wish to affiliate with a registered political party shall file
3503 a verified certificate of nomination described in Section 20A-9-502 with the
3504 county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with
3505 a Party.
- 3506 (iii) Before the deadline that the county clerk establishes under Subsection
3507 (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of
3508 candidacy described in Section 20A-9-601.
- 3509 (d)(i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines
3510 that are no later than 5 p.m. on the last business day that is at least 65 calendar
3511 days before the day of the next regular general election by which:
- 3512 (A) a registered political party is required to certify a name under Subsection
3513 (6)(c)(i);
- 3514 (B) an individual who does not wish to affiliate with a registered political party is
3515 required to submit a certificate of nomination under Subsection (6)(c)(ii); and
- 3516 (C) a write-in candidate is required to submit a declaration of candidacy under
3517 Subsection (6)(c)(iii).
- 3518 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner
3519 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to
3520 access the regular general election ballot.
- 3521 (e) An individual who is certified as a party candidate for the vacant office, who
3522 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
3523 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
3524 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
3525 general election.
- 3526 (7)(a) The requirements of this Subsection (7) apply to all county offices that become
3527 vacant:
- 3528 (i) if the vacant office has an unexpired term of less than two years; or
- 3529 (ii) if the vacant office has an unexpired term of two years or more but 65 calendar
3530 days or less remain before the day of the next regular general election.

- (b)(i) When the conditions described in Subsection (7)(a) are met, the county legislative body shall as soon as practicable, but no later than 10 calendar days after the day on which the vacancy occurs, give notice of the vacancy to:
- (A) the county clerk; and
 - (B) the party liaison of the same political party as the prior office holder.
- (ii) The county legislative body shall invite the party liaison described in Subsection (7)(b)(i)(B) to submit the name of an individual to fill the vacancy.
- (iii) The party liaison shall, no later than 5 p.m. on the first business day that is at least 30 calendar days after the day on which the party liaison receives the notice described in Subsection (7)(b)(i)(B), or if the party liaison does not receive the notice, no later than 5 p.m. on the first business day that is at least 40 calendar days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual to fill the vacancy.
- (iv) The county legislative body shall, no later than seven calendar days after the day on which a party liaison submits the name of the individual to fill the vacancy, appoint the individual to serve out the unexpired term.
- (c)(i) If the county legislative body fails to appoint an individual to fill the vacancy in accordance with Subsection (7)(b)(iv), the county clerk shall send to the governor a letter that:
- (A) informs the governor that the county legislative body has failed to appoint an individual to fill the vacancy within the statutory time period; and
 - (B) contains the name of the individual submitted by the party liaison to fill the vacancy.
- (ii) The governor shall, within 10 calendar days after the day on which the governor receives the letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill the vacancy.
- (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office until a successor is elected and has qualified.
- (8) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.
- (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a political party from filing a certificate of nomination for a vacant office within the same time limits as a candidate that is affiliated with a political party.

- (10)(a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a county office shall serve for the remainder of the unexpired term of the individual who created the vacancy and until a successor is elected and qualified.
- (b) Nothing in this section may be construed to contradict or alter the provisions of Section ~~[17-16-6]~~ 17-66-202.
- (11)(a) Except as provided in Subsection (11)(b), for an individual seeking appointment to fill a vacancy described in Subsection (3) or (7) the individual shall, no later than the deadline for the individual to file a financial report under Section ~~[17-16-6.5]~~ 17-70-403:
- (i) complete a conflict of interest disclosure statement in accordance with Section ~~[17-16-1.5]~~ 17-70-304; and
 - (ii) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.
- (b) An individual described in Subsection (11)(a) is not required to comply with Subsection (11)(a) if the individual:
- (i) currently holds an office described in Subsection (1)(a)(i);
 - (ii) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (11)(b)(i), in accordance with Section ~~[17-16a-13]~~ 17-70-509; and
 - (iii) no later than the deadline described in Subsection (11)(a), indicates, in a written notice submitted to the county clerk, that the conflict of interest disclosure statement described in Subsection (11)(b)(ii) is updated and accurate as of the date of the written notice.
- (12)(a) The county clerk shall make each conflict of interest disclosure statement made by an individual described in Subsection (11)(a) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body:
- (i) appoints an interim replacement under Subsection (3); or
 - (ii) appoints an individual to fill a vacancy under Subsection (7).
- (b) The county clerk shall post the electronic statement described in Subsection (12)(a) no later than two business days after the day on which the county clerk receives the statement.
- (13) A vacancy in a county office does not occur unless the individual occupying the office:
- (a) has left the office; or

(b) submits an irrevocable letter of resignation to the county legislative body.

Section 51. Section **20A-1-509.1** is amended to read:

20A-1-509.1 (Effective 11/06/25). Procedure for filling midterm vacancy in county or district with 15 or more attorneys.

(1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2)(a) The requirements of this Subsection (2) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs before the first day of the declaration of candidacy filing period described in Section 20A-9-201.5.

(b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(c) All persons intending to become candidates for the vacant office shall:

(i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

(ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and

(iii) if elected, complete the unexpired term of the person who created the vacancy.

(d) If the vacancy occurs during the declaration of candidacy filing period described in Section 20A-9-201.5:

(i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until 5 p.m. on the first business day that is no later than seven calendar days after the last day of the filing period described in Section 20A-9-201.5; and

(ii) the county clerk shall notify the public and each registered political party that the vacancy exists.

(3)(a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than 75 calendar days before the regular primary election.

- 3633 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 3634 (i) notify the public and each registered political party that the vacancy exists; and
- 3635 (ii) identify the date and time by which a person interested in becoming a candidate
- 3636 shall file a declaration of candidacy.
- 3637 (c) All persons intending to become candidates for the vacant office shall:
- 3638 (i) no later than 5 p.m. on the first business day that is at least five calendar days after
- 3639 the day on which the county clerk gives the notice described in Subsection (3)(b)(i),
- 3640 file a declaration of candidacy for the vacant office as required by Chapter 9, Part
- 3641 2, Candidate Qualifications and Declarations of Candidacy; and
- 3642 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 3643 (d) The county central committee of each party shall:
- 3644 (i) select a candidate or candidates from among those qualified candidates who have
- 3645 filed declarations of candidacy; and
- 3646 (ii) certify the name of the candidate or candidates to the county clerk:
- 3647 (A) no later than 5 p.m. on the last business day that is at least 60 calendar days
- 3648 before the day of the regular primary election; or
- 3649 (B) electronically, before midnight no later than 60 calendar days before the day
- 3650 of the regular primary election.
- 3651 (4)(a) The requirements of this Subsection (4) apply when the office of county attorney
- 3652 or district attorney becomes vacant and:
- 3653 (i) the vacant office has an unexpired term of two years or more; and
- 3654 (ii) 75 calendar days or less remain before the regular primary election but more than
- 3655 65 calendar days remain before the regular general election.
- 3656 (b) When the conditions established in Subsection (4)(a) are met, the county central
- 3657 committees of each registered political party that wishes to submit a candidate for the
- 3658 office shall, not later than five calendar days after the day on which the vacancy
- 3659 occurs, certify the name of one candidate to the county clerk for placement on the
- 3660 regular general election ballot.
- 3661 (c) The candidate elected shall complete the unexpired term of the person who created
- 3662 the vacancy.
- 3663 (5)(a) The requirements of this Subsection (5) apply when the office of county attorney
- 3664 or district attorney becomes vacant and:
- 3665 (i) the vacant office has an unexpired term of less than two years; or
- 3666 (ii) the vacant office has an unexpired term of two years or more but 65 calendar days

- 3667 or less remain before the next regular general election.
- 3668 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
- 3669 body shall give notice of the vacancy to:
- 3670 (i) the county clerk; and
- 3671 (ii) the county central committee of the same political party of the prior officeholder.
- 3672 (c) The county legislative body shall invite the committee described in Subsection
- 3673 (5)(b)(ii) to submit the names of three nominees to fill the vacancy.
- 3674 (d) The county central committee shall, within 30 calendar days after the day on which
- 3675 the county legislative body gives the notice described in Subsection (5)(b)(ii), submit
- 3676 to the county legislative body the names of three nominees to fill the vacancy.
- 3677 (e) The county legislative body shall, within 45 calendar days after the vacancy occurs,
- 3678 appoint one of those nominees to serve out the unexpired term.
- 3679 (f) If the county legislative body fails to appoint a person to fill the vacancy within 45
- 3680 calendar days, the county clerk shall send to the governor a letter that:
- 3681 (i) informs the governor that the county legislative body has failed to appoint a
- 3682 person to fill the vacancy within the statutory time period; and
- 3683 (ii) contains the list of nominees submitted by the party central committee.
- 3684 (g) The governor shall appoint a person to fill the vacancy from that list of nominees
- 3685 within 30 calendar days after the day on which the governor receives the letter
- 3686 described in Subsection (5)(f).
- 3687 (h) A person appointed to fill the vacancy under this Subsection (5) shall complete the
- 3688 unexpired term of the person who created the vacancy.
- 3689 (6) A person seeking appointment to fill a vacancy described in Subsection (5)(a) shall, no
- 3690 later than the deadline for the person to file a financial report under Section [~~17-16-6.5~~
- 3691 17-70-403:
- 3692 (a) complete a conflict of interest disclosure statement in accordance with Section [
- 3693 ~~17-16-1.5~~ 17-70-304; and
- 3694 (b) submit the conflict of interest disclosure statement to the county legislative body and
- 3695 the county clerk.
- 3696 (7)(a) The county clerk shall make each conflict of interest disclosure statement made by
- 3697 a person described in Subsection (6) available for public inspection by posting an
- 3698 electronic copy of the statement on the county's website for at least 10 calendar days
- 3699 after the day on which the county legislative body appoints a person to fill the
- 3700 vacancy.

(b) The county clerk shall post the electronic statement described in Subsection (7)(a) no later than two business days after the day on which the county clerk receives the statement.

(8) A vacancy in the office described in Subsection (1) does not occur unless the person occupying the office:

(a) has left the office; or

(b) submits an irrevocable letter of resignation to the county legislative body.

(9) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

Section 52. Section **20A-1-509.2** is amended to read:

20A-1-509.2 (Effective 11/06/25). Procedure for filling vacancy in county or district with fewer than 15 attorneys.

(1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by the failure of a person to file as a candidate for the office of county or district attorney in an election, in a county or district having fewer than 15 attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2) The county clerk shall send a letter to each attorney residing in the county or district who is a licensed, active member in good standing with the Utah State Bar and a registered voter that:

(a) informs the attorney of the vacancy;

(b) invites the attorney to apply for the vacancy; and

(c) informs the attorney that if the attorney does not respond before 5 p.m. on the first business day that is at least 10 calendar days after the day on which the county clerk sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

(3)(a)(i) If, before the deadline described in Subsection (2)(c), more than three attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county clerk shall, except as provided in Subsection (3)(a)(ii), submit the applications to the county central committee of the same political party of the prior officeholder.

(ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central committee of each county within the prosecution district.

(b) The central committee shall nominate three of the applicants and forward the

- 3735 applicants' names to the county legislative body no later than 5 p.m. on the first
3736 business day that is at least 20 calendar days after the day on which the county clerk
3737 submits the applicants' names under Subsection (3)(a).
- 3738 (c) The county legislative body shall appoint one of the nominees to fill the vacant
3739 position.
- 3740 (d) If the central committee of the political party fails to submit at least three names to
3741 the county legislative body before the deadline described in Subsection (3)(b), the
3742 county legislative body shall appoint one of the applicants to fill the vacant position.
- 3743 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120
3744 calendar days after the day on which the vacancy occurs, the county clerk shall mail
3745 to the governor:
- 3746 (i) a letter informing the governor that the county legislative body has failed to
3747 appoint a person to fill the vacancy; and
- 3748 (ii)(A) the list of nominees, if any, submitted by the central committee of the
3749 political party; or
- 3750 (B) if the party central committee has not submitted a list of at least three
3751 nominees within the required time, the names of the persons who submitted
3752 applications for the vacant position to the county clerk.
- 3753 (f) The governor shall appoint, within 30 calendar days after the day on which the
3754 governor receives the letter described in Subsection (3)(e), a person from the list to
3755 fill the vacancy.
- 3756 (4)(a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who
3757 are licensed, active members in good standing with the Utah State Bar and registered
3758 voters in the county or district have applied for the vacancy, the county legislative
3759 body may:
- 3760 (i) appoint one of them to be county or district attorney; or
- 3761 (ii) solicit additional applicants and appoint a county or district attorney as provided
3762 in Subsection (4)(b).
- 3763 (b)(i) If three or fewer attorneys who are licensed members in good standing of the
3764 Utah State Bar and registered voters in the county or district submit applications,
3765 the county legislative body may publicly solicit and accept additional applications
3766 for the position from licensed, active members in good standing of the Utah State
3767 Bar who are not residents of the county or prosecution district.
- 3768 (ii) The county legislative body shall consider the applications submitted by the

attorneys who are residents of and registered voters in the county or prosecution district and the applications submitted by the attorneys who are not residents of the county or prosecution district and shall appoint one of the applicants to be county attorney or district attorney.

(c) If the legislative body fails to appoint a person to fill the vacancy within 120 calendar days after the day on which the vacancy occurs, the county clerk shall:

(i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and

(ii) provide the governor with a list of all the applicants.

(d) The governor shall appoint a person to fill the vacancy within 30 calendar days after the day on which the governor receives the notification described in Subsection (4)(c).

(5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.

(6) A person seeking appointment to fill a vacancy under this section shall, no later than the deadline for the person to file a financial report under Section ~~[17-16-6.5]~~ 17-70-403:

(a) complete a conflict of interest disclosure statement in accordance with Section ~~[17-16-1.5]~~ 17-70-304; and

(b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.

(7)(a) The county clerk shall make each conflict of interest disclosure statement made by a person described in Subsection (6) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body appoints a person to fill the vacancy.

(b) The county clerk shall post the electronic statement described in Subsection (7)(a) no later than two business days after the day on which the county clerk receives the statement.

(8) A vacancy in the office described in Subsection (1) does not occur until the person occupying the office:

(a) has left the office; or

(b) submits an irrevocable letter of resignation to the county legislative body.

Section 53. Section **20A-1-511** is amended to read:

20A-1-511 (Effective 11/06/25). Midterm vacancy on a local school board.

(1)(a) A local school board shall fill a vacancy on the local school board by

3803 appointment, except as otherwise provided in Subsections (1)(b) and (2).

3804 (b) The county legislative body, or municipal legislative body in a city district, shall fill
3805 a vacancy on a local school board by appointment if the local school board fails to
3806 make an appointment to fill the vacancy:

3807 (i) except as provided in Subsection (1)(b)(ii), within 30 calendar days after a
3808 vacancy occurs on the local school board; or

3809 (ii) within 45 calendar days after a vacancy occurs on the local school board due to
3810 the death of a local school board member.

3811 (c) A member appointed and qualified under this Subsection (1) shall serve until a
3812 successor is elected or appointed and qualified.

3813 (2)(a) A vacancy on the board shall be filled by an interim appointment, followed by an
3814 election to fill a two-year term if:

3815 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
3816 at least 14 calendar days before the deadline for filing a declaration of candidacy;
3817 and

3818 (ii) two years of the vacated term will remain after the first Monday of January
3819 following the next school board election.

3820 (b) A member elected under this Subsection (2) shall serve for the remaining two years
3821 of the vacated term and until a successor is elected and qualified.

3822 (3) Before appointing an individual to fill a vacancy under this section, the local school
3823 board shall:

3824 (a) immediately notify the county clerk;

3825 (b) give public notice of the vacancy at least two weeks before the local school board
3826 meets to fill the vacancy;

3827 (c) identify, in the public notice:

3828 (i) the date, time, and place of the meeting where the vacancy will be filled; and

3829 (ii) the person to whom and the date and time before which an individual interested in
3830 being appointed to fill the vacancy may submit the individual's name for
3831 consideration; and

3832 (d) in an open meeting, interview each individual whose name is submitted for
3833 consideration and who meets the qualifications for office, regarding the individual's
3834 qualifications.

3835 (4)(a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill
3836 a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member

of the local school board submits a letter of resignation.

(b) An individual appointed under Subsection (4)(a) may not take office until on or after the day on which the vacancy occurs for which the individual is appointed.

(c) A member of a local school board who submits a letter of resignation under Subsection (4)(a) may not rescind the resignation after the local school board makes an appointment to fill the vacancy created by the resignation.

(5) An individual seeking appointment to fill a vacancy on a local school board shall, no later than the deadline for the individual to file a financial report under Section [~~17-16-6.5~~] 17-70-403:

(a) complete a conflict of interest disclosure statement in accordance with Section [~~17-16-1.5~~] 17-70-304; and

(b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.

(6)(a) The county clerk shall make each conflict of interest disclosure statement made by an individual described in Subsection (5) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body appoints an individual to fill the vacancy.

(b) The county clerk shall post the electronic statement described in Subsection (6)(a) no later than two business days after the day on which the county clerk receives the statement.

Section 54. Section **20A-1-1001** is amended to read:

20A-1-1001 (Effective 11/06/25). Definitions.

As used in this part:

(1)(a) "Clerk" means the lieutenant governor, a county clerk, municipal clerk, town clerk, city recorder, or municipal recorder.

(b) "Clerk" includes a board of trustees under Title 17B, Chapter 1, Provisions Applicable to All Special Districts.

(2) "Local petition" means:

(a) a manual or electronic local initiative petition described in Chapter 7, Part 5, Local Initiatives - Procedures; or

(b) a manual or electronic local referendum petition described in Chapter 7, Part 6, Local Referenda - Procedures.

(3) "Petition" means one of the following written requests, signed by registered voters,

- 3871 appealing to an authority with respect to a particular cause:
- 3872 (a) a local petition;
- 3873 (b) a petition to consolidate two or more municipalities under Section 10-2-601;
- 3874 (c) a petition for disincorporation of a municipality under Section 10-2-701;
- 3875 (d) a petition to incorporate a proposed municipality under Section 10-2a-208;
- 3876 (e) a petition to consolidate adjoining counties under Section [17-2-103] 17-61-201;
- 3877 (f) a petition to annex a portion of a county to an adjoining county under Section [
- 3878 17-2-203] 17-61-301;
- 3879 (g) a petition for the creation of a new county under Section [17-3-1] 17-61-401;
- 3880 (h) a petition for the removal of a county seat under Section [17-11-2] 17-60-302;
- 3881 (i) a petition for the adoption of an optional plan under Section [17-52a-303] 17-62-303;
- 3882 (j) a petition for the repeal of an optional plan under Section [17-52a-505] 17-62-505;
- 3883 (k) a petition to create a special district under Section 17B-1-203;
- 3884 (l) a petition to withdraw an area from a special district under Section 17B-1-504;
- 3885 (m) a petition to dissolve a special district under Section 17B-1-1303;
- 3886 (n) a petition for issuance of local building authority bonds under Section 17D-2-502;
- 3887 (o) a petition to become a registered political party under Section 20A-8-103;
- 3888 (p) a nomination petition for municipal office under Section 20A-9-203;
- 3889 (q) a nomination petition for a regular primary election under Subsection
- 3890 20A-9-403(3)(a) and Section 20A-9-405;
- 3891 (r) a petition for a political party to qualify as a municipal political party under Section
- 3892 20A-9-404;
- 3893 (s) a petition for the nomination of a qualified political party under Section 20A-9-408;
- 3894 (t) a nomination petition for a candidate not affiliated with a political party under
- 3895 Section 20A-9-502;
- 3896 (u) a nomination petition to become a delegate to a ratification convention under Section
- 3897 20A-15-103;
- 3898 (v) a petition to create a new school district under Section 53G-3-301;
- 3899 (w) a petition to consolidate school districts under Section 53G-3-401;
- 3900 (x) a petition to transfer a portion of a school district to another district under Section
- 3901 53G-3-501;
- 3902 (y) a petition to determine whether a privatization project agreement should be approved
- 3903 under Section 73-10d-4; or
- 3904 (z) a statewide petition.

(4) "Statewide petition" means:

- (a) a manual or electronic statewide initiative petition described in Chapter 7, Part 2, Statewide Initiatives; or
- (b) a manual or electronic statewide referendum petition described in Chapter 7, Part 3, Statewide Referenda.

(5)(a) "Substantially similar name" means:

- (i) the given name, the surname, or both, provided by the individual with the individual's petition signature, contain only minor spelling differences when compared to the given name and surname shown on the official register;
 - (ii) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;
 - (iii) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or
 - (iv) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.
- (b) "Substantially similar name" does not include a name having an initial or a middle name provided by the individual with the individual's petition signature that does not match a different initial or middle name shown on the official register.

Section 55. Section **20A-7-101** is amended to read:

20A-7-101 (Effective 11/06/25). Definitions.

As used in this chapter:

- (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to gather signatures for the electronic initiative process, the electronic referendum process, or the electronic candidate qualification process.
- (2) "Budget officer" means:
 - (a) for a county, the person designated as finance officer as defined in Section ~~17-36-3~~ 17-63-101;

- 3939 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); or
3940 (c) for a town, the town council.
- 3941 (3) "Certified" means that the county clerk has acknowledged a signature as being the
3942 signature of a registered voter.
- 3943 (4) "Circulation" means the process of submitting an initiative petition or a referendum
3944 petition to legal voters for their signature.
- 3945 (5) "Electronic initiative process" means:
3946 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215
3947 and 20A-21-201, for gathering signatures; or
3948 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and
3949 20A-21-201, for gathering signatures.
- 3950 (6) "Electronic referendum process" means:
3951 (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313
3952 and 20A-21-201, for gathering signatures; or
3953 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and
3954 20A-21-201, for gathering signatures.
- 3955 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or
3956 town that is holding an election on a ballot proposition.
- 3957 (8) "Final fiscal impact statement" means a financial statement prepared after voters
3958 approve an initiative that contains the information required by Subsection 20A-7-202.5
3959 (2) or 20A-7-502.5(2).
- 3960 (9) "Initial fiscal impact statement" means a financial statement prepared under Section
3961 20A-7-202.5 after the filing of a statewide initiative application.
- 3962 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
3963 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
3964 referendum.
- 3965 (11) "Initiative" means a new law proposed for adoption by the public as provided in this
3966 chapter.
- 3967 (12) "Initiative application" means:
3968 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
3969 includes all the information, statements, documents, and notarized signatures
3970 required under Subsection 20A-7-202(2); or
3971 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
3972 includes all the information, statements, documents, and notarized signatures

required under Subsection 20A-7-502(2).

(13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.

(14) "Initiative petition":

(a) as it relates to a statewide initiative, using the manual initiative process:

(i) means the form described in Subsection 20A-7-203(2)(a), petitioning for

submission of the initiative to the Legislature or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in

Subsection 20A-7-203(2)(b);

(b) as it relates to a statewide initiative, using the electronic initiative process:

(i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for

submission of the initiative to the Legislature or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in

Subsection 20A-7-215(5)(b);

(c) as it relates to a local initiative, using the manual initiative process:

(i) means the form described in Subsection 20A-7-503(2)(a), petitioning for

submission of the initiative to the legislative body or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in

Subsection 20A-7-503(2)(b); or

(d) as it relates to a local initiative, using the electronic initiative process:

(i) means the form described in Subsection 20A-7-514(2)(a), petitioning for

submission of the initiative to the legislative body or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in

Subsection 20A-7-514(4)(a).

(15)(a) "Land use law" means a law of general applicability, enacted based on the

weighing of broad, competing policy considerations, that relates to the use of land,

including a land use regulation, a general plan, a land use development code, an

annexation ordinance, the rezoning of a single property or multiple properties, or a

comprehensive zoning ordinance or resolution.

(b) "Land use law" does not include a land use decision, as defined in Section [~~10-9a-103~~]

~~10-20-102~~ or [~~17-27a-103~~] ~~17-79-102~~.

(16) "Legal signatures" means the number of signatures of legal voters that:

(a) meet the numerical requirements of this chapter; and

(b) have been obtained, certified, and verified as provided in this chapter.

- 4007 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 4008 (18) "Legally referable to voters" means:
- 4009 (a) for a proposed local initiative, that the proposed local initiative is legally referable to
- 4010 voters under Section 20A-7-502.7; or
- 4011 (b) for a proposed local referendum, that the proposed local referendum is legally
- 4012 referable to voters under Section 20A-7-602.7.
- 4013 (19) "Local attorney" means the county attorney, city attorney, or town attorney in whose
- 4014 jurisdiction a local initiative or referendum petition is circulated.
- 4015 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction
- 4016 a local initiative or referendum petition is circulated.
- 4017 (21)(a) "Local law" includes:
- 4018 (i) an ordinance;
- 4019 (ii) a resolution;
- 4020 (iii) a land use law;
- 4021 (iv) a land use regulation, as defined in Section [~~10-9a-103~~] 10-20-102; or
- 4022 (v) other legislative action of a local legislative body.
- 4023 (b) "Local law" does not include a land use decision, as defined in Section [~~10-9a-103~~]
- 4024 10-20-102.
- 4025 (22) "Local legislative body" means the legislative body of a county, city, or town.
- 4026 (23) "Local obligation law" means a local law passed by the local legislative body
- 4027 regarding a bond that was approved by a majority of qualified voters in an election.
- 4028 (24) "Local tax law" means a law, passed by a political subdivision with an annual or
- 4029 biannual calendar fiscal year, that increases a tax or imposes a new tax.
- 4030 (25) "Manual initiative process" means the process for gathering signatures for an initiative
- 4031 using paper signature packets that a signer physically signs.
- 4032 (26) "Manual referendum process" means the process for gathering signatures for a
- 4033 referendum using paper signature packets that a signer physically signs.
- 4034 (27)(a) "Measure" means a proposed constitutional amendment, an initiative, or
- 4035 referendum.
- 4036 (b) "Measure" does not include a ballot proposition for the creation of a new school
- 4037 district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- 4038 (28) "Presiding officers" means the president of the Senate and the speaker of the House of
- 4039 Representatives.
- 4040 (29) "Referendum" means a process by which a law passed by the Legislature or by a local

legislative body is submitted or referred to the voters for their approval or rejection.

(30) "Referendum application" means:

- (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-302(2); or
- (b) for a local referendum, an application described in Subsection 20A-7-602(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-602(2).

(31) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

(32) "Referendum petition" means:

- (a) as it relates to a statewide referendum, using the manual referendum process, the form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;
- (b) as it relates to a statewide referendum, using the electronic referendum process, the form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;
- (c) as it relates to a local referendum, using the manual referendum process, the form described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to legal voters for their approval or rejection; or
- (d) as it relates to a local referendum, using the electronic referendum process, the form described in Subsection 20A-7-614(2), petitioning for submission of a local law to legal voters for their approval or rejection.

(33) "Signature":

(a) for a statewide initiative:

(i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual initiative process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-203;

(B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's

identity will be verified by an alternate verification process described in
Section 20A-7-106; and

(C) does not include an electronic signature;

(b) for a statewide referendum:

(i) as it relates to the electronic referendum process, means an electronic signature
collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual referendum process:

(A) means a holographic signature collected physically on a signature sheet
described in Section 20A-7-303;

(B) as it relates to an individual who, due to a qualifying disability under the
Americans with Disabilities Act, is unable to fill out the signature sheet or to
sign the voter's name consistently, the initials "AV," indicating that the voter's
identity will be verified by an alternate verification process described in
Section 20A-7-106; and

(C) does not include an electronic signature;

(c) for a local initiative:

(i) as it relates to the electronic initiative process, means an electronic signature
collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual initiative process:

(A) means a holographic signature collected physically on a signature sheet
described in Section 20A-7-503;

(B) as it relates to an individual who, due to a qualifying disability under the
Americans with Disabilities Act, is unable to fill out the signature sheet or to
sign the voter's name consistently, the initials "AV," indicating that the voter's
identity will be verified by an alternate verification process described in
Section 20A-7-106; and

(C) does not include an electronic signature; or

(d) for a local referendum:

(i) as it relates to the electronic referendum process, means an electronic signature
collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual referendum process:

(A) means a holographic signature collected physically on a signature sheet
described in Section 20A-7-603;

(B) as it relates to an individual who, due to a qualifying disability under the

Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and

(C) does not include an electronic signature.

(34) "Signature sheets" means sheets in the form required by this chapter that are used under the manual initiative process or the manual referendum process to collect signatures in support of an initiative or referendum.

(35) "Special local ballot proposition" means a local ballot proposition that is not a standard local ballot proposition.

(36) "Sponsors" means the legal voters who support the initiative or referendum and who sign the initiative application or referendum application.

(37)(a) "Standard local ballot proposition" means a local ballot proposition for an initiative or a referendum.

(b) "Standard local ballot proposition" does not include a property tax referendum described in Section 20A-7-613.

(38) "Tax percentage difference" means the difference between the tax rate proposed by an initiative or an initiative petition and the current tax rate.

(39) "Tax percentage increase" means a number calculated by dividing the tax percentage difference by the current tax rate and rounding the result to the nearest thousandth.

(40) "Verified" means acknowledged by the person circulating the petition as required in Section 20A-7-105.

Section 56. Section **20A-7-602.8** is amended to read:

20A-7-602.8 (Effective 11/06/25). Referability to voters of local land use law.

(1) Within 20 calendar days after the day on which a referendum eligible voter files an application under Section 20A-7-602 for a land use law, counsel for the county, city, or town to which the referendum pertains shall:

(a) review the referendum application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2)(a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally referable to voters unless:

- 4143 (i) the proposed referendum challenges an action that is administrative, rather than
4144 legislative, in nature;
- 4145 (ii) the proposed referendum challenges a land use decision, rather than a land use
4146 regulation, as those terms are defined in Section ~~[10-9a-103]~~ 10-20-102 or [
4147 ~~17-27a-103]~~ 17-79-102;
- 4148 (iii) the proposed referendum challenges more than one law passed by the local
4149 legislative body; or
- 4150 (iv) the referendum application was not timely filed or does not comply with the
4151 requirements of this part.
- 4152 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not
4153 legally referable to voters for a:
- 4154 (i) municipal land use law, as defined in Section 20A-7-101, if the land use law was
4155 passed by a unanimous vote of the local legislative body; or
- 4156 (ii) transit area land use law, as defined in Section 20A-7-601, if the transit area land
4157 use law was passed by a two-thirds vote of the local legislative body.
- 4158 (3) After the end of the 20-calendar-day period described in Subsection (1), a county, city,
4159 or town may not, for a land use law:
- 4160 (a) reject a proposed referendum as not legally referable to voters; or
- 4161 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
4162 proposed referendum on the grounds that the proposed referendum is not legally
4163 referable to voters.
- 4164 (4)(a) If a county, city, or town rejects a proposed referendum concerning a land use
4165 law, a sponsor of the proposed referendum may, within seven days after the day on
4166 which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision
4167 to:
- 4168 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 4169 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
4170 under Subsection (4)(a)(i).
- 4171 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
4172 terminates the referendum.
- 4173 (5) If, on challenge or appeal, the court determines that the proposed referendum is legally
4174 referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give
4175 the sponsors access to the website defined in Section 20A-21-101, within five calendar
4176 days after the day on which the determination, and any challenge or appeal of the

determination, is final.

Section 57. Section **20A-7-607** is amended to read:

20A-7-607 (Effective 11/06/25). Evaluation by the local clerk -- Determination of election for vote on referendum.

- (1) In relation to the manual referendum process, when the local clerk receives a referendum packet from a county clerk, the local clerk shall record the number of the referendum packet received.
- (2) The county clerk shall:
 - (a) in relation to the manual referendum process:
 - (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 calendar days; and
 - (ii) update on the local clerk's website the number of signatures certified as of the date of the update; or
 - (b) in relation to the electronic referendum process:
 - (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 calendar days; and
 - (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.
- (3) The local clerk:
 - (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be sufficient or insufficient:
 - (i) in relation to the manual referendum process, no later than 111 calendar days after the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to the county clerk; or
 - (ii) in relation to the electronic referendum process, no later than 111 calendar days after the day of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or
 - (b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:
 - (i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted referendum packets that have been certified by the

county clerk, plus the number of signatures on timely and lawfully submitted referendum packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601;

(ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601; or

(iii) a requirement of this part has not been met.

(4)(a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

(b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the referendum petition the word "insufficient."

(c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

(d) After a referendum petition is declared insufficient, a person may not submit additional signatures to qualify the referendum for the ballot.

(5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter may, no later than 10 days after the day on which the local clerk declares the referendum petition insufficient, apply to the appropriate court for an order finding the referendum petition legally sufficient.

(b) If the court determines that the referendum petition is legally sufficient, the local clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the referendum petition should have been declared sufficient by the local clerk's office.

(c) If the court determines that a referendum petition filed is not legally sufficient, the court may enjoin the local clerk and all other officers from:

(i) certifying or printing the ballot title and numbers of that referendum on the official ballot for the next election; or

(ii) as it relates to a local tax law that is conducted entirely by mail, certifying,

printing, or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.

(6) A referendum petition determined to be sufficient in accordance with this section is qualified for the ballot.

(7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to legislative action taken after April 15, the election officer may not place the referendum on an election ballot until a primary election, a general election, or a special election the following year.

(b) The election officer may place a referendum described in Subsection (7)(a) on the ballot for a special, primary, or general election held during the year that the legislative action was taken if the following agree, in writing, on a timeline to place the referendum on that ballot:

(i) the local clerk;

(ii) the county clerk; and

(iii) the attorney for the county or municipality that took the legislative action.

(c) For a referendum on a land use law, if, before August 30, the local clerk or a court determines that the total number of certified names equals or exceeds the number of signatures required in Section 20A-7-601, the election officer shall place the referendum on the election ballot for:

(i) the next general election; or

(ii) another election, if the following agree, in writing, on a timeline to place the referendum on that ballot:

(A) the affected owners, as defined in Section [~~10-9a-103~~] 10-20-102 or [~~17-27a-103~~] 17-79-102, as applicable;

(B) the local clerk;

(C) the county clerk; and

(D) the attorney for the county or municipality that took the legislative action.

Section 58. Section **20A-9-409** is amended to read:

20A-9-409 (Effective 11/06/25). Primary election provisions relating to qualified political party.

(1) The regular primary election is held on the date specified in Section 20A-1-201.5.

(2)(a) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not required to, participate in the

primary election for that office.

(b) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407, may, but is not required to, participate in the primary election for that office.

(c) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.

(d) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.

(3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section ~~[17-52a-201]~~ 17-62-201 or ~~[17-52a-202]~~ 17-62-202, a qualified political party shall participate in the primary election for a county commission office if:

(a) there is more than one:

(i) open position as defined in Section ~~[17-52a-201]~~ 17-62-201; or

(ii) midterm vacancy as defined in Section ~~[17-52a-201]~~ 17-62-201; and

(b) the number of candidates nominated under Section 20A-9-407 or qualified under Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number of respective open positions or midterm vacancies.

(4)(a) As used in this Subsection (4), a candidate is "unopposed" if:

(i) no individual other than the candidate receives a certification, from the appropriate filing officer, for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

(ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

(b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:

(i) provide to the county clerks:

(A) a list of the names of all candidates for federal, constitutional, multi-county,

single county, and county offices who have received certifications from the appropriate filing officer, along with instructions on how those names shall appear on the primary election ballot in accordance with Sections 20A-6-109 and 20A-6-110; and

(B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and

(ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.

(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after the fourth Saturday in April.

Section 59. Section **20A-11-103** is amended to read:

20A-11-103 (Effective 11/06/25) (Superseded 01/01/26). Notice of pending interim and summary reports -- Form of submission -- Public availability -- Notice of reporting and filing requirements.

(1)(a) Except as provided under Subsection (1)(b), on the last business day that is at least 10 calendar days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by electronic mail unless postal mail is requested:

(i) that the financial statement is due;

(ii) of the date that the financial statement is due; and

(iii) of the penalty for failing to file the financial statement.

(b) The chief election officer is not required to provide notice:

(i) to a candidate or political party of the financial statement that is due before the candidate's or political party's political convention;

(ii) of a financial statement due in connection with a public hearing for an initiative under the requirements of Section 20A-7-204.1; or

(iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

(2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.

(3)(a) A financial statement is considered timely filed if the financial statement is received by the chief election officer's office before midnight, Mountain Time, at the end of the day on which the financial statement is due.

(b) For a county clerk's office that is not open until midnight at the end of the day on which a financial statement is due, the county clerk shall permit a candidate to file

the financial statement via email or another electronic means designated by the county clerk.

(c) A chief election officer may extend the time in which a filing entity is required to file a financial statement if a filing entity notifies the chief election officer of the existence of an extenuating circumstance that is outside the control of the filing entity.

(4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the lieutenant governor shall:

(a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and

(b) post on a website established by the lieutenant governor:

(i) an electronic copy or the contents of each summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date on which the summary report or interim report is electronically filed; or

(ii) for a campaign finance statement filed under the requirements of Section 10-3-208, for a municipality, or Section ~~[17-16-6.5]~~ 17-70-403, for a county, a link to the municipal or county website that hosts the campaign finance statement, no later than seven business days after the date on which the lieutenant governor receives the link from:

(A) the municipal clerk or recorder, in accordance with Subsection 10-3-208(11)(b)(ii); or

(B) the county clerk, in accordance with Subsection ~~[17-16-6.5(21)(b)(ii)]~~ 17-70-403(21)(b)(ii).

(5) Between January 1 and January 15 of each year, the chief election officer shall provide notice, by postal mail or email, to each filing entity for which the chief election officer has a physical or email address, of the reporting and filing requirements described in this chapter.

Section 60. Section **20A-11-103** is amended to read:

20A-11-103 (Effective 01/01/26). Notice of pending interim and summary reports -- Form of submission -- Public availability -- Notice of reporting and filing requirements.

(1)(a) Except as provided under Subsection (1)(b), on the last business day that is at least 10 calendar days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by electronic mail unless postal mail is requested:

- 4381 (i) that the financial statement is due;
4382 (ii) of the date that the financial statement is due; and
4383 (iii) of the penalty for failing to file the financial statement.
- 4384 (b) The chief election officer is not required to provide notice:
4385 (i) to a candidate or political party of the financial statement that is due before the
4386 candidate's or political party's political convention;
4387 (ii) of a financial statement due in connection with a public hearing for an initiative
4388 under the requirements of Section 20A-7-204.1; or
4389 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.
- 4390 (2) A filing entity shall electronically file a financial statement via electronic mail or the
4391 Internet according to specifications established by the chief election officer.
- 4392 (3)(a) A financial statement is considered timely filed if the financial statement is
4393 received by the chief election officer's office before midnight, Mountain Time, at the
4394 end of the day on which the financial statement is due.
- 4395 (b) For a county clerk's office that is not open until midnight at the end of the day on
4396 which a financial statement is due, the county clerk shall permit a candidate to file
4397 the financial statement via email or another electronic means designated by the
4398 county clerk.
- 4399 (c) A chief election officer may extend the time in which a filing entity is required to file
4400 a financial statement if a filing entity notifies the chief election officer of the
4401 existence of an extenuating circumstance that is outside the control of the filing entity.
- 4402 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
4403 and Management Act, the lieutenant governor shall:
- 4404 (a) make each campaign finance statement filed by a candidate available for public
4405 inspection and copying no later than one business day after the statement is filed; and
4406 (b) post on a website established by the lieutenant governor:
4407 (i) an electronic copy or the contents of each summary report or interim report filed
4408 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention
4409 Elections, no later than three business days after the date on which the summary
4410 report or interim report is electronically filed; or
4411 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208,
4412 for a municipality, or Section [17-16-6.5] 11-70-403, for a county, a link to the
4413 municipal or county website that hosts the campaign finance statement, no later
4414 than seven business days after the date on which the lieutenant governor receives

the link from:

(A) the municipal clerk or recorder, in accordance with Subsection 10-3-208(11)(b)(ii); or

(B) the county clerk, in accordance with Subsection [~~17-16-6.5(21)(b)(ii)~~] 17-70-403(21)(b)(ii).

(5) The lieutenant governor shall provide, on the website described in Subsection (4)(b), the ability for an individual to search across disclosures made by all filing entities to identify contributions or expenditures made by a specific person.

(6) Between January 1 and January 15 of each year, the chief election officer shall provide notice, by postal mail or email, to each filing entity for which the chief election officer has a physical or email address, of the reporting and filing requirements described in this chapter.

Section 61. Section **20A-11-701.5** is amended to read:

20A-11-701.5 (Effective 11/06/25). Campaign financial reporting by corporations -- Filing requirements -- Statement contents.

(1)(a) Each corporation that has made expenditures for political purposes that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:

- (i) on January 10, reporting expenditures as of December 31 of the previous year;
- (ii) seven calendar days before the state political convention for each major political party;
- (iii) seven calendar days before the regular primary election date;
- (iv) on September 30; and
- (v) seven calendar days before the regular general election date.

(b) The corporation shall report:

- (i) a detailed listing of all expenditures made since the last financial statement;
- (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all expenditures as of five calendar days before the required filing date of the financial statement; and
- (iii) whether the corporation, including an officer of the corporation, director of the corporation, or person with at least 10% ownership in the corporation:
 - (A) has bid since the last financial statement on a contract, as defined in Section 63G-6a-103, in excess of \$100,000;
 - (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess

of \$100,000; or

(C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.

(c) The corporation need not file a financial statement under this section if the corporation made no expenditures during the reporting period.

(d) The corporation is not required to report an expenditure made to, or on behalf of, a reporting entity that the reporting entity is required to include in a financial statement described in this chapter, Chapter 12, Part 2, Judicial Retention Elections, Section 10-3-208, or Section [17-16-6.5] 17-70-403.

(2) The financial statement shall include:

(a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;

(b) the total amount of expenditures disbursed by the corporation; and

(c) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the financial statement.

Section 62. Section **20A-11-1602** is amended to read:

20A-11-1602 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Conflict of interest" means an action that is taken by a regulated officeholder that the officeholder reasonably believes may cause direct financial benefit or detriment to the officeholder, a member of the officeholder's immediate family, or an individual or entity that the officeholder is required to disclose under the provisions of this section, if that benefit or detriment is distinguishable from the effects of that action on the public or on the officeholder's profession, occupation, or association generally.

(2) "Conflict of interest disclosure" means a disclosure, on the website, of all information required under Section 20A-11-1604.

(3) "Entity" means a corporation, a partnership, a limited liability company, a limited partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint venture, a governmental entity, an unincorporated organization, or any other legal entity, regardless of whether it is established primarily for the purpose of gain or economic profit.

(4) "Local official" means:

(a) an elected officer of:

(i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and

4483 Employees' Ethics Act; or

4484 (ii) a county under [~~Title 17, Chapter 16a, County Officers and Employees~~
4485 ~~Disclosure Act~~] Title 17, Chapter 70, Part 5, Disclosure Duties Applicable to All
4486 County Officers;

4487 (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and
4488 Employees' Ethics Act; or

4489 (c) another individual:

4490 (i) who is not a regulated officeholder; and

4491 (ii) who is required to annually make a conflict of interest disclosure in accordance
4492 with Subsection 20A-11-1604(6).

4493 (5) "Filing officer" means:

4494 (a) the lieutenant governor, for the office of a state constitutional officer or State Board
4495 of Education member; or

4496 (b) the lieutenant governor or the county clerk in the county of the candidate's residence,
4497 for a state legislative office.

4498 (6) "Immediate family" means the regulated officeholder's spouse, a child living in the
4499 regulated officeholder's immediate household, or an individual claimed as a dependent
4500 for state or federal income tax purposes by the regulated officeholder.

4501 (7) "Income" means earnings, compensation, or any other payment made to an individual
4502 for gain, regardless of source, whether denominated as wages, salary, commission, pay,
4503 bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
4504 reimbursement, dividends, or otherwise.

4505 (8)(a) "Owner or officer" means an individual who owns an ownership interest in an
4506 entity or holds a position where the person has authority to manage, direct, control, or
4507 make decisions for:

4508 (i) the entity or a portion of the entity; or

4509 (ii) an employee, agent, or independent contractor of the entity.

4510 (b) "Owner or officer" includes:

4511 (i) a member of a board of directors or other governing body of an entity; or

4512 (ii) a partner in any type of partnership.

4513 (9) "Preceding year" means the year immediately preceding the day on which the regulated
4514 officeholder makes a conflict of interest disclosure.

4515 (10) "Regulated officeholder" means an individual who is required to make a conflict of
4516 interest disclosure under the provisions of this part.

(11) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.

(12) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.

Section 63. Section **26A-1-102** is amended to read:

26A-1-102 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Board" means a local board of health established under Section 26A-1-109.

(2) "County governing body" means one of the types of county government provided for in Title 17, Chapter 52a, Part 2, Forms of County Government.

(3) "County health department" means a local health department that serves a county and municipalities located within that county.

(4) "Department" means the Department of Health and Human Services created in Section 26B-1-201.

(5) "Local food" means the same as that term is defined in Section 4-1-109.

(6) "Local health department" means:

- (a) a single county local health department;
- (b) a multicounty local health department;
- (c) a united local health department; or
- (d) a multicounty united local health department.

(7) "Mental health authority" means a local mental health authority ~~[created]~~ described in Section ~~[17-43-301]~~ 17-77-301.

(8) "Multicounty local health department" means a local health department that is formed under Section 26A-1-105 and that serves two or more contiguous counties and municipalities within those counties.

(9) "Multicounty united local health department" means a united local health department that is formed under Section 26A-1-105.5 and that serves two or more contiguous counties and municipalities within those counties.

(10) "Order of constraint" means the same as that term is defined in Section 26B-7-301.

(11) "Public health emergency" means the same as that term is defined in Section 26B-7-301.

(12) "Single county local health department" means a local health department that is created by the governing body of one county to provide services to the county and the municipalities within that county.

- 4551 (13) "Stay-at-home order" means the same as that term is defined in Section 26B-7-301.
- 4552 (14) "Substance abuse authority" means a local substance abuse authority ~~[created]~~ described
- 4553 in Section ~~[17-43-201]~~ 17-77-201.
- 4554 (15) "United local health department":
- 4555 (a) means a substance abuse authority, a mental health authority, and a local health
- 4556 department that join together under Section 26A-1-105.5; and
- 4557 (b) includes a multicounty united local health department.
- 4558 Section 64. Section **26A-1-105.5** is amended to read:
- 4559 **26A-1-105.5 (Effective 11/06/25). United local health department -- Multicounty**
- 4560 **united local health department -- Election by county governing body -- Appointment of**
- 4561 **director.**
- 4562 (1) A county governing body may elect to:
- 4563 (a) form a united local health department for the purpose of combining into a single
- 4564 entity the duties of:
- 4565 (i) the local health department;
- 4566 (ii) the mental health authority; and
- 4567 (iii) the substance abuse authority; and
- 4568 (b) provide for the coordination of services for the populations served by the entities
- 4569 described in Subsection (1)(a).
- 4570 (2)(a) Two or more contiguous counties may, by executing an agreement pursuant to the
- 4571 provisions of Title 11, Chapter 13, Interlocal Cooperation Act, unite to create and
- 4572 maintain a multicounty united local health department.
- 4573 (b) Any municipalities within counties comprising a multicounty united local health
- 4574 department under Subsection (2)(a) shall be served by the multicounty united local
- 4575 health department.
- 4576 (3) A united local health department created under this section shall administer the
- 4577 programs and services of each entity listed in Subsections (1)(a) in accordance with:
- 4578 (a) this chapter; and
- 4579 (b) ~~[Title 17, Chapter 43, Part 2, Local Substance Abuse Authorities; and]~~ Title 17,
- 4580 Chapter 77, Local Health and Human Services.
- 4581 ~~[(c) Title 17, Chapter 43, Part 3, Local Mental Health Authorities.]~~
- 4582 (4)(a) Notwithstanding Section 26A-1-110:
- 4583 (i) the county governing body shall, in consultation with the board, appoint an
- 4584 executive director for a united local health department and determine the

executive director's compensation; and

- (ii) the county governing bodies of a multicounty united local health department shall, in consultation with the board, appoint an executive director for the multicounty local health department and determine the executive director's compensation.

(b) An executive director appointed under Subsection (4)(a):

- (i) shall serve as the local health officer; and
- (ii) may be removed for cause under Section 26A-1-111.

(5) The treasurer of a united local health department may establish and maintain funds in addition to the local health department fund established under Section 26A-1-119, if the additional fund is necessary to:

- (a) provide substance abuse authority services or mental health authority services; and
- (b) comply with federal regulation or federal statute.

Section 65. Section **26A-1-117** is amended to read:

26A-1-117 (Effective 11/06/25). Funding of departments -- Tax levies.

(1) Counties involved in the establishment and operation of local health departments shall fund the local health departments with appropriations from the General Fund, from the levy of a tax, or in part by an appropriation and in part by a levy under [Section 17-53-221] Subsection 17-63-701(2).

(2) A local health department may be funded as provided by law from:

- (a) local, state, and federal funds within local levy ceilings;
- (b) a separate ceiling exempt tax under Section 59-2-911, which may not exceed .0004 per dollar of taxable value of taxable property; or
- (c) in part by each.

(3) Local funds from either tax source shall be appropriated by the local governing authorities of the counties participating in the local health department.

Section 66. Section **26B-1-324** is amended to read:

26B-1-324 (Effective 11/06/25). Statewide Behavioral Health Crisis Response Account -- Creation -- Administration -- Permitted uses -- Reporting.

(1) There is created a restricted account within the General Fund known as the "Statewide Behavioral Health Crisis Response Account," consisting of:

- (a) money appropriated or otherwise made available by the Legislature; and
- (b) contributions of money, property, or equipment from federal agencies, political subdivisions of the state, or other persons.

- (2)(a) Subject to appropriations by the Legislature and any contributions to the account described in Subsection (1)(b), the division shall disburse funds in the account only for the purpose of support or implementation of services or enhancements of those services in order to rapidly, efficiently, and effectively deliver 988 services in the state.
- (b) Funds distributed from the account to county local mental health and substance abuse authorities for the provision of crisis services are not subject to the 20% county match described in Sections ~~[17-43-201]~~ 17-77-201 and ~~[17-43-301]~~ 17-77-301.
- (c) After consultation with the Behavioral Health Crisis Response Committee created in Section 63C-18-202, and local substance use authorities and local mental health authorities described in Sections ~~[17-43-201]~~ 17-77-201 and ~~[17-43-301]~~ 17-77-301, the division shall expend funds from the account on any of the following programs:
- (i) the Statewide Mental Health Crisis Line, as defined in Section 26B-5-610, including coordination with 911 emergency service, as defined in Section 69-2-102, and coordination with local substance abuse authorities as described in Section ~~[17-43-201]~~ 17-77-201, and local mental health authorities, described in Section ~~[17-43-301]~~ 17-77-301;
 - (ii) mobile crisis outreach teams as defined in Section 26B-5-609, distributed in accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (iii) behavioral health receiving centers as defined in Section 26B-5-114;
 - (iv) stabilization services as described in Section 26B-5-101;
 - (v) mental health crisis services, as defined in Section 26B-5-101, provided by local substance abuse authorities as described in Section ~~[17-43-201]~~ 17-77-201 and local mental health authorities described in Section ~~[17-43-301]~~ 17-77-301 to provide prolonged mental health services for up to 90 days after the day on which an individual experiences a mental health crisis as defined in Section 26B-5-101;
 - (vi) crisis intervention training for first responders, as that term is defined in Section 78B-4-501;
 - (vii) crisis worker certification training for first responders, as that term is defined in Section 78B-4-501;
 - (viii) frontline support for the SafeUT Crisis Line; or
 - (ix) suicide prevention gatekeeper training for first responders, as that term is defined in Section 78B-4-501.

(d) If the Legislature appropriates money to the account for a purpose described in Subsection (2)(c), the division shall use the appropriation for that purpose.

(3) Subject to appropriations by the Legislature and any contributions to the account described in Subsection (1)(b), the division may expend funds in the account for administrative costs that the division incurs related to administering the account.

(4) Notwithstanding Subsection (2)(c), allocations made to local substance use authorities and local mental health authorities for behavioral health receiving centers or mobile crisis outreach teams before the end of fiscal year 2023 shall be maintained through fiscal year 2027, subject to appropriation.

(5)(a) As used in this Subsection (5):

(i) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

(ii) "Mental health service provider" means a behavioral health receiving center or mobile crisis outreach team.

(b) The department shall coordinate with each mental health service provider that receives state funds to determine which health benefit plans, if any, have not contracted or have refused to contract with the mental health service provider at usual and customary rates for the services provided by the mental health service provider.

(c) In each year that the department identifies a health benefit plan that meets the description in Subsection (5)(b), the department shall provide a report on the information gathered under Subsection (5)(b) to the Health and Human Services Interim Committee at or before the committee's October meeting.

Section 67. Section **26B-2-101** is amended to read:

26B-2-101 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Abuse" means the same as that term is defined in Section 80-1-102.

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

(3) "Adult day care" means nonresidential care and supervision:

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

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

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

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

- 4687 (i) affiliated with a licensee as an owner, director, member of the governing body,
4688 employee, agent, provider of care, department contractor, or volunteer; or
4689 (ii) applying to become affiliated with a licensee in a capacity described in
4690 Subsection (5)(a)(i).
- 4691 (b) "Associated with the licensee" does not include:
- 4692 (i) service on the following bodies, unless that service includes direct access to a
4693 child or a vulnerable adult:
- 4694 (A) a local mental health authority described in Section ~~[17-43-301]~~ 17-77-301;
- 4695 (B) a local substance abuse authority described in Section ~~[17-43-201]~~ 17-77-201;
- 4696 or
- 4697 (C) a board of an organization operating under a contract to provide mental health
4698 or substance use programs, or services for the local mental health authority or
4699 substance abuse authority; or
- 4700 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly
4701 supervised at all times.
- 4702 (6) "Behavioral health receiving center" means a 23-hour non-secure program or facility
4703 that is responsible for, and provides mental health crisis services to, an individual
4704 experiencing a mental health crisis.
- 4705 (7)(a) "Boarding school" means a private school that:
- 4706 (i) uses a regionally accredited education program;
- 4707 (ii) provides a residence to the school's students:
- 4708 (A) for the purpose of enabling the school's students to attend classes at the
4709 school; and
- 4710 (B) as an ancillary service to educating the students at the school;
- 4711 (iii) has the primary purpose of providing the school's students with an education, as
4712 defined in Subsection (7)(b)(i); and
- 4713 (iv)(A) does not provide the treatment or services described in Subsection (49)(a);
4714 or
- 4715 (B) provides the treatment or services described in Subsection (49)(a) on a limited
4716 basis, as described in Subsection (7)(b)(ii).
- 4717 (b)(i) For purposes of Subsection (7)(a)(iii), "education" means a course of study for
4718 one or more grades from kindergarten through grade 12.
- 4719 (ii) For purposes of Subsection (7)(a)(iv)(B), a private school provides the treatment
4720 or services described in Subsection (49)(a) on a limited basis if:

(A) the treatment or services described in Subsection (49)(a) are provided only as an incidental service to a student; and

(B) the school does not:

(I) specifically solicit a student for the purpose of providing the treatment or services described in Subsection (49)(a); or

(II) have a primary purpose of providing the treatment or services described in Subsection (49)(a).

(c) "Boarding school" does not include a therapeutic school.

(8) "Certification" means a less restrictive level of licensure issued by the department.

(9) "Child" means an individual under 18 years old.

(10) "Child placing" means receiving, accepting, or providing custody or care for any child, temporarily or permanently, for the purpose of:

(a) finding a person to adopt the child;

(b) placing the child in a home for adoption; or

(c) foster home placement.

(11) "Child-placing agency" means a person that engages in child placing.

(12) "Client" means an individual who receives or has received services from a licensee.

(13)(a) "Congregate care program" means any of the following that provide services to a child:

(i) an outdoor youth program;

(ii) a residential support program;

(iii) a residential treatment program; or

(iv) a therapeutic school.

(b) "Congregate care program" does not include a human services program that:

(i) is licensed to serve adults; and

(ii) is approved by the office to service a child for a limited time.

(14) "Day treatment" means specialized treatment that is provided to:

(a) a client less than 24 hours a day; and

(b) four or more persons who:

(i) are unrelated to the owner or provider; and

(ii) have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies.

(15) "Department contractor" means an individual who:

(a) provides services under a contract with the department; and

(b) due to the contract with the department, has or will likely have direct access to a child or vulnerable adult.

(16) "Direct access" means that an individual has, or likely will have:

(a) contact with or access to a child or vulnerable adult that provides the individual with an opportunity for personal communication or touch; or

(b) an opportunity to view medical, financial, or other confidential personal identifying information of the child, the child's parents or legal guardians, or the vulnerable adult.

(17) "Directly supervised" means that an individual is being supervised under the uninterrupted visual and auditory surveillance of another individual who has a current background check approval issued by the office.

(18) "Director" means the director of the office.

(19) "Division" means the Division of Licensing and Background Checks created under Section 26B-2-103.

(20) "Domestic violence" means the same as that term is defined in Section 77-36-1.

(21) "Domestic violence treatment program" means a nonresidential program designed to provide psychological treatment and educational services to perpetrators and victims of domestic violence.

(22) "Elder adult" means a person 65 years old or older.

(23) "Emergency safety intervention" means a tactic used to protect staff or a client from being physically injured, utilized by an appropriately trained direct care staff and only performed in accordance with a nationally or regionally recognized curriculum in the least restrictive manner to restore staff or client safety.

(24) "Foster home" means a residence that is licensed or certified by the office for the full-time substitute care of a child.

(25) "Harm" means the same as that term is defined in Section 80-1-102.

(26) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

(27) "Health care provider" means the same as that term is defined in Section 78B-3-403.

(28) "Health insurer" means:

(a) an insurer who offers health care insurance as that term is defined in Section 31A-1-301;

(b) health benefits offered to state employees under Section 49-20-202; and

(c) a workers' compensation insurer:

(i) authorized to provide workers' compensation insurance in the state; or

(ii) that is a self-insured employer as defined in Section 34A-2-201.5.

- 4789 (29)(a) "Human services program" means:
- 4790 (i) a foster home;
- 4791 (ii) a therapeutic school;
- 4792 (iii) a youth program;
- 4793 (iv) an outdoor youth program;
- 4794 (v) a residential treatment program;
- 4795 (vi) a residential support program;
- 4796 (vii) a resource family home;
- 4797 (viii) a recovery residence;
- 4798 (ix) a behavioral health receiving center; or
- 4799 (x) a facility or program that provides:
- 4800 (A) adult day care;
- 4801 (B) day treatment;
- 4802 (C) outpatient treatment;
- 4803 (D) domestic violence treatment;
- 4804 (E) child-placing services;
- 4805 (F) social detoxification; or
- 4806 (G) any other human services that are required by contract with the department to
- 4807 be licensed with the department.
- 4808 (b) "Human services program" does not include:
- 4809 (i) a boarding school;
- 4810 (ii) a residential vocational or life skills program, as defined in Section 13-53-102; or
- 4811 (iii) a short-term relief care provider.
- 4812 (30) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 4813 (31) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 4814 (32) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 4815 (33) "Intermediate secure treatment" means 24-hour specialized residential treatment or
- 4816 care for an individual who:
- 4817 (a) cannot live independently or in a less restrictive environment; and
- 4818 (b) requires, without the individual's consent or control, the use of locked doors to care
- 4819 for the individual.
- 4820 (34) "Licensee" means an individual or a human services program licensed by the office.
- 4821 (35) "Local government" means a city, town, or county.
- 4822 (36) "Mental health treatment program" means a program that:

- 4823 (a) is a structured intervention; and
- 4824 (b) is used to improve mental health, prevent mental disorders, and treat mental health
- 4825 conditions.
- 4826 (37) "Medication assisted treatment" means the use of a prescribed medication approved by
- 4827 the United States Food and Drug Administration, such as buprenorphine, methadone, or
- 4828 naltrexone, to treat substance use withdrawal symptoms or a substance use disorder.
- 4829 (38) "Minor" means child.
- 4830 (39) "Office" means, except as provided in Section 26B-2-120, the Office of Licensing
- 4831 within the department.
- 4832 (40) "Ombudsman" means the congregate care ombudsman created in Section 26B-2-124.2.
- 4833 (41) "Outdoor youth program" means a program that provides:
- 4834 (a) services to a child who has:
- 4835 (i) a chemical dependency; or
- 4836 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
- 4837 physical, or behavioral;
- 4838 (b) a 24-hour outdoor group living environment; and
- 4839 (c)(i) regular therapy, including group, individual, or supportive family therapy; or
- 4840 (ii) informal therapy or similar services, including wilderness therapy, adventure
- 4841 therapy, or outdoor behavioral healthcare.
- 4842 (42) "Outpatient treatment" means individual, family, or group therapy or counseling
- 4843 designed to improve and enhance social or psychological functioning for those whose
- 4844 physical and emotional status allows them to continue functioning in their usual living
- 4845 environment.
- 4846 (43) "Practice group" or "group practice" means two or more health care providers legally
- 4847 organized as a partnership, professional corporation, or similar association, for which:
- 4848 (a) substantially all of the services of the health care providers who are members of the
- 4849 group are provided through the group and are billed in the name of the group and
- 4850 amounts received are treated as receipts of the group; and
- 4851 (b) the overhead expenses of and the income from the practice are distributed in
- 4852 accordance with methods previously determined by members of the group.
- 4853 (44) "Private-placement child" means a child whose parent or guardian enters into a
- 4854 contract with a congregate care program for the child to receive services.
- 4855 (45) "Qualifying residential treatment program" means a residential treatment program that
- 4856 is licensed under this part and:

- 4857 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms
4858 are defined in Section 16-6a-102; or
- 4859 (b) receives any local, state, or federal government funding, government grant money, or
4860 any other form of government assistance to operate or provide services or training in
4861 the ordinary course of business.
- 4862 (46) "Qualifying recovery residence" means a recovery residence that is licensed under this
4863 part and:
- 4864 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms
4865 are defined in Section 16-6a-102; or
- 4866 (b) receives any local, state, or federal government funding, government grant money, or
4867 any other form of government assistance to operate or provide services or training in
4868 the ordinary course of business.
- 4869 (47)(a) "Recovery residence" means a home, residence, or facility that meets at least two
4870 of the following requirements:
- 4871 (i) provides a supervised living environment for individuals recovering from a
4872 substance use disorder;
- 4873 (ii) provides a living environment in which more than half of the individuals in the
4874 residence are recovering from a substance use disorder;
- 4875 (iii) provides or arranges for residents to receive services related to the resident's
4876 recovery from a substance use disorder, either on or off site;
- 4877 (iv) is held out as a living environment in which individuals recovering from
4878 substance abuse disorders live together to encourage continued sobriety; or
- 4879 (v)(A) receives public funding; or
- 4880 (B) is run as a business venture, either for-profit or not-for-profit.
- 4881 (b) "Recovery residence" does not mean:
- 4882 (i) a residential treatment program;
- 4883 (ii) residential support program;
- 4884 (iii) a residential vocational or life skills program; or
- 4885 (iv) a home, residence, or facility, in which:
- 4886 (A) residents, by a majority vote of the residents, establish, implement, and
4887 enforce policies governing the living environment, including the manner in
4888 which applications for residence are approved and the manner in which
4889 residents are expelled;
- 4890 (B) residents equitably share rent and housing-related expenses; and

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

(48) "Regular business hours" means:

- (a) the hours during which services of any kind are provided to a client; or
- (b) the hours during which a client is present at the facility of a licensee.

(49)(a) "Residential support program" means a program that arranges for or provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

(b) "Residential support program" includes a program that provides a supervised living environment for individuals with dysfunctions or impairments that are:

- (i) emotional;
- (ii) psychological;
- (iii) developmental; or
- (iv) behavioral.

(c) Treatment is not a necessary component of a residential support program.

(d) "Residential support program" does not include:

- (i) a recovery residence; or
- (ii) a program that provides residential services that are performed:

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

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

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

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

- (i) boarding school;
- (ii) foster home; or
- (iii) recovery residence.

(51) "Residential treatment program" means a program or facility that provides:

- (a) residential treatment; or

(b) intermediate secure treatment.

(52) "Seclusion" means the involuntary confinement of an individual in a room or an area:

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

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

(53) "Short-term relief care provider" means an individual who:

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

(i) for less than six consecutive nights; and

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

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

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

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

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

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

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

(a) room and board for persons who are unrelated to the owner or manager of the facility;

(b) specialized rehabilitation to acquire sobriety; and

(c) aftercare services.

(55) "Substance abuse disorder" or "substance use disorder" mean the same as "substance use disorder" is defined in Section 26B-5-501.

(56) "Substance abuse treatment program" or "substance use disorder treatment program" means a program:

(a) designed to provide:

(i) specialized drug or alcohol treatment;

(ii) rehabilitation; or

(iii) habilitation services; and

(b) that provides the treatment or services described in Subsection (56)(a) to persons with:

(i) a diagnosed substance use disorder; or

(ii) chemical dependency disorder.

- 4959 (57) "Therapeutic school" means a residential group living facility:
- 4960 (a) for four or more individuals that are not related to:
- 4961 (i) the owner of the facility; or
- 4962 (ii) the primary service provider of the facility;
- 4963 (b) that serves students who have a history of failing to function:
- 4964 (i) at home;
- 4965 (ii) in a public school; or
- 4966 (iii) in a nonresidential private school; and
- 4967 (c) that offers:
- 4968 (i) room and board; and
- 4969 (ii) an academic education integrated with:
- 4970 (A) specialized structure and supervision; or
- 4971 (B) services or treatment related to:
- 4972 (I) a disability;
- 4973 (II) emotional development;
- 4974 (III) behavioral development;
- 4975 (IV) familial development; or
- 4976 (V) social development.
- 4977 (58) "Unrelated persons" means persons other than parents, legal guardians, grandparents,
- 4978 brothers, sisters, uncles, or aunts.
- 4979 (59) "Vulnerable adult" means an elder adult or an adult who has a temporary or permanent
- 4980 mental or physical impairment that substantially affects the person's ability to:
- 4981 (a) provide personal protection;
- 4982 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 4983 (c) obtain services necessary for health, safety, or welfare;
- 4984 (d) carry out the activities of daily living;
- 4985 (e) manage the adult's own resources; or
- 4986 (f) comprehend the nature and consequences of remaining in a situation of abuse,
- 4987 neglect, or exploitation.
- 4988 (60)(a) "Youth program" means a program designed to provide behavioral, substance
- 4989 use, or mental health services to minors that:
- 4990 (i) serves adjudicated or nonadjudicated youth;
- 4991 (ii) charges a fee for the program's services;
- 4992 (iii) may provide host homes or other arrangements for overnight accommodation of

- 4993 the youth;
- 4994 (iv) may provide all or part of the program's services in the outdoors;
- 4995 (v) may limit or censor access to parents or guardians; and
- 4996 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
- 4997 minor's own free will.
- 4998 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
- 4999 Scouts, 4-H, and other such organizations.
- 5000 (61)(a) "Youth transportation company" means any person that transports a child for
- 5001 payment to or from a congregate care program in Utah.
- 5002 (b) "Youth transportation company" does not include:
- 5003 (i) a relative of the child;
- 5004 (ii) a state agency; or
- 5005 (iii) a congregate care program's employee who transports the child from the
- 5006 congregate care program that employs the employee and returns the child to the
- 5007 same congregate care program.
- 5008 Section 68. Section **26B-3-113** is amended to read:
- 5009 **26B-3-113 (Effective 11/06/25). Expanding the Medicaid program.**
- 5010 (1) As used in this section:
- 5011 (a) "Federal poverty level" means the same as that term is defined in Section 26B-3-207.
- 5012 (b) "Medicaid ACA Fund" means the Medicaid ACA Fund created in Section 26B-1-315.
- 5013 (c) "Medicaid expansion" means an expansion of the Medicaid program in accordance
- 5014 with this section.
- 5015 (2)(a) As set forth in Subsections (2) through (5), eligibility criteria for the Medicaid
- 5016 program shall be expanded to cover additional low-income individuals.
- 5017 (b) The department shall continue to seek approval from CMS to implement the
- 5018 Medicaid waiver expansion as defined in Section 26B-3-210.
- 5019 (c) The department may implement any provision described in Subsections 26B-3-210
- 5020 (2)(b)(iii) through (viii) in a Medicaid expansion if the department receives approval
- 5021 from CMS to implement that provision.
- 5022 (3) The department shall expand the Medicaid program in accordance with this Subsection
- 5023 (3) if the department:
- 5024 (a) receives approval from CMS to:
- 5025 (i) expand Medicaid coverage to eligible individuals whose income is below 95% of
- 5026 the federal poverty level;

- 5027 (ii) obtain maximum federal financial participation under 42 U.S.C. Sec. 1396d(b) for
5028 enrolling an individual in the Medicaid expansion under this Subsection (3); and
5029 (iii) permit the state to close enrollment in the Medicaid expansion under this
5030 Subsection (3) if the department has insufficient funds to provide services to new
5031 enrollment under the Medicaid expansion under this Subsection (3);
- 5032 (b) pays the state portion of costs for the Medicaid expansion under this Subsection (3)
5033 with funds from:
- 5034 (i) the Medicaid ACA Fund;
5035 (ii) county contributions to the nonfederal share of Medicaid expenditures; or
5036 (iii) any other contributions, funds, or transfers from a nonstate agency for Medicaid
5037 expenditures; and
- 5038 (c) closes the Medicaid program to new enrollment under the Medicaid expansion under
5039 this Subsection (3) if the department projects that the cost of the Medicaid expansion
5040 under this Subsection (3) will exceed the appropriations for the fiscal year that are
5041 authorized by the Legislature through an appropriations act adopted in accordance
5042 with Title 63J, Chapter 1, Budgetary Procedures Act.
- 5043 (4)(a) The department shall expand the Medicaid program in accordance with this
5044 Subsection (4) if the department:
- 5045 (i) receives approval from CMS to:
- 5046 (A) expand Medicaid coverage to eligible individuals whose income is below 95%
5047 of the federal poverty level;
- 5048 (B) obtain maximum federal financial participation under 42 U.S.C. Sec. 1396d(y)
5049 for enrolling an individual in the Medicaid expansion under this Subsection (4);
5050 and
- 5051 (C) permit the state to close enrollment in the Medicaid expansion under this
5052 Subsection (4) if the department has insufficient funds to provide services to
5053 new enrollment under the Medicaid expansion under this Subsection (4);
- 5054 (ii) pays the state portion of costs for the Medicaid expansion under this Subsection
5055 (4) with funds from:
- 5056 (A) the Medicaid ACA Fund;
5057 (B) county contributions to the nonfederal share of Medicaid expenditures; or
5058 (C) any other contributions, funds, or transfers from a nonstate agency for
5059 Medicaid expenditures; and
- 5060 (iii) closes the Medicaid program to new enrollment under the Medicaid expansion

under this Subsection (4) if the department projects that the cost of the Medicaid expansion under this Subsection (4) will exceed the appropriations for the fiscal year that are authorized by the Legislature through an appropriations act adopted in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.

(b) The department shall submit a waiver, an amendment to an existing waiver, or a state plan amendment to CMS to:

(i) administer federal funds for the Medicaid expansion under this Subsection (4) according to a per capita cap developed by the department that includes an annual inflationary adjustment, accounts for differences in cost among categories of Medicaid expansion enrollees, and provides greater flexibility to the state than the current Medicaid payment model;

(ii) limit, in certain circumstances as defined by the department, the ability of a qualified entity to determine presumptive eligibility for Medicaid coverage for an individual enrolled in a Medicaid expansion under this Subsection (4);

(iii) impose a lock-out period if an individual enrolled in a Medicaid expansion under this Subsection (4) violates certain program requirements as defined by the department;

(iv) allow an individual enrolled in a Medicaid expansion under this Subsection (4) to remain in the Medicaid program for up to a 12-month certification period as defined by the department; and

(v) allow federal Medicaid funds to be used for housing support for eligible enrollees in the Medicaid expansion under this Subsection (4).

(5)(a)(i) If CMS does not approve a waiver to expand the Medicaid program in accordance with Subsection (4)(a) on or before January 1, 2020, the department shall develop proposals to implement additional flexibilities and cost controls, including cost sharing tools, within a Medicaid expansion under this Subsection (5) through a request to CMS for a waiver or state plan amendment.

(ii) The request for a waiver or state plan amendment described in Subsection (5)(a)(i) shall include:

(A) a path to self-sufficiency for qualified adults in the Medicaid expansion that includes employment and training as defined in 7 U.S.C. Sec. 2015(d)(4); and

(B) a requirement that an individual who is offered a private health benefit plan by an employer to enroll in the employer's health plan.

(iii) The department shall submit the request for a waiver or state plan amendment

5095 developed under Subsection (5)(a)(i) on or before March 15, 2020.

- 5096 (b) Notwithstanding Sections 26B-3-127 and 63J-5-204, and in accordance with this
5097 Subsection (5), eligibility for the Medicaid program shall be expanded to include all
5098 persons in the optional Medicaid expansion population under PPACA and the Health
5099 Care Education Reconciliation Act of 2010, Pub. L. No. 111-152, and related federal
5100 regulations and guidance, on the earlier of:
- 5101 (i) the day on which CMS approves a waiver to implement the provisions described
5102 in Subsections (5)(a)(ii)(A) and (B); or
 - 5103 (ii) July 1, 2020.
- 5104 (c) The department shall seek a waiver, or an amendment to an existing waiver, from
5105 federal law to:
- 5106 (i) implement each provision described in Subsections 26B-3-210(2)(b)(iii) through
5107 (viii) in a Medicaid expansion under this Subsection (5);
 - 5108 (ii) limit, in certain circumstances as defined by the department, the ability of a
5109 qualified entity to determine presumptive eligibility for Medicaid coverage for an
5110 individual enrolled in a Medicaid expansion under this Subsection (5); and
 - 5111 (iii) impose a lock-out period if an individual enrolled in a Medicaid expansion under
5112 this Subsection (5) violates certain program requirements as defined by the
5113 department.
- 5114 (d) The eligibility criteria in this Subsection (5) shall be construed to include all
5115 individuals eligible for the health coverage improvement program under Section
5116 26B-3-207.
- 5117 (e) The department shall pay the state portion of costs for a Medicaid expansion under
5118 this Subsection (5) entirely from:
- 5119 (i) the Medicaid ACA Fund;
 - 5120 (ii) county contributions to the nonfederal share of Medicaid expenditures; or
 - 5121 (iii) any other contributions, funds, or transfers from a nonstate agency for Medicaid
5122 expenditures.
- 5123 (f) If the costs of the Medicaid expansion under this Subsection (5) exceed the funds
5124 available under Subsection (5)(e):
- 5125 (i) the department may reduce or eliminate optional Medicaid services under this
5126 chapter;
 - 5127 (ii) savings, as determined by the department, from the reduction or elimination of
5128 optional Medicaid services under Subsection (5)(f)(i) shall be deposited into the

5129 Medicaid ACA Fund; and

5130 (iii) the department may submit to CMS a request for waivers, or an amendment of
5131 existing waivers, from federal law necessary to implement budget controls within
5132 the Medicaid program to address the deficiency.

5133 (g) If the costs of the Medicaid expansion under this Subsection (5) are projected by the
5134 department to exceed the funds available in the current fiscal year under Subsection
5135 (5)(e), including savings resulting from any action taken under Subsection (5)(f):

5136 (i) the governor shall direct the department and Department of Workforce Services to
5137 reduce commitments and expenditures by an amount sufficient to offset the
5138 deficiency:

5139 (A) proportionate to the share of total current fiscal year General Fund
5140 appropriations for each of those agencies; and

5141 (B) up to 10% of each agency's total current fiscal year General Fund
5142 appropriations;

5143 (ii) the Division of Finance shall reduce allotments to the department and Department
5144 of Workforce Services by a percentage:

5145 (A) proportionate to the amount of the deficiency; and

5146 (B) up to 10% of each agency's total current fiscal year General Fund
5147 appropriations; and

5148 (iii) the Division of Finance shall deposit the total amount from the reduced
5149 allotments described in Subsection (5)(g)(ii) into the Medicaid ACA Fund.

5150 (6) The department shall maximize federal financial participation in implementing this
5151 section, including by seeking to obtain any necessary federal approvals or waivers.

5152 (7) Notwithstanding Sections [~~17-43-201~~] 17-77-201 and [~~17-43-301~~] 17-77-301, a county
5153 does not have to provide matching funds to the state for the cost of providing Medicaid
5154 services to newly enrolled individuals who qualify for Medicaid coverage under a
5155 Medicaid expansion.

5156 (8) The department shall report to the Social Services Appropriations Subcommittee on or
5157 before November 1 of each year that a Medicaid expansion is operational:

5158 (a) the number of individuals who enrolled in the Medicaid expansion;

5159 (b) costs to the state for the Medicaid expansion;

5160 (c) estimated costs to the state for the Medicaid expansion for the current and following
5161 fiscal years;

5162 (d) recommendations to control costs of the Medicaid expansion; and

(e) as calculated in accordance with Subsections 26B-3-506(4) and 26B-3-606(2), the state's net cost of the qualified Medicaid expansion.

Section 69. Section **26B-3-203** is amended to read:

26B-3-203 (Effective 11/06/25). Base budget appropriations for Medicaid accountable care organizations and behavioral health plans -- Forecast of behavioral health services cost, behavioral health plans, and ABA services -- Forecast of behavioral health services cost.

(1) As used in this section:

(a) "ABA service" means a service applying applied behavior analysis, as that term is defined in Section 31A-22-642.

(b) "ABA service reimbursement rate" means the Medicaid reimbursement rate developed by the division, in accordance with Part 1, Health Care Assistance, and paid to a provider for providing an ABA service.

(c) "ACO" means a Medicaid accountable care organization that contracts with the state's Medicaid program for:

(i) physical health services; or

(ii) integrated physical and behavioral health services.

(d) "Base budget" means the same as that term is defined in legislative rule.

(e) "Behavioral health plan" means a managed care or fee-for-service delivery system that contracts with or is operated by the department to provide behavioral health services to Medicaid eligible individuals.

(f) "Behavioral health services" means mental health or substance use treatment or services.

(g) "General Fund growth factor" means the amount determined by dividing the next fiscal year ongoing General Fund revenue estimate by current fiscal year ongoing appropriations from the General Fund.

(h) "Next fiscal year ongoing General Fund revenue estimate" means the next fiscal year ongoing General Fund revenue estimate identified by the Executive Appropriations Committee, in accordance with legislative rule, for use by the Office of the Legislative Fiscal Analyst in preparing budget recommendations.

(i) "Member" means an enrollee.

(j) "PMPM" means per-member-per-month funding.

(2) If the General Fund growth factor is less than 100%, the next fiscal year base budget shall, subject to Subsection (5), include an appropriation to the department in an amount

necessary to ensure that the next fiscal year PMPM for ACOs and behavioral health plans equals the current fiscal year PMPM for the ACOs and behavioral health plans multiplied by 100%.

(3) If the General Fund growth factor is greater than or equal to 100%, but less than 102%, the next fiscal year base budget shall, subject to Subsection (5), include an appropriation to the department in an amount necessary to ensure that the next fiscal year PMPM for ACOs and behavioral health plans equals the current fiscal year PMPM for the ACOs and behavioral health plans multiplied by the General Fund growth factor.

(4) If the General Fund growth factor is greater than or equal to 102%, the next fiscal year base budget shall, subject to Subsection (5):

(a) in fiscal years 2025 and 2026:

(i) include an appropriation to the department in an amount that would, prior to the application of Subsection (4)(a)(ii), allow the department to ensure that the next fiscal year PMPMs for ACOs and behavioral health plans is greater than or equal to the current fiscal year PMPMs for the ACOs and behavioral health plans multiplied by 102%;

(ii) subject to Subsection (4)(a)(iii), allocate the amount appropriated under Subsection (4)(a)(i) to provide substantially the same year-over-year percentage point increase to:

(A) the PMPMs for ACOs and behavioral health plans; and

(B) each ABA service reimbursement rate; and

(iii) for the initial appropriation under Subsection (4)(a)(i), prior to providing the percentage point increases under Subsection (4)(a)(ii), allocate from the total amount appropriated under Subsection (4)(a)(i) an amount necessary to increase and substantially equalize each of the ABA service reimbursement rates with a corresponding reimbursement rate paid for providing the same or substantially similar service under an ACO or a behavioral health plan; and

(b) beginning in fiscal year 2027, include an appropriation to the department in an amount necessary to ensure that the next fiscal year PMPMs for ACOs and behavioral health plans is greater than or equal to the current fiscal year PMPMs for the ACOs and the behavioral health plans multiplied by 102%, and less than or equal to the current fiscal year PMPMs for the ACOs and the behavioral health plans multiplied by the General Fund growth factor.

(5) The appropriations provided to the department for behavioral health plans under this

5231 section shall be reduced by the amount contributed by counties in the current fiscal year
5232 for behavioral health plans in accordance with Subsections [17-43-201(5)(k)]
5233 17-77-201(5)(k) and [~~17-43-301(6)(a)(x)~~] 17-77-301(5)(a)(x).

5234 (6) In order for the department to estimate the impact of Subsections (2) through (4) before
5235 identification of the next fiscal year ongoing General Fund revenue estimate, the
5236 Governor's Office of Planning and Budget shall, in cooperation with the Office of the
5237 Legislative Fiscal Analyst, develop an estimate of ongoing General Fund revenue for the
5238 next fiscal year and provide the estimate to the department no later than November 1 of
5239 each year.

5240 (7) The Office of the Legislative Fiscal Analyst shall include an estimate of the cost of
5241 behavioral health services in any state Medicaid funding or savings forecast that is
5242 completed in coordination with the department and the Governor's Office of Planning
5243 and Budget.

5244 Section 70. Section **26B-3-207** is amended to read:

5245 **26B-3-207 (Effective 11/06/25). Health coverage improvement program --**
5246 **Eligibility -- Annual report -- Expansion of eligibility for adults with dependent children.**

5247 (1) As used in this section:

5248 (a) "Adult in the expansion population" means an individual who:

5249 (i) is described in 42 U.S.C. Sec. 1396a(a)(10)(A)(i)(VIII); and

5250 (ii) is not otherwise eligible for Medicaid as a mandatory categorically needy
5251 individual.

5252 (b) "Enhancement waiver program" means the Primary Care Network enhancement
5253 waiver program described in Section 26B-3-211.

5254 (c) "Federal poverty level" means the poverty guidelines established by the Secretary of
5255 the United States Department of Health and Human Services under 42 U.S.C. Sec.
5256 9909(2).

5257 (d) "Health coverage improvement program" means the health coverage improvement
5258 program described in Subsections (3) through (9).

5259 (e) "Homeless":

5260 (i) means an individual who is chronically homeless, as determined by the
5261 department; and

5262 (ii) includes someone who was chronically homeless and is currently living in
5263 supported housing for the chronically homeless.

5264 (f) "Income eligibility ceiling" means the percent of federal poverty level:

- (i) established by the state in an appropriations act adopted pursuant to Title 63J, Chapter 1, Budgetary Procedures Act; and
- (ii) under which an individual may qualify for Medicaid coverage in accordance with this section.
- (g) "Targeted adult Medicaid program" means the program implemented by the department under Subsections (5) through (7).
- (2) Beginning July 1, 2016, the department shall amend the state Medicaid plan to allow temporary residential treatment for substance use, for the traditional Medicaid population, in a short term, non-institutional, 24-hour facility, without a bed capacity limit that provides rehabilitation services that are medically necessary and in accordance with an individualized treatment plan, as approved by CMS and as long as the county makes the required match under Section ~~[17-43-201]~~ 17-77-201.
- (3) Beginning July 1, 2016, the department shall amend the state Medicaid plan to increase the income eligibility ceiling to a percentage of the federal poverty level designated by the department, based on appropriations for the program, for an individual with a dependent child.
- (4) Before July 1, 2016, the division shall submit to CMS a request for waivers, or an amendment of existing waivers, from federal statutory and regulatory law necessary for the state to implement the health coverage improvement program in the Medicaid program in accordance with this section.
- (5)(a) An adult in the expansion population is eligible for Medicaid if the adult meets the income eligibility and other criteria established under Subsection (6).
- (b) An adult who qualifies under Subsection (6) shall receive Medicaid coverage:
- (i) through the traditional fee for service Medicaid model in counties without Medicaid accountable care organizations or the state's Medicaid accountable care organization delivery system, where implemented and subject to Section 26B-3-223;
- (ii) except as provided in Subsection (5)(b)(iii), for behavioral health, through the counties in accordance with Sections ~~[17-43-201]~~ 17-77-201 and ~~[17-43-301]~~ 17-77-301;
- (iii) that, subject to Section 26B-3-223, integrates behavioral health services and physical health services with Medicaid accountable care organizations in select geographic areas of the state that choose an integrated model; and
- (iv) that permits temporary residential treatment for substance use in a short term,

non-institutional, 24-hour facility, without a bed capacity limit, as approved by CMS, that provides rehabilitation services that are medically necessary and in accordance with an individualized treatment plan.

(6)(a) An individual is eligible for the health coverage improvement program under Subsection (5) if:

- (i) at the time of enrollment, the individual's annual income is below the income eligibility ceiling established by the state under Subsection (1)(f); and
- (ii) the individual meets the eligibility criteria established by the department under Subsection (6)(b).

(b) Based on available funding and approval from CMS, the department shall select the criteria for an individual to qualify for the Medicaid program under Subsection (6)(a)(ii), based on the following priority:

- (i) a chronically homeless individual;
- (ii) if funding is available, an individual:
 - (A) involved in the justice system through probation, parole, or court ordered treatment; and
 - (B) in need of substance use treatment or mental health treatment, as determined by the department; or
- (iii) if funding is available, an individual in need of substance use treatment or mental health treatment, as determined by the department.

(c) An individual who qualifies for Medicaid coverage under Subsections (6)(a) and (b) may remain on the Medicaid program for a 12-month certification period as defined by the department. Eligibility changes made by the department under Subsection (1)(f) or (6)(b) shall not apply to an individual during the 12-month certification period.

(7) The state may request a modification of the income eligibility ceiling and other eligibility criteria under Subsection (6) each fiscal year based on projected enrollment, costs to the state, and the state budget.

(8) The current Medicaid program and the health coverage improvement program, when implemented, shall coordinate with a state prison or county jail to expedite Medicaid enrollment for an individual who is released from custody and was eligible for or enrolled in Medicaid before incarceration.

(9) Notwithstanding Sections ~~[17-43-201]~~ 17-77-201 and ~~[17-43-301]~~ 17-77-301, a county does not have to provide matching funds to the state for the cost of providing Medicaid

services to newly enrolled individuals who qualify for Medicaid coverage under the health coverage improvement program under Subsection (6).

(10) If the enhancement waiver program is implemented, the department:

- (a) may not accept any new enrollees into the health coverage improvement program after the day on which the enhancement waiver program is implemented;
- (b) shall transition all individuals who are enrolled in the health coverage improvement program into the enhancement waiver program;
- (c) shall suspend the health coverage improvement program within one year after the day on which the enhancement waiver program is implemented;
- (d) shall, within one year after the day on which the enhancement waiver program is implemented, use all appropriations for the health coverage improvement program to implement the enhancement waiver program; and
- (e) shall work with CMS to maintain any waiver for the health coverage improvement program while the health coverage improvement program is suspended under Subsection (10)(c).

(11) If, after the enhancement waiver program takes effect, the enhancement waiver program is repealed or suspended by either the state or federal government, the department shall reinstate the health coverage improvement program and continue to accept new enrollees into the health coverage improvement program in accordance with the provisions of this section.

Section 71. Section **26B-3-218** is amended to read:

26B-3-218 (Effective 11/06/25). Medicaid waiver for inpatient care in an institution for mental diseases.

- (1) As used in this section, "institution for mental diseases" means the same as that term is defined in 42 C.F.R. Sec. 435.1010.
- (2) Before August 1, 2020, the division shall apply for a Medicaid waiver or a state plan amendment with CMS to offer a program that provides reimbursement for mental health services that are provided:
 - (a) in an institution for mental diseases that includes more than 16 beds; and
 - (b) to an individual who receives mental health services in an institution for mental diseases for a period of more than 15 days in a calendar month.
- (3) If the waiver or state plan amendment described in Subsection (2) is approved, the department shall develop and offer the program described in Subsection (2).
- (4) Notwithstanding Sections ~~[17-43-201]~~ 17-77-201 and ~~[17-43-301]~~ 17-77-301, if the

waiver or state plan amendment described in Subsection (2) is approved, a county does not have to provide matching funds to the state for the mental health services described in Subsection (2) that are provided to an individual who qualifies for Medicaid coverage under Section 26B-3-113 or 26B-3-207.

Section 72. Section **26B-3-224** is amended to read:

26B-3-224 (Effective 11/06/25). Medicaid waiver for increased integrated health care reimbursement.

(1) As used in this section:

(a) "Integrated health care setting" means a health care or behavioral health care setting that provides integrated physical and behavioral health care services.

(b) "Local mental health authority" means a local mental health authority described in Section ~~[17-43-301]~~ 17-77-301.

(2) The department shall develop a proposal to allow the state Medicaid program to reimburse a local mental health authority for covered physical health care services provided in an integrated health care setting to Medicaid eligible individuals.

(3) The department shall apply for a Medicaid waiver or a state plan amendment with CMS to implement the proposal described in Subsection (2).

(4) If the waiver or state plan amendment described in Subsection (3) is approved, the department shall:

(a) implement the proposal described in Subsection (2); and

(b) while the waiver or state plan amendment is in effect, submit a report to the Health and Human Services Interim Committee each year before November 30 detailing:

(i) the number of patients served under the waiver or state plan amendment;

(ii) the cost of the waiver or state plan amendment; and

(iii) any benefits of the waiver or state plan amendment.

Section 73. Section **26B-4-317** is amended to read:

26B-4-317 (Effective 11/06/25). Rural County Health Care Special Service District Retirement Grant Program.

(1) As used in this section:

(a) "Participating employer" means an employer that was required to participate in the Utah State Retirement System under Section 49-12-201, 49-12-202, 49-13-201, or 49-13-202.

(b) "Retirement liability" means an obligation in excess of \$750,000 owed to the Utah State Retirement Office by a rural county health care special service district as a

5401 participating employer.

5402 (c) "Rural county health care special service district" means a special service district
5403 formed to provide health care in a third, fourth, fifth, or sixth class county as [defined]
5404 classified in Section [~~17-50-501~~] 17-60-104.

5405 (2) Because there is a compelling statewide public purpose in promoting health care in
5406 Utah's rural counties, and particularly in ensuring the continued existence and financial
5407 viability of hospital services provided by rural county health care special service
5408 districts, there is created a grant program to assist rural county health care special service
5409 districts in meeting a retirement liability.

5410 (3)(a) Subject to legislative appropriation and this Subsection (3), the department shall
5411 make grants to rural county health care special service districts.

5412 (b) To qualify for a grant, a rural county health care special service district shall:

5413 (i) file a grant application with the department detailing:

5414 (A) the name of the rural county health care special service district;

5415 (B) the estimated total amount of the retirement liability;

5416 (C) the grant amount that the rural county health care special service district is
5417 requesting; and

5418 (D) the amount of matching funds to be provided by the rural county health care
5419 special service district to help fund the retirement liability as required by
5420 Subsection (3)(d); and

5421 (ii) commit to provide matching funds as required by Subsection (3)(d).

5422 (c) The department shall review each grant application and, subject to legislative
5423 appropriation, award grants to each rural health care special service district that
5424 qualifies for a grant under Subsection (3)(b).

5425 (d) The department may not award a grant to a rural county health care special service
5426 district unless the rural county health care special service district commits to provide
5427 matching funds to the grant equal to at least 40% of the amount of the grant.

5428 Section 74. Section **26B-4-701** is amended to read:

5429 **26B-4-701 (Effective 11/06/25). Definitions.**

5430 As used in this part:

5431 (1) "Accredited clinical education program" means a clinical education program for a health
5432 care profession that is accredited by the Accreditation Council on Graduate Medical
5433 Education.

5434 (2) "Accredited clinical training program" means a clinical training program that is

5435 accredited by an entity recognized within medical education circles as an accrediting
5436 body for medical education, advanced practice nursing education, physician assistant
5437 education, doctor of pharmacy education, dental education, or registered nursing
5438 education.

5439 (3) "Centers for Medicare and Medicaid Services" means the Centers for Medicare and
5440 Medicaid Services within the United States Department of Health and Human Services.

5441 (4) "Health care professionals in training" means medical students and residents, advanced
5442 practice nursing students, physician assistant students, doctor of pharmacy students,
5443 dental students, and registered nursing students.

5444 (5) "Hospital" means a general acute hospital, as defined in Section 26B-2-201.

5445 (6) "Physician" means a person:

5446 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

5447 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
5448 Practice Act.

5449 (7) "Rural county" means a county of the third, fourth, fifth, or sixth class under Section [
5450 ~~17-50-501~~] 17-60-104.

5451 (8) "Rural hospital" means a hospital located within a rural county.

5452 (9) "UMEC" means the Utah Medical Education Council created in Section 26B-4-706.

5453 Section 75. Section **26B-5-102** is amended to read:

5454 **26B-5-102 (Effective 11/06/25). Division of Integrated Healthcare -- Office of**
5455 **Substance Use and Mental Health -- Creation -- Responsibilities.**

5456 (1)(a) The Division of Integrated Healthcare shall exercise responsibility over the
5457 policymaking functions, regulatory and enforcement powers, rights, duties, and
5458 responsibilities outlined in state law that were previously vested in the Division of
5459 Substance Abuse and Mental Health within the department, under the administration
5460 and general supervision of the executive director.

5461 (b) The division is the substance abuse authority and the mental health authority for this
5462 state.

5463 (c) There is created the Office of Substance Use and Mental Health within the division.

5464 (d) The office shall exercise the responsibilities, powers, rights, duties, and
5465 responsibilities assigned to the office by the executive director.

5466 (2) The division shall:

5467 (a) educate the general public regarding the nature and consequences of substance use by
5468 promoting school and community-based prevention programs;

- (b) render support and assistance to public schools through approved school-based substance abuse education programs aimed at prevention of substance use;
- (c) promote or establish programs for the prevention of substance use within the community setting through community-based prevention programs;
- (d) cooperate with and assist treatment centers, recovery residences, and other organizations that provide services to individuals recovering from a substance use disorder, by identifying and disseminating information about effective practices and programs;
- (e) promote integrated programs that address an individual's substance use, mental health, and physical health;
- (f) establish and promote an evidence-based continuum of screening, assessment, prevention, treatment, and recovery support services in the community for individuals with a substance use disorder or mental illness;
- (g) evaluate the effectiveness of programs described in this Subsection (2);
- (h) consider the impact of the programs described in this Subsection (2) on:
 - (i) emergency department utilization;
 - (ii) jail and prison populations;
 - (iii) the homeless population; and
 - (iv) the child welfare system;
- (i) promote or establish programs for education and certification of instructors to educate individuals convicted of driving under the influence of alcohol or drugs or driving with any measurable controlled substance in the body;
- (j) collect and disseminate information pertaining to mental health;
- (k) provide direction over the state hospital including approval of the state hospital's budget, administrative policy, and coordination of services with local service plans;
- (l) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to educate families concerning mental illness and promote family involvement, when appropriate, and with patient consent, in the treatment program of a family member;
- (m) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to direct that an individual receiving services through a local mental health authority or the Utah State Hospital be informed about and, if desired by the individual, provided assistance in the completion of a declaration for mental health treatment in accordance with Section 26B-5-313;

- 5503 (n) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
5504 Rulemaking Act, that:
- 5505 (i) certify an adult as a case manager, qualified to provide case management services
5506 within the state;
- 5507 (ii) establish training and certification requirements;
- 5508 (iii) specify the types of services each certificate holder is qualified to provide;
- 5509 (iv) specify the type of supervision under which a certificate holder is required to
5510 operate; and
- 5511 (v) specify continuing education and other requirements for maintaining or renewing
5512 certification;
- 5513 (o) consult and coordinate with local substance abuse authorities and local mental health
5514 authorities regarding programs and services;
- 5515 (p) provide consultation and other assistance to public and private agencies and groups
5516 working on substance use and mental health issues;
- 5517 (q) promote and establish cooperative relationships with courts, hospitals, clinics,
5518 medical and social agencies, public health authorities, law enforcement agencies,
5519 education and research organizations, and other related groups;
- 5520 (r) promote or conduct research on substance use and mental health issues, and submit to
5521 the governor and the Legislature recommendations for changes in policy and
5522 legislation;
- 5523 (s) receive, distribute, and provide direction over public funds for substance use and
5524 mental health services;
- 5525 (t) monitor and evaluate programs provided by local substance abuse authorities and
5526 local mental health authorities;
- 5527 (u) examine expenditures of local, state, and federal funds;
- 5528 (v) monitor the expenditure of public funds by:
- 5529 (i) local substance abuse authorities;
- 5530 (ii) local mental health authorities; and
- 5531 (iii) in counties where they exist, a private contract provider that has an annual or
5532 otherwise ongoing contract to provide comprehensive substance abuse or mental
5533 health programs or services for the local substance abuse authority or local mental
5534 health authority;
- 5535 (w) contract with local substance abuse authorities and local mental health authorities to
5536 provide a comprehensive continuum of services that include community-based

- 5537 services for individuals involved in the criminal justice system, in accordance with
5538 division policy, contract provisions, and the local plan;
- 5539 (x) contract with private and public entities for special statewide or nonclinical services,
5540 or services for individuals involved in the criminal justice system, according to
5541 division rules;
- 5542 (y) review and approve each local substance abuse authority's plan and each local mental
5543 health authority's plan in order to ensure:
- 5544 (i) a statewide comprehensive continuum of substance use services;
5545 (ii) a statewide comprehensive continuum of mental health services;
5546 (iii) services result in improved overall health and functioning;
5547 (iv) a statewide comprehensive continuum of community-based services designed to
5548 reduce criminal risk factors for individuals who are determined to have substance
5549 use or mental illness conditions or both, and who are involved in the criminal
5550 justice system;
- 5551 (v) compliance, where appropriate, with the certification requirements in Subsection
5552 (2)(gg); and
- 5553 (vi) appropriate expenditure of public funds;
- 5554 (z) review and make recommendations regarding each local substance abuse authority's
5555 contract with the local substance abuse authority's provider of substance use
5556 programs and services and each local mental health authority's contract with the local
5557 mental health authority's provider of mental health programs and services to ensure
5558 compliance with state and federal law and policy;
- 5559 (aa) monitor and ensure compliance with division rules and contract requirements;
- 5560 (bb) withhold funds from local substance abuse authorities, local mental health
5561 authorities, and public and private providers for contract noncompliance, failure to
5562 comply with division directives regarding the use of public funds, or for misuse of
5563 public funds or money;
- 5564 (cc) ensure that the requirements of this part are met and applied uniformly by local
5565 substance abuse authorities and local mental health authorities across the state;
- 5566 (dd) require each local substance abuse authority and each local mental health authority,
5567 in accordance with [~~Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii)] Sections~~
5568 17-77-201 and 17-77-301, to submit a plan to the division on or before May 15 of
5569 each year;
- 5570 (ee) conduct an annual program audit and review of each local substance abuse authority

- 5571 and each local substance abuse authority's contract provider, and each local mental
5572 health authority and each local mental health authority's contract provider, including:
- 5573 (i) a review and determination regarding whether:
- 5574 (A) public funds allocated to the local substance abuse authority or the local
5575 mental health authorities are consistent with services rendered by the authority
5576 or the authority's contract provider, and with outcomes reported by the
5577 authority's contract provider; and
- 5578 (B) each local substance abuse authority and each local mental health authority is
5579 exercising sufficient oversight and control over public funds allocated for
5580 substance use disorder and mental health programs and services; and
- 5581 (ii) items determined by the division to be necessary and appropriate;
- 5582 (ff) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic
5583 Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
- 5584 (gg) train and certify an adult as a peer support specialist, qualified to provide peer
5585 supports services to an individual with:
- 5586 (i) a substance use disorder;
- 5587 (ii) a mental health disorder;
- 5588 (iii) a substance use disorder and a mental health disorder;
- 5589 (iv) certify a person to carry out, as needed, the division's duty to train and certify an
5590 adult as a peer support specialist;
- 5591 (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
5592 Rulemaking Act, that:
- 5593 (A) establish training and certification requirements for a peer support specialist;
- 5594 (B) specify the types of services a peer support specialist is qualified to provide;
- 5595 (C) specify the type of supervision under which a peer support specialist is
5596 required to operate; and
- 5597 (D) specify continuing education and other requirements for maintaining or
5598 renewing certification as a peer support specialist; and
- 5599 (vi) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
5600 Rulemaking Act, that:
- 5601 (A) establish the requirements for a person to be certified to carry out, as needed,
5602 the division's duty to train and certify an adult as a peer support specialist; and
- 5603 (B) specify how the division shall provide oversight of a person certified to train
5604 and certify a peer support specialist;

- (hh) collaborate with the State Commission on Criminal and Juvenile Justice to analyze and provide recommendations to the Legislature regarding:
- (i) pretrial services and the resources needed to reduce recidivism;
 - (ii) county jail and county behavioral health early-assessment resources needed for an individual convicted of a class A or class B misdemeanor; and
 - (iii) the replacement of federal dollars associated with drug interdiction law enforcement task forces that are reduced;
- (ii) establish performance goals and outcome measurements for a mental health or substance use treatment program that is licensed under Chapter 2, Part 1, Human Services Programs and Facilities, and contracts with the department, including goals and measurements related to employment and reducing recidivism of individuals receiving mental health or substance use treatment who are involved with the criminal justice system;
- (jj) collaborate with the Administrative Office of the Courts, the Department of Corrections, the Department of Workforce Services, and the Board of Pardons and Parole to collect data on recidivism in accordance with the metrics and requirements described in Section 63M-7-102;
- (kk) at the division's discretion, use the data described in Subsection (2)(jj) to make decisions regarding the use of funds allocated to the division to provide treatment;
- (ll) publish the following on the division's website:
- (i) the performance goals and outcome measurements described in Subsection (2)(ii); and
 - (ii) a description of the services provided and the contact information for the mental health and substance use treatment programs described in Subsection (2)(ii) and residential vocational or life skills programs, as defined in Section 13-53-102;
- (mm) consult and coordinate with the Division of Child and Family Services to develop and manage the operation of a program designed to reduce substance use during pregnancy and by parents of a newborn child that includes:
- (i) providing education and resources to health care providers and individuals in the state regarding prevention of substance use during pregnancy;
 - (ii) providing training to health care providers in the state regarding screening of a pregnant woman or pregnant minor to identify a substance use disorder; and
 - (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn child in need of substance use treatment services to a facility that has the capacity

5639 to provide the treatment services; and

5640 (nn) create training and educational materials regarding recognizing a drug overdose.

5641 (3) In addition to the responsibilities described in Subsection (2), the division shall, within
5642 funds appropriated by the Legislature for this purpose, implement and manage the
5643 operation of a firearm safety and suicide prevention program, in consultation with the
5644 Bureau of Criminal Identification created in Section 53-10-201, including:

5645 (a) coordinating with local mental health and substance abuse authorities, a nonprofit
5646 behavioral health advocacy group, and a representative from a Utah-based nonprofit
5647 organization with expertise in the field of firearm use and safety that represents
5648 firearm owners, to:

5649 (i) produce and periodically review and update a firearm safety brochure and other
5650 educational materials with information about the safe handling and use of firearms
5651 that includes:

5652 (A) information on safe handling, storage, and use of firearms in a home
5653 environment;

5654 (B) information about at-risk individuals and individuals who are legally
5655 prohibited from possessing firearms;

5656 (C) information about suicide prevention awareness; and

5657 (D) information about the availability of firearm safety packets;

5658 (ii) procure cable-style gun locks for distribution under this section;

5659 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
5660 cable-style gun lock described in this Subsection (3); and

5661 (iv) create a suicide prevention education course that:

5662 (A) provides information for distribution regarding firearm safety education;

5663 (B) incorporates current information on how to recognize suicidal behaviors and
5664 identify individuals who may be suicidal; and

5665 (C) provides information regarding crisis intervention resources;

5666 (b) distributing, free of charge, the firearm safety packet to the following persons, who
5667 shall make the firearm safety packet available free of charge:

5668 (i) health care providers, including emergency rooms;

5669 (ii) mobile crisis outreach teams;

5670 (iii) mental health practitioners;

5671 (iv) other public health suicide prevention organizations;

5672 (v) entities that teach firearm safety courses;

- 5673 (vi) school districts for use in the seminar, described in Section 53G-9-703, for
5674 parents of students in the school district; and
- 5675 (vii) firearm dealers to be distributed in accordance with Section 53-5a-602;
- 5676 (c) creating and administering a rebate program that includes a rebate that offers
5677 between \$10 and \$200 off the purchase price of a firearm safe from a participating
5678 firearms dealer or a person engaged in the business of selling firearm safes in Utah,
5679 by a Utah resident; and
- 5680 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5681 making rules that establish procedures for:
- 5682 (i) producing and distributing the suicide prevention education course and the firearm
5683 safety brochures and packets;
- 5684 (ii) procuring the cable-style gun locks for distribution; and
- 5685 (iii) administering the rebate program.
- 5686 (4)(a) The division may refuse to contract with and may pursue legal remedies against
5687 any local substance abuse authority or local mental health authority that fails, or has
5688 failed, to expend public funds in accordance with state law, division policy, contract
5689 provisions, or directives issued in accordance with state law.
- 5690 (b) The division may withhold funds from a local substance abuse authority or local
5691 mental health authority if the authority's contract provider of substance use or mental
5692 health programs or services fails to comply with state and federal law or policy.
- 5693 (5)(a) Before reissuing or renewing a contract with any local substance abuse authority
5694 or local mental health authority, the division shall review and determine whether the
5695 local substance abuse authority or local mental health authority is complying with the
5696 oversight and management responsibilities described in Sections [~~17-43-201,~~
5697 ~~17-43-203, 17-43-303, and 17-43-309]~~ 17-77-201, 17-77-203, 17-77-303, and
5698 17-77-307.
- 5699 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
5700 liability described in Section [~~17-43-303]~~ 17-77-303 and to the responsibility and
5701 liability described in Section [~~17-43-203]~~ 17-77-203.
- 5702 (6) In carrying out the division's duties and responsibilities, the division may not duplicate
5703 treatment or educational facilities that exist in other divisions or departments of the state,
5704 but shall work in conjunction with those divisions and departments in rendering the
5705 treatment or educational services that those divisions and departments are competent and
5706 able to provide.

- 5707 (7) The division may accept in the name of and on behalf of the state donations, gifts,
5708 devises, or bequests of real or personal property or services to be used as specified by
5709 the donor.
- 5710 (8) The division shall annually review with each local substance abuse authority and each
5711 local mental health authority the authority's statutory and contract responsibilities
5712 regarding:
- 5713 (a) use of public funds;
5714 (b) oversight of public funds; and
5715 (c) governance of substance use disorder and mental health programs and services.
- 5716 (9) The Legislature may refuse to appropriate funds to the division upon the division's
5717 failure to comply with the provisions of this part.
- 5718 (10) If a local substance abuse authority contacts the division under [Subsection
5719 ~~17-43-201(10)~~] Section 17-77-201 for assistance in providing treatment services to a
5720 pregnant woman or pregnant minor, the division shall:
- 5721 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
5722 capacity to provide the treatment services; or
5723 (b) otherwise ensure that treatment services are made available to the pregnant woman
5724 or pregnant minor.
- 5725 (11) The division shall employ a school-based mental health specialist to be housed at the
5726 State Board of Education who shall work with the State Board of Education to:
- 5727 (a) provide coordination between a local education agency and local mental health
5728 authority;
5729 (b) recommend evidence-based and evidence informed mental health screenings and
5730 intervention assessments for a local education agency; and
5731 (c) coordinate with the local community, including local departments of health, to
5732 enhance and expand mental health related resources for a local education agency.
- 5733 Section 76. Section ~~26B-5-104~~ is amended to read:
- 5734 **26B-5-104 (Effective 11/06/25). Authority and responsibilities of division.**
- 5735 (1) The division shall set policy for its operation and for programs funded with state
5736 and federal money under Sections [~~17-43-201, 17-43-301, 17-43-304~~] 17-77-201,
5737 17-77-301, 17-77-304, and 26B-5-108.
- 5738 (2) The division shall:
- 5739 [(1)] (a) in establishing rules, seek input from local substance abuse authorities, local
5740 mental health authorities, consumers, providers, advocates, division staff, and other

interested parties as determined by the division;

[(2)] (b) establish, by rule, minimum standards for local substance abuse authorities and local mental health authorities;

[(3)] (c) establish, by rule, procedures for developing policies that ensure that local substance abuse authorities and local mental health authorities are given opportunity to comment and provide input on any new policy of the division or proposed changes in existing rules of the division;

[(4)] (d) provide a mechanism for review of its existing policy, and for consideration of policy changes that are proposed by local substance abuse authorities or local mental health authorities;

[(5)] (e) develop program policies, standards, rules, and fee schedules for the division; and

[(6)] (f) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules approving the form and content of substance abuse treatment, educational series, screening, and assessment that are described in Section 41-6a-501.

Section 77. Section **26B-5-107** is amended to read:

26B-5-107 (Effective 11/06/25). Formula for allocation of funds to local substance abuse authorities and local mental health authorities.

- (1)(a) The division shall establish, by rule, formulas for allocating funds to local substance abuse authorities and local mental health authorities through contracts, to provide substance use prevention and treatment services in accordance with the provisions of this chapter and [~~Title 17, Chapter 43, Part 2, Local Substance Abuse Authorities~~] Title 17, Chapter 77, Part 2, Local Substance Abuse Authorities, and mental health services in accordance with the provisions of this chapter and [~~Title 17, Chapter 43, Part 3, Local Mental Health Authorities~~] Title 17, Chapter 77, Part 3, Local Mental Health Authorities.
- (b) The formulas shall provide for allocation of funds based on need. Determination of need shall be based on population unless the division establishes, by valid and accepted data, that other defined factors are relevant and reliable indicators of need.
- (c) The formulas shall include a differential to compensate for additional costs of providing services in rural areas.
- (2) The formulas established under Subsection (1) apply to all state and federal funds appropriated by the Legislature to the division for local substance abuse authorities and local mental health authorities, but does not apply to:

- 5775 (a) funds that local substance abuse authorities and local mental health authorities
5776 receive from sources other than the division;
- 5777 (b) funds that local substance abuse authorities and local mental health authorities
5778 receive from the division to operate specific programs within their jurisdictions
5779 which are available to all residents of the state;
- 5780 (c) funds that local substance abuse authorities and local mental health authorities
5781 receive from the division to meet needs that exist only within their local areas; and
- 5782 (d) funds that local substance abuse authorities and local mental health authorities
5783 receive from the division for research projects.

5784 Section 78. Section **26B-5-108** is amended to read:

5785 **26B-5-108 (Effective 11/06/25). Contracts for substance use and mental health**
5786 **services -- Provisions -- Responsibilities.**

- 5787 (1) If the division contracts with a local substance abuse authority or a local mental health
5788 authority to provide substance use or mental health programs and services in accordance
5789 with the provisions of this chapter and [~~Title 17, Chapter 43, Part 2, Local Substance~~
5790 ~~Abuse Authorities, or Title 17, Chapter 43, Part 3, Local Mental Health Authorities, it]~~
5791 Title 17, Chapter 77, Local Health and Human Services, the division shall ensure that
5792 those contracts include at least the following provisions:
- 5793 (a) that an independent auditor shall conduct any audit of the local substance abuse
5794 authority or its contract provider's programs or services and any audit of the local
5795 mental health authority or its contract provider's programs or services, pursuant to the
5796 provisions of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions,
5797 Interlocal Organizations, and Other Local Entities Act;
- 5798 (b) in addition to the requirements described in Title 51, Chapter 2a, Accounting Reports
5799 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act,
5800 the division:
- 5801 (i) shall prescribe guidelines and procedures, in accordance with those formulated by
5802 the state auditor pursuant to Section 67-3-1, for auditing the compensation and
5803 expenses of officers, directors, and specified employees of the private contract
5804 provider, to assure the state that no personal benefit is gained from travel or other
5805 expenses; and
- 5806 (ii) may prescribe specific items to be addressed by that audit, depending upon the
5807 particular needs or concerns relating to the local substance abuse authority, local
5808 mental health authority, or contract provider at issue;

- (c) the local substance abuse authority or its contract provider and the local mental health authority and its contract provider shall invite and include all funding partners in its auditor's pre- and exit conferences;
- (d) each member of the local substance abuse authority and each member of the local mental health authority shall annually certify that he has received and reviewed the independent audit and has participated in a formal interview with the provider's executive officers;
- (e) requested information and outcome data will be provided to the division in the manner and within the time lines defined by the division; and
- (f) all audit reports by state or county persons or entities concerning the local substance abuse authority or its contract provider, or the local mental health authority or its contract provider shall be provided to the executive director of the department, the local substance abuse authority or local mental health authority, and members of the contract provider's governing board.

- (2) Each contract between the division and a local substance abuse authority or a local mental health authority shall authorize the division to withhold funds, otherwise allocated under Section 26B-5-107, to cover the costs of audits, attorney fees, and other expenditures associated with reviewing the expenditure of public funds by a local substance abuse authority or its contract provider or a local mental health authority or its contract provider, if there has been an audit finding or judicial determination that public funds have been misused by the local substance abuse authority or its contract provider or the local mental health authority or its contract provider.

Section 79. Section **26B-5-109** is amended to read:

26B-5-109 (Effective 11/06/25). Local plan program funding.

- (1) To facilitate the distribution of newly appropriated funds beginning from fiscal year 2018 for prevention, treatment, and recovery support services that reduce recidivism or reduce the per capita number of incarcerated offenders with a substance use disorder or a mental health disorder, the division shall:
- (a) form an application review and fund distribution committee that includes:
- (i) one representative of the Utah Sheriffs' Association;
 - (ii) one representative of the Statewide Association of Prosecutors of Utah;
 - (iii) two representatives from the division; and
 - (iv) two representatives from the Utah Association of Counties; and
- (b) require the application review and fund distribution committee to:

- 5843 (i) establish a competitive application process for funding of a local plan, as
5844 described in Sections [~~17-43-201(5)(b)~~] 17-77-201 and [~~17-43-301(6)(a)(ii)~~]
5845 17-77-301;
5846 (ii) establish criteria in accordance with this Subsection (1) for the evaluation of an
5847 application;
5848 (iii) ensure that the committee members' affiliate groups approve of the application
5849 process and criteria;
5850 (iv) evaluate applications; and
5851 (v) distribute funds to programs implemented by counties, local mental health
5852 authorities, or local substance abuse authorities.

- 5853 (2) Demonstration of matching county funds is not a requirement to receive funds, but the
5854 application review committee may take into consideration the existence of matching
5855 funds when determining which programs to fund.

5856 Section 80. Section **26B-5-114** is amended to read:

5857 **26B-5-114 (Effective 11/06/25) (Repealed 12/31/26). Behavioral Health Receiving**
5858 **Center Grant Program.**

- 5859 (1) As used in this section:

- 5860 (a) "Behavioral health receiving center" means a 23-hour nonsecure program or facility
5861 that is responsible for, and provides mental health crisis services to, an individual
5862 experiencing a mental health crisis.
5863 (b) "Committee" means the Behavioral Health Crisis Response Committee established in
5864 Section 63C-18-202.
5865 (c) "Project" means a behavioral health receiving center project described in Subsection
5866 (2) or (3)(a).

- 5867 (2) Before July 1, 2020, the division shall issue a request for proposals in accordance with
5868 this section to award a grant to one or more counties of the first or second class, as
5869 classified in Section [~~17-50-501~~] 17-60-104, to develop and implement a behavioral
5870 health receiving center.

- 5871 (3)(a) Before July 1, 2023, the division shall issue a request for proposals in accordance
5872 with this section to award a grant to one county of the third class, as classified in
5873 Section [~~17-50-501~~] 17-60-104, to develop and implement a behavioral health
5874 receiving center.

- 5875 (b) Subject to appropriations by the Legislature, the division shall award grants under
5876 this Subsection (3) before December 31, 2023.

- 5877 (c) The committee shall provide recommendations to the division regarding the
5878 development and implementation of a behavioral health receiving center.
- 5879 (4) The purpose of a project is to:
- 5880 (a) increase access to mental health crisis services for individuals in the state who are
5881 experiencing a mental health crisis; and
- 5882 (b) reduce the number of individuals in the state who are incarcerated or in a hospital
5883 emergency room while experiencing a mental health crisis.
- 5884 (5) An application for a grant under this section shall:
- 5885 (a) identify the population to which the behavioral health receiving center will provide
5886 mental health crisis services;
- 5887 (b) identify the type of mental health crisis services the behavioral health receiving
5888 center will provide;
- 5889 (c) explain how the population described in Subsection (5)(a) will benefit from the
5890 provision of mental health crisis services;
- 5891 (d) provide details regarding:
- 5892 (i) how the proposed project plans to provide mental health crisis services;
- 5893 (ii) how the proposed project will ensure that consideration is given to the capacity of
5894 the behavioral health receiving center;
- 5895 (iii) how the proposed project will ensure timely and effective provision of mental
5896 health crisis services;
- 5897 (iv) the cost of the proposed project;
- 5898 (v) any existing or planned contracts or partnerships between the applicant and other
5899 individuals or entities to develop and implement the proposed project;
- 5900 (vi) any plan to use funding sources in addition to a grant under this section for the
5901 proposed project;
- 5902 (vii) the sustainability of the proposed project; and
- 5903 (viii) the methods the proposed project will use to:
- 5904 (A) protect the privacy of each individual who receives mental health crisis
5905 services from the behavioral health receiving center;
- 5906 (B) collect nonidentifying data relating to the proposed project; and
- 5907 (C) provide transparency on the costs and operation of the proposed project; and
- 5908 (e) provide other information requested by the division to ensure that the proposed
5909 project satisfies the criteria described in Subsection (7).
- 5910 (6) A recipient of a grant under this section shall enroll as a Medicaid provider and meet

5911 minimum standards of care for behavioral health receiving centers established by the
5912 division.

5913 (7) In evaluating an application for the grant, the division shall consider:

5914 (a) the extent to which the proposed project will fulfill the purposes described in
5915 Subsection (4);

5916 (b) the extent to which the population described in Subsection (5)(a) is likely to benefit
5917 from the proposed project;

5918 (c) the cost of the proposed project;

5919 (d) the extent to which any existing or planned contracts or partnerships between the
5920 applicant and other individuals or entities to develop and implement the project, or
5921 additional funding sources available to the applicant for the proposed project, are
5922 likely to benefit the proposed project; and

5923 (e) the viability and innovation of the proposed project.

5924 (8)(a) In consultation with the committee, the division shall make rules, in accordance
5925 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the application
5926 and award of a grant under this section.

5927 (b)(i) The rules created under Subsection (8)(a) shall:

5928 (A) implement a funding structure for a behavioral health receiving center
5929 developed using a grant awarded under this section;

5930 (B) include implementation standards and minimum program requirements for a
5931 behavioral health receiving center developed using a grant awarded under this
5932 section, including minimum guidelines and standards of care, and minimum
5933 staffing requirements; and

5934 (C) require a behavioral health receiving center developed using a grant awarded
5935 under this section to operate 24 hours per day, seven days per week, and every
5936 day of the year.

5937 (ii) The funding structure described in Subsection (8)(b)(i)(A) shall provide for tiers
5938 and phases of shared funding coverage between the state and counties.

5939 (9) Before June 30, 2024, the division shall report to the Health and Human Services
5940 Interim Committee regarding:

5941 (a) grants awarded under Subsection (3)(a); and

5942 (b) the details of each project described in Subsection (3)(a).

5943 (10) Before June 30, 2026, the division shall provide a report to the Health and Human
5944 Services Interim Committee that includes data gathered in relation to each project

described in Subsection (3)(a).

Section 81. Section **26B-5-121** is amended to read:

26B-5-121 (Effective 11/06/25). Voluntary referrals to substance use and mental health services by first responders -- Immunity from liability -- Reporting -- Rulemaking.

(1) As used in this section:

(a) "First responder" means:

- (i) a law enforcement officer, as that term is defined in Section 53-13-103;
- (ii) emergency medical service personnel, as that term is defined in Section 53-2d-101;
- (iii) an emergency medical technician, as that term is defined in Section 53-2e-101;
- (iv) an advanced emergency medical technician, as that term is defined in Section 53-2e-101;
- (v) a firefighter, as that term is defined in Section 53B-8c-102; or
- (vi) a dispatcher, as that term is defined in Section 53-6-102.

(b) "Local services list" means a comprehensive list of local substance use or mental health services, as described in Subsections ~~[17-43-201(5)(b)(iii)]~~ 17-77-201(5)(b)(iii) and ~~[17-43-301(6)(c)]~~ 17-77-301(5)(c).

(2) As and when appropriate, a first responder is encouraged to offer a referral to substance use or mental health services to an individual who experiences an intentional or accidental overdose.

(3) If an individual expresses interest in substance use or mental health services, a first responder may, as appropriate:

- (a) facilitate a real-time connection with an appropriate local service provider;
- (b) contact the statewide 988 crisis line for assistance; or
- (c) if the individual does not wish to speak with a service provider at that time, provide the individual with a physical copy of a local services list.

(4)(a) This section does not create a duty for a first responder to offer or provide a referral to substance use or mental health services.

(b) A first responder and an employer of a first responder are not liable under this section for a first responder's action or failure to act in regards to offering or providing a referral to substance use or mental health services as described in this section.

(c) This section does not affect any privilege or immunity from liability, exemption from law, ordinance, or rule, or any other benefit that applies to a first responder or an employer of a first responder.

(5)(a) If a first responder offers a referral to substance use or mental health services as described in this section, the first responder's employer shall report annually to the division the total number of individuals who accepted a referral from all first responders employed by the employer.

(b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how the reports required by Subsection (5)(a) shall be submitted.

Section 82. Section **26B-5-201** is amended to read:

26B-5-201 (Effective 11/06/25). Definitions.

As used in this part:

- (1) "Juvenile substance use offender" means any minor who has committed a drug or alcohol related offense under the jurisdiction of the juvenile court in accordance with Section 78A-6-103.
- (2) "Local substance abuse authority" means a county legislative body designated to provide substance abuse services in accordance with Section ~~[17-43-201]~~ 17-77-201.
- (3) "Minor" means the same as that term is defined in Section 80-1-102.
- (4) "Teen substance use school" means any school established by the local substance abuse authority, in cooperation with the Board of Juvenile Court Judges, that provides an educational, interpersonal, skill-building experience for juvenile substance abuse offenders and their parents or legal guardians.

Section 83. Section **26B-5-301** is amended to read:

26B-5-301 (Effective 11/06/25). Definitions.

As used in this part, Part 4, Commitment of Persons Under Age 18, and Part 5, Essential Treatment and Intervention:

- (1) "Adult" means an individual 18 years old or older.
- (2) "Approved treatment facility or program" means a mental health or substance use treatment provider that meets the goals and measurements described in Subsection 26B-5-102(2)(ii).
- (3) "Assisted outpatient treatment" means involuntary outpatient mental health treatment ordered under Section 26B-5-351.
- (4) "Attending physician" means a physician licensed to practice medicine in this state who has primary responsibility for the care and treatment of the declarant.
- (5) "Attorney-in-fact" means an adult properly appointed under this part to make mental health treatment decisions for a declarant under a declaration for mental health treatment.

- 6013 (6) "Commitment to the custody of a local mental health authority" means that an adult is
6014 committed to the custody of the local mental health authority that governs the mental
6015 health catchment area where the adult resides or is found.
- 6016 (7) "Community mental health center" means an entity that provides treatment and services
6017 to a resident of a designated geographical area, that operates by or under contract with a
6018 local mental health authority, and that complies with state standards for community
6019 mental health centers.
- 6020 (8) "Designated examiner" means:
- 6021 (a) a licensed physician, preferably a psychiatrist, who is designated by the division as
6022 specially qualified by training or experience in the diagnosis of mental or related
6023 illness; or
- 6024 (b) a licensed mental health professional designated by the division as specially qualified
6025 by training and who has at least five years' continual experience in the treatment of
6026 mental illness.
- 6027 (9) "Designee" means a physician who has responsibility for medical functions including
6028 admission and discharge, an employee of a local mental health authority, or an employee
6029 of a person that has contracted with a local mental health authority to provide mental
6030 health services under Section [~~17-43-304~~] 17-77-304.
- 6031 (10) "Essential treatment" and "essential treatment and intervention" mean court-ordered
6032 treatment at a local substance abuse authority or an approved treatment facility or
6033 program for the treatment of an adult's substance use disorder.
- 6034 (11) "Harmful sexual conduct" means the following conduct upon an individual without the
6035 individual's consent, including the nonconsensual circumstances described in
6036 Subsections 76-5-406(2)(a) through (l):
- 6037 (a) sexual intercourse;
- 6038 (b) penetration, however slight, of the genital or anal opening of the individual;
- 6039 (c) any sexual act involving the genitals or anus of the actor or the individual and the
6040 mouth or anus of either individual, regardless of the gender of either participant; or
- 6041 (d) any sexual act causing substantial emotional injury or bodily pain.
- 6042 (12) "Informed waiver" means the patient was informed of a right and, after being informed
6043 of that right and the patient's right to waive the right, expressly communicated his or her
6044 intention to waive that right.
- 6045 (13) "Incapable" means that, in the opinion of the court in a guardianship proceeding under
6046 Title 75, Utah Uniform Probate Code, or in the opinion of two physicians, a person's

ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that the person currently lacks the capacity to make mental health treatment decisions.

(14) "Institution" means a hospital or a health facility licensed under Section 26B-2-206.

(15) "Lay person" means an individual identified and authorized by a patient to participate in activities related to the patient's commitment, including court appearances, discharge planning, and grievances, except that a patient may revoke a lay person's authorization at any time.

(16) "Local substance abuse authority" means the same as that term is defined in Section 26B-5-101 and described in Section ~~[17-43-201]~~ 17-77-201.

(17) "Mental health facility" means the Utah State Hospital or other facility that provides mental health services under contract with the division, a local mental health authority, a person that contracts with a local mental health authority, or a person that provides acute inpatient psychiatric services to a patient.

(18) "Mental health officer" means an individual who is designated by a local mental health authority as qualified by training and experience in the recognition and identification of mental illness, to:

(a) apply for and provide certification for a temporary commitment; or

(b) assist in the arrangement of transportation to a designated mental health facility.

(19) "Mental illness" means:

(a) a psychiatric disorder that substantially impairs an individual's mental, emotional, behavioral, or related functioning; or

(b) the same as that term is defined in:

(i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; or

(ii) the current edition of the International Statistical Classification of Diseases and Related Health Problems.

(20) "Mental health treatment" means convulsive treatment, treatment with psychoactive medication, or admission to and retention in a facility for a period not to exceed 17 days.

(21) "Patient" means an individual who is:

(a) under commitment to the custody or to the treatment services of a local mental health authority; or

(b) undergoing essential treatment and intervention.

(22) "Physician" means an individual who is:

- 6081 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or
6082 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
6083 Practice Act.
- 6084 (23) "Serious bodily injury" means bodily injury that involves a substantial risk of death,
6085 unconsciousness, extreme physical pain, protracted and obvious disfigurement, or
6086 protracted loss or impairment of the function of a bodily member, organ, or mental
6087 faculty.
- 6088 (24) "State hospital" means the Utah State Hospital established in Section 26B-5-302.
- 6089 (25) "Substantial danger" means that due to mental illness, an individual is at serious risk of:
6090 (a) suicide;
6091 (b) serious bodily self-injury;
6092 (c) serious bodily injury because the individual is incapable of providing the basic
6093 necessities of life, including food, clothing, or shelter;
6094 (d) causing or attempting to cause serious bodily injury to another individual;
6095 (e) engaging in harmful sexual conduct; or
6096 (f) if not treated, suffering severe and abnormal mental, emotional, or physical distress
6097 that:
6098 (i) is associated with significant impairment of judgment, reason, or behavior; and
6099 (ii) causes a substantial deterioration of the individual's previous ability to function
6100 independently.
- 6101 (26) "Treatment" means psychotherapy, medication, including the administration of
6102 psychotropic medication, or other medical treatments that are generally accepted
6103 medical or psychosocial interventions for the purpose of restoring the patient to an
6104 optimal level of functioning in the least restrictive environment.
- 6105 Section 84. Section **26B-5-382** is amended to read:
- 6106 **26B-5-382 (Effective 11/06/25). HOME Court Pilot Program -- Requirements --**
6107 **Funding -- Reporting.**
- 6108 (1) As used in this section, "pilot program" means the HOME Court Pilot Program
6109 established in Subsection (2).
- 6110 (2) Subject to appropriations from the Legislature and the assignment of a judge to preside
6111 over the proceedings, the Third Judicial District Court of Salt Lake County shall
6112 establish and administer a HOME Court Pilot Program beginning October 1, 2024, and
6113 ending June 30, 2029, that provides for comprehensive and individualized,
6114 court-supervised treatment and services to individuals with mental illness.

6115 (3) The pilot program shall:

6116 (a) allow a person to petition the court for an order requiring an individual's participation
6117 in the pilot program;

6118 (b) require the court to substitute the local mental health authority as the petitioner if the
6119 initial petitioner is not the local mental health authority;

6120 (c) provide an opportunity for the parties to enter into an agreement regarding an
6121 individual's participation in the pilot program, including a treatment plan, prior to a
6122 court order under Subsection (3)(e);

6123 (d) provide for a hearing at which information is presented to determine whether an
6124 individual qualifies for court-ordered participation in the pilot program as provided in
6125 Subsection (3)(e);

6126 (e) require the court to order an individual to participate in the pilot program if, upon
6127 completion of the hearing described in Subsection (3)(d), the court finds by clear and
6128 convincing evidence that:

6129 (i) the individual resides or may be presently found within Salt Lake County;

6130 (ii) the individual has a mental illness;

6131 (iii) because of the individual's mental illness, the individual:

6132 (A) is unlikely to survive or remain safe without supervision, assistance, or
6133 services; or

6134 (B) meets the criteria described in Subsection 26B-5-351(14)(c)(i) or (ii);

6135 (iv) there is no appropriate less-restrictive alternative to a court order for participation
6136 in the pilot program;

6137 (v) the individual is likely to benefit from participation in the pilot program; and

6138 (vi) there is adequate capacity within the pilot program to meet the individual's need
6139 for services described in Subsection (3)(f);

6140 (f) upon the court's order for an individual to participate in the pilot program, require the
6141 local mental health authority to prepare a comprehensive and individualized
6142 treatment plan, for approval by the court, that includes the following components for
6143 the individual to successfully achieve the purposes of the pilot program:

6144 (i) mental health services;

6145 (ii) housing resources;

6146 (iii) social services;

6147 (iv) case management;

6148 (v) peer support;

- 6149 (vi) exit or transition services; and
6150 (vii) individualized goals for the successful completion of the pilot program;
6151 (g) upon the court's approval of a treatment plan prepared by the local mental health
6152 authority:
6153 (i) require the local mental health authority to coordinate services required for
6154 participation in the pilot program; and
6155 (ii) require the court to conduct regular review hearings as deemed necessary to
6156 evaluate the individual's progress in completing the treatment plan; and
6157 (h) operate in a manner that is consistent with the procedures for ordering assisted
6158 outpatient treatment under Section 26B-5-351.
- 6159 (4)(a)(i) If a individual participating in the pilot program has an outstanding warrant
6160 or pending criminal matter in another Utah court, the Third Judicial District Court
6161 of Salt Lake County may notify the other court in which the individual has an
6162 outstanding warrant or pending criminal matter regarding the individual's
6163 participation in the pilot program.
- 6164 (ii) Upon receiving notice of an individual's participation in the pilot program under
6165 Subsection (4)(a)(i), the other court may, if deemed appropriate, recall the warrant
6166 or stay the case in which the individual is involved unless the warrant or case
6167 involves a felony charge.
- 6168 (iii) In determining whether to recall a warrant or stay a case under Subsection
6169 (4)(a)(ii), the other court shall consider the likelihood of the individual's
6170 successful completion of the pilot program, the severity of the pending charges,
6171 the impact on victims' rights, and the impact on the government's ability and right
6172 to prosecute the case.
- 6173 (b)(i) If an individual described in Subsection (4)(a)(i) successfully completes the
6174 pilot program, the Third Judicial District Court of Salt Lake County may notify
6175 the other court in which the individual has an outstanding warrant or pending
6176 criminal matter regarding the individual's successful completion of the pilot
6177 program.
- 6178 (ii) Upon receiving notice of an individual's successful completion of the pilot
6179 program under Subsection (4)(b)(i), the other court shall consider the effect of the
6180 individual's completion of the pilot program on the case pending before that court,
6181 including the dismissal of criminal charges if deemed appropriate.
- 6182 (5)(a) Costs of all services provided under the pilot program, including the costs

incurred by the multidisciplinary team described in Subsection (5)(b)(ii)(B), shall be paid by Salt Lake County.

(b) If the Legislature appropriates money to the division for implementation of the pilot program, the division shall:

(i) require the local mental health authority, as part of the plan required under [~~Subsection 17-43-301(6)(a)(ii)~~] Subsection 17-77-301(5), to submit to the division a proposal for implementation of the pilot program on or before May 15 of each year;

(ii) review the proposal described in Subsection (5)(b)(i) to ensure that the proposal:

(A) meets the requirements of this section; and

(B) establishes a multidisciplinary team, with a sufficient number of stakeholders, to adequately address the provision of treatment and services under the pilot program;

(iii) upon approval of the proposal described in Subsection (5)(b)(i), contract funds appropriated for the pilot program with the local mental health authority; and

(iv) conduct an annual audit and review of the local mental health authority, and any contracted provider, regarding the use of funds appropriated for the pilot program.

(c) The matching requirement in Subsection [~~17-41-301(6)(a)(x)~~] 17-77-301(6)(a)(x) does not apply to funds appropriated by the Legislature for the pilot program.

(d) Subject to appropriation by the Legislature, Salt Lake County may:

(i) apply to the division to receive funds to cover the county's costs under the pilot program; and

(ii) pay county contributions to the nonfederal share of Medicaid expenditures with funds appropriated for the pilot program.

(6) The department shall:

(a) establish and evaluate metrics for the success of the pilot program with input from the local mental health authority, the Utah Homeless Services Board created in Section 35A-16-204, and the Judicial Council; and

(b) in collaboration with the local mental health authority, submit to the Health and Human Services Interim Committee a report on or before June 30 of each year, beginning in calendar year 2025, regarding the outcomes of the pilot program.

Section 85. Section **26B-5-413** is amended to read:

26B-5-413 (Effective 11/06/25). Contracts with local mental health authorities -- Provisions.

When the division contracts with a local mental health authority to provide mental health programs and services in accordance with the provisions of this chapter and [~~Title 17, Chapter 43, Part 3, Local Mental Health Authorities~~] Title 17, Chapter 77, Part 3, Local Mental Health Authorities, it shall ensure that those contracts include at least the following provisions:

- (1) that an independent auditor shall conduct any audit of the local mental health authority or its contract provider's programs or services, pursuant to the provisions of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
- (2) in addition to the requirements described in Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, the division:
 - (a) shall prescribe guidelines and procedures, in accordance with those formulated by the state auditor pursuant to Section 67-3-1, for auditing the compensation and expenses of officers, directors, and specified employees of the private contract provider, to assure the state that no personal benefit is gained from travel or other expenses; and
 - (b) may prescribe specific items to be addressed by that audit, depending upon the particular needs or concerns relating to the local mental health authority or contract provider at issue;
- (3) the local mental health authority or its contract provider shall invite and include all funding partners in its auditor's pre- and exit conferences;
- (4) each member of the local mental health authority shall annually certify that he has received and reviewed the independent audit and has participated in a formal interview with the provider's executive officers;
- (5) requested information and outcome data will be provided to the division in the manner and within the timelines defined by the division;
- (6) all audit reports by state or county persons or entities concerning the local mental health authority or its contract provider shall be provided to the executive director of the department, the local mental health authority, and members of the contract provider's governing board; and
- (7) the local mental health authority or its contract provider will offer and provide mental health services to residents who are indigent and who meet state criteria for serious and persistent mental illness or severe emotional disturbance.

Section 86. Section **26B-5-612** is amended to read:

26B-5-612 (Effective 11/06/25) (Repealed 12/31/25). Integrated behavioral health care grant program.

(1) As used in this section:

(a) "Integrated behavioral health care services" means coordinated physical and behavioral health care services for one patient.

(b) "Local mental health authority" means a local mental health authority described in Section ~~[17-43-301]~~ 17-77-301.

(c) "Project" means a project described in Subsection (2).

(2) Before July 1 of each year, the department shall issue a request for proposals in accordance with this section to award a grant to a local mental health authority for development or expansion of a project to provide effective delivery of integrated behavioral health care services.

(3) To be considered for a grant award under Subsection (2), a local mental health authority shall submit an application to the department that:

(a) explains the benefits of integrated behavioral health care services to a patient who is receiving mental health or substance use disorder treatment;

(b) describes the local mental health authority's operational plan for delivery of integrated behavioral health care services under the proposed project and any data or evidence-based practices supporting the likely success of the operational plan;

(c) includes:

(i) the number of patients to be served by the local mental health authority's proposed project; and

(ii) the cost of the local mental health authority's proposed project; and

(d) provides details regarding:

(i) any plan to use funding sources in addition to the grant award under this section for the local mental health authority's proposed project;

(ii) any existing or planned contracts or partnerships between the local mental health authority and other individuals or entities to develop or implement the local mental health authority's proposed project; and

(iii) the sustainability and reliability of the local mental health authority's proposed project.

(4) In evaluating a local mental health authority's application under Subsection (3) to determine the grant award under Subsection (2), the department shall consider:

(a) how the local mental health authority's proposed project will ensure effective

- 6285 provision of integrated behavioral health care services;
- 6286 (b) the cost of the local mental health authority's proposed project;
- 6287 (c) the extent to which any existing or planned contracts or partnerships or additional
- 6288 funding sources described in the local mental health authority's application are likely
- 6289 to benefit the proposed project; and
- 6290 (d) the sustainability and reliability of the local mental health authority's proposed
- 6291 project.

6292 (5) Before July 1, 2025, the department shall report to the Health and Human Services

6293 Interim Committee regarding:

- 6294 (a) any knowledge gained or obstacles encountered in providing integrated behavioral
- 6295 health care services under each project;
- 6296 (b) data gathered in relation to each project; and
- 6297 (c) recommendations for expanding a project statewide.

6298 Section 87. Section **26B-6-208** is amended to read:

6299 **26B-6-208 (Effective 11/06/25). Enforcement by division -- Duty of county or**

6300 **district attorney.**

6301 (1) It is the duty of the county or district attorney, as appropriate under Sections [~~17-18a-202~~

6302 ~~and 17-18a-203~~] 17-68-302 and 17-68-303, to:

- 6303 (a) assist and represent the division;
- 6304 (b) initiate legal proceedings to protect vulnerable adults; and
- 6305 (c) take appropriate action to prosecute the alleged offenders.

6306 (2) If the county or district attorney fails to act upon the request of the division to provide

6307 legal assistance within five business days after the day on which the request is made:

- 6308 (a) the division may request the attorney general to act; and
- 6309 (b) the attorney general may, in the attorney general's discretion, assume the
- 6310 responsibilities and carry the action forward in place of the county or district attorney.

6311 Section 88. Section **26B-6-801** is amended to read:

6312 **26B-6-801 (Effective 11/06/25). Definitions.**

6313 As used in this part:

6314 (1) "Disability" has the same meaning as defined in 42 U.S.C. Sec. 12102 of the Americans

6315 With Disabilities Act of 1990, as may be amended in the future, and 28 C.F.R. Sec.

6316 36.104[~~of the Code of Federal Regulations~~], as may be amended in the future.

6317 (2) "Informed consent" means consent that is voluntary and based on an understanding by

6318 the person to be sterilized of the nature and consequences of sterilization, the reasonably

6319 foreseeable risks and benefits of sterilization, and the available alternative methods of
6320 contraception.

6321 (3) "Institutionalized" means residing in the Utah State Developmental Center, the Utah
6322 State Hospital, a residential facility for persons with a disability as defined in Sections [
6323 ~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102, a group home for persons with a
6324 disability, a nursing home, or a foster care home or facility.

6325 (4)(a) "Service animal" includes any dog that:

6326 (i) is trained, or is in training, to do work or perform tasks for the benefit of an
6327 individual with a disability, including a physical, sensory, psychiatric, intellectual,
6328 or other mental disability; and

6329 (ii) performs work or tasks, or is in training to perform work or tasks, that are directly
6330 related to the individual's disability, including:

6331 (A) assisting an individual who is blind or has low vision with navigation or other
6332 tasks;

6333 (B) alerting an individual who is deaf or hard of hearing to the presence of people
6334 or sounds;

6335 (C) providing non-violent protection or rescue work;

6336 (D) pulling a wheelchair;

6337 (E) assisting an individual during a seizure;

6338 (F) alerting an individual to the presence of an allergen;

6339 (G) retrieving an item for the individual;

6340 (H) providing physical support and assistance with balance and stability; or

6341 (I) helping an individual with a psychiatric or neurological disability by
6342 preventing or interrupting impulsive or destructive behaviors.

6343 (b) "Service animal" does not include:

6344 (i) an animal other than a dog, whether wild or domestic, trained or untrained; or

6345 (ii) an animal used solely to provide:

6346 (A) a crime deterrent;

6347 (B) emotional support;

6348 (C) well-being;

6349 (D) comfort; or

6350 (E) companionship.

6351 (5) "Sterilization" means any medical procedure, treatment, or operation rendering an
6352 individual permanently incapable of procreation.

- 6353 (6) "Support animal" means an animal, other than a service animal, that qualifies as a
6354 reasonable accommodation under federal law for an individual with a disability.
- 6355 Section 89. Section **31A-3-102** is amended to read:
- 6356 **31A-3-102 (Effective 11/06/25). Exclusive fees and taxes.**
- 6357 (1) The following are in place of any other license fee or license assessment that might
6358 otherwise be levied against a licensee by the state or a political subdivision of the state:
- 6359 (a) subject to Subsection (4), taxes and fees under this chapter;
- 6360 (b) the premium taxes under Title 59, Chapter 9, Taxation of Admitted Insurers;
- 6361 (c) the fees under Section 31A-31-108; and
- 6362 (d) the examination costs under Section 31A-2-205.
- 6363 (2) The following are not subject to Title 59, Chapter 7, Corporate Franchise and Income
6364 Taxes:
- 6365 (a) an insurer that is subject to premium taxes under Title 59, Chapter 9, Taxation of
6366 Admitted Insurers, regardless of whether the insurance company has a tax liability
6367 under that chapter;
- 6368 (b) an insurance company that engages in a transaction that is subject to taxes under
6369 Section 31A-3-301 or 31A-3-302, regardless of whether the insurance company has a
6370 tax liability under that section; and
- 6371 (c) a captive insurance company as provided in Section 31A-3-304 that pays a fee
6372 imposed under Section 31A-3-304.
- 6373 (3) Unless otherwise exempt, a licensee under this title is subject to real and personal
6374 property taxes.
- 6375 (4) A tax or fee under this chapter is not in place of a tax or fee a municipality or county
6376 imposes in accordance with Section 10-1-203 or [17-53-216] 17-64-505.
- 6377 Section 90. Section **32B-1-102** is amended to read:
- 6378 **32B-1-102 (Effective 11/06/25) (Superseded 01/01/26). Definitions.**
- 6379 As used in this title:
- 6380 (1) "Airport lounge" means a business location:
- 6381 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
- 6382 (b) that is located at an international airport or domestic airport.
- 6383 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail
6384 License Act, and Chapter 6, Part 5, Airport Lounge License.
- 6385 (3) "Alcoholic beverage" means the following:
- 6386 (a) beer; or

- 6387 (b) liquor.
- 6388 (4)(a) "Alcoholic product" means a product that:
- 6389 (i) contains at least .5% of alcohol by volume; and
- 6390 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
- 6391 process that uses liquid or combinations of liquids, whether drinkable or not, to
- 6392 create alcohol in an amount equal to or greater than .5% of alcohol by volume.
- 6393 (b) "Alcoholic product" includes an alcoholic beverage.
- 6394 (c) "Alcoholic product" does not include any of the following common items that
- 6395 otherwise come within the definition of an alcoholic product:
- 6396 (i) except as provided in Subsection (4)(d), an extract;
- 6397 (ii) vinegar;
- 6398 (iii) preserved nonintoxicating cider;
- 6399 (iv) essence;
- 6400 (v) tincture;
- 6401 (vi) food preparation; or
- 6402 (vii) an over-the-counter medicine.
- 6403 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
- 6404 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 6405 (5) "Alcohol training and education seminar" means a seminar that is:
- 6406 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 6407 (b) described in Section 26B-5-205.
- 6408 (6)(a) "Amphitheater" means an outdoor, multi-use performance venue that:
- 6409 (i) is primarily used to present live entertainment, including music, dance, comedy,
- 6410 and theater;
- 6411 (ii) has the capacity to hold over 10,000 patrons; and
- 6412 (iii) is located in a county of the first class.
- 6413 (b) "Amphitheater" does not include a space that is used to present sporting events or
- 6414 sporting competitions.
- 6415 (7) "Arena" means an enclosed building:
- 6416 (a) that is managed by:
- 6417 (i) the same person who owns the enclosed building;
- 6418 (ii) a person who has a majority interest in each person who owns or manages a space
- 6419 in the enclosed building; or
- 6420 (iii) a person who has authority to direct or exercise control over the management or

- 6421 policy of each person who owns or manages a space in the enclosed building;
- 6422 (b) that operates as a venue; and
- 6423 (c) that has an occupancy capacity of at least 12,500.
- 6424 (8) "Arena license" means a license issued in accordance with Chapter 5, Retail License
- 6425 Act, and Chapter 8c, Arena License Act.
- 6426 (9) "Banquet" means an event:
- 6427 (a) that is a private event or a privately sponsored event;
- 6428 (b) that is held at one or more designated locations approved by the commission in or on
- 6429 the premises of:
- 6430 (i) a hotel;
- 6431 (ii) a resort facility;
- 6432 (iii) a sports center;
- 6433 (iv) a convention center;
- 6434 (v) a performing arts facility;
- 6435 (vi) an arena;
- 6436 (vii) a restaurant venue; or
- 6437 (viii) an amphitheater;
- 6438 (c) for which there is a contract:
- 6439 (i) between a person operating a facility listed in Subsection (9)(b) and another
- 6440 person that has common ownership of less than 20% with the person operating the
- 6441 facility; and
- 6442 (ii) under which the person operating a facility listed in Subsection (9)(b) is required
- 6443 to provide an alcoholic product at the event; and
- 6444 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 6445 (10)(a) "Bar establishment license" means a license issued in accordance with Chapter 5,
- 6446 Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- 6447 (b) "Bar establishment license" includes:
- 6448 (i) a dining club license;
- 6449 (ii) an equity license;
- 6450 (iii) a fraternal license; or
- 6451 (iv) a bar license.
- 6452 (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act,
- 6453 and Chapter 6, Part 4, Bar Establishment License.
- 6454 (12)(a) "Beer" means a product that:

- 6455 (i) contains:
- 6456 (A) at least .5% of alcohol by volume; and
- 6457 (B) no more than 5% of alcohol by volume or 4% by weight;
- 6458 (ii) is obtained by fermentation, infusion, or decoction of:
- 6459 (A) malt; or
- 6460 (B) a malt substitute; and
- 6461 (iii) is clearly marketed, labeled, and identified as:
- 6462 (A) beer;
- 6463 (B) ale;
- 6464 (C) porter;
- 6465 (D) stout;
- 6466 (E) lager;
- 6467 (F) a malt;
- 6468 (G) a malted beverage; or
- 6469 (H) seltzer.
- 6470 (b) "Beer" may contain:
- 6471 (i) hops extract;
- 6472 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
- 6473 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
- 6474 (A) is used in the production of beer;
- 6475 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
- 6476 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
- 6477 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 6478 (c) "Beer" does not include:
- 6479 (i) a flavored malt beverage;
- 6480 (ii) a product that contains alcohol derived from:
- 6481 (A) except as provided in Subsection (12)(b)(iii), spirituous liquor; or
- 6482 (B) wine; or
- 6483 (iii) a product that contains an additive masking or altering a physiological effect of
- 6484 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
- 6485 tetrahydrocannabinol.
- 6486 (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,
- 6487 Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 6488 (14) "Beer retailer" means a business that:

- 6489 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for
6490 consumption on or off the business premises; and
- 6491 (b) is licensed as:
- 6492 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise
6493 Beer Retailer Local Authority; or
- 6494 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
6495 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 6496 (15) "Beer wholesaling license" means a license:
- 6497 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 6498 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail
6499 licensees or off-premise beer retailers.
- 6500 (16) "Billboard" means a public display used to advertise, including:
- 6501 (a) a light device;
- 6502 (b) a painting;
- 6503 (c) a drawing;
- 6504 (d) a poster;
- 6505 (e) a sign;
- 6506 (f) a signboard; or
- 6507 (g) a scoreboard.
- 6508 (17) "Brewer" means a person engaged in manufacturing:
- 6509 (a) beer;
- 6510 (b) heavy beer; or
- 6511 (c) a flavored malt beverage.
- 6512 (18) "Brewery manufacturing license" means a license issued in accordance with Chapter
6513 11, Part 5, Brewery Manufacturing License.
- 6514 (19) "Certificate of approval" means a certificate of approval obtained from the department
6515 under Section 32B-11-201.
- 6516 (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a
6517 bus company to a group of persons pursuant to a common purpose:
- 6518 (a) under a single contract;
- 6519 (b) at a fixed charge in accordance with the bus company's tariff; and
- 6520 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
6521 motor vehicle, and a driver to travel together to one or more specified destinations.
- 6522 (21) "Church" means a building:

- 6523 (a) set apart for worship;
6524 (b) in which religious services are held;
6525 (c) with which clergy is associated; and
6526 (d) that is tax exempt under the laws of this state.
- 6527 (22) "Commission" means the Alcoholic Beverage Services Commission created in Section
6528 32B-2-201.
- 6529 (23) "Commissioner" means a member of the commission.
- 6530 (24) "Community location" means:
6531 (a) a public or private school as defined in Subsection (116);
6532 (b) a church;
6533 (c) a public library;
6534 (d) a public playground; or
6535 (e) a public park.
- 6536 (25) "Community location governing authority" means:
6537 (a) the governing body of the community location; or
6538 (b) if the commission does not know who is the governing body of a community
6539 location, a person who appears to the commission to have been given on behalf of the
6540 community location the authority to prohibit an activity at the community location.
- 6541 (26) "Container" means a receptacle that contains an alcoholic product, including:
6542 (a) a bottle;
6543 (b) a vessel; or
6544 (c) a similar item.
- 6545 (27) "Controlled group of manufacturers" means as the commission defines by rule made in
6546 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 6547 (28) "Convention center" means a facility that is:
6548 (a) in total at least 30,000 square feet; and
6549 (b) otherwise defined as a "convention center" by the commission by rule.
- 6550 (29)(a) "Counter" means a surface or structure in a dining area of a licensed premises
6551 where seating is provided to a patron for service of food.
6552 (b) "Counter" does not include a dispensing structure.
- 6553 (30) "Crime involving moral turpitude" is as defined by the commission by rule.
- 6554 (31) "Department" means the Department of Alcoholic Beverage Services created in
6555 Section 32B-2-203.
- 6556 (32) "Department compliance officer" means an individual who is:

- 6557 (a) an auditor or inspector; and
6558 (b) employed by the department.
- 6559 (33) "Department sample" means liquor that is placed in the possession of the department
6560 for testing, analysis, and sampling.
- 6561 (34) "Dining club license" means a license issued in accordance with Chapter 5, Retail
6562 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
6563 commission as a dining club license.
- 6564 (35) "Director," unless the context requires otherwise, means the director of the department.
- 6565 (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:
6566 (a) against a person subject to administrative action; and
6567 (b) that is brought on the basis of a violation of this title.
- 6568 (37)(a) Subject to Subsection (37)(b), "dispense" means:
6569 (i) drawing an alcoholic product; and
6570 (ii) using the alcoholic product at the location from which it was drawn to mix or
6571 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 6572 (b) The definition of "dispense" in this Subsection (37) applies only to:
6573 (i) a full-service restaurant license;
6574 (ii) a limited-service restaurant license;
6575 (iii) a reception center license;
6576 (iv) a beer-only restaurant license;
6577 (v) a bar license;
6578 (vi) an on-premise beer retailer;
6579 (vii) an airport lounge license;
6580 (viii) an on-premise banquet license; and
6581 (ix) a hospitality amenity license.
- 6582 (38) "Dispensing structure" means a surface or structure on a licensed premises:
6583 (a) where an alcoholic product is dispensed; or
6584 (b) from which an alcoholic product is served.
- 6585 (39) "Distillery manufacturing license" means a license issued in accordance with Chapter
6586 11, Part 4, Distillery Manufacturing License.
- 6587 (40) "Distressed merchandise" means an alcoholic product in the possession of the
6588 department that is saleable, but for some reason is unappealing to the public.
- 6589 (41) "Domestic airport" means an airport that:
6590 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;

- 6591 (b) receives scheduled commercial passenger aircraft service; and
6592 (c) is not an international airport.
- 6593 (42) "Equity license" means a license issued in accordance with Chapter 5, Retail License
6594 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
6595 commission as an equity license.
- 6596 (43) "Event permit" means:
6597 (a) a single event permit; or
6598 (b) a temporary beer event permit.
- 6599 (44) "Exempt license" means a license exempt under Section 32B-1-201 from being
6600 considered in determining the total number of retail licenses that the commission may
6601 issue at any time.
- 6602 (45)(a) "Flavored malt beverage" means a beverage:
6603 (i) that contains at least .5% alcohol by volume;
6604 (ii) for which the producer is required to file a formula for approval with the federal
6605 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
6606 the beverage is treated by processing, filtration, or another method of manufacture
6607 that is not generally recognized as a traditional process in the production of a beer,
6608 ale, porter, stout, lager, or malt liquor; and
6609 (iii) for which the producer is required to file a formula for approval with the federal
6610 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
6611 the beverage includes an ingredient containing alcohol.
- 6612 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
6613 ethanol-based flavoring agent that contributes to the overall alcohol content of the
6614 beverage.
- 6615 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 6616 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 6617 (46) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License
6618 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
6619 commission as a fraternal license.
- 6620 (47) "Full-service restaurant license" means a license issued in accordance with Chapter 5,
6621 Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 6622 (48)(a) "Furnish" means by any means to provide with, supply, or give an individual an
6623 alcoholic product, by sale or otherwise.
- 6624 (b) "Furnish" includes to:

- 6625 (i) serve;
6626 (ii) deliver; or
6627 (iii) otherwise make available.
- 6628 (49) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
6629 (50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 6630 (51) "Health care practitioner" means:
6631 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
6632 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
6633 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
6634 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
6635 Act;
6636 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
6637 Nurse Practice Act;
6638 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
6639 Practice Act;
6640 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
6641 Therapy Practice Act;
6642 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
6643 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
6644 Professional Practice Act;
6645 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
6646 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice
6647 Act;
6648 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
6649 Hygienist Practice Act; and
6650 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
6651 Act.
- 6652 (52)(a) "Heavy beer" means a product that:
6653 (i)(A) contains more than 5% alcohol by volume;
6654 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
6655 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or
6656 ethanol-based flavoring agent that contributes more than 10% of the overall
6657 alcohol content of the product; or
6658 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by

6659 volume or 4% by weight, and has a label or packaging that is rejected under
6660 Subsection 32B-1-606(3)(b); and

6661 (ii) is obtained by fermentation, infusion, or decoction of:

6662 (A) malt; or

6663 (B) a malt substitute.

6664 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
6665 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that
6666 contributes to the overall alcohol content of the heavy beer.

6667 (c) "Heavy beer" does not include:

6668 (i) a flavored malt beverage;

6669 (ii) a product that contains alcohol derived from:

6670 (A) except as provided in Subsections (52)(a)(i)(B) and (52)(b), spirituous liquor;

6671 or

6672 (B) wine; or

6673 (iii) a product that contains an additive masking or altering a physiological effect of
6674 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
6675 tetrahydrocannabinol.

6676 (d) "Heavy beer" is considered liquor for the purposes of this title.

6677 (53) "Hospitality amenity license" means a license issued in accordance with Chapter 5,
6678 Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

6679 (54)(a) "Hotel" means a commercial lodging establishment that:

6680 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;

6681 (ii) is capable of hosting conventions, conferences, and food and beverage functions
6682 under a banquet contract; and

6683 (iii)(A) has adequate kitchen or culinary facilities on the premises to provide
6684 complete meals;

6685 (B) has at least 1,000 square feet of function space consisting of meeting or dining
6686 rooms that can be reserved for a banquet and can accommodate at least 75
6687 individuals; or

6688 (C) if the establishment is located in a small or unincorporated locality, has an
6689 appropriate amount of function space consisting of meeting or dining rooms
6690 that can be reserved for private use under a banquet contract, as determined by
6691 the commission.

6692 (b) "Hotel" includes a commercial lodging establishment that:

- 6693 (i) meets the requirements under Subsection (54)(a); and
6694 (ii) has one or more privately owned dwelling units.
- 6695 (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail License
6696 Act, and Chapter 8b, Hotel License Act.
- 6697 (56) "Identification card" means an identification card issued under Title 53, Chapter 3, Part
6698 8, Identification Card Act.
- 6699 (57) "Industry representative" means an individual who is compensated by salary,
6700 commission, or other means for representing and selling an alcoholic product of a
6701 manufacturer, supplier, or importer of liquor.
- 6702 (58) "Industry representative sample" means liquor that is placed in the possession of the
6703 department for testing, analysis, and sampling by a local industry representative on the
6704 premises of the department to educate the local industry representative of the quality and
6705 characteristics of the product.
- 6706 (59) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing of
6707 an alcoholic product is prohibited by:
6708 (a) law; or
6709 (b) court order.
- 6710 (60) "International airport" means an airport:
6711 (a) with a United States Customs and Border Protection office on the premises of the
6712 airport; and
6713 (b) at which international flights may enter and depart.
- 6714 (61) "Intoxicated" or "intoxication" means that
6715 an individual exhibits plain and easily observable outward manifestations of behavior or
6716 physical signs produced by or as a result of the use of:
6717 (a) an alcoholic product;
6718 (b) a controlled substance;
6719 (c) a substance having the property of releasing toxic vapors; or
6720 (d) a combination of products or substances described in Subsections (61)(a) through (c).
- 6721 (62) "Investigator" means an individual who is:
6722 (a) a department compliance officer; or
6723 (b) a nondepartment enforcement officer.
- 6724 (63) "License" means:
6725 (a) a retail license;
6726 (b) a sublicense;

- 6727 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
6728 License;
- 6729 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
6730 Act;
- 6731 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
- 6732 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
- 6733 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- 6734 (64) "Licensee" means a person who holds a license.
- 6735 (65) "Limited-service restaurant license" means a license issued in accordance with Chapter
6736 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- 6737 (66) "Limousine" means a motor vehicle licensed by the state or a local authority, other
6738 than a bus or taxicab:
- 6739 (a) in which the driver and a passenger are separated by a partition, glass, or other
6740 barrier;
- 6741 (b) that is provided by a business entity to one or more individuals at a fixed charge in
6742 accordance with the business entity's tariff; and
- 6743 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
6744 travel to one or more specified destinations.
- 6745 (67)(a)(i) "Liquor" means a liquid that:
- 6746 (A) is:
- 6747 (I) alcohol;
- 6748 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 6749 (III) a combination of liquids a part of which is spirituous, vinous, or
6750 fermented; or
- 6751 (IV) other drink or drinkable liquid; and
- 6752 (B)(I) contains at least .5% alcohol by volume; and
- 6753 (II) is suitable to use for beverage purposes.
- 6754 (ii) "Liquor" includes:
- 6755 (A) heavy beer;
- 6756 (B) wine; and
- 6757 (C) a flavored malt beverage.
- 6758 (b) "Liquor" does not include beer.
- 6759 (68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 6760 (69) "Liquor transport license" means a license issued in accordance with Chapter 17,

6761 Liquor Transport License Act.

6762 (70) "Liquor warehousing license" means a license that is issued:

6763 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and

6764 (b) to a person, other than a licensed manufacturer, who engages in the importation for
6765 storage, sale, or distribution of liquor regardless of amount.

6766 (71) "Local authority" means:

6767 (a) for premises that are located in an unincorporated area of a county, the governing
6768 body of a county;

6769 (b) for premises that are located in an incorporated city or town, the governing body of
6770 the city or town; or

6771 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in
6772 a project area plan adopted by the Military Installation Development Authority under
6773 Title 63H, Chapter 1, Military Installation Development Authority Act, the Military
6774 Installation Development Authority.

6775 (72) "Lounge or bar area" is as defined by rule made by the commission.

6776 (73) "Malt substitute" means:

6777 (a) rice;

6778 (b) grain;

6779 (c) bran;

6780 (d) glucose;

6781 (e) sugar; or

6782 (f) molasses.

6783 (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
6784 otherwise make an alcoholic product for personal use or for sale or distribution to others.

6785 (75) "Member" means an individual who, after paying regular dues, has full privileges in an
6786 equity licensee or fraternal licensee.

6787 (76)(a) "Military installation" means a base, air field, camp, post, station, yard, center, or
6788 homeport facility for a ship:

6789 (i)(A) under the control of the United States Department of Defense; or

6790 (B) of the National Guard;

6791 (ii) that is located within the state; and

6792 (iii) including a leased facility.

6793 (b) "Military installation" does not include a facility used primarily for:

6794 (i) civil works;

- 6795 (ii) a rivers and harbors project; or
6796 (iii) a flood control project.
- 6797 (77) "Minibar" means an area of a hotel guest room where one or more alcoholic products
6798 are kept and offered for self-service sale or consumption.
- 6799 (78) "Minor" means an individual under 21 years old.
- 6800 (79) "Nondepartment enforcement agency" means an agency that:
6801 (a)(i) is a state agency other than the department; or
6802 (ii) is an agency of a county, city, or town; and
6803 (b) has a responsibility to enforce one or more provisions of this title.
- 6804 (80) "Nondepartment enforcement officer" means an individual who is:
6805 (a) a peace officer, examiner, or investigator; and
6806 (b) employed by a nondepartment enforcement agency.
- 6807 (81)(a) "Off-premise beer retailer" means a beer retailer who is:
6808 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
6809 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
6810 premises.
- 6811 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 6812 (82) "Off-premise beer retailer state license" means a state license issued in accordance
6813 with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 6814 (83) "On-premise banquet license" means a license issued in accordance with Chapter 5,
6815 Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 6816 (84) "On-premise beer retailer" means a beer retailer who is:
6817 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
6818 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
6819 License; and
6820 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
6821 premises:
6822 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
6823 premises; and
6824 (ii) on and after March 1, 2012, operating:
6825 (A) as a tavern; or
6826 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 6827 (85) "Opaque" means impenetrable to sight.
- 6828 (86) "Package agency" means a retail liquor location operated:

- 6829 (a) under an agreement with the department; and
6830 (b) by a person:
6831 (i) other than the state; and
6832 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,
6833 Package Agency, to sell packaged liquor for consumption off the premises of the
6834 package agency.
- 6835 (87) "Package agent" means a person who holds a package agency.
- 6836 (88) "Patron" means an individual to whom food, beverages, or services are sold, offered
6837 for sale, or furnished, or who consumes an alcoholic product including:
6838 (a) a customer;
6839 (b) a member;
6840 (c) a guest;
6841 (d) an attendee of a banquet or event;
6842 (e) an individual who receives room service;
6843 (f) a resident of a resort; or
6844 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
6845 license.
- 6846 (89)(a) "Performing arts facility" means a multi-use performance space that:
6847 (i) is primarily used to present various types of performing arts, including dance,
6848 music, and theater;
6849 (ii) contains over 2,500 seats;
6850 (iii) is owned and operated by a governmental entity; and
6851 (iv) is located in a city of the first class.
- 6852 (b) "Performing arts facility" does not include a space that is used to present sporting
6853 events or sporting competitions.
- 6854 (90) "Permittee" means a person issued a permit under:
6855 (a) Chapter 9, Event Permit Act; or
6856 (b) Chapter 10, Special Use Permit Act.
- 6857 (91) "Person subject to administrative action" means:
6858 (a) a licensee;
6859 (b) a permittee;
6860 (c) a manufacturer;
6861 (d) a supplier;
6862 (e) an importer;

- 6863 (f) one of the following holding a certificate of approval:
- 6864 (i) an out-of-state brewer;
- 6865 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 6866 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 6867 (g) staff of:
- 6868 (i) a person listed in Subsections (91)(a) through (f); or
- 6869 (ii) a package agent.
- 6870 (92) "Premises" means a building, enclosure, or room used in connection with the storage,
- 6871 sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
- 6872 unless otherwise defined in this title or rules made by the commission.
- 6873 (93) "Prescription" means an order issued by a health care practitioner when:
- 6874 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 6875 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 6876 (b) the order is made in the course of that health care practitioner's professional practice;
- 6877 and
- 6878 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 6879 (94)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 6880 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 6881 (95) "Principal license" means:
- 6882 (a) a resort license;
- 6883 (b) a hotel license; or
- 6884 (c) an arena license.
- 6885 (96)(a) "Private event" means a specific social, business, or recreational event:
- 6886 (i) for which an entire room, area, or hall is leased or rented in advance by an
- 6887 identified group; and
- 6888 (ii) that is limited in attendance to people who are specifically designated and their
- 6889 guests.
- 6890 (b) "Private event" does not include an event to which the general public is invited,
- 6891 whether for an admission fee or not.
- 6892 (97) "Privately sponsored event" means a specific social, business, or recreational event:
- 6893 (a) that is held in or on the premises of an on-premise banquet licensee; and
- 6894 (b) to which entry is restricted by an admission fee.
- 6895 (98)(a) "Proof of age" means:
- 6896 (i) an identification card;

- 6897 (ii) an identification that:
- 6898 (A) is substantially similar to an identification card;
- 6899 (B) is issued in accordance with the laws of a state other than Utah in which the
- 6900 identification is issued;
- 6901 (C) includes date of birth; and
- 6902 (D) has a picture affixed;
- 6903 (iii) a valid driver license certificate that:
- 6904 (A) includes date of birth;
- 6905 (B) has a picture affixed; and
- 6906 (C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in
- 6907 accordance with the laws of the state in which it is issued, or in accordance
- 6908 with federal law by the United States Department of State;
- 6909 (iv) a military identification card that:
- 6910 (A) includes date of birth; and
- 6911 (B) has a picture affixed; or
- 6912 (v) a valid passport.
- 6913 (b) "Proof of age" does not include a driving privilege card issued in accordance with
- 6914 Section 53-3-207.
- 6915 (99) "Provisions applicable to a sublicense" means:
- 6916 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
- 6917 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 6918 (b) for a limited-service restaurant sublicense, the provisions applicable to a
- 6919 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
- 6920 License;
- 6921 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
- 6922 license under Chapter 6, Part 4, Bar Establishment License;
- 6923 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
- 6924 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 6925 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
- 6926 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 6927 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
- 6928 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 6929 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
- 6930 license under Chapter 6, Part 10, Hospitality Amenity License; and

- 6931 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
6932 Part 2, Resort Spa Sublicense.
- 6933 (100)(a) "Public building" means a building or permanent structure that is:
6934 (i) owned or leased by:
6935 (A) the state; or
6936 (B) a local government entity; and
6937 (ii) used for:
6938 (A) public education;
6939 (B) transacting public business; or
6940 (C) regularly conducting government activities.
- 6941 (b) "Public building" does not include a building owned by the state or a local
6942 government entity when the building is used by a person, in whole or in part, for a
6943 proprietary function.
- 6944 (101) "Public conveyance" means a conveyance that the public or a portion of the public
6945 has access to and a right to use for transportation, including an airline, railroad, bus,
6946 boat, or other public conveyance.
- 6947 (102) "Reception center" means a business that:
6948 (a) operates facilities that are at least 5,000 square feet; and
6949 (b) has as its primary purpose the leasing of the facilities described in Subsection
6950 (102)(a) to a third party for the third party's event.
- 6951 (103) "Reception center license" means a license issued in accordance with Chapter 5,
6952 Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 6953 (104)(a) "Record" means information that is:
6954 (i) inscribed on a tangible medium; or
6955 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 6956 (b) "Record" includes:
6957 (i) a book;
6958 (ii) a book of account;
6959 (iii) a paper;
6960 (iv) a contract;
6961 (v) an agreement;
6962 (vi) a document; or
6963 (vii) a recording in any medium.
- 6964 (105) "Residence" means a person's principal place of abode within Utah.

- 6965 (106) "Resident," in relation to a resort, means the same as that term is defined in Section
6966 32B-8-102.
- 6967 (107) "Resort" means the same as that term is defined in Section 32B-8-102.
- 6968 (108) "Resort facility" is as defined by the commission by rule.
- 6969 (109) "Resort license" means a license issued in accordance with Chapter 5, Retail License
6970 Act, and Chapter 8, Resort License Act.
- 6971 (110) "Responsible alcohol service plan" means a written set of policies and procedures that
6972 outlines measures to prevent employees from:
- 6973 (a) over-serving alcoholic beverages to customers;
- 6974 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
6975 intoxicated; and
- 6976 (c) serving alcoholic beverages to minors.
- 6977 (111) "Restaurant" means a business location:
- 6978 (a) at which a variety of foods are prepared;
- 6979 (b) at which complete meals are served; and
- 6980 (c) that is engaged primarily in serving meals.
- 6981 (112) "Restaurant license" means one of the following licenses issued under this title:
- 6982 (a) a full-service restaurant license;
- 6983 (b) a limited-service restaurant license; or
- 6984 (c) a beer-only restaurant license.
- 6985 (113) "Restaurant venue" means a room within a restaurant that:
- 6986 (a) is located on the licensed premises of a restaurant licensee;
- 6987 (b) is separated from the area within the restaurant for a patron's consumption of food by
6988 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
6989 visible to a patron in the area within the restaurant for a patron's consumption of
6990 food; and
- 6991 (c)(i) has at least 1,000 square feet that:
- 6992 (A) may be reserved for a banquet; and
- 6993 (B) accommodates at least 75 individuals; or
- 6994 (ii) if the restaurant is located in a small or unincorporated locality, has an
6995 appropriate amount of space, as determined by the commission, that may be
6996 reserved for a banquet.
- 6997 (114) "Retail license" means one of the following licenses issued under this title:
- 6998 (a) a full-service restaurant license;

- 6999 (b) a master full-service restaurant license;
- 7000 (c) a limited-service restaurant license;
- 7001 (d) a master limited-service restaurant license;
- 7002 (e) a bar establishment license;
- 7003 (f) an airport lounge license;
- 7004 (g) an on-premise banquet license;
- 7005 (h) an on-premise beer license;
- 7006 (i) a reception center license;
- 7007 (j) a beer-only restaurant license;
- 7008 (k) a hospitality amenity license;
- 7009 (l) a resort license;
- 7010 (m) a hotel license; or
- 7011 (n) an arena license.
- 7012 (115) "Room service" means furnishing an alcoholic product to a person in a guest room or
- 7013 privately owned dwelling unit of a:
- 7014 (a) hotel; or
- 7015 (b) resort facility.
- 7016 (116)(a) "School" means a building in which any part is used for more than three hours
- 7017 each weekday during a school year as a public or private:
- 7018 (i) elementary school;
- 7019 (ii) secondary school; or
- 7020 (iii) kindergarten.
- 7021 (b) "School" does not include:
- 7022 (i) a nursery school;
- 7023 (ii) a day care center;
- 7024 (iii) a trade and technical school;
- 7025 (iv) a preschool;
- 7026 (v) a home school;
- 7027 (vi) a home-based microschool as defined in Section 53G-6-201; or
- 7028 (vii) a micro-education entity as defined in Section 53G-6-201.
- 7029 (117) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for
- 7030 additional flavoring that is different in type, flavor, or brand from the primary spirituous
- 7031 liquor in the beverage.
- 7032 (118) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for

consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules made by the commission.

(119) "Serve" means to place an alcoholic product before an individual.

(120) "Sexually oriented entertainer" means a person who while in a state of seminudity appears at or performs:

(a) for the entertainment of one or more patrons;

(b) on the premises of:

(i) a bar licensee; or

(ii) a tavern;

(c) on behalf of or at the request of the licensee described in Subsection (120)(b);

(d) on a contractual or voluntary basis; and

(e) whether or not the person is designated as:

(i) an employee;

(ii) an independent contractor;

(iii) an agent of the licensee; or

(iv) a different type of classification.

(121) "Shared seating area" means the licensed premises of two or more restaurant licensees that the restaurant licensees share as an area for alcoholic beverage consumption in accordance with Subsection 32B-5-207(3).

(122) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3, Single Event Permit.

(123) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer, heavy beer, and flavored malt beverage per year, as the department calculates by:

(a) if the brewer is part of a controlled group of manufacturers, including the combined volume totals of production for all breweries that constitute the controlled group of manufacturers; and

(b) excluding beer, heavy beer, or flavored malt beverage the brewer:

(i) manufactures that is unfit for consumption as, or in, a beverage, as the commission determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(ii) does not sell for consumption as, or in, a beverage.

(124) "Small or unincorporated locality" means:

- 7067 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
- 7068 (b) a town, as classified under Section 10-2-301; or
- 7069 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
- 7070 under Section ~~[17-50-501]~~ 17-60-104.
- 7071 (125) "Spa sublicense" means a sublicense:
- 7072 (a) to a resort license or hotel license; and
- 7073 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
- 7074 Sublicense.
- 7075 (126) "Special use permit" means a permit issued in accordance with Chapter 10, Special
- 7076 Use Permit Act.
- 7077 (127)(a) "Spirituous liquor" means liquor that is distilled.
- 7078 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
- 7079 U.S.C. Sec. 211 and 27 C.F.R. Secs. 5.11 through 5.23.
- 7080 (128) "Sports center" is as defined by the commission by rule.
- 7081 (129)(a) "Staff" means an individual who engages in activity governed by this title:
- 7082 (i) on behalf of a business, including a package agent, licensee, permittee, or
- 7083 certificate holder;
- 7084 (ii) at the request of the business, including a package agent, licensee, permittee, or
- 7085 certificate holder; or
- 7086 (iii) under the authority of the business, including a package agent, licensee,
- 7087 permittee, or certificate holder.
- 7088 (b) "Staff" includes:
- 7089 (i) an officer;
- 7090 (ii) a director;
- 7091 (iii) an employee;
- 7092 (iv) personnel management;
- 7093 (v) an agent of the licensee, including a managing agent;
- 7094 (vi) an operator; or
- 7095 (vii) a representative.
- 7096 (130) "State of nudity" means:
- 7097 (a) the appearance of:
- 7098 (i) the nipple or areola of a female human breast;
- 7099 (ii) a human genital;
- 7100 (iii) a human pubic area; or

- 7101 (iv) a human anus; or
- 7102 (b) a state of dress that fails to opaquely cover:
- 7103 (i) the nipple or areola of a female human breast;
- 7104 (ii) a human genital;
- 7105 (iii) a human pubic area; or
- 7106 (iv) a human anus.
- 7107 (131) "State of seminudity" means a state of dress in which opaque clothing covers no more
- 7108 than:
- 7109 (a) the nipple and areola of the female human breast in a shape and color other than the
- 7110 natural shape and color of the nipple and areola; and
- 7111 (b) the human genitals, pubic area, and anus:
- 7112 (i) with no less than the following at its widest point:
- 7113 (A) four inches coverage width in the front of the human body; and
- 7114 (B) five inches coverage width in the back of the human body; and
- 7115 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 7116 (132)(a) "State store" means a facility for the sale of packaged liquor:
- 7117 (i) located on premises owned or leased by the state; and
- 7118 (ii) operated by a state employee.
- 7119 (b) "State store" does not include:
- 7120 (i) a package agency;
- 7121 (ii) a licensee; or
- 7122 (iii) a permittee.
- 7123 (133)(a) "Storage area" means an area on licensed premises where the licensee stores an
- 7124 alcoholic product.
- 7125 (b) "Store" means to place or maintain in a location an alcoholic product.
- 7126 (134) "Sublicense" means:
- 7127 (a) any of the following licenses issued as a subordinate license to, and contingent on the
- 7128 issuance of, a principal license:
- 7129 (i) a full-service restaurant license;
- 7130 (ii) a limited-service restaurant license;
- 7131 (iii) a bar establishment license;
- 7132 (iv) an on-premise banquet license;
- 7133 (v) an on-premise beer retailer license;
- 7134 (vi) a beer-only restaurant license; or

- 7135 (vii) a hospitality amenity license; or
7136 (b) a spa sublicense.
- 7137 (135) "Supplier" means a person who sells an alcoholic product to the department.
- 7138 (136) "Tavern" means an on-premise beer retailer who is:
7139 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
7140 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
7141 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
7142 On-Premise Beer Retailer License.
- 7143 (137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,
7144 Part 4, Temporary Beer Event Permit.
- 7145 (138) "Temporary domicile" means the principal place of abode within Utah of a person
7146 who does not have a present intention to continue residency within Utah permanently or
7147 indefinitely.
- 7148 (139) "Translucent" means a substance that allows light to pass through, but does not allow
7149 an object or person to be seen through the substance.
- 7150 (140) "Unsaleable liquor merchandise" means a container that:
7151 (a) is unsaleable because the container is:
7152 (i) unlabeled;
7153 (ii) leaky;
7154 (iii) damaged;
7155 (iv) difficult to open; or
7156 (v) partly filled;
7157 (b)(i) has faded labels or defective caps or corks;
7158 (ii) has contents that are:
7159 (A) cloudy;
7160 (B) spoiled; or
7161 (C) chemically determined to be impure; or
7162 (iii) contains:
7163 (A) sediment; or
7164 (B) a foreign substance; or
7165 (c) is otherwise considered by the department as unfit for sale.
- 7166 (141)(a) "Wine" means an alcoholic product obtained by the fermentation of the natural
7167 sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
7168 another ingredient is added.

- 7169 (b) "Wine" includes:
- 7170 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
- 7171 Sec. 4.10; and
- 7172 (ii) hard cider.
- 7173 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in
- 7174 this title.
- 7175 (142) "Winery manufacturing license" means a license issued in accordance with Chapter
- 7176 11, Part 3, Winery Manufacturing License.
- 7177 Section 91. Section **32B-1-102** is amended to read:
- 7178 **32B-1-102 (Effective 01/01/26). Definitions.**
- 7179 As used in this title:
- 7180 (1) "Airport lounge" means a business location:
- 7181 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
- 7182 (b) that is located at an international airport or domestic airport.
- 7183 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail
- 7184 License Act, and Chapter 6, Part 5, Airport Lounge License.
- 7185 (3) "Alcoholic beverage" means the following:
- 7186 (a) beer; or
- 7187 (b) liquor.
- 7188 (4)(a) "Alcoholic product" means a product that:
- 7189 (i) contains at least .5% of alcohol by volume; and
- 7190 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
- 7191 process that uses liquid or combinations of liquids, whether drinkable or not, to
- 7192 create alcohol in an amount equal to or greater than .5% of alcohol by volume.
- 7193 (b) "Alcoholic product" includes an alcoholic beverage.
- 7194 (c) "Alcoholic product" does not include any of the following common items that
- 7195 otherwise come within the definition of an alcoholic product:
- 7196 (i) except as provided in Subsection (4)(d), an extract;
- 7197 (ii) vinegar;
- 7198 (iii) preserved nonintoxicating cider;
- 7199 (iv) essence;
- 7200 (v) tincture;
- 7201 (vi) food preparation; or
- 7202 (vii) an over-the-counter medicine.

- 7203 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
7204 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 7205 (5) "Alcohol training and education seminar" means a seminar that is:
7206 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
7207 (b) described in Section 26B-5-205.
- 7208 (6)(a) "Amphitheater" means an outdoor, multi-use performance venue that:
7209 (i) is primarily used to present live entertainment, including music, dance, comedy,
7210 and theater;
7211 (ii) has the capacity to hold over 10,000 patrons; and
7212 (iii) is located in a county of the first class.
- 7213 (b) "Amphitheater" does not include a space that is used to present sporting events or
7214 sporting competitions.
- 7215 (7) "Arena" means an enclosed building:
7216 (a) that is managed by:
7217 (i) the same person who owns the enclosed building;
7218 (ii) a person who has a majority interest in each person who owns or manages a space
7219 in the enclosed building; or
7220 (iii) a person who has authority to direct or exercise control over the management or
7221 policy of each person who owns or manages a space in the enclosed building;
- 7222 (b) that operates as a venue; and
7223 (c) that has an occupancy capacity of at least 12,500.
- 7224 (8) "Arena license" means a license issued in accordance with Chapter 5, Retail License
7225 Act, and Chapter 8c, Arena License Act.
- 7226 (9) "Banquet" means an event:
7227 (a) that is a private event or a privately sponsored event;
7228 (b) that is held at one or more designated locations approved by the commission in or on
7229 the premises of:
7230 (i) a hotel;
7231 (ii) a resort facility;
7232 (iii) a sports center;
7233 (iv) a convention center;
7234 (v) a performing arts facility;
7235 (vi) an arena;
7236 (vii) a restaurant venue; or

- 7237 (viii) an amphitheater;
- 7238 (c) for which there is a contract:
- 7239 (i) between a person operating a facility listed in Subsection (9)(b) and another
- 7240 person that has common ownership of less than 20% with the person operating the
- 7241 facility; and
- 7242 (ii) under which the person operating a facility listed in Subsection (9)(b) is required
- 7243 to provide an alcoholic product at the event; and
- 7244 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 7245 (10)(a) "Bar establishment license" means a license issued in accordance with Chapter 5,
- 7246 Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- 7247 (b) "Bar establishment license" includes:
- 7248 (i) a dining club license;
- 7249 (ii) an equity license;
- 7250 (iii) a fraternal license; or
- 7251 (iv) a bar license.
- 7252 (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act,
- 7253 and Chapter 6, Part 4, Bar Establishment License.
- 7254 (12)(a) "Beer" means a product that:
- 7255 (i) contains:
- 7256 (A) at least .5% of alcohol by volume; and
- 7257 (B) no more than 5% of alcohol by volume or 4% by weight;
- 7258 (ii) is obtained by fermentation, infusion, or decoction of:
- 7259 (A) malt; or
- 7260 (B) a malt substitute; and
- 7261 (iii) is clearly marketed, labeled, and identified as:
- 7262 (A) beer;
- 7263 (B) ale;
- 7264 (C) porter;
- 7265 (D) stout;
- 7266 (E) lager;
- 7267 (F) a malt;
- 7268 (G) a malted beverage; or
- 7269 (H) seltzer.
- 7270 (b) "Beer" may contain:

- 7271 (i) hops extract;
- 7272 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
- 7273 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
- 7274 (A) is used in the production of beer;
- 7275 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
- 7276 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
- 7277 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 7278 (c) "Beer" does not include:
- 7279 (i) a flavored malt beverage;
- 7280 (ii) a product that contains alcohol derived from:
- 7281 (A) except as provided in Subsection (12)(b)(iii), spirituous liquor; or
- 7282 (B) wine; or
- 7283 (iii) a product that contains an additive masking or altering a physiological effect of
- 7284 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
- 7285 tetrahydrocannabinol.
- 7286 (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,
- 7287 Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 7288 (14) "Beer retailer" means a business that:
- 7289 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for
- 7290 consumption on or off the business premises; and
- 7291 (b) is licensed as:
- 7292 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise
- 7293 Beer Retailer Local Authority; or
- 7294 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
- 7295 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 7296 (15) "Beer wholesaling license" means a license:
- 7297 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 7298 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail
- 7299 licensees or off-premise beer retailers.
- 7300 (16) "Billboard" means a public display used to advertise, including:
- 7301 (a) a light device;
- 7302 (b) a painting;
- 7303 (c) a drawing;
- 7304 (d) a poster;

- 7305 (e) a sign;
7306 (f) a signboard; or
7307 (g) a scoreboard.
- 7308 (17) "Brewer" means a person engaged in manufacturing:
7309 (a) beer;
7310 (b) heavy beer; or
7311 (c) a flavored malt beverage.
- 7312 (18) "Brewery manufacturing license" means a license issued in accordance with Chapter
7313 11, Part 5, Brewery Manufacturing License.
- 7314 (19) "Certificate of approval" means a certificate of approval obtained from the department
7315 under Section 32B-11-201.
- 7316 (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a
7317 bus company to a group of persons pursuant to a common purpose:
7318 (a) under a single contract;
7319 (b) at a fixed charge in accordance with the bus company's tariff; and
7320 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
7321 motor vehicle, and a driver to travel together to one or more specified destinations.
- 7322 (21) "Church" means a building:
7323 (a) set apart for worship;
7324 (b) in which religious services are held;
7325 (c) with which clergy is associated; and
7326 (d) that is tax exempt under the laws of this state.
- 7327 (22) "Commission" means the Alcoholic Beverage Services Commission created in Section
7328 32B-2-201.
- 7329 (23) "Commissioner" means a member of the commission.
- 7330 (24) "Community location" means:
7331 (a) a public or private school as defined in Subsection (116);
7332 (b) a church;
7333 (c) a public library;
7334 (d) a public playground; or
7335 (e) a public park.
- 7336 (25) "Community location governing authority" means:
7337 (a) the governing body of the community location; or
7338 (b) if the commission does not know who is the governing body of a community

- 7339 location, a person who appears to the commission to have been given on behalf of the
7340 community location the authority to prohibit an activity at the community location.
- 7341 (26) "Container" means a receptacle that contains an alcoholic product, including:
- 7342 (a) a bottle;
- 7343 (b) a vessel; or
- 7344 (c) a similar item.
- 7345 (27) "Controlled group of manufacturers" means as the commission defines by rule made in
7346 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 7347 (28) "Convention center" means a facility that is:
- 7348 (a) in total at least 30,000 square feet; and
- 7349 (b) otherwise defined as a "convention center" by the commission by rule.
- 7350 (29)(a) "Counter" means a surface or structure in a dining area of a licensed premises
7351 where seating is provided to a patron for service of food.
- 7352 (b) "Counter" does not include a dispensing structure.
- 7353 (30) "Crime involving moral turpitude" is as defined by the commission by rule.
- 7354 (31) "Department" means the Department of Alcoholic Beverage Services created in
7355 Section 32B-2-203.
- 7356 (32) "Department compliance officer" means an individual who is:
- 7357 (a) an auditor or inspector; and
- 7358 (b) employed by the department.
- 7359 (33) "Department sample" means liquor that is placed in the possession of the department
7360 for testing, analysis, and sampling.
- 7361 (34) "Dining club license" means a license issued in accordance with Chapter 5, Retail
7362 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
7363 commission as a dining club license.
- 7364 (35) "Director," unless the context requires otherwise, means the director of the department.
- 7365 (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:
- 7366 (a) against a person subject to administrative action; and
- 7367 (b) that is brought on the basis of a violation of this title.
- 7368 (37)(a) Subject to Subsection (37)(b), "dispense" means:
- 7369 (i) drawing an alcoholic product; and
- 7370 (ii) using the alcoholic product at the location from which it was drawn to mix or
7371 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 7372 (b) The definition of "dispense" in this Subsection (37) applies only to:

- 7373 (i) a full-service restaurant license;
- 7374 (ii) a limited-service restaurant license;
- 7375 (iii) a reception center license;
- 7376 (iv) a beer-only restaurant license;
- 7377 (v) a bar license;
- 7378 (vi) an on-premise beer retailer;
- 7379 (vii) an airport lounge license;
- 7380 (viii) an on-premise banquet license; and
- 7381 (ix) a hospitality amenity license.
- 7382 (38) "Dispensing structure" means a surface or structure on a licensed premises:
- 7383 (a) where an alcoholic product is dispensed; or
- 7384 (b) from which an alcoholic product is served.
- 7385 (39) "Distillery manufacturing license" means a license issued in accordance with Chapter
- 7386 11, Part 4, Distillery Manufacturing License.
- 7387 (40) "Distressed merchandise" means an alcoholic product in the possession of the
- 7388 department that is saleable, but for some reason is unappealing to the public.
- 7389 (41) "Domestic airport" means an airport that:
- 7390 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 7391 (b) receives scheduled commercial passenger aircraft service; and
- 7392 (c) is not an international airport.
- 7393 (42) "Equity license" means a license issued in accordance with Chapter 5, Retail License
- 7394 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 7395 commission as an equity license.
- 7396 (43) "Event permit" means:
- 7397 (a) a single event permit; or
- 7398 (b) a temporary beer event permit.
- 7399 (44) "Exempt license" means a license exempt under Section 32B-1-201 from being
- 7400 considered in determining the total number of retail licenses that the commission may
- 7401 issue at any time.
- 7402 (45)(a) "Flavored malt beverage" means a beverage:
- 7403 (i) that contains at least .5% alcohol by volume;
- 7404 (ii) for which the producer is required to file a formula for approval with the federal
- 7405 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
- 7406 the beverage is treated by processing, filtration, or another method of manufacture

- 7407 that is not generally recognized as a traditional process in the production of a beer,
7408 ale, porter, stout, lager, or malt liquor; and
- 7409 (iii) for which the producer is required to file a formula for approval with the federal
7410 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
7411 the beverage includes an ingredient containing alcohol.
- 7412 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
7413 ethanol-based flavoring agent that contributes to the overall alcohol content of the
7414 beverage.
- 7415 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 7416 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 7417 (46) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License
7418 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
7419 commission as a fraternal license.
- 7420 (47) "Full-service restaurant license" means a license issued in accordance with Chapter 5,
7421 Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 7422 (48)(a) "Furnish" means by any means to provide with, supply, or give an individual an
7423 alcoholic product, by sale or otherwise.
- 7424 (b) "Furnish" includes to:
- 7425 (i) serve;
- 7426 (ii) deliver; or
- 7427 (iii) otherwise make available.
- 7428 (49) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
- 7429 (50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 7430 (51) "Health care practitioner" means:
- 7431 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 7432 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 7433 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 7434 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
7435 Act;
- 7436 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
7437 Nurse Practice Act;
- 7438 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
7439 Practice Act;
- 7440 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational

- 7441 Therapy Practice Act;
- 7442 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 7443 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
- 7444 Professional Practice Act;
- 7445 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 7446 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice
- 7447 Act;
- 7448 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
- 7449 Hygienist Practice Act; and
- 7450 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
- 7451 Act.
- 7452 (52)(a) "Heavy beer" means a product that:
- 7453 (i)(A) contains more than 5% alcohol by volume;
- 7454 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
- 7455 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or
- 7456 ethanol-based flavoring agent that contributes more than 10% of the overall
- 7457 alcohol content of the product; or
- 7458 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
- 7459 volume or 4% by weight, and has a label or packaging that is rejected under
- 7460 Subsection 32B-1-606(3)(b); and
- 7461 (ii) is obtained by fermentation, infusion, or decoction of:
- 7462 (A) malt; or
- 7463 (B) a malt substitute.
- 7464 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
- 7465 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that
- 7466 contributes to the overall alcohol content of the heavy beer.
- 7467 (c) "Heavy beer" does not include:
- 7468 (i) a flavored malt beverage;
- 7469 (ii) a product that contains alcohol derived from:
- 7470 (A) except as provided in Subsections (52)(a)(i)(B) and (52)(b), spirituous liquor;
- 7471 or
- 7472 (B) wine; or
- 7473 (iii) a product that contains an additive masking or altering a physiological effect of
- 7474 alcohol, including kratom, kava, cannabidiol, or natural or synthetic

7475 tetrahydrocannabinol.

7476 (d) "Heavy beer" is considered liquor for the purposes of this title.

7477 (53) "Hospitality amenity license" means a license issued in accordance with Chapter 5,
7478 Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.

7479 (54)(a) "Hotel" means a commercial lodging establishment that:

7480 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;

7481 (ii) is capable of hosting conventions, conferences, and food and beverage functions
7482 under a banquet contract; and

7483 (iii)(A) has adequate kitchen or culinary facilities on the premises to provide
7484 complete meals;

7485 (B) has at least 1,000 square feet of function space consisting of meeting or dining
7486 rooms that can be reserved for a banquet and can accommodate at least 75
7487 individuals; or

7488 (C) if the establishment is located in a small or unincorporated locality, has an
7489 appropriate amount of function space consisting of meeting or dining rooms
7490 that can be reserved for private use under a banquet contract, as determined by
7491 the commission.

7492 (b) "Hotel" includes a commercial lodging establishment that:

7493 (i) meets the requirements under Subsection (54)(a); and

7494 (ii) has one or more privately owned dwelling units.

7495 (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail License
7496 Act, and Chapter 8b, Hotel License Act.

7497 (56) "Identification card" means an identification card issued under Title 53, Chapter 3, Part
7498 8, Identification Card Act.

7499 (57) "Industry representative" means an individual who is compensated by salary,
7500 commission, or other means for representing and selling an alcoholic product of a
7501 manufacturer, supplier, or importer of liquor.

7502 (58) "Industry representative sample" means liquor that is placed in the possession of the
7503 department for testing, analysis, and sampling by a local industry representative on the
7504 premises of the department to educate the local industry representative of the quality and
7505 characteristics of the product.

7506 (59)(a) "Interdicted person" means a person to whom the sale, offer for sale, or
7507 furnishing of an alcoholic product is prohibited by:

7508 (i) law; or

- 7509 (ii) court order.
- 7510 (b) "Interdicted person" includes a person who voluntarily obtains a driver license
7511 certificate under Section 53-3-236 or an identification card under Section 53-3-805
7512 with an interdicted person identifier.
- 7513 (60) "International airport" means an airport:
- 7514 (a) with a United States Customs and Border Protection office on the premises of the
7515 airport; and
- 7516 (b) at which international flights may enter and depart.
- 7517 (61) "Intoxicated" or "intoxication" means that
- 7518 an individual exhibits plain and easily observable outward manifestations of behavior or
7519 physical signs produced by or as a result of the use of:
- 7520 (a) an alcoholic product;
- 7521 (b) a controlled substance;
- 7522 (c) a substance having the property of releasing toxic vapors; or
- 7523 (d) a combination of products or substances described in Subsections (61)(a) through (c).
- 7524 (62) "Investigator" means an individual who is:
- 7525 (a) a department compliance officer; or
- 7526 (b) a nondepartment enforcement officer.
- 7527 (63) "License" means:
- 7528 (a) a retail license;
- 7529 (b) a sublicense;
- 7530 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
7531 License;
- 7532 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
7533 Act;
- 7534 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
- 7535 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
- 7536 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- 7537 (64) "Licensee" means a person who holds a license.
- 7538 (65) "Limited-service restaurant license" means a license issued in accordance with Chapter
7539 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- 7540 (66) "Limousine" means a motor vehicle licensed by the state or a local authority, other
7541 than a bus or taxicab:
- 7542 (a) in which the driver and a passenger are separated by a partition, glass, or other

- 7543 barrier;
- 7544 (b) that is provided by a business entity to one or more individuals at a fixed charge in
- 7545 accordance with the business entity's tariff; and
- 7546 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
- 7547 travel to one or more specified destinations.
- 7548 (67)(a)(i) "Liquor" means a liquid that:
- 7549 (A) is:
- 7550 (I) alcohol;
- 7551 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 7552 (III) a combination of liquids a part of which is spirituous, vinous, or
- 7553 fermented; or
- 7554 (IV) other drink or drinkable liquid; and
- 7555 (B)(I) contains at least .5% alcohol by volume; and
- 7556 (II) is suitable to use for beverage purposes.
- 7557 (ii) "Liquor" includes:
- 7558 (A) heavy beer;
- 7559 (B) wine; and
- 7560 (C) a flavored malt beverage.
- 7561 (b) "Liquor" does not include beer.
- 7562 (68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 7563 (69) "Liquor transport license" means a license issued in accordance with Chapter 17,
- 7564 Liquor Transport License Act.
- 7565 (70) "Liquor warehousing license" means a license that is issued:
- 7566 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 7567 (b) to a person, other than a licensed manufacturer, who engages in the importation for
- 7568 storage, sale, or distribution of liquor regardless of amount.
- 7569 (71) "Local authority" means:
- 7570 (a) for premises that are located in an unincorporated area of a county, the governing
- 7571 body of a county;
- 7572 (b) for premises that are located in an incorporated city or town, the governing body of
- 7573 the city or town; or
- 7574 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in
- 7575 a project area plan adopted by the Military Installation Development Authority under
- 7576 Title 63H, Chapter 1, Military Installation Development Authority Act, the Military

- 7577 Installation Development Authority.
- 7578 (72) "Lounge or bar area" is as defined by rule made by the commission.
- 7579 (73) "Malt substitute" means:
- 7580 (a) rice;
- 7581 (b) grain;
- 7582 (c) bran;
- 7583 (d) glucose;
- 7584 (e) sugar; or
- 7585 (f) molasses.
- 7586 (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
- 7587 otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 7588 (75) "Member" means an individual who, after paying regular dues, has full privileges in an
- 7589 equity licensee or fraternal licensee.
- 7590 (76)(a) "Military installation" means a base, air field, camp, post, station, yard, center, or
- 7591 homeport facility for a ship:
- 7592 (i)(A) under the control of the United States Department of Defense; or
- 7593 (B) of the National Guard;
- 7594 (ii) that is located within the state; and
- 7595 (iii) including a leased facility.
- 7596 (b) "Military installation" does not include a facility used primarily for:
- 7597 (i) civil works;
- 7598 (ii) a rivers and harbors project; or
- 7599 (iii) a flood control project.
- 7600 (77) "Minibar" means an area of a hotel guest room where one or more alcoholic products
- 7601 are kept and offered for self-service sale or consumption.
- 7602 (78) "Minor" means an individual under 21 years old.
- 7603 (79) "Nondepartment enforcement agency" means an agency that:
- 7604 (a)(i) is a state agency other than the department; or
- 7605 (ii) is an agency of a county, city, or town; and
- 7606 (b) has a responsibility to enforce one or more provisions of this title.
- 7607 (80) "Nondepartment enforcement officer" means an individual who is:
- 7608 (a) a peace officer, examiner, or investigator; and
- 7609 (b) employed by a nondepartment enforcement agency.
- 7610 (81)(a) "Off-premise beer retailer" means a beer retailer who is:

- 7611 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
7612 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
7613 premises.
- 7614 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 7615 (82) "Off-premise beer retailer state license" means a state license issued in accordance
7616 with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 7617 (83) "On-premise banquet license" means a license issued in accordance with Chapter 5,
7618 Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 7619 (84) "On-premise beer retailer" means a beer retailer who is:
- 7620 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
7621 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
7622 License; and
- 7623 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
7624 premises:
- 7625 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
7626 premises; and
- 7627 (ii) on and after March 1, 2012, operating:
- 7628 (A) as a tavern; or
- 7629 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 7630 (85) "Opaque" means impenetrable to sight.
- 7631 (86) "Package agency" means a retail liquor location operated:
- 7632 (a) under an agreement with the department; and
- 7633 (b) by a person:
- 7634 (i) other than the state; and
- 7635 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,
7636 Package Agency, to sell packaged liquor for consumption off the premises of the
7637 package agency.
- 7638 (87) "Package agent" means a person who holds a package agency.
- 7639 (88) "Patron" means an individual to whom food, beverages, or services are sold, offered
7640 for sale, or furnished, or who consumes an alcoholic product including:
- 7641 (a) a customer;
- 7642 (b) a member;
- 7643 (c) a guest;
- 7644 (d) an attendee of a banquet or event;

- 7645 (e) an individual who receives room service;
7646 (f) a resident of a resort; or
7647 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
7648 license.
- 7649 (89)(a) "Performing arts facility" means a multi-use performance space that:
7650 (i) is primarily used to present various types of performing arts, including dance,
7651 music, and theater;
7652 (ii) contains over 2,500 seats;
7653 (iii) is owned and operated by a governmental entity; and
7654 (iv) is located in a city of the first class.
- 7655 (b) "Performing arts facility" does not include a space that is used to present sporting
7656 events or sporting competitions.
- 7657 (90) "Permittee" means a person issued a permit under:
7658 (a) Chapter 9, Event Permit Act; or
7659 (b) Chapter 10, Special Use Permit Act.
- 7660 (91) "Person subject to administrative action" means:
7661 (a) a licensee;
7662 (b) a permittee;
7663 (c) a manufacturer;
7664 (d) a supplier;
7665 (e) an importer;
7666 (f) one of the following holding a certificate of approval:
7667 (i) an out-of-state brewer;
7668 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
7669 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
7670 (g) staff of:
7671 (i) a person listed in Subsections (91)(a) through (f); or
7672 (ii) a package agent.
- 7673 (92) "Premises" means a building, enclosure, or room used in connection with the storage,
7674 sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
7675 unless otherwise defined in this title or rules made by the commission.
- 7676 (93) "Prescription" means an order issued by a health care practitioner when:
7677 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
7678 to prescribe a controlled substance, other drug, or device for medicinal purposes;

- 7679 (b) the order is made in the course of that health care practitioner's professional practice;
7680 and
- 7681 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 7682 (94)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 7683 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 7684 (95) "Principal license" means:
- 7685 (a) a resort license;
- 7686 (b) a hotel license; or
- 7687 (c) an arena license.
- 7688 (96)(a) "Private event" means a specific social, business, or recreational event:
- 7689 (i) for which an entire room, area, or hall is leased or rented in advance by an
7690 identified group; and
- 7691 (ii) that is limited in attendance to people who are specifically designated and their
7692 guests.
- 7693 (b) "Private event" does not include an event to which the general public is invited,
7694 whether for an admission fee or not.
- 7695 (97) "Privately sponsored event" means a specific social, business, or recreational event:
- 7696 (a) that is held in or on the premises of an on-premise banquet licensee; and
- 7697 (b) to which entry is restricted by an admission fee.
- 7698 (98)(a) "Proof of age" means:
- 7699 (i) an identification card;
- 7700 (ii) an identification that:
- 7701 (A) is substantially similar to an identification card;
- 7702 (B) is issued in accordance with the laws of a state other than Utah in which the
7703 identification is issued;
- 7704 (C) includes date of birth; and
- 7705 (D) has a picture affixed;
- 7706 (iii) a valid driver license certificate that:
- 7707 (A) includes date of birth;
- 7708 (B) has a picture affixed; and
- 7709 (C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in
7710 accordance with the laws of the state in which it is issued, or in accordance
7711 with federal law by the United States Department of State;
- 7712 (iv) a military identification card that:

- 7713 (A) includes date of birth; and
7714 (B) has a picture affixed; or
7715 (v) a valid passport.
- 7716 (b) "Proof of age" does not include a driving privilege card issued in accordance with
7717 Section 53-3-207.
- 7718 (99) "Provisions applicable to a sublicense" means:
- 7719 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
7720 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 7721 (b) for a limited-service restaurant sublicense, the provisions applicable to a
7722 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
7723 License;
- 7724 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
7725 license under Chapter 6, Part 4, Bar Establishment License;
- 7726 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
7727 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 7728 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
7729 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 7730 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
7731 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 7732 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
7733 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 7734 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
7735 Part 2, Resort Spa Sublicense.
- 7736 (100)(a) "Public building" means a building or permanent structure that is:
- 7737 (i) owned or leased by:
- 7738 (A) the state; or
7739 (B) a local government entity; and
- 7740 (ii) used for:
- 7741 (A) public education;
7742 (B) transacting public business; or
7743 (C) regularly conducting government activities.
- 7744 (b) "Public building" does not include a building owned by the state or a local
7745 government entity when the building is used by a person, in whole or in part, for a
7746 proprietary function.

- 7747 (101) "Public conveyance" means a conveyance that the public or a portion of the public
7748 has access to and a right to use for transportation, including an airline, railroad, bus,
7749 boat, or other public conveyance.
- 7750 (102) "Reception center" means a business that:
7751 (a) operates facilities that are at least 5,000 square feet; and
7752 (b) has as its primary purpose the leasing of the facilities described in Subsection
7753 (102)(a) to a third party for the third party's event.
- 7754 (103) "Reception center license" means a license issued in accordance with Chapter 5,
7755 Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 7756 (104)(a) "Record" means information that is:
7757 (i) inscribed on a tangible medium; or
7758 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 7759 (b) "Record" includes:
7760 (i) a book;
7761 (ii) a book of account;
7762 (iii) a paper;
7763 (iv) a contract;
7764 (v) an agreement;
7765 (vi) a document; or
7766 (vii) a recording in any medium.
- 7767 (105) "Residence" means a person's principal place of abode within Utah.
- 7768 (106) "Resident," in relation to a resort, means the same as that term is defined in Section
7769 32B-8-102.
- 7770 (107) "Resort" means the same as that term is defined in Section 32B-8-102.
- 7771 (108) "Resort facility" is as defined by the commission by rule.
- 7772 (109) "Resort license" means a license issued in accordance with Chapter 5, Retail License
7773 Act, and Chapter 8, Resort License Act.
- 7774 (110) "Responsible alcohol service plan" means a written set of policies and procedures that
7775 outlines measures to prevent employees from:
7776 (a) over-serving alcoholic beverages to customers;
7777 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
7778 intoxicated; and
7779 (c) serving alcoholic beverages to minors.
- 7780 (111) "Restaurant" means a business location:

- 7781 (a) at which a variety of foods are prepared;
7782 (b) at which complete meals are served; and
7783 (c) that is engaged primarily in serving meals.
- 7784 (112) "Restaurant license" means one of the following licenses issued under this title:
7785 (a) a full-service restaurant license;
7786 (b) a limited-service restaurant license; or
7787 (c) a beer-only restaurant license.
- 7788 (113) "Restaurant venue" means a room within a restaurant that:
7789 (a) is located on the licensed premises of a restaurant licensee;
7790 (b) is separated from the area within the restaurant for a patron's consumption of food by
7791 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
7792 visible to a patron in the area within the restaurant for a patron's consumption of
7793 food; and
7794 (c)(i) has at least 1,000 square feet that:
7795 (A) may be reserved for a banquet; and
7796 (B) accommodates at least 75 individuals; or
7797 (ii) if the restaurant is located in a small or unincorporated locality, has an
7798 appropriate amount of space, as determined by the commission, that may be
7799 reserved for a banquet.
- 7800 (114) "Retail license" means one of the following licenses issued under this title:
7801 (a) a full-service restaurant license;
7802 (b) a master full-service restaurant license;
7803 (c) a limited-service restaurant license;
7804 (d) a master limited-service restaurant license;
7805 (e) a bar establishment license;
7806 (f) an airport lounge license;
7807 (g) an on-premise banquet license;
7808 (h) an on-premise beer license;
7809 (i) a reception center license;
7810 (j) a beer-only restaurant license;
7811 (k) a hospitality amenity license;
7812 (l) a resort license;
7813 (m) a hotel license; or
7814 (n) an arena license.

- 7815 (115) "Room service" means furnishing an alcoholic product to a person in a guest room or
7816 privately owned dwelling unit of a:
7817 (a) hotel; or
7818 (b) resort facility.
- 7819 (116)(a) "School" means a building in which any part is used for more than three hours
7820 each weekday during a school year as a public or private:
7821 (i) elementary school;
7822 (ii) secondary school; or
7823 (iii) kindergarten.
- 7824 (b) "School" does not include:
7825 (i) a nursery school;
7826 (ii) a day care center;
7827 (iii) a trade and technical school;
7828 (iv) a preschool;
7829 (v) a home school;
7830 (vi) a home-based microschool as defined in Section 53G-6-201; or
7831 (vii) a micro-education entity as defined in Section 53G-6-201.
- 7832 (117) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for
7833 additional flavoring that is different in type, flavor, or brand from the primary spirituous
7834 liquor in the beverage.
- 7835 (118) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
7836 consideration, an alcoholic product is either directly or indirectly transferred, solicited,
7837 ordered, delivered for value, or by a means or under a pretext is promised or obtained,
7838 whether done by a person as a principal, proprietor, or as staff, unless otherwise defined
7839 in this title or the rules made by the commission.
- 7840 (119) "Serve" means to place an alcoholic product before an individual.
- 7841 (120) "Sexually oriented entertainer" means a person who while in a state of seminudity
7842 appears at or performs:
7843 (a) for the entertainment of one or more patrons;
7844 (b) on the premises of:
7845 (i) a bar licensee; or
7846 (ii) a tavern;
7847 (c) on behalf of or at the request of the licensee described in Subsection (120)(b);
7848 (d) on a contractual or voluntary basis; and

- 7849 (e) whether or not the person is designated as:
- 7850 (i) an employee;
- 7851 (ii) an independent contractor;
- 7852 (iii) an agent of the licensee; or
- 7853 (iv) a different type of classification.
- 7854 (121) "Shared seating area" means the licensed premises of two or more restaurant
- 7855 licensees that the restaurant licensees share as an area for alcoholic beverage
- 7856 consumption in accordance with Subsection 32B-5-207(3).
- 7857 (122) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,
- 7858 Single Event Permit.
- 7859 (123) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer,
- 7860 heavy beer, and flavored malt beverage per year, as the department calculates by:
- 7861 (a) if the brewer is part of a controlled group of manufacturers, including the combined
- 7862 volume totals of production for all breweries that constitute the controlled group of
- 7863 manufacturers; and
- 7864 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
- 7865 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
- 7866 determines by rule made in accordance with Title 63G, Chapter 3, Utah
- 7867 Administrative Rulemaking Act; and
- 7868 (ii) does not sell for consumption as, or in, a beverage.
- 7869 (124) "Small or unincorporated locality" means:
- 7870 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
- 7871 (b) a town, as classified under Section 10-2-301; or
- 7872 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
- 7873 under Section ~~[17-50-501]~~ 17-60-104.
- 7874 (125) "Spa sublicense" means a sublicense:
- 7875 (a) to a resort license or hotel license; and
- 7876 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
- 7877 Sublicense.
- 7878 (126) "Special use permit" means a permit issued in accordance with Chapter 10, Special
- 7879 Use Permit Act.
- 7880 (127)(a) "Spirituous liquor" means liquor that is distilled.
- 7881 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
- 7882 U.S.C. Sec. 211 and 27 C.F.R. Secs. 5.11 through 5.23.

- 7883 (128) "Sports center" is as defined by the commission by rule.
- 7884 (129)(a) "Staff" means an individual who engages in activity governed by this title:
- 7885 (i) on behalf of a business, including a package agent, licensee, permittee, or
- 7886 certificate holder;
- 7887 (ii) at the request of the business, including a package agent, licensee, permittee, or
- 7888 certificate holder; or
- 7889 (iii) under the authority of the business, including a package agent, licensee,
- 7890 permittee, or certificate holder.
- 7891 (b) "Staff" includes:
- 7892 (i) an officer;
- 7893 (ii) a director;
- 7894 (iii) an employee;
- 7895 (iv) personnel management;
- 7896 (v) an agent of the licensee, including a managing agent;
- 7897 (vi) an operator; or
- 7898 (vii) a representative.
- 7899 (130) "State of nudity" means:
- 7900 (a) the appearance of:
- 7901 (i) the nipple or areola of a female human breast;
- 7902 (ii) a human genital;
- 7903 (iii) a human pubic area; or
- 7904 (iv) a human anus; or
- 7905 (b) a state of dress that fails to opaquely cover:
- 7906 (i) the nipple or areola of a female human breast;
- 7907 (ii) a human genital;
- 7908 (iii) a human pubic area; or
- 7909 (iv) a human anus.
- 7910 (131) "State of seminudity" means a state of dress in which opaque clothing covers no more
- 7911 than:
- 7912 (a) the nipple and areola of the female human breast in a shape and color other than the
- 7913 natural shape and color of the nipple and areola; and
- 7914 (b) the human genitals, pubic area, and anus:
- 7915 (i) with no less than the following at its widest point:
- 7916 (A) four inches coverage width in the front of the human body; and

7917 (B) five inches coverage width in the back of the human body; and

7918 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

7919 (132)(a) "State store" means a facility for the sale of packaged liquor:

7920 (i) located on premises owned or leased by the state; and

7921 (ii) operated by a state employee.

7922 (b) "State store" does not include:

7923 (i) a package agency;

7924 (ii) a licensee; or

7925 (iii) a permittee.

7926 (133)(a) "Storage area" means an area on licensed premises where the licensee stores an
7927 alcoholic product.

7928 (b) "Store" means to place or maintain in a location an alcoholic product.

7929 (134) "Sublicense" means:

7930 (a) any of the following licenses issued as a subordinate license to, and contingent on the
7931 issuance of, a principal license:

7932 (i) a full-service restaurant license;

7933 (ii) a limited-service restaurant license;

7934 (iii) a bar establishment license;

7935 (iv) an on-premise banquet license;

7936 (v) an on-premise beer retailer license;

7937 (vi) a beer-only restaurant license; or

7938 (vii) a hospitality amenity license; or

7939 (b) a spa sublicense.

7940 (135) "Supplier" means a person who sells an alcoholic product to the department.

7941 (136) "Tavern" means an on-premise beer retailer who is:

7942 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
7943 and Chapter 6, Part 7, On-Premise Beer Retailer License; and

7944 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
7945 On-Premise Beer Retailer License.

7946 (137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,
7947 Part 4, Temporary Beer Event Permit.

7948 (138) "Temporary domicile" means the principal place of abode within Utah of a person
7949 who does not have a present intention to continue residency within Utah permanently or
7950 indefinitely.

- 7951 (139) "Translucent" means a substance that allows light to pass through, but does not allow
7952 an object or person to be seen through the substance.
- 7953 (140) "Unsaleable liquor merchandise" means a container that:
- 7954 (a) is unsaleable because the container is:
- 7955 (i) unlabeled;
- 7956 (ii) leaky;
- 7957 (iii) damaged;
- 7958 (iv) difficult to open; or
- 7959 (v) partly filled;
- 7960 (b)(i) has faded labels or defective caps or corks;
- 7961 (ii) has contents that are:
- 7962 (A) cloudy;
- 7963 (B) spoiled; or
- 7964 (C) chemically determined to be impure; or
- 7965 (iii) contains:
- 7966 (A) sediment; or
- 7967 (B) a foreign substance; or
- 7968 (c) is otherwise considered by the department as unfit for sale.
- 7969 (141)(a) "Wine" means an alcoholic product obtained by the fermentation of the natural
7970 sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
7971 another ingredient is added.
- 7972 (b) "Wine" includes:
- 7973 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
7974 Sec. 4.10; and
- 7975 (ii) hard cider.
- 7976 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in
7977 this title.
- 7978 (142) "Winery manufacturing license" means a license issued in accordance with Chapter
7979 11, Part 3, Winery Manufacturing License.
- 7980 Section 92. Section **32B-2-402** is amended to read:
- 7981 **32B-2-402 (Effective 11/06/25) (Partially Repealed 01/01/33). Definitions --**
- 7982 **Calculations.**
- 7983 (1) As used in this part:
- 7984 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and

- 7985 Treatment Restricted Account created in Section 32B-2-403.
- 7986 (b) "Advisory committee" means the Utah Substance Use and Mental Health Advisory
7987 Committee created in Section 26B-5-801.
- 7988 (c) "Alcohol-related offense" means:
7989 (i) a violation of:
7990 (A) Section 41-6a-502; or
7991 (B) an ordinance that complies with the requirements of:
7992 (I) Subsection 41-6a-510(1); or
7993 (II) Section 76-5-207; or
7994 (ii) an offense involving the illegal:
7995 (A) sale of an alcoholic product;
7996 (B) consumption of an alcoholic product;
7997 (C) distribution of an alcoholic product;
7998 (D) transportation of an alcoholic product; or
7999 (E) possession of an alcoholic product.
- 8000 (d) "Annual conviction time period" means the time period that:
8001 (i) begins on July 1 and ends on June 30; and
8002 (ii) immediately precedes the fiscal year for which an appropriation under this part is
8003 made.
- 8004 (e) "Municipality" means a city or town.
- 8005 (f)(i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3,
8006 Utah Administrative Rulemaking Act, by the Division of Integrated Healthcare
8007 within the Department of Health and Human Services.
- 8008 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
8009 Health shall:
8010 (A) include only evidence-based or evidence-informed programs; and
8011 (B) provide for coordination with local substance abuse authorities designated to
8012 provide substance abuse services in accordance with Section [17-43-201]
8013 17-77-201.
- 8014 (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located within
8015 the limits of a municipality or county:
8016 (a) is the number determined by the department to be so located;
8017 (b) includes the aggregate number of premises of the following:
8018 (i) a state store;

- 8019 (ii) a package agency; and
8020 (iii) a retail licensee; and
8021 (c) for a county, consists only of the number located within an unincorporated area of
8022 the county.
- 8023 (3) The department shall determine:
- 8024 (a) a population figure according to the most current population estimate prepared by the
8025 Utah Population Committee;
- 8026 (b) a county's population for the 25% distribution to municipalities and counties under
8027 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the
8028 unincorporated areas of the county; and
- 8029 (c) a county's population for the 25% distribution to counties under Subsection
8030 32B-2-404(1)(b)(iv) only with reference to the total population in the county,
8031 including that of a municipality.
- 8032 (4)(a) A conviction occurs in the municipality or county that actually prosecutes the
8033 offense to judgment.
- 8034 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in
8035 the municipality or county that, except for the guilty plea, would have prosecuted the
8036 offense.
- 8037 Section 93. Section **35A-1-501** is amended to read:
- 8038 **35A-1-501 (Effective 11/06/25). Legal representation of department.**
- 8039 At the request of the department, it is the duty of the county attorney or district attorney,
8040 as appropriate under Sections [17-18a-202] 17-68-302 and [17-18a-203] 17-68-303, and the
8041 attorney general to represent the department in any legal action taken under this part, Chapter
8042 3, Employment Support Act, or under Title 76, Chapter 8, Part 12, Public Assistance Fraud.
- 8043 Section 94. Section **35A-8-504.5** is amended to read:
- 8044 **35A-8-504.5 (Effective 11/06/25). Low-income ADU loan guarantee pilot**
8045 **program.**
- 8046 (1) As used in this section:
- 8047 (a) "Accessory dwelling unit" means the same as that term is defined in Section [
8048 ~~10-9a-103~~] 10-20-102.
- 8049 (b) "Borrower" means a residential property owner who receives a low-income ADU
8050 loan from a lender.
- 8051 (c) "Lender" means a trust company, savings bank, savings and loan association, bank,
8052 credit union, or any other entity that provides low-income ADU loans directly to

- 8053 borrowers.
- 8054 (d) "Low-income ADU loan" means a loan made by a lender to a borrower for the
8055 purpose of financing the construction of an accessory dwelling unit that is:
8056 (i) located on the borrower's residential property; and
8057 (ii) rented to a low-income individual.
- 8058 (e) "Low-income individual" means an individual whose household income is less than
8059 80% of the area median income.
- 8060 (f) "Pilot program" means the two-year pilot program created in this section.
- 8061 (2) The executive director shall establish a two-year pilot program to provide loan
8062 guarantees on behalf of borrowers for the purpose of insuring the repayment of
8063 low-income ADU loans.
- 8064 (3) The executive director may not provide a loan guarantee for a low-income ADU loan
8065 under the pilot program unless:
8066 (a) the lender:
8067 (i) agrees in writing to participate in the pilot program;
8068 (ii) makes available to prospective borrowers the option of receiving a low-income
8069 ADU loan that:
8070 (A) has a term of 15 years; and
8071 (B) charges interest at a fixed rate;
8072 (iii) monitors the activities of the borrower on a yearly basis during the term of the
8073 loan to ensure the borrower's compliance with:
8074 (A) Subsection (3)(c); and
8075 (B) any other term or condition of the loan; and
8076 (iv) promptly notifies the executive director in writing if the borrower fails to comply
8077 with:
8078 (A) Subsection (3)(c); or
8079 (B) any other term or condition of the loan;
- 8080 (b) the loan terms of the low-income ADU loan:
8081 (i) are consistent with the loan terms described in Subsection (3)(a)(ii); or
8082 (ii) if different from the loan terms described in Subsection (3)(a)(ii), are mutually
8083 agreed upon by the lender and the borrower; and
- 8084 (c) the borrower:
8085 (i) agrees in writing to participate in the pilot program;
8086 (ii) constructs an accessory dwelling unit on the borrower's residential property

within one year after the day on which the borrower receives the loan;

(iii) occupies the primary residence to which the accessory dwelling unit is associated:

(A) after the accessory dwelling unit is completed; and

(B) for the remainder of the term of the loan; and

(iv) rents the accessory dwelling unit to a low-income individual:

(A) after the accessory dwelling unit is completed; and

(B) for the remainder of the term of the loan.

(4) At the direction of the board, the executive director shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

(a) the minimum criteria for lenders and borrowers to participate in the pilot program;

(b) the terms and conditions for loan guarantees provided under the pilot program, consistent with Subsection (3); and

(c) procedures for the pilot program's loan guarantee process.

(5) The executive director shall submit a report on the pilot program to the Business and Labor Interim Committee on or before November 30, 2023.

Section 95. Section **35A-8-804** is amended to read:

35A-8-804 (Effective 11/06/25). Technical assistance to political subdivisions for housing plan.

(1) Within appropriations from the Legislature, the division shall establish a program to assist municipalities to comply with the moderate income housing requirements described in Section 10-9a-403 and counties to comply with the moderate income housing requirements described in Section ~~[17-27a-403]~~ 17-80-201.

(2) Assistance under this section may include:

(a) financial assistance for the cost of developing a plan for low and moderate income housing;

(b) information on how to meet present and prospective needs for low and moderate income housing; and

(c) technical advice and consultation on how to facilitate the creation of low and moderate income housing.

(3) The division shall submit an annual report to the department regarding the scope, amount, and type of assistance provided to municipalities and counties under this section, including the number of low and moderate income housing units constructed or rehabilitated within the state, for inclusion in the department's annual written report described in Section 35A-1-109.

8121 Section 96. Section **35A-16-102** is amended to read:

8122 **35A-16-102 (Effective 11/06/25). Definitions.**

8123 As used in this chapter:

8124 (1) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.

8125 (2) "Chief executive officer" means the same as that term is defined in Section 11-51-102.

8126 [(2)] (3) "Client" means an individual who is experiencing homelessness or an individual at
8127 risk of becoming homeless.

8128 [~~(3) "Chief executive officer" means the same as that term is defined in Section 11-51-102.]~~

8129 (4) "Collaborative applicant" means the entity designated by a continuum of care to collect
8130 and submit data and apply for funds on behalf of the continuum of care, as required by
8131 the United States Department of Housing and Urban Development.

8132 (5) "Continuum of care" means a regional or local planning body designated by the United
8133 States Department of Housing and Urban Development to coordinate services for
8134 individuals experiencing homelessness within an area of the state.

8135 (6) "Coordinator" means the state homelessness coordinator appointed under Section
8136 63J-4-202.

8137 (7) "County of the first class" means the same as that term is defined in Section [~~17-50-501~~]
8138 17-60-104.

8139 (8) "County of the second class" means the same as that term is defined in Section [~~17-50-501~~]
8140 17-60-104.

8141 (9) "Eligible services" means any activities or services that mitigate the impacts of the
8142 location of an eligible shelter, including direct services, public safety services, and
8143 emergency services, as further defined by rule made by the office in accordance with
8144 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

8145 (10) "Executive committee" means the executive committee of the board.

8146 (11) "Exit destination" means:

8147 (a) a homeless situation;

8148 (b) an institutional situation;

8149 (c) a temporary housing situation;

8150 (d) a permanent housing situation; or

8151 (e) other.

8152 (12) "First-tier eligible municipality" means a municipality that:

8153 (a) is located within:

8154 (i) a county of the first or second class, as classified in Section [~~17-50-501~~] 17-60-104;

8155 or

8156 (ii) a county of the third class, as classified in Section ~~[17-50-501]~~ 17-60-104, if the
8157 municipality has a population of 100,000 or more;

8158 (b) as determined by the office, has or is proposed to have an eligible shelter within the
8159 municipality's geographic boundaries within the following fiscal year;

8160 (c) due to the location of an eligible shelter within the municipality's geographic
8161 boundaries, requires eligible services; and

8162 (d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.

8163 (13) "Homeless Management Information System" or "HMIS" means an information
8164 technology system that:

8165 (a) is used to collect client-level data and data on the provision of housing and services
8166 to homeless individuals and individuals at risk of homelessness in the state; and

8167 (b) meets the requirements of the United States Department of Housing and Urban
8168 Development.

8169 (14) "Homeless services budget" means the comprehensive annual budget and overview of
8170 all homeless services available in the state described in Subsection 35A-16-203(1)(b).

8171 (15) "Local homeless council" means a local planning body designated by the steering
8172 committee to coordinate services for individuals experiencing homelessness within an
8173 area of the state.

8174 (16) "Office" means the Office of Homeless Services.

8175 (17) "Residential, vocational and life skills program" means the same as that term is defined
8176 in Section 13-53-102.

8177 (18) "Second-tier eligible municipality" means a municipality that:

8178 (a) is located within:

8179 (i) a county of the fourth, fifth, or sixth class; or

8180 (ii) a county of the third class, if the municipality has a population of less than
8181 100,000;

8182 (b) as determined by the office, has or is proposed to have an eligible shelter within the
8183 municipality's geographic boundaries within the following fiscal year;

8184 (c) due to the location of an eligible shelter within the municipality's geographic
8185 boundaries, requires eligible services; and

8186 (d) is certified as a second-tier eligible municipality in accordance with Section
8187 35A-16-404.

8188 (19)(a) "Service provider" means a state agency, a local government, or a private

organization that provides services to clients.

(b) "Service provider" includes a correctional facility and the Administrative Office of the Courts.

(20) "Steering committee" means the Utah Homeless Network Steering Committee created in Section 35A-16-206.

(21) "Strategic plan" means the statewide strategic plan to minimize homelessness in the state described in Subsection 35A-16-203(1)(c).

(22) "Type of homelessness" means:

(a) chronic homelessness;

(b) episodic homelessness;

(c) situational homelessness; or

(d) family homelessness.

Section 97. Section **36-11-102** is amended to read:

36-11-102 (Effective 11/06/25). Definitions.

As used in this chapter:

(1) "Aggregate daily expenditures" means:

(a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;

(b) for an expenditure made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official; or

(c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether the expenditures were attributed to different clients.

(2) "Approved activity" means an event, a tour, or a meeting:

(a)(i) to which a legislator or another nonexecutive branch public official is invited; and

(ii) attendance at which is approved by:

(A) the speaker of the House of Representatives, if the public official is a member of the House of Representatives or another nonexecutive branch public official; or

(B) the president of the Senate, if the public official is a member of the Senate or another nonexecutive branch public official; or

- 8223 (b)(i) to which a public official who holds a position in the executive branch of state
8224 government is invited; and
8225 (ii) attendance at which is approved by the governor or the lieutenant governor.
- 8226 (3) "Board of education" means:
8227 (a) a local school board described in Title 53G, Chapter 4, School Districts;
8228 (b) the State Board of Education;
8229 (c) the State Charter School Board created under Section 53G-5-201; or
8230 (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
- 8231 (4) "Capitol hill complex" means capitol hill, as defined in Section 63O-1-101.
- 8232 (5)(a) "Compensation" means anything of economic value, however designated, that is
8233 paid, loaned, granted, given, donated, or transferred to an individual for the provision
8234 of services or ownership before any withholding required by federal or state law.
- 8235 (b) "Compensation" includes:
8236 (i) a salary or commission;
8237 (ii) a bonus;
8238 (iii) a benefit;
8239 (iv) a contribution to a retirement program or account;
8240 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
8241 Code, and subject to social security deductions, including a payment in excess of
8242 the maximum amount subject to deduction under social security law;
8243 (vi) an amount that the individual authorizes to be deducted or reduced for salary
8244 deferral or other benefits authorized by federal law; or
8245 (vii) income based on an individual's ownership interest.
- 8246 (6) "Compensation payor" means a person who pays compensation to a public official in
8247 the ordinary course of business:
8248 (a) because of the public official's ownership interest in the compensation payor; or
8249 (b) for services rendered by the public official on behalf of the compensation payor.
- 8250 (7) "Education action" means:
8251 (a) a resolution, policy, or other official action for consideration by a board of education;
8252 (b) a nomination or appointment by an education official or a board of education;
8253 (c) a vote on an administrative action taken by a vote of a board of education;
8254 (d) an adjudicative proceeding over which an education official has direct or indirect
8255 control;
8256 (e) a purchasing or contracting decision;

- 8257 (f) drafting or making a policy, resolution, or rule;
8258 (g) determining a rate or fee; or
8259 (h) making an adjudicative decision.
- 8260 (8) "Education official" means:
8261 (a) a member of a board of education;
8262 (b) an individual appointed to or employed in a position under a board of education, if
8263 that individual:
8264 (i) occupies a policymaking position or makes purchasing or contracting decisions;
8265 (ii) drafts resolutions or policies or drafts or makes rules;
8266 (iii) determines rates or fees;
8267 (iv) makes decisions relating to an education budget or the expenditure of public
8268 money; or
8269 (v) makes adjudicative decisions; or
8270 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- 8271 (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an
8272 individual participates in or is a spectator at, including a sporting event, an artistic event,
8273 a play, a movie, dancing, or singing.
- 8274 (10) "Executive action" means:
8275 (a) a nomination or appointment by the governor;
8276 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
8277 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
8278 (c) agency ratemaking proceedings; or
8279 (d) an adjudicative proceeding of a state agency.
- 8280 (11)(a) "Expenditure" means any of the items listed in this Subsection (11)(a) when
8281 given to or for the benefit of a public official unless consideration of equal or greater
8282 value is received:
8283 (i) a purchase, payment, or distribution;
8284 (ii) a loan, gift, or advance;
8285 (iii) a deposit, subscription, or forbearance;
8286 (iv) services or goods;
8287 (v) money;
8288 (vi) real property;
8289 (vii) a ticket or admission to an event; or
8290 (viii) a contract, promise, or agreement, whether or not legally enforceable, to

- 8291 provide any item listed in Subsections (11)(a)(i) through (vii).
- 8292 (b) "Expenditure" does not mean:
- 8293 (i) a commercially reasonable loan made in the ordinary course of business;
- 8294 (ii) a campaign contribution:
- 8295 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
- 8296 Reporting Requirements, Section 10-3-208, Section [~~17-16-6.5~~] 17-70-403, or
- 8297 any applicable ordinance adopted under Subsection 10-3-208(7) or [
- 8298 ~~17-16-6.5(1)~~] 17-70-403(1); or
- 8299 (B) lawfully given to a person that is not required to report the contribution under
- 8300 a law or ordinance described in Subsection (11)(b)(ii)(A);
- 8301 (iii) printed informational material that is related to the performance of the recipient's
- 8302 official duties;
- 8303 (iv) a devise or inheritance;
- 8304 (v) any item listed in Subsection (11)(a) if:
- 8305 (A) given by a relative;
- 8306 (B) given by a compensation payor for a purpose solely unrelated to the public
- 8307 official's position as a public official;
- 8308 (C) the item is food or beverage with a value that does not exceed the food
- 8309 reimbursement rate, and the aggregate daily expenditures for food and
- 8310 beverage do not exceed the food reimbursement rate; or
- 8311 (D) the item is not food or beverage, has a value of less than \$10, and the
- 8312 aggregate daily expenditures do not exceed \$10;
- 8313 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
- 8314 following are invited:
- 8315 (A) all members of the Legislature;
- 8316 (B) all members of a standing or interim committee;
- 8317 (C) all members of an official legislative task force;
- 8318 (D) all members of a party caucus; or
- 8319 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D)
- 8320 who are attending a meeting of a national organization whose primary purpose
- 8321 is addressing general legislative policy;
- 8322 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
- 8323 official who is:
- 8324 (A) giving a speech at the event, tour, or meeting;

(B) participating in a panel discussion at the event, tour, or meeting; or

(C) presenting or receiving an award at the event, tour, or meeting;

(viii) a plaque, commendation, or award that:

(A) is presented in public; and

(B) has the name of the individual receiving the plaque, commendation, or award inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or award;

(ix) a gift that:

(A) is an item that is not consumable and not perishable;

(B) a public official, other than a local official or an education official, accepts on behalf of the state;

(C) the public official promptly remits to the state;

(D) a property administrator does not reject under Section 63G-23-103;

(E) does not constitute a direct benefit to the public official before or after the public official remits the gift to the state; and

(F) after being remitted to the state, is not transferred, divided, distributed, or used to distribute a gift or benefit to one or more public officials in a manner that would otherwise qualify the gift as an expenditure if the gift were given directly to a public official;

(x) any of the following with a cash value not exceeding \$30:

(A) a publication; or

(B) a commemorative item;

(xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of which is:

(A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section ~~[17-16-6.5]~~ 17-70-403, or an applicable ordinance adopted under Subsection 10-3-208(7) or ~~[17-16-6.5(1)]~~ 17-70-403(1);

(B) to solicit a campaign contribution that a person is not required to report under a law or ordinance described in Subsection (11)(b)(xi)(A); or

(C) charitable solicitation, as defined in Section 13-22-2;

(xii) travel to, lodging at, food or beverage served at, and admission to an approved activity;

(xiii) sponsorship of an approved activity;

- 8359 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
8360 or from an event, a tour, or a meeting:
- 8361 (A) that is sponsored by a governmental entity;
- 8362 (B) that is widely attended and related to a governmental duty of a public official;
- 8363 (C) for a local official, that is sponsored by an organization that represents only
8364 local governments, including the Utah Association of Counties, the Utah
8365 League of Cities and Towns, or the Utah Association of Special Districts; or
- 8366 (D) for an education official, that is sponsored by a public school, a charter
8367 school, or an organization that represents only public schools or charter
8368 schools, including the Utah Association of Public Charter Schools, the Utah
8369 School Boards Association, or the Utah School Superintendents Association; or
- 8370 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
8371 public official if that travel results in a financial savings to:
- 8372 (A) for a public official who is not a local official or an education official, the
8373 state; or
- 8374 (B) for a public official who is a local official or an education official, the local
8375 government or board of education to which the public official belongs.
- 8376 (12) "Food reimbursement rate" means the total amount set by the director of the Division
8377 of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
8378 employee of the executive branch, for an entire day.
- 8379 (13)(a) "Foreign agent" means an individual who engages in lobbying under contract
8380 with a foreign government.
- 8381 (b) "Foreign agent" does not include an individual who is recognized by the United
8382 States Department of State as a duly accredited diplomatic or consular officer of a
8383 foreign government, including a duly accredited honorary consul.
- 8384 (14) "Foreign government" means a government other than the government of:
- 8385 (a) the United States;
- 8386 (b) a state within the United States;
- 8387 (c) a territory or possession of the United States; or
- 8388 (d) a political subdivision of the United States.
- 8389 (15)(a) "Government officer" means:
- 8390 (i) an individual elected to a position in state or local government, when acting in the
8391 capacity of the state or local government position;
- 8392 (ii) an individual elected to a board of education, when acting in the capacity of a

- 8393 member of a board of education;
- 8394 (iii) an individual appointed to fill a vacancy in a position described in Subsection
- 8395 (15)(a)(i) or (ii), when acting in the capacity of the position; or
- 8396 (iv) an individual appointed to or employed in a full-time position by state
- 8397 government, local government, or a board of education, when acting in the
- 8398 capacity of the individual's appointment or employment.
- 8399 (b) "Government officer" does not mean a member of the legislative branch of state
- 8400 government.
- 8401 (16) "Immediate family" means:
- 8402 (a) a spouse;
- 8403 (b) a child residing in the household; or
- 8404 (c) an individual claimed as a dependent for tax purposes.
- 8405 (17) "Legislative action" means:
- 8406 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
- 8407 proposed in either house of the Legislature or its committees or requested by a
- 8408 legislator; and
- 8409 (b) the action of the governor in approving or vetoing legislation.
- 8410 (18) "Lobbying" means communicating with a public official for the purpose of influencing
- 8411 a legislative action, executive action, local action, or education action.
- 8412 (19)(a) "Lobbyist" means:
- 8413 (i) an individual who is employed by a principal; or
- 8414 (ii) an individual who contracts for economic consideration, other than
- 8415 reimbursement for reasonable travel expenses, with a principal to lobby a public
- 8416 official.
- 8417 (b) "Lobbyist" does not include:
- 8418 (i) a government officer;
- 8419 (ii) a member or employee of the legislative branch of state government;
- 8420 (iii) a person, including a principal, while appearing at, or providing written
- 8421 comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah
- 8422 Administrative Rulemaking Act, or Title 63G, Chapter 4, Administrative
- 8423 Procedures Act;
- 8424 (iv) a person participating on or appearing before an advisory or study task force,
- 8425 commission, board, or committee, constituted by the Legislature, a local
- 8426 government, a board of education, or any agency or department of state

8427 government, except legislative standing, appropriation, or interim committees;

8428 (v) a representative of a political party;

8429 (vi) an individual representing a bona fide church solely for the purpose of protecting
8430 the right to practice the religious doctrines of the church, unless the individual or
8431 church makes an expenditure that confers a benefit on a public official;

8432 (vii) a newspaper, television station or network, radio station or network, periodical
8433 of general circulation, or book publisher for the purpose of publishing news items,
8434 editorials, other comments, or paid advertisements that directly or indirectly urge
8435 legislative action, executive action, local action, or education action;

8436 (viii) an individual who appears on the individual's own behalf before a committee of
8437 the Legislature, an agency of the executive branch of state government, a board of
8438 education, the governing body of a local government, a committee of a local
8439 government, or a committee of a board of education, solely for the purpose of
8440 testifying in support of or in opposition to legislative action, executive action,
8441 local action, or education action; or

8442 (ix) an individual representing a business, entity, or industry, who:

8443 (A) interacts with a public official, in the public official's capacity as a public
8444 official, while accompanied by a registered lobbyist who is lobbying in relation
8445 to the subject of the interaction or while presenting at a legislative committee
8446 meeting at the same time that the registered lobbyist is attending another
8447 legislative committee meeting; and

8448 (B) does not make an expenditure for, or on behalf of, a public official in relation
8449 to the interaction or during the period of interaction.

8450 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any
8451 combination of lobbyists, principals, and government officers, who each contribute a
8452 portion of an expenditure made to benefit a public official or member of the public
8453 official's immediate family.

8454 (21) "Local action" means:

8455 (a) an ordinance or resolution for consideration by a local government;

8456 (b) a nomination or appointment by a local official or a local government;

8457 (c) a vote on an administrative action taken by a vote of a local government's legislative
8458 body;

8459 (d) an adjudicative proceeding over which a local official has direct or indirect control;

8460 (e) a purchasing or contracting decision;

- 8461 (f) drafting or making a policy, resolution, or rule;
8462 (g) determining a rate or fee; or
8463 (h) making an adjudicative decision.
- 8464 (22) "Local government" means:
8465 (a) a county, city, or town;
8466 (b) a special district governed by Title 17B, Limited Purpose Local Government Entities
8467 - Special Districts;
8468 (c) a special service district governed by Title 17D, Chapter 1, Special Service District
8469 Act;
8470 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
8471 Government Entities - Community Reinvestment Agency Act;
8472 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
8473 (f) a redevelopment agency; or
8474 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
8475 13, Interlocal Cooperation Act.
- 8476 (23) "Local official" means:
8477 (a) an elected member of a local government;
8478 (b) an individual appointed to or employed in a position in a local government if that
8479 individual:
8480 (i) occupies a policymaking position or makes purchasing or contracting decisions;
8481 (ii) drafts ordinances or resolutions or drafts or makes rules;
8482 (iii) determines rates or fees; or
8483 (iv) makes adjudicative decisions; or
8484 (c) an immediate family member of an individual described in Subsection (23)(a) or (b).
- 8485 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make
8486 a decision, including a conference, seminar, or summit.
- 8487 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who
8488 represents two or more clients and divides the aggregate daily expenditure made to
8489 benefit a public official or member of the public official's immediate family between
8490 two or more of those clients.
- 8491 (26) "Principal" means a person that employs an individual to perform lobbying, either as
8492 an employee or as an independent contractor.
- 8493 (27) "Public official" means:
8494 (a)(i) a member of the Legislature;

- 8495 (ii) an individual elected to a position in the executive branch of state government; or
8496 (iii) an individual appointed to or employed in a position in the executive or
8497 legislative branch of state government if that individual:
8498 (A) occupies a policymaking position or makes purchasing or contracting
8499 decisions;
8500 (B) drafts legislation or makes rules;
8501 (C) determines rates or fees; or
8502 (D) makes adjudicative decisions;
8503 (b) an immediate family member of a person described in Subsection (27)(a);
8504 (c) a local official; or
8505 (d) an education official.
- 8506 (28) "Public official type" means a notation to identify whether a public official is:
8507 (a)(i) a member of the Legislature;
8508 (ii) an individual elected to a position in the executive branch of state government;
8509 (iii) an individual appointed to or employed in a position in the legislative branch of
8510 state government who meets the definition of public official under Subsection
8511 (27)(a)(iii);
8512 (iv) an individual appointed to or employed in a position in the executive branch of
8513 state government who meets the definition of public official under Subsection
8514 (27)(a)(iii);
8515 (v) a local official, including a description of the type of local government for which
8516 the individual is a local official; or
8517 (vi) an education official, including a description of the type of board of education for
8518 which the individual is an education official; or
8519 (b) an immediate family member of an individual described in Subsection (27)(a), (c), or
8520 (d).
- 8521 (29) "Quarterly reporting period" means the three-month period covered by each financial
8522 report required under Subsection 36-11-201(2)(a).
- 8523 (30) "Related person" means a person, agent, or employee who knowingly and intentionally
8524 assists a lobbyist, principal, or government officer in lobbying.
- 8525 (31) "Relative" means:
8526 (a) a spouse;
8527 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law,
8528 sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

8529 (c) a spouse of an individual described in Subsection (31)(b).

8530 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public
8531 official, and not primarily for entertainment, including:

8532 (a) viewing a facility;

8533 (b) viewing the sight of a natural disaster; or

8534 (c) assessing a circumstance in relation to which a public official may need to take
8535 action within the scope of the public official's duties.

8536 Section 98. Section **39A-3-111** is amended to read:

8537 **39A-3-111 (Effective 11/06/25). Military court -- Concurrent prosecutorial**
8538 **jurisdiction with county or district attorney.**

8539 (1) The county attorney or district attorney, as appropriate under Sections [17-18a-202]
8540 17-68-302 and [17-18a-203] 17-68-303, of the county where an offense under the Utah
8541 Code of Military Justice is committed has concurrent jurisdiction with a military court to
8542 prosecute the accused individual at the expense of the county.

8543 (2) Charges regarding the offense may not be filed in a military court until the appropriate
8544 county attorney or district attorney has reviewed and declined to prosecute the offense.

8545 Section 99. Section **41-1a-407** is amended to read:

8546 **41-1a-407 (Effective 11/06/25). Plates issued to political subdivisions or state --**
8547 **Use of "EX" letters -- Confidential information.**

8548 (1) Except as provided in Subsection (2), each municipality, board of education, school
8549 district, state institution of learning, county, other governmental division, subdivision, or
8550 district, and the state shall:

8551 (a) place a license plate displaying the letters, "EX" on every vehicle owned and
8552 operated by it or leased for its exclusive use; and

8553 (b) display an identification mark designating the vehicle as the property of the entity in
8554 a conspicuous place on both sides of the vehicle.

8555 (2) The entity need not display the "EX" license plate or the identification mark required by
8556 Subsection (1) if:

8557 (a) the vehicle is in the direct service of the governor, lieutenant governor, attorney
8558 general, state auditor, or state treasurer of Utah;

8559 (b) the vehicle is used in official investigative work where secrecy is essential;

8560 (c) the vehicle is used in an organized Utah Highway Patrol operation that is:

8561 (i) conducted within a county of the first or second class as [defined] classified under
8562 Section [17-50-501] 17-60-104, unless no more than one unmarked vehicle is used

- 8563 for the operation;
- 8564 (ii) approved by the Commissioner of Public Safety;
- 8565 (iii) of a duration of 14 consecutive days or less; and
- 8566 (iv) targeted toward careless driving, aggressive driving, and accidents involving:
- 8567 (A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and
- 8568 Reckless Driving;
- 8569 (B) speeding violations for exceeding the posted speed limit by 21 or more miles
- 8570 per hour;
- 8571 (C) speeding violations in a reduced speed school zone under Section 41-6a-604;
- 8572 (D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or
- 8573 (E) violations of Section 41-6a-702 related to lane restrictions;
- 8574 (d) the vehicle is provided to an official of the entity as part of a compensation package
- 8575 allowing unlimited personal use of that vehicle;
- 8576 (e) the personal security of the occupants of the vehicle would be jeopardized if the
- 8577 "EX" license plate were in place; or
- 8578 (f) the vehicle is used in routine enforcement on a state highway with four or more lanes
- 8579 involving:
- 8580 (i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a
- 8581 roadway;
- 8582 (ii) violations of Section 41-6a-702 related to left lane restrictions;
- 8583 (iii) violations of Section 41-6a-704 related to overtaking and passing vehicles
- 8584 proceeding in the same direction;
- 8585 (iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance;
- 8586 and
- 8587 (v) violations of Section 41-6a-804 related to turning and changing lanes.
- 8588 (3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a
- 8589 beehive logo, and the call number of the trooper to whom the vehicle is issued.
- 8590 (4)(a) The commission shall issue "EX" and "UHP" plates.
- 8591 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 8592 commission shall make rules establishing the procedure for application for and
- 8593 distribution of the plates.
- 8594 (5) For a vehicle that qualifies for an "EX" or "UHP" license plate, the entity is not required
- 8595 to display the month or year registration decal described in Section 41-1a-402.
- 8596 (6)(a) Information shall be confidential for vehicles that are not required to display the

8597 "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and
8598 (e).

8599 (b)(i) If a law enforcement officer's identity must be kept secret, the law enforcement
8600 officer's agency head may request in writing that the division remove the license
8601 plate information of the officer's personal vehicles from all public access files and
8602 place it in a confidential file until the assignment is completed.

8603 (ii) The agency head shall notify the division when the assignment is completed.

8604 (7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a
8605 uniform clearly identifying the law enforcement agency the peace officer is representing
8606 during the operation.

8607 Section 100. Section **41-1a-1320** is amended to read:

8608 **41-1a-1320 (Effective 11/06/25). Tax clearance required to move manufactured**
8609 **home or mobile home.**

8610 (1) A manufactured home or mobile home may not be transported by any person, including
8611 its owner, unless a tax clearance has been obtained from the assessor or, if the
8612 responsibility to provide a tax clearance has been reassigned under Section [17-16-5.5]
8613 17-74-102, the treasurer of the county in which the real property upon which the
8614 manufactured home or mobile home was last located showing that all property taxes,
8615 including any interest and penalties, have been paid.

8616 (2) The tax clearance described in Subsection (1):

8617 (a) is proof of having paid all property taxes, interest, and penalties; and

8618 (b) shall be displayed in a conspicuous place on the rear of the manufactured home or
8619 mobile home so as to be plainly visible while in transit.

8620 (3)(a) Any person, including the owner, who transports a manufactured home or mobile
8621 home without a valid tax clearance is:

8622 (i) in violation of Section 59-2-309; and

8623 (ii) subject to the penalty provisions of Section 59-2-309.

8624 (b) In addition to the penalty provided in Subsection (3)(a), any commercial mover who
8625 transports any manufactured home or mobile home without a valid tax clearance is
8626 guilty of a class B misdemeanor.

8627 Section 101. Section **46-1-2** is amended to read:

8628 **46-1-2 (Effective 11/06/25). Definitions.**

8629 As used in this chapter:

8630 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose

identity is personally known to the notary or proven on the basis of satisfactory evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the document's stated purpose.

(2) "Before me" means that an individual appears in the presence of the notary.

(3) "Commission" means:

(a) to empower to perform notarial acts; or

(b) the written document that gives authority to perform notarial acts, including the Certificate of Authority of Notary Public that the lieutenant governor issues to a notary.

(4) "Copy certification" means a notarial act in which a notary certifies that a photocopy is an accurate copy of a document that is neither a public record nor publicly recorded.

(5) "Electronic notarization" means:

(a) a remote notarization; or

(b) a notarization:

(i) in an electronic format;

(ii) of a document that may be recorded electronically under Subsection [

~~17-21-18.5(5)~~ 17-71-402(2); and

(iii) that conforms with rules made under Section 46-1-3.7.

(6) "Electronic recording" means the audio and video recording, described in Subsection 46-1-3.6(3), of a remote notarization.

(7) "Electronic seal" means an electronic version of the seal described in Section 46-1-16, that conforms with rules made under Subsection 46-1-3.7(1)(d), that a notary may attach to a notarial certificate to complete an electronic notarization.

(8) "Electronic signature" means the same as that term is defined in Section 46-4-102.

(9) "In the presence of the notary" means that an individual:

(a) is physically present with the notary in close enough proximity to see and hear the notary; or

(b) communicates with a remote notary by means of an electronic device or process that:

(i) allows the individual and remote notary to communicate with one another simultaneously by sight and sound; and

(ii) complies with rules made under Section 46-1-3.7.

(10) "Jurat" means a notarial act in which a notary certifies:

(a) the identity of a signer who:

(i) is personally known to the notary; or

- 8665 (ii) provides the notary satisfactory evidence of the signer's identity;
- 8666 (b) that the signer affirms or swears an oath attesting to the truthfulness of a document;
- 8667 and
- 8668 (c) that the signer voluntarily signs the document in the presence of the notary.
- 8669 (11) "Notarial act" or "notarization" means an act that a notary is authorized to perform
- 8670 under Section 46-1-6.
- 8671 (12) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:
- 8672 (a) a part of or attached to a notarized document; and
- 8673 (b) completed by the notary and bears the notary's signature and official seal.
- 8674 (13)(a) "Notary" means an individual commissioned to perform notarial acts under this
- 8675 chapter.
- 8676 (b) "Notary" includes a remote notary.
- 8677 (14) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person
- 8678 made a vow or affirmation in the presence of the notary on penalty of perjury.
- 8679 (15) "Official misconduct" means a notary's performance of any act prohibited or failure to
- 8680 perform any act mandated by this chapter or by any other law in connection with a
- 8681 notarial act.
- 8682 (16)(a) "Official seal" means the seal described in Section 46-1-16 that a notary may
- 8683 attach to a notarial certificate to complete a notarization.
- 8684 (b) "Official seal" includes an electronic seal.
- 8685 (17) "Personally known" means familiarity with an individual resulting from interactions
- 8686 with that individual over a period of time sufficient to eliminate every reasonable doubt
- 8687 that the individual has the identity claimed.
- 8688 (18) "Remote notarization" means a notarial act performed by a remote notary in
- 8689 accordance with this chapter for an individual who is not in the physical presence of the
- 8690 remote notary at the time the remote notary performs the notarial act.
- 8691 (19) "Remote notary" means a notary that holds an active remote notary certification under
- 8692 Section 46-1-3.5.
- 8693 (20)(a) "Satisfactory evidence of identity" means:
- 8694 (i) for both an in-person and remote notarization, identification of an individual based
- 8695 on:
- 8696 (A) subject to Subsection (20)(b), valid personal identification with the
- 8697 individual's photograph, signature, and physical description that the United
- 8698 States government, any state within the United States, or a foreign government

- 8699 issues;
- 8700 (B) subject to Subsection (20)(b), a valid passport that any nation issues; or
- 8701 (C) the oath or affirmation of a credible person who is personally known to the
- 8702 notary and who personally knows the individual; and
- 8703 (ii) for a remote notarization only, a third party's affirmation of an individual's
- 8704 identity in accordance with rules made under Section 46-1-3.7 by means of:
- 8705 (A) dynamic knowledge-based authentication, which may include requiring the
- 8706 individual to answer questions about the individual's personal information
- 8707 obtained from public or proprietary data sources; or
- 8708 (B) analysis of the individual's biometric data, which may include facial
- 8709 recognition, voiceprint analysis, or fingerprint analysis.
- 8710 (b) "Satisfactory evidence of identity," for a remote notarization, requires the
- 8711 identification described in Subsection (20)(a)(i)(A) or passport described in
- 8712 Subsection (20)(a)(i)(B) to be verified through public or proprietary data sources in
- 8713 accordance with rules made under Section 46-1-3.7.
- 8714 (c) "Satisfactory evidence of identity" does not include:
- 8715 (i) a driving privilege card under Subsection 53-3-207(12); or
- 8716 (ii) another document that is not considered valid for identification.
- 8717 (21) "Signature witnessing" means a notarial act in which an individual:
- 8718 (a) appears in the presence of the notary and presents a document;
- 8719 (b) provides the notary satisfactory evidence of the individual's identity, or is personally
- 8720 known to the notary; and
- 8721 (c) signs the document in the presence of the notary.
- 8722 Section 102. Section **49-11-623** is amended to read:
- 8723 **49-11-623 (Effective 11/06/25). Withdrawing entity -- Participation election date**
- 8724 **-- Withdrawal costs -- Rulemaking.**
- 8725 (1) As used in this section, "withdrawing entity" means an entity that:
- 8726 (a) participates in a system or plan under this title prior to July 1, 2014;
- 8727 (b) provides mental health and substance abuse services for a county under Section [
- 8728 ~~17-50-318~~ 17-77-103;
- 8729 (c) after beginning participation with a system or plan under this title, has modified its
- 8730 federal tax status to a nonprofit organization that qualifies under Section 501(c) of the
- 8731 Internal Revenue Code; and
- 8732 (d) is not a state institution of higher education as described in Section 53B-2-101.

- (2) Notwithstanding any other provision of this title, a withdrawing entity may provide for the participation of its employees with that system or plan as follows:
- (a) the withdrawing entity shall determine a date that is no later than January 1, 2017, on which the withdrawing entity shall make an election under Subsection (3); and
 - (b) subject to the provisions of Subsection (6), the withdrawing entity shall pay to the office any reasonable actuarial and administrative costs determined by the office to have arisen out of an election made under this section, including an actuarially determined short-fall liability contribution and a contingency payment to provide financial protection to the remaining participating employers.
- (3) The withdrawing entity described under Subsection (2) may elect to:
- (a)(i) continue its participation for all current employees of the withdrawing entity, who are covered by a system or plan as of the date set under Subsection (2)(a); and
 - (ii) withdraw from participation in all systems or plans for all persons initially entering employment with the withdrawing entity, beginning on the date set under Subsection (2)(a); or
 - (b) withdraw from participation in all systems or plans for all current and future employees of the withdrawing entity, beginning on the date set under Subsection (2)(a).
- (4)(a) An election provided under Subsection (3):
- (i) is a one-time election made no later than the date specified under Subsection (2)(a);
 - (ii) shall be documented by a resolution adopted by the governing body of the withdrawing entity;
 - (iii) is irrevocable; and
 - (iv) applies to the withdrawing entity as the employer and to all employees of the withdrawing entity.
- (b) Notwithstanding an election made under Subsection (3), any eligibility for service credit earned by an employee under this title before the date specified under Subsection (2)(a) is not affected by this section.
- (5) If a withdrawing entity elects to continue participation under Subsection (3), the withdrawing entity shall continue to be subject to the laws and the rules governing the system or plan in which an employee participates, including the accrual of service credit and payment of contributions.
- (6) Before a withdrawing entity may withdraw under this section, the withdrawing entity and the office shall enter into an agreement on:

- 8767 (a) the costs described under Subsection (2)(b); and
8768 (b) arrangements for the payment of the costs described under Subsection (2)(b).

8769 (7) The board shall make rules to implement this section.

8770 Section 103. Section **51-2a-401** is amended to read:

8771 **51-2a-401 (Effective 11/06/25). Prohibiting access to and withholding funds from**
8772 **an entity that does not comply with the accounting report requirements.**

8773 (1) If a political subdivision, interlocal organization, or other local entity does not comply
8774 with the accounting report requirements of Section 51-2a-201, the state auditor may:

8775 (a) withhold allocated state funds to pay the cost of the accounting report, in accordance
8776 with Subsection (2); or

8777 (b) prohibit financial access, in accordance with Subsection (3).

8778 (2)(a) If the state auditor does not prohibit financial access in accordance with
8779 Subsection (3), the state auditor may withhold allocated state funds sufficient to pay
8780 the cost of the accounting report from any local entity described in Subsection (1).

8781 (b) If no allocated state funds are available for withholding, the local entity shall
8782 reimburse the state auditor for any cost incurred in completing the accounting reports
8783 required under Section 51-2a-402.

8784 (c) The state auditor shall release the withheld funds if the local entity meets the
8785 accounting report requirements either voluntarily or by action under Section
8786 51-2a-402.

8787 (3)(a) If the state auditor does not withhold funds in accordance with Subsection (2), the
8788 state auditor may prohibit any local entity described in Subsection (1) from accessing:

8789 (i) money held by the state; and

8790 (ii) money held in an account of a financial institution by:

8791 (A) contacting the entity's financial institution and requesting that the institution
8792 prohibit access to the account; or

8793 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
8794 Judicial Administration, requesting an order of the court to prohibit a financial
8795 institution from providing the entity access to the account.

8796 (b) The state auditor shall remove the prohibition on accessing funds described in
8797 Subsection (3)(a) if the local entity meets the accounting report requirements either
8798 voluntarily or by action under Section 51-2a-402.

8799 (4) After receiving a report from the Office of Legislative Fiscal Analyst under Section [
8800 17-31-5.5] 17-78-704 indicating that a county is not expending revenue in accordance

with the requirements of Sections [17-31-2] 17-78-702, 59-12-301, and 59-12-603, the state auditor:

- (a) shall make an independent finding about the county's written report described in [~~Subsection 17-31-5.5(1)~~ Section 17-78-704; and
- (b) if the state auditor confirms the determination of the Office of Legislative Fiscal Analyst, may take the action described in Subsection (3) in regard to revenue generated by the county's imposition of a transient room tax under Section 59-12-301 or the imposition of a tourism, recreation, cultural, convention, and airport facilities tax under Section 59-12-603.

Section 104. Section **51-7-15** is amended to read:

51-7-15 (Effective 11/06/25). Crime insurance for state treasurer and other public treasurers -- Reports to council.

- (1)(a) The state treasurer, county, city, and town treasurers, the clerk or treasurer of each school district, and other public treasurers that the council designates by rule shall obtain crime insurance as described in Section [17-16-11] 17-66-105 in an amount of not less than that established by the council.
- (b) The council shall base the minimum crime insurance coverage amount as described in Section [17-16-11] 17-66-105 on the amount of public funds normally in the treasurer's possession or control.
- (2)(a) A public treasurer shall file a written report with the council on or before January 31 and July 31 of each year.
- (b) The report shall contain:
 - (i) the information about the deposits and investments of that public treasurer during the preceding six months ending December 31 and June 30, respectively, that the council requires by rule; and
 - (ii) information detailing the nature and extent of interest rate contracts permitted by Subsection 51-7-17(3).
- (c) A public treasurer shall make copies of the report available to the public at the public treasurer's office during normal business hours.

Section 105. Section **51-9-408** is amended to read:

51-9-408 (Effective 11/06/25). Children's Legal Defense Account.

- (1) There is created a restricted account within the General Fund known as the Children's Legal Defense Account.
- (2) The purpose of the Children's Legal Defense Account is to provide for programs that

protect and defend the rights, safety, and quality of life of children.

(3)(a) The Legislature shall appropriate money from the account for the administrative and related costs of the following programs:

(i) implementing the mandatory courses described in Sections 81-4-105 and 81-9-103 and the mediation program for child custody or parent-time;

(ii) implementing the use of guardians ad litem in accordance with Sections 78A-2-703, 78A-2-705, 78A-2-803, and 78B-3-102;

(iii) the training of attorney guardians ad litem and volunteers as provided in Section 78A-2-803;

(iv) implementing and administering the Expedited Parent-time Enforcement Program as provided in Section 81-9-102; and

(v) implementing and administering the Divorce Education for Children Program.

(b) The Children's Legal Defense Account may not be used to supplant funding for the guardian ad litem program under Section 78A-2-803.

(4) The following withheld fees shall be allocated only to the Children's Legal Defense Account and used only for the purposes provided in Subsections (3)(a)(i) through (v):

(a) the additional \$10 fee withheld on every marriage license issued in the state of Utah as provided in Section ~~[17-16-21]~~ 17-66-303; and

(b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

(5) The Division of Finance shall allocate the money described in Subsection (4) from the General Fund to the Children's Legal Defense Account.

(6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30 of any fiscal year shall lapse into the General Fund.

Section 106. Section 52-3-1 is amended to read:

52-3-1 (Effective 11/06/25). Employment of relatives and household members prohibited -- Exceptions.

(1) As used in this chapter:

(a) "Appointee" means an employee whose salary, wages, pay, or compensation is paid from public funds.

(b) "Chief administrative officer" means the person who has ultimate responsibility for the operation of the department or agency of the state or a political subdivision.

(c) "Household member" means a person who resides in the same residence as the public

8869 officer.

8870 (d) "Public officer" means a person who holds a position that is compensated by public
8871 funds.

8872 (e) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,
8873 grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first
8874 cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or
8875 daughter-in-law.

8876 (2)(a) A public officer may not employ, appoint, or vote for or recommend the
8877 appointment of an appointee when the appointee will be directly supervised by a
8878 relative or household member, unless:

- 8879 (i) the appointee is eligible or qualified to be employed by a department or agency of
8880 the state or a political subdivision of the state as a result of the appointee's
8881 compliance with civil service or merit system laws or regulations;
8882 (ii) the appointee will be compensated from funds designated for vocational training;
8883 (iii) the appointee will be employed for a period of 12 weeks or less;
8884 (iv) the appointee is a volunteer as defined by the employing entity; or
8885 (v) the chief administrative officer determines that the appointee is the only or best
8886 person available, qualified, or eligible for the position.

8887 (b) A public officer may not directly supervise an appointee who is a relative or
8888 household member of the public officer, unless:

- 8889 (i) the appointee was appointed or employed before the public officer assumed the
8890 public officer's supervisory position, if the appointee's appointment did not violate
8891 the provisions of this chapter in effect at the time of the appointee's appointment;
8892 (ii) the appointee is eligible or qualified to be employed by a department or agency of
8893 the state or a political subdivision of the state as a result of the appointee's
8894 compliance with civil service or merit system laws or regulations;
8895 (iii) the appointee will be compensated from funds designated for vocational training;
8896 (iv) the appointee will be employed for a period of 12 weeks or less;
8897 (v) the appointee is a volunteer as defined by the employing entity;
8898 (vi) the appointee is the only person available, qualified, or eligible for the position; or
8899 (vii) the chief administrative officer determines that the public officer is the only
8900 individual available or best qualified to perform supervisory functions for the
8901 appointee.

8902 (c) When a public officer supervises a relative or household member under Subsection

- 8903 (2)(b):
- 8904 (i) the public officer shall immediately submit a complete written disclosure of the
- 8905 public officer's relationship with the relative or household member:
- 8906 (A) for a public officer subject to the requirements of Title 67, Chapter 16, Utah
- 8907 Public Officers' and Employees' Ethics Act, in the same manner the public
- 8908 officer is required to make a disclosure under Section 67-16-7;
- 8909 (B) for a public officer subject to the requirements of [~~Title 17, Chapter 16a,~~
- 8910 ~~County Officers and Employees Disclosure Act~~] Title 17, Chapter 70, Part 5,
- 8911 Disclosure Duties Applicable to All County Officers, in the same manner the
- 8912 public officer is required to make a disclosure under Section [~~17-16a-6~~]
- 8913 17-70-505; and
- 8914 (C) for a public officer subject to the requirements of Title 10, Chapter 3, Part 13,
- 8915 Municipal Officers' and Employees' Ethics Act, in the same manner the public
- 8916 officer is required to make a disclosure under Section 10-3-1306; and
- 8917 (ii) the public officer may not evaluate the job performance of or recommend salary
- 8918 increases for the relative or household member.
- 8919 (d) A disclosure submitted under this Subsection (2) is public, and the person or entity
- 8920 with which the public officer files the disclosure shall make the disclosure available
- 8921 for public inspection.
- 8922 (3) An appointee may not accept or retain employment if accepting or retaining
- 8923 employment will place the appointee under the direct supervision of a relative or
- 8924 household member unless:
- 8925 (a) the relative or household member was appointed or employed before the appointee
- 8926 assumed the appointee's position, if the appointment of the relative or household
- 8927 member did not violate the provisions of this chapter in effect at the time of the
- 8928 appointment;
- 8929 (b) the appointee was or is eligible or qualified to be employed by a department or
- 8930 agency of the state or a political subdivision of the state as a result of the appointee's
- 8931 compliance with civil service or merit system laws or regulations;
- 8932 (c) the appointee is the only person available, qualified, or eligible for the position;
- 8933 (d) the appointee is employed for a period of 12 weeks or less;
- 8934 (e) the appointee is a volunteer as defined by the employing entity; or
- 8935 (f) the chief administrative officer determines that the appointee's relative or household
- 8936 member is the only individual available or qualified to supervise the appointee.

8937 Section 107. Section **52-6-102** is amended to read:

8938 **52-6-102 (Effective 11/06/25). Definitions.**

8939 As used in this act:

8940 (1) "Local attorney" means:

8941 (a) a county attorney or district attorney, as described in [~~Title 17, Chapter 18a, Powers~~
8942 ~~and Duties of County and District Attorney~~] Title 17, Chapter 68, County and District
8943 Attorney; or

8944 (b) a city attorney under Section 10-3-928.

8945 (2) "Officer or employee" means any individual who at the time of an event giving rise to a
8946 claim under this act is or was elected or appointed to or employed by a public entity,
8947 whether or not compensated, but does not include an independent contractor.

8948 (3) "Public entity" means the state or any political subdivision of it or any office,
8949 department, division, board, agency, commission, council, authority, institution,
8950 hospital, school, college, university, or other instrumentality of the state or any such
8951 political subdivision.

8952 Section 108. Section **53-2a-605** is amended to read:

8953 **53-2a-605 (Effective 11/06/25). Local government disaster funds.**

8954 (1)(a) Subject to this section and notwithstanding anything to the contrary contained in
8955 Title 10, Utah Municipal Code, or Title 17, Counties, Title 17B, Limited Purpose
8956 Local Government Entities - Special Districts, or Title 17D, Chapter 1, Special
8957 Service District Act, the governing body of a local government may create and
8958 maintain by ordinance a special fund known as a local government disaster fund.

8959 (b) The local fund shall consist of:

8960 (i) subject to the limitations of this section, money transferred to it in accordance with
8961 Subsection (2);

8962 (ii) any other public or private money received by the local government that is:

8963 (A) given to the local government for purposes consistent with this section; and

8964 (B) deposited into the local fund at the request of:

8965 (I) the governing body of the local government; or

8966 (II) the person giving the money; and

8967 (iii) interest or income realized from the local fund.

8968 (c) Interest or income realized from the local fund shall be deposited into the local fund.

8969 (d) Money in a local fund may be:

8970 (i) deposited or invested as provided in Section 51-7-11; or

- 8971 (ii) transferred by the local government treasurer to the Public Treasurers' Investment
8972 Fund as defined in Section 51-7-3.
- 8973 (e)(i) The money in a local fund may accumulate from year to year until the local
8974 government governing body determines to spend any money in the local fund for
8975 one or more of the purposes specified in Subsection (3).
- 8976 (ii) Money in a local fund at the end of a fiscal year:
8977 (A) shall remain in the local fund for future use; and
8978 (B) may not be transferred to any other fund or used for any other purpose.
- 8979 (2) The amounts transferred to a local fund may not exceed 10% of the total estimated
8980 revenues of the local government for the current fiscal period that are not restricted or
8981 otherwise obligated.
- 8982 (3) Money in the fund may only be used to fund the services and activities of the local
8983 government creating the local fund in response to:
8984 (a) a declared disaster within the boundaries of the local government;
8985 (b) the aftermath of the disaster that gave rise to a declared disaster within the
8986 boundaries of the local government; and
8987 (c) subject to Subsection (5), emergency preparedness.
- 8988 (4)(a) A local fund is subject to this part and:
8989 (i) in the case of a town, Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah
8990 Towns, except that:
8991 (A) in addition to the funds listed in Section 10-5-106, the mayor shall prepare a
8992 budget for the local fund;
8993 (B) Section 10-5-119 addressing termination of special funds does not apply to a
8994 local fund; and
8995 (C) the council of the town may not authorize an interfund loan under Section
8996 10-5-120 from the local fund;
- 8997 (ii) in the case of a city, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah
8998 Cities, except that:
8999 (A) in addition to the funds listed in Section 10-6-109, the mayor shall prepare a
9000 budget for the local fund;
9001 (B) Section 10-6-131 addressing termination of special funds does not apply to a
9002 local fund; and
9003 (C) the governing body of the city may not authorize an interfund loan under
9004 Section 10-6-132 from the local fund;

- 9005 (iii) in the case of a county, [~~Title 17, Chapter 36, Uniform Fiscal Procedures Act for~~
9006 ~~Counties~~] Title 17, Chapter 63, Fiscal Authority and Processes, except that:
- 9007 (A) Section [~~17-36-29~~] 17-63-808 addressing termination of special funds does not
9008 apply to a local fund; and
- 9009 (B) the governing body of the county may not authorize an interfund loan under
9010 Section [~~17-36-30~~] 17-63-809 from the local fund;
- 9011 (iv) in the case of a special district or special service district, Title 17B, Chapter 1,
9012 Part 6, Fiscal Procedures for Special Districts, except that:
- 9013 (A) Section 17B-1-625, addressing termination of a special fund, does not apply to
9014 a local fund; and
- 9015 (B) the governing body of the special district or special service district may not
9016 authorize an interfund loan under Section 17B-1-626 from the local fund; and
- 9017 (v) in the case of an interlocal entity, Title 11, Chapter 13, Part 5, Fiscal Procedures
9018 for Interlocal Entities, except for the following provisions:
- 9019 (A) Section 11-13-522 addressing termination of a special fund does not apply to
9020 a local fund; and
- 9021 (B) the governing board of the interlocal entity may not authorize an interfund
9022 loan under Section 11-13-523 from the local fund.
- 9023 (b) Notwithstanding Subsection (4)(a), transfers of money to a local fund or the
9024 accumulation of money in a local fund do not affect any limits on fund balances, net
9025 assets, or the accumulation of retained earnings in any of the following of a local
9026 government:
- 9027 (i) a general fund;
- 9028 (ii) an enterprise fund;
- 9029 (iii) an internal service fund; or
- 9030 (iv) any other fund.
- 9031 (5)(a) A local government may not expend during a fiscal year more than 10% of the
9032 money budgeted to be deposited into a local fund during that fiscal year for
9033 emergency preparedness.
- 9034 (b) The amount described in Subsection (5)(a) shall be determined before the adoption
9035 of the tentative budget.
- 9036 Section 109. Section ~~53-2d-402~~ is amended to read:
- 9037 **53-2d-402 (Effective 11/06/25). Licensure of emergency medical service**
9038 **personnel.**

- (1) To promote the availability of comprehensive emergency medical services throughout the state, the bureau shall establish:
- (a) initial and ongoing licensure and training requirements for emergency medical service personnel in the following categories:
 - (i) paramedic;
 - (ii) advanced emergency medical services technician;
 - (iii) emergency medical services technician;
 - (iv) emergency medical responder;
 - (v) behavioral emergency services technician; and
 - (vi) advanced behavioral emergency services technician;
 - (b) a method to monitor the certification status and continuing medical education hours for emergency medical dispatchers; and
 - (c) guidelines for giving credit for out-of-state training and experience.
- (2) The bureau shall, based on the requirements established in Subsection (1):
- (a) develop, conduct, and authorize training and testing for emergency medical service personnel;
 - (b) issue a license and license renewals to emergency medical service personnel other than emergency medical dispatchers; and
 - (c) verify the certification of emergency medical dispatchers.
- (3) The bureau shall coordinate with local mental health authorities described in Section [~~17-43-301~~] 17-77-301 to develop and authorize initial and ongoing licensure and training requirements for licensure as a:
- (a) behavioral emergency services technician; and
 - (b) advanced behavioral emergency services technician.
- (4) As provided in Section 53-2d-602, an individual issued a license or certified under this section may only provide emergency medical services to the extent allowed by the license or certification.
- (5) An individual may not be issued or retain a license under this section unless the individual obtains and retains background clearance under Section 53-2d-410.
- (6) An individual may not be issued or retain a certification under this section unless the individual obtains and retains background clearance in accordance with Section 53-2d-410.5.
- Section 110. Section **53-13-105** is amended to read:
- 53-13-105 (Effective 11/06/25). Special function officer.**

- 9073 (1)(a) "Special function officer" means a sworn and certified peace officer performing
9074 specialized investigations, service of legal process, security functions, or specialized
9075 ordinance, rule, or regulatory functions.
- 9076 (b) "Special function officer" includes:
- 9077 (i) state military police;
- 9078 (ii) constables;
- 9079 (iii) port-of-entry agents as defined in Section 72-1-102;
- 9080 (iv) authorized employees or agents of the Department of Transportation assigned to
9081 administer and enforce the provisions of Title 72, Chapter 9, Motor Carrier Safety
9082 Act;
- 9083 (v) school district security officers;
- 9084 (vi) Utah State Hospital security officers designated pursuant to Section 26B-5-303;
- 9085 (vii) Utah State Developmental Center security officers designated pursuant to
9086 Section 26B-6-506;
- 9087 (viii) fire arson investigators for any political subdivision of the state;
- 9088 (ix) ordinance enforcement officers employed by municipalities or counties may be
9089 special function officers;
- 9090 (x) employees of the Department of Natural Resources who have been designated to
9091 conduct supplemental enforcement functions as a collateral duty;
- 9092 (xi) railroad special agents deputized by a county sheriff under Section [17-30-2 or
9093 17-30a-104,] 17-76-202 or 17-76-303 or appointed [~~pursuant to~~] under Section
9094 56-1-21.5;
- 9095 (xii) auxiliary officers, as described by Section 53-13-112;
- 9096 (xiii) special agents, process servers, and investigators employed by city attorneys;
- 9097 (xiv) criminal tax investigators designated under Section 59-1-206; and
- 9098 (xv) all other persons designated by statute as having special function officer
9099 authority or limited peace officer authority.
- 9100 (2)(a) A special function officer may exercise that spectrum of peace officer authority
9101 that has been designated by statute to the employing agency, and only while on duty,
9102 and not for the purpose of general law enforcement.
- 9103 (b) If the special function officer is charged with security functions respecting facilities
9104 or property, the powers may be exercised only in connection with acts occurring on
9105 the property where the officer is employed or when required for the protection of the
9106 employer's interest, property, or employees.

- 9107 (c) A special function officer may carry firearms only while on duty, and only if
9108 authorized and under conditions specified by the officer's employer or chief
9109 administrator.
- 9110 (3)(a) A special function officer may not exercise the authority of a special function
9111 officer until:
- 9112 (i) the officer has satisfactorily completed an approved basic training program for
9113 special function officers as provided under Subsection (4); and
9114 (ii) the chief law enforcement officer or administrator has certified this fact to the
9115 director of the division.
- 9116 (b) City and county constables and their deputies shall certify their completion of
9117 training to the legislative governing body of the city or county they serve.
- 9118 (4)(a) The agency that the special function officer serves may establish and maintain a
9119 basic special function course and in-service training programs as approved by the
9120 director of the division with the advice and consent of the council.
- 9121 (b) The in-service training shall consist of no fewer than 40 hours per year and may be
9122 conducted by the agency's own staff or by other agencies.
- 9123 (5)(a) An individual shall be 19 years old or older before being certified or employed as
9124 a special function officer.
- 9125 (b) A special function officer who is under 21 years old may only work as a correctional
9126 officer in accordance with Section 53-13-104.
- 9127 Section 111. Section **53-30-101** is amended to read:
- 9128 **53-30-101 (Effective 11/06/25). Definitions.**
- 9129 As used in this chapter:
- 9130 (1) "Applicant" means an individual who submits an application for certification.
- 9131 (2) "Application for certification" means an application described in Subsection
9132 53-29-201(1).
- 9133 (3) "Certifying officer" means the commissioner or an individual the commissioner
9134 designates to certify an application for certification.
- 9135 (4) "Credible threat" means a threat to cause death or serious bodily injury that a state or
9136 federal law enforcement agency has confirmed to be authentic.
- 9137 (5) "Easement holder" means the same as that term is defined in Section 57-13c-101.
- 9138 (6) "Improvement" means the same as that term is defined in Section 78B-2-225.
- 9139 (7) "Land use authority" means:
- 9140 (a) with respect to protected property located within a municipality, the same as that

term is defined in Section ~~[10-9a-103]~~ 10-20-102; or

- (b) with respect to protected property located within an unincorporated area of a county, the same as that term is defined in Section ~~[17-27a-103]~~ 17-79-102.

(8) "Protected person" means an individual who:

- (a) within the four years preceding the day on which the individual submits an application for certification:

- (i) received a credible threat; or
(ii) was physically harmed; and

(b) is at risk of serious bodily injury or death caused by:

- (i) the individual who made the credible threat described in Subsection (8)(a)(i) or caused the physical harm described in Subsection (8)(a)(ii); or
(ii) an individual affiliated with the individual who made the credible threat described in Subsection (8)(a)(i) or caused the physical harm described in Subsection (8)(a)(ii).

(9) "Protected property" means real property that is owned or occupied by a protected person.

(10) "Protection certificate" means a written determination described in Subsection 53-29-201(4).

(11)(a) "Security improvement" means an improvement that:

- (i) is intended to provide protection for a protected person, or a protected person's immediate family member living at the same residence as the protected person, from the risk of death or serious bodily injury caused by an individual who made a credible threat or caused physical harm to the protected person;
(ii) is constructed within the boundaries of protected property; and
(iii) does not interfere with another property owner's property right.

(b) "Security improvement" includes an improvement described in Subsection (11)(a) that provides safe egress from, or safety within, the protected property, including an underground improvement or an improvement that runs below an easement if the improvement does not damage or interfere with the purpose or use of the easement.

Section 112. Section **53-31-101** is amended to read:

53-31-101 (Effective 11/06/25). Definitions.

As used in this chapter, "county of the first class" means a county that is classified by population as a county of the first class under Section ~~[17-50-501]~~ 17-60-104.

Section 113. Section **53F-2-304** is amended to read:

53F-2-304 (Effective 11/06/25). Weighted pupil units for students in rural school districts and necessarily existent small schools.

(1) As used in this section:

(a) "Necessarily existent small school" means a school that:

(i) is located in an area with a National Center for Education Statistics locale code of 33 or higher;

(ii) is located more than 10 miles from an area with a National Center for Education Statistics locale code of 21 or less;

(iii) is not an online school, specialty school, technical school, alternative school, or charter school; and

(iv) has an average daily membership less than or equal to:

(A) 27 in any individual grade band kindergarten through 6; or

(B) 125 in any individual grade band 7 through 12.

(b) "Scale of operations" means a cost function analysis conducted by the state board to determine the relative higher cost of providing educational services for students enrolled in smaller school districts when compared to larger school districts.

(2)(a) The state board shall adopt a formula to calculate additional weighted pupil units using a two-factor distribution described in Subsection (2)(b).

(b) The two-factor distribution shall be the sum of a scale of operations weighting and a rural-school weighting as follows:

(i) a scale of operations weighting that provides up to 1.5 weighted pupil units based on the cost function analysis the state board conducts and for each student enrolled in:

(A) a school district in a county of the fourth, fifth, or sixth class as ~~described~~ classified in Section ~~[17-50-501]~~ 17-60-104; or

(B) a school district in a county of the third class as ~~described~~ classified in Section ~~[17-50-501]~~ 17-60-104 with fewer than 2,000 students; and

(ii) a rural-school weighting for each necessarily existent small school that provides weighted pupil units for each grade band from kindergarten to grade 6 offered:

(A) with five or fewer students, a base of nine weighted pupil units;

(B) for each student above five students but fewer than 12 students, one additional weighted pupil unit for each additional student above five; and

(C) for each student above 12 students, one less weighted pupil unit for each additional student; and

- 9209 (iii) a rural-school weighting for each necessarily existent small school that provides
9210 weighted pupil units for each grade band from grade 7 to grade 12 offered:
- 9211 (A) with five or fewer students, a base of nine weighted pupil units;
- 9212 (B) for each student above five students but fewer than 61 students, one additional
9213 weighted pupil unit for each additional student above five;
- 9214 (C) for each student above 61 students, one less weighted pupil unit for each
9215 additional student; and
- 9216 (D) for each necessarily existent small school with 15 or fewer students, the state
9217 board may provide the base level of nine weighted pupil units for each grade
9218 band offered.
- 9219 (c) If any grade band under Subsection (2)(b) generates negative weighted pupil units,
9220 the weighted pupil units for that grade band shall be zero.
- 9221 (d) The funding for a student who falls within the weighting factors described in
9222 Subsections (2)(b)(i) and (2)(b)(ii) shall be computed under both weighting factors.
- 9223 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9224 state board shall make rules to:
- 9225 (a) establish the formula described in Subsection (2) including the scale of weighted
9226 pupil units described in Subsection (2)(b)(i) by:
- 9227 (i) conducting a cost function analysis measuring the scale of operations weighting
9228 including factors identified by the state board for each small and rural school
9229 district compared to all school districts;
- 9230 (ii) determining a weighting relative to the cost function prediction for each school
9231 district that is above the minimum prediction for all school districts;
- 9232 (iii) establishing a percentile cutoff for a full weighted pupil unit that:
- 9233 (A) provides a full weighting for districts enrolling fewer than 1,100 students; and
9234 (B) provides no scale of operations weighting described in Subsection (2)(b)(i) for
9235 school districts enrolling greater than seven times the full-weight cutoff; and
- 9236 (iv) based on the cost function analysis, establishing a gradually reduced weighted
9237 pupil unit for each school district above the percentile cutoff established;
- 9238 (b) establish a timeline for the distribution of funds to school districts provided under
9239 this section; and
- 9240 (c) for fiscal year 2030 and subsequently each fifth fiscal year:
- 9241 (i) revise the:
- 9242 (A) scale of operations weightings;

- 9243 (B) county classifications; and
- 9244 (C) relevant National Center for Education Statistics locale codes; and
- 9245 (ii) report the results to the Public Education Appropriations Subcommittee by
- 9246 October 1 of the relevant fiscal years including recommendations for any change
- 9247 to the scale of operations or rural-school weightings for each school district.
- 9248 (4) A local school board shall use money distributed under this section to effectively
- 9249 operate schools in remote areas of the state and with low student populations.
- 9250 (5) If an allocation under this section to a school district would be less than the allocation
- 9251 the school district received for necessarily existent small schools in the 2025 fiscal year,
- 9252 the Executive Appropriations Committee shall:
- 9253 (a) include a one-time appropriation in the public education budget to provide the 2025
- 9254 fiscal year amount to the school district in the 2026 fiscal year; and
- 9255 (b) decrease the amount described in Subsection (5)(a) to zero in the 2027 fiscal year.
- 9256 (6) During each five year review described in Subsection (3)(c):
- 9257 (a) if a school or school district no longer qualifies under the criteria described in
- 9258 Subsection (2), the state board shall:
- 9259 (i) review the conditions causing the school or school district to no longer qualify;
- 9260 (ii) if the school or school district has an average daily membership increase of no
- 9261 more than 10% over the preceding five years, allow the school or school district to
- 9262 remain eligible for funding in an amount that is at least equivalent to the amount
- 9263 the school or school district received in the current fiscal year under this section;
- 9264 and
- 9265 (iii) if the school or school district has an average daily membership increase of more
- 9266 than 10% but less than 30% over the preceding five years, make recommendations
- 9267 to the Public Education Appropriations Subcommittee regarding an extension of
- 9268 the funding received under this section; and
- 9269 (b) if a school district is receiving an extension of funds as described in this Subsection
- 9270 (6), the state board shall:
- 9271 (i) review the necessity and impacts of continued eligibility; and
- 9272 (ii) make recommendations to the Public Education Appropriations Subcommittee
- 9273 regarding the renewal of eligibility.
- 9274 (7) If, after the review described in Subsection (6), a school or school district no longer
- 9275 qualifies for funding under this section, the Executive Appropriations Committee shall:
- 9276 (a) include a one-time appropriation in the public education budget to provide the same

- 9277 amount of funding the school district received in the preceding fiscal year; and
9278 (b) decrease the amount to zero in the next fiscal year.
- 9279 (8)(a) A school district that intends to split a school that qualifies as a necessarily
9280 existent small school or has qualified as a necessarily existent small school within the
9281 past five years shall submit a proposal to the state board for review and approval.
- 9282 (b) The school district proposal shall include:
- 9283 (i) the current enrollment and projected enrollment for the next five years for the
9284 existing school and the proposed new school;
- 9285 (ii) a detailed explanation of the educational and operational reasons for the proposed
9286 split;
- 9287 (iii) an analysis of the financial impact on the district and the state, including any
9288 changes in necessarily existent small school funding that would result from the
9289 split;
- 9290 (iv) a plan for ensuring that educational quality will be maintained or improved in
9291 both the existing and new school; and
- 9292 (v) any other information requested by the state board.
- 9293 (c) The state board shall review the proposal and may:
- 9294 (i) approve the proposal if the state board determines that the split is educationally
9295 and operationally necessary and not primarily motivated by financial
9296 considerations related to necessarily existent small school funding;
- 9297 (ii) deny the proposal if the state board determines that the split is unnecessary or
9298 primarily motivated by financial considerations related to necessarily existent
9299 small school funding; or
- 9300 (iii) request additional information or modifications to the proposal before making a
9301 final decision.
- 9302 (d) If the state board approves the proposal, the state board shall submit a report to the
9303 Public Education Appropriations Subcommittee, which shall include:
- 9304 (i) summary of the approved proposal;
- 9305 (ii) the state board's rationale for approving the proposal; and
- 9306 (iii) any recommended changes to necessarily existent small school funding
9307 allocations resulting from the approved split.
- 9308 (e) The Public Education Appropriations Subcommittee shall review the state board's
9309 report and may:
- 9310 (i) approve the funding changes recommended by the state board;

- 9311 (ii) modify the funding changes; or
- 9312 (iii) deny the funding changes and require the school district to maintain the current
- 9313 funding allocation.
- 9314 (f)(i) Subject to Subsection (8)(f)(ii), a school district may split a school that qualifies
- 9315 as a necessarily existent small school or has qualified as a necessarily existent
- 9316 small school within the past five years without submitting a proposal as described
- 9317 in this Subsection (8).
- 9318 (ii) If a school district proceeds with splitting a necessarily existent small school
- 9319 without applying for or receiving approval from both the state board and the
- 9320 Public Education Appropriations Subcommittee, the schools created from the split
- 9321 may not qualify as necessarily existent small schools.
- 9322 (g) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
- 9323 Administrative Rulemaking Act, to establish:
- 9324 (i) the timeline and procedures for submitting and reviewing proposals;
- 9325 (ii) criteria for evaluating the necessity and appropriateness of proposed school splits;
- 9326 (iii) requirements for post-approval monitoring and reporting by a school district that
- 9327 has split a necessarily existent small school; and
- 9328 (iv) any other provisions necessary to implement this subsection.
- 9329 Section 114. Section 53F-2-520 is amended to read:
- 9330 **53F-2-520 (Effective 11/06/25). Rural school transportation reimbursement.**
- 9331 (1) As used in this section:
- 9332 (a) "Eligible LEA" means a school district or a charter school:
- 9333 (i) that is located in a county of the fourth, fifth, or sixth class, as ~~[defined in]~~
- 9334 classified under Section ~~[17-50-501]~~ 17-60-104; and
- 9335 (ii) in which:
- 9336 (A) for a fiscal year other than fiscal year 2021 or 2022, at least 65% of the
- 9337 students enrolled in the school district or charter school qualify for free or
- 9338 reduced price lunch; or
- 9339 (B) for fiscal year 2021 or 2022, at least 65% of the students enrolled in the school
- 9340 district or charter school qualified for free or reduced price lunch in fiscal year
- 9341 2019.
- 9342 (b) "Eligible school" means a school:
- 9343 (i) in an eligible LEA; and
- 9344 (ii) that the eligible LEA has provided transportation to and from for a regular school

day for students for at least five years.

(c) "LEA governing board" means:

(i) the local school board of a school district that is an eligible LEA; or

(ii) the charter school governing board of a charter school that is an eligible LEA.

(2) An LEA governing board may annually submit a request to the state board to receive reimbursement for an expense that:

(a) the LEA governing board incurs transporting a student to or from an eligible school for the regular school day; and

(b) the LEA governing board does not pay using state funding for pupil transportation described in Section 53F-2-402 or 53F-2-403.

(3)(a) Subject to legislative appropriations, and except as provided in Subsection (3)(b), the state board shall reimburse an LEA governing board for an expense included in a request described in Subsection (2).

(b) If the legislative appropriation for this section is insufficient to fund an expense in a request received under Subsection (2), the state board may reduce an LEA governing board's reimbursement in accordance with the rules described in Subsection (4).

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish:

(a) requirements for information an LEA governing board shall include in a reimbursement request described in Subsection (2);

(b) a deadline by which an LEA governing board shall submit a request described in Subsection (2); and

(c) a formula for reducing an LEA governing board's allocation under Subsection (3).

(5) Nothing in this section affects a school district's allocation for pupil transportation under Sections 53F-2-402 and 53F-2-403.

Section 115. Section **53F-10-303** is amended to read:

53F-10-303 (Effective 11/06/25). Rural School Sports Facilities Grant Program.

(1) As used in this section:

(a) "Eligible school" means a public school within a school district:

(i) located in a county of the fourth, fifth, or sixth class, as defined in Section [~~17-50-501~~] 17-60-104; or

(ii) with fewer than 3,000 students enrolled in the school district.

(b) "Program" means the Rural School Sports Facilities Grant Program created in Subsection (2).

(c) "Sports facility" means an indoor or outdoor facility primarily designed and used for athletic activities, physical education, or school-sponsored sports programs.

(2) There is created the Rural School Sports Facilities Grant Program to provide funding to an eligible school for the construction or refurbishment of a sports facility.

(3) The state board shall:

(a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to:

(i) create an application process for a school district to apply for program funds;

(ii) select a school to receive program funds in accordance with Subsection (3)(b); and

(iii) establish a system to distribute program funds to a school the state board selects to receive program funds through the program; and

(b) subject to legislative appropriations, prioritize applications and distribute program funds to an eligible school based on:

(i) the greatest need for program funds;

(ii) the financial feasibility of a sports facility construction or refurbishment project; and

(iii) the potential benefit program funds may have on the community.

(4)(a) A school district with jurisdiction over an eligible school may submit an application to receive program funds under this section.

(b) In the school district's application, the school district shall:

(i) identify an eligible school within the school district that wishes to receive program funds;

(ii) evidence the need for construction or refurbishment of a sports facility;

(iii) describe the proposed sports facility project; and

(iv) estimate a budget and timeline for the completion of the sports facility project.

(5) A school district to which the state board awards program funds shall submit a report to the state board, by December 31 each year while construction is ongoing, detailing:

(a) how a school is using program funds to complete the sports facility project;

(b) budget and timeline updates related to the construction or refurbishment of the sports facility; and

(c) the progress of the construction or refurbishment of a sports facility.

(6) Subject to legislative appropriations, the state board may award up to \$500,000 to each eligible school the state board selects under the program.

(7) Upon request of the Education Interim Committee, the state board shall report to the

9413 Education Interim Committee on:

- 9414 (a) the number of applications the state board accepts;
9415 (b) the dollar amount of program funds the state board awards under this section;
9416 (c) the implementation of the program; and
9417 (d) the use of program funds.

9418 Section 116. Section **53G-3-102** is amended to read:

9419 **53G-3-102 (Effective 11/06/25). Definitions.**

9420 As used in this chapter:

9421 (1) "Allocation date" means:

- 9422 (a) July 1 of the second calendar year following the local school board election date as
9423 described in Section 53G-3-302; or
9424 (b) another date to which the new local school board and reorganized school board agree.

9425 (2) "Creation date" means the date on which voters approve the creation of a new school
9426 district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.

9427 (3) "Divided school district" means:

- 9428 (a) an existing school district from which a new school district is created under Section
9429 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4; and
9430 (b) an existing school district from which a reorganized new school district is created.

9431 (4) "Feasibility study" means a study:

9432 (a) that one of the following conducts:

- 9433 (i) a school district, municipal legislative body, or interlocal agreement participants;
9434 or
9435 (ii) the Office of the Legislative Auditor General, subject to prioritization by the
9436 Legislative Audit Subcommittee; and

9437 (b) to determine:

- 9438 (i) the financial viability for a new school district and reorganized new school district
9439 that is contained within the boundaries of a divided school district;
9440 (ii) the financial impact on a new school district and reorganized new school district
9441 that is contained within the boundaries of a divided school district; and
9442 (iii) the impact of the tax burden on taxpayers within the boundaries of the proposed
9443 new school district.

9444 (5) "Interlocal agreement participant" means a public agency, as that term is defined in

9445 Section 11-13-103, that enters into an agreement with one or more other public agencies
9446 for the purpose described in and in accordance with Title 11, Chapter 13, Interlocal

9447 Cooperation Act.

9448 (6) "Isolated area" means an area that:

9449 (a) is entirely within the boundaries of an existing school district;

9450 (b) is contiguous to the proposed new school district;

9451 (c) has a combined student population of fewer than 5,000 students; and

9452 (d) because of the creation of a new school district from the existing district in which the
9453 area is located, would become completely geographically isolated.

9454 (7) "Municipality" means the same as that term is defined in Section 10-1-104.

9455 (8) "New school district" means a school district created under Section 53G-3-301.1,
9456 53G-3-301.3, or 53G-3-301.4.

9457 (9) "Public hearing" means the same as that term is defined in Section [~~10-9a-103~~]
9458 10-20-102.

9459 (10) "Reorganized new school district" means the remaining portion of the divided school

9460 district after voters approve the creation of a new school district under Section

9461 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, when:

9462 (a) the entire geographical area of the reorganized new school district is not included in a
9463 proposal for the new school district; or

9464 (b) the entire geographical area of the reorganized new school district is:

9465 (i) included in a proposal for a new school district that voters do not approve; and

9466 (ii) within the boundaries of an existing district that contains an area that is included
9467 in the new district for which voters approve the creation.

9468 Section 117. Section **53G-3-202** is amended to read:

9469 **53G-3-202 (Effective 11/06/25). School districts independent of municipal and**
9470 **county governments -- School district name -- Control of property.**

9471 (1)(a) Each school district, including a new school district or a reorganized new school
9472 district upon the election of the local school board, is:

9473 (i) under the control of the district's local school board; and

9474 (ii) independent of municipal and county governments.

9475 (b) The name of each school district created after May 1, 2000, including a reorganized
9476 new school district, shall:

9477 (i) comply with Section [~~17-50-103~~] 17-60-103; and

9478 (ii) be a name:

9479 (A) that the local school board of the relevant new school district or reorganized
9480 new school district selects; and

(B) that another school district has not previously chosen and recorded.

(2) The local school board:

- (a) except as provided in Subsection 53G-3-302(6), has direction and control of all school property in the district; and
- (b) may enter into cooperative agreements with other local school boards to provide educational services that best use resources for overall operation of the public school system.

(3)(a) On or before 60 days following the day on which the creation of a new school district occurs under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, and in accordance with Section 67-1a-15, the following shall register a new school district as a limited purpose entity:

- (i) the municipal legislative body of the municipality in which the boundaries for the new school district are entirely located; or
- (ii) the legislative body of interlocal agreement participants in which the new school district is located.

(b) Each school district shall maintain the school district's registration as a limited purpose entity in accordance with Section 67-1a-15.

(c) A school district that fails to comply with Subsections (3)(a) and (b) or Section 67-1a-15 is subject to enforcement by the state auditor in accordance with Section 67-3-1.

Section 118. Section **53G-3-203** is amended to read:

53G-3-203 (Effective 11/06/25). Filing of notice and plat relating to school district boundary changes including creation, consolidation, division, or dissolution -- Recording requirements -- Effective date.

(1) The county legislative body shall, within 30 days following the day on which the creation, consolidation, division, or dissolution of a school district occurs, file with the lieutenant governor:

- (a) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
- (b) except in the case of a dissolution, a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

(2) The county legislative body, upon the lieutenant governor's issuance of a certificate of boundary action under Section 67-1a-6.5, shall:

- (a) if the school district is or, in the case of dissolution, was located within the boundary

- 9515 of a single county, submit to the recorder of that county:
- 9516 (i) the original:
- 9517 (A) notice of an impending boundary action;
- 9518 (B) certificate of boundary action; and
- 9519 (C) except in the case of dissolution, approved final local entity plat; and
- 9520 (ii) if applicable, a certified copy of the resolution approving the boundary action; or
- 9521 (b) if the school district is or, in the case of a dissolution, was located within the
- 9522 boundaries of more than a single county:
- 9523 (i) submit to the recorder of one of those counties:
- 9524 (A) the original of the documents listed in Subsection (2)(a)(i); and
- 9525 (B) if applicable, a certified copy of the resolution approving the boundary action;
- 9526 and
- 9527 (ii) submit to the recorder of each other county:
- 9528 (A) a certified copy of the documents listed in Subsection (2)(a)(i); and
- 9529 (B) if applicable, a certified copy of the resolution approving the boundary action.
- 9530 (3)(a) Upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
- 9531 the creation, consolidation, division, dissolution, or other change affecting the
- 9532 boundary of a new or reorganized new school district that was the subject of the
- 9533 action has legal effect.
- 9534 (b)(i) As used in this Subsection (3)(b), "affected area" means:
- 9535 (A) in the case of the creation of a school district, the area within the school
- 9536 district's boundary;
- 9537 (B) in the case of the consolidation of multiple school districts, the area within the
- 9538 boundary of each school district that is consolidated into another school district;
- 9539 (C) in the case of the division of a school district, the area within the boundary of
- 9540 the school district created by the division; and
- 9541 (D) in the case of an addition to an existing school district, the area added to the
- 9542 school district.
- 9543 (ii) For purposes of assessing property within the school district, the effective date of
- 9544 a boundary action, as that term is defined in Section ~~[17-23-20]~~ 17-73-101, is
- 9545 governed by Section 59-2-305.5.
- 9546 (iii) A school district may not levy or collect a property tax on property within the
- 9547 affected area until the county legislative body records the documents listed in
- 9548 Subsection (2) in the office of the recorder of each county in which the property is

9549 located.

9550 Section 119. Section **53G-4-402** is amended to read:

9551 **53G-4-402 (Effective 11/06/25). Powers and duties generally.**

9552 (1) A local school board shall:

- 9553 (a) implement the core standards for Utah public schools using instructional materials
9554 that best correlate to the core standards for Utah public schools and graduation
9555 requirements;
- 9556 (b) administer tests, required by the state board, which measure the progress of each
9557 student, and coordinate with the state superintendent and state board to assess results
9558 and create plans to improve the student's progress, which shall be submitted to the
9559 state board for approval;
- 9560 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
9561 students that need remediation and determine the type and amount of federal, state,
9562 and local resources to implement remediation;
- 9563 (d) for each grading period and for each course in which a student is enrolled, issue a
9564 grade or performance report to the student:
- 9565 (i) that reflects the student's work, including the student's progress based on mastery,
9566 for the grading period; and
- 9567 (ii) in accordance with the local school board's adopted grading or performance
9568 standards and criteria;
- 9569 (e) develop early warning systems for students or classes failing to make progress;
- 9570 (f) work with the state board to establish a library of documented best practices,
9571 consistent with state and federal regulations, for use by the special districts;
- 9572 (g) implement training programs for school administrators, including basic management
9573 training, best practices in instructional methods, budget training, staff management,
9574 managing for learning results and continuous improvement, and how to help every
9575 student achieve optimal learning in basic academic subjects; and
- 9576 (h) ensure that the local school board meets the data collection and reporting standards
9577 described in Section 53E-3-501.

9578 (2) Local school boards shall spend Minimum School Program funds for programs and
9579 activities for which the state board has established minimum standards or rules under
9580 Section 53E-3-501.

9581 (3)(a) A local school board may purchase, sell, and make improvements on school sites,
9582 buildings, and equipment, and construct, erect, and furnish school buildings.

- 9583 (b) School sites or buildings may only be conveyed or sold on local school board
9584 resolution affirmed by at least two-thirds of the school board members.
- 9585 (4)(a) A local school board may participate in the joint construction or operation of a
9586 school attended by students residing within the district and students residing in other
9587 districts either within or outside the state.
- 9588 (b) Any agreement for the joint operation or construction of a school shall:
9589 (i) be signed by the president of the local school board of each participating district;
9590 (ii) include a mutually agreed upon pro rata cost; and
9591 (iii) be filed with the state board.
- 9592 (5) A local school board may establish, locate, and maintain elementary, secondary, and
9593 applied technology schools.
- 9594 (6) A local school board may enter into cooperative agreements with other local school
9595 boards to provide educational services that best utilize resources for the overall
9596 operation of the school districts, including shared transportation services.
- 9597 (7) A local school board shall ensure that an agreement under Subsection (6):
9598 (a) is signed by the president of the local school board of each participating district;
9599 (b) specifies the resource being shared;
9600 (c) includes a mutually agreed upon pro rata cost;
9601 (d) includes the duration of the agreement; and
9602 (e) is filed with the state board.
- 9603 (8)(a) Except as provided in Section 53E-3-905 and Subsection (8)(b), a local school
9604 board may enroll children in school who are at least five years old before September
9605 2 of the year in which admission is sought.
- 9606 (b) A local school board may enroll a child in kindergarten who does not meet the age
9607 requirement described in Subsection (8)(a) if the child:
9608 (i) moves to Utah from a different state in which the child, during the relevant school
9609 year:
9610 (A) was a resident; and
9611 (B) was enrolled in kindergarten in accordance with the previous state's age
9612 requirements for kindergarten enrollment; and
9613 (ii) transfers to the enrolling school after the beginning of the same school year.
- 9614 (9) A local school board:
9615 (a) may establish and support school libraries; and
9616 (b) shall provide an online platform:

- 9617 (i) through which a parent is able to view the title, author, and a description of any
9618 material the parent's child borrows from the school library, including a history of
9619 borrowed materials, either using an existing online platform that the LEA uses or
9620 through a separate platform; and
- 9621 (ii)(A) for a school district with 1,000 or more enrolled students, no later than
9622 August 1, 2024; and
- 9623 (B) for a school district with fewer than 1,000 enrolled students, no later than
9624 August 1, 2026.
- 9625 (10) A local school board may collect damages for the loss, injury, or destruction of school
9626 property.
- 9627 (11) A local school board may authorize guidance and counseling services for students and
9628 the student's parents before, during, or following school enrollment.
- 9629 (12)(a) A local school board shall administer and implement federal educational
9630 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or
9631 National Education Programs.
- 9632 (b) Federal funds are not considered funds within the school district budget under
9633 Chapter 7, Part 3, Budgets.
- 9634 (13)(a) A local school board may organize school safety patrols and adopt policies under
9635 which the patrols promote student safety.
- 9636 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
9637 parental consent for the appointment.
- 9638 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of
9639 a highway intended for vehicular traffic use.
- 9640 (d) Liability may not attach to a school district, its employees, officers, or agents, or to a
9641 safety patrol member, a parent of a safety patrol member, or an authorized volunteer
9642 assisting the program by virtue of the organization, maintenance, or operation of a
9643 school safety patrol.
- 9644 (14)(a) A local school board may on its own behalf, or on behalf of an educational
9645 institution for which the local school board is the direct governing body, accept
9646 private grants, loans, gifts, endowments, devises, or bequests that are made for
9647 educational purposes.
- 9648 (b) The contributions made under Subsection (14)(a) are not subject to appropriation by
9649 the Legislature.
- 9650 (15)(a) A local school board may appoint and fix the compensation of a compliance

9651 officer to issue citations for violations of Subsection 76-9-1106(3)(c).

9652 (b) A person may not be appointed to serve as a compliance officer without the person's
9653 consent.

9654 (c) A teacher or student may not be appointed as a compliance officer.

9655 (16) A local school board shall adopt bylaws and policies for the local school board's own
9656 procedures.

9657 (17)(a) A local school board shall make and enforce policies necessary for the control
9658 and management of the district schools.

9659 (b) Local school board policies shall be in writing, filed, and referenced for public
9660 access.

9661 (18) A local school board may hold school on legal holidays other than Sundays.

9662 (19)(a) A local school board shall establish for each school year a school traffic safety
9663 committee to implement this Subsection (19).

9664 (b) The committee shall be composed of one representative of:

9665 (i) the schools within the district;

9666 (ii) the Parent Teachers' Association of the schools within the district;

9667 (iii) the municipality or county;

9668 (iv) state or local law enforcement; and

9669 (v) state or local traffic safety engineering.

9670 (c) The committee shall:

9671 (i) receive suggestions from school community councils, parents, teachers, and
9672 others, and recommend school traffic safety improvements, boundary changes to
9673 enhance safety, and school traffic safety program measures;

9674 (ii) review and submit annually to the Department of Transportation and affected
9675 municipalities and counties a child access routing plan for each elementary,
9676 middle, and junior high school within the district;

9677 (iii) in consultation with the Utah Safety Council and the Division of Family Health,
9678 provide training to all students in kindergarten through grade 6, within the district,
9679 on school crossing safety and use; and

9680 (iv) help ensure the district's compliance with rules made by the Department of
9681 Transportation under Section 41-6a-303.

9682 (d) The committee may establish subcommittees as needed to assist in accomplishing the
9683 committee's duties under Subsection (19)(c).

9684 (20)(a) A local school board shall adopt and implement a comprehensive emergency

9685 response plan to prevent and combat violence in the local school board's public
9686 schools, on school grounds, on school vehicles, and in connection with
9687 school-related activities or events.

9688 (b) The local school board shall ensure that the plan:

- 9689 (i) includes prevention, intervention, and response components;
- 9690 (ii) is consistent with the school discipline and conduct policies required for school
9691 districts under Chapter 8, Part 2, School Discipline and Conduct Plans;
- 9692 (iii) requires professional learning for all district and school building staff on the
9693 staff's roles in the emergency response plan;
- 9694 (iv) provides for coordination with local law enforcement and other public safety
9695 representatives in preventing, intervening, and responding to violence in the areas
9696 and activities referred to in Subsection (20)(a); and
- 9697 (v) includes procedures to notify a student who is off campus at the time of a school
9698 violence emergency because the student is:
 - 9699 (A) participating in a school-related activity; or
 - 9700 (B) excused from school for a period of time during the regular school day to
9701 participate in religious instruction at the request of the student's parent.

9702 (c) The state board, through the state superintendent, shall develop comprehensive
9703 emergency response plan models that local school boards may use, where
9704 appropriate, to comply with Subsection (20)(a).

9705 (d) A local school board shall, by July 1 of each year, certify to the state board that its
9706 plan has been practiced at the school level and presented to and reviewed by its
9707 teachers, administrators, students, and the student's parents and local law enforcement
9708 and public safety representatives.

9709 (21)(a) A local school board may adopt an emergency response plan for the treatment of
9710 sports-related injuries that occur during school sports practices and events.

9711 (b) The plan may be implemented by each secondary school in the district that has a
9712 sports program for students.

9713 (c) The plan may:

- 9714 (i) include emergency personnel, emergency communication, and emergency
9715 equipment components;
- 9716 (ii) require professional learning on the emergency response plan for school
9717 personnel who are involved in sports programs in the district's secondary schools;
9718 and

- 9719 (iii) provide for coordination with individuals and agency representatives who:
9720 (A) are not employees of the school district; and
9721 (B) would be involved in providing emergency services to students injured while
9722 participating in sports events.
- 9723 (d) The local school board, in collaboration with the schools referred to in Subsection
9724 (21)(b), may review the plan each year and make revisions when required to improve
9725 or enhance the plan.
- 9726 (e) The state board, through the state superintendent, shall provide local school boards
9727 with an emergency plan response model that local school boards may use to comply
9728 with the requirements of this Subsection (21).
- 9729 (22)(a) A local school board shall approve an LEA's policies and procedures that an
9730 LEA develops to ensure that students have non-electronic notification of and access
9731 to:
- 9732 (i) school activities and events, including:
9733 (A) schedule changes;
9734 (B) extracurricular activities; and
9735 (C) sporting events; and
9736 (ii) the emergency response plans described in Subsections (20) and (21).
- 9737 (b) Notwithstanding Subsection (22)(a), an LEA may provide electronic notification of
9738 and access to school activities and events as described in Subsections (22)(a)(i) and
9739 (ii) if:
- 9740 (i)(A) the school provides each student with an electronic device; and
9741 (B) the electronic device is capable of receiving electronic notification of and
9742 access to school activities and events as described in Subsections (22)(a)(i) and
9743 (ii); or
9744 (ii) an emergency, unforeseen circumstance, or other incident arises and an LEA
9745 cannot reasonably provide timely non-electronic notification.
- 9746 (c) An LEA may not require the use of a privately owned electronic device to complete
9747 course work.
- 9748 (23) A local school board shall do all other things necessary for the maintenance,
9749 prosperity, and success of the schools and the promotion of education.
- 9750 (24)(a) As used in this subsection, "special enrollment program" means a full-day
9751 academic program in which a parent opts to enroll the parent's student and that is
9752 offered at a specifically designated school within an LEA, including:

- 9753 (i) gifted or advanced learning programs; or
9754 (ii) dual language immersion programs.
- 9755 (b) Before closing a school, changing the boundaries of a school, or changing or closing
9756 the location of a special enrollment program, a local school board shall:
- 9757 (i) at a local school board meeting, make and approve a motion to initiate the
9758 notification required under Subsections (24)(b)(ii) through (iv);
- 9759 (ii) on or before 90 days before the day on which the local school board approves the
9760 school closure or at least 30 days before the day on which the local school board
9761 approves a school boundary change, provide notice that the local school board is
9762 considering the closure or boundary change to:
- 9763 (A) parents of students enrolled in the school, using the same form of
9764 communication the local school board regularly uses to communicate with
9765 parents and also by mail, using the United States Postal Service, to the parents
9766 at each known address;
- 9767 (B) parents of students enrolled in other schools within the school district that may
9768 be affected by the closure or boundary change, using the same form of
9769 communication the local school board regularly uses to communicate with
9770 parents and also by mail, using the United States Postal Service, to the parents
9771 at each known address; and
- 9772 (C) the governing council and the mayor of the municipality in which the school is
9773 located;
- 9774 (iii) provide an opportunity for public comment on the proposed school closure
9775 during at least two public local school board meetings;
- 9776 (iv) provide an opportunity for public comment on the proposed school boundary
9777 change during one public local school board meeting; and
- 9778 (v) hold a public hearing as defined in Section [~~10-9a-103~~] 10-20-102 and provide
9779 public notice of the public hearing in accordance with Subsection (24)(c).
- 9780 (c) A local school board shall:
- 9781 (i) ensure that the notice of a public hearing required under Subsection (24)(b)(v)
9782 indicates the:
- 9783 (A) name of the school or schools under consideration for closure or boundary
9784 change; and
- 9785 (B) the date, time, and location of the public hearing;
- 9786 (ii) if feasible, hold the public hearing at the location of the school that is under

- 9787 consideration for closure;
- 9788 (iii) for at least 10 days before the day on which the public hearing occurs, publish
- 9789 the notice of public hearing occurs, publish the notice of the public hearing for the
- 9790 school district in which the school is located, as a class A notice under Section
- 9791 63G-30-102; and
- 9792 (iv) at least 30 days before the day on which the public hearing occurs, provide notice
- 9793 of the public hearing in the same manner as the notice of consideration under
- 9794 Subsection (24)(b)(ii).
- 9795 (d) A motion made under Subsection (24)(b) shall name each school under consideration
- 9796 for closure in a separate motion.
- 9797 (e) For a school closure, a local school board shall complete the process described in this
- 9798 Subsection (24) on or before December 31 of the calendar year preceding the
- 9799 beginning of the school year in which a school closure takes effect.
- 9800 (f)(i) For a school boundary change, a local school board shall complete the process
- 9801 described in this Subsection (24) no more than 60 days after the day on which the
- 9802 local school board votes to approve a school closure.
- 9803 (ii) Parents of students enrolled in a school affected by a boundary change shall have
- 9804 at least 30 days after the day on which the local school board votes to approve a
- 9805 school boundary change to request an out of area enrollment request in accordance
- 9806 with Chapter 6, Part 4, School District Enrollment.
- 9807 (25) A local school board may implement a facility energy efficiency program established
- 9808 under Title 11, Chapter 44, Performance Efficiency Act.
- 9809 (26) A local school board may establish or partner with a certified youth court in
- 9810 accordance with Section 80-6-902 or establish or partner with a comparable restorative
- 9811 justice program, in coordination with schools in that district. A school may refer a
- 9812 student to a youth court or a comparable restorative justice program in accordance with
- 9813 Section 53G-8-211.
- 9814 (27)(a) As used in this Subsection (27):
- 9815 (i) "Learning material" means any learning material or resource used to deliver or
- 9816 support a student's learning, including textbooks, reading materials, videos, digital
- 9817 materials, websites, and other online applications.
- 9818 (ii)(A) "Instructional material" means learning material that a local school board
- 9819 adopts and approves for use within the LEA.
- 9820 (B) "Instructional material" does not include learning material used in a

9821 concurrent enrollment, advanced placement, or international baccalaureate
9822 program or class or another class with required instructional material that is not
9823 subject to selection by the local school board.

9824 (iii) "Supplemental material" means learning material that:

9825 (A) an educator selects for classroom use; and

9826 (B) a local school board has not considered and adopted, approved, or prohibited
9827 for classroom use within the LEA.

9828 (b) A local school board shall:

9829 (i) make instructional material that the school district uses readily accessible and
9830 available for a parent to view;

9831 (ii) annually notify a parent of a student enrolled in the school district of how to
9832 access the information described in Subsection (27)(b)(i); and

9833 (iii) include on the school district's website information about how to access the
9834 information described in Subsection (27)(b)(i).

9835 (c) In selecting and approving instructional materials for use in the classroom, a local
9836 school board shall:

9837 (i) establish an open process, involving educators and parents of students enrolled in
9838 the LEA, to review and recommend instructional materials for board approval; and

9839 (ii) ensure that under the process described in Subsection (27)(c)(i), the board:

9840 (A) before the meetings described in Subsection (27)(c)(ii)(B), posts the
9841 recommended learning material online to allow for public review or, for
9842 copyrighted material, makes the recommended learning material available at
9843 the LEA for public review;

9844 (B) before adopting or approving the recommended instructional materials, holds
9845 at least two public meetings on the recommendation that provides an
9846 opportunity for educators whom the LEA employs and parents of students
9847 enrolled in the LEA to express views and opinions on the recommendation; and

9848 (C) adopts or approves the recommended instructional materials in an open and
9849 regular board meeting.

9850 (d) A local school board shall adopt a supplemental materials policy that provides
9851 flexible guidance to educators on the selection of supplemental materials or resources
9852 that an educator reviews and selects for classroom use using the educator's
9853 professional judgment, including whether any process or permission is required
9854 before classroom use of the materials or resources.

(e) If an LEA contracts with another party to provide online or digital materials, the LEA shall include in the contract a requirement that the provider give notice to the LEA any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.

(f) Nothing in this Subsection (27) requires a local school board to review all learning materials used within the LEA.

(28) If information, data, or action from a school district is necessary for the state board to fulfill a statutory data gathering, compliance, or reporting requirement, a local school board shall provide the relevant information, data, or action, subject to enforcement under Section 53E-3-401.

Section 120. Section **53G-4-901** is amended to read:

53G-4-901 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Eligible entity" means:

(a) a city or town with a population density of 3,000 or more people per square mile; or

(b) a county whose unincorporated area includes a qualifying planning advisory area.

(2) "Purchase price" means the greater of:

(a) an amount that is the average of:

(i) the appraised value of the surplus property, based on the predominant zone in the surrounding area, as indicated in an appraisal obtained by the eligible entity; and

(ii) the appraised value of the surplus property, based on the predominant zone in the surrounding area, as indicated in an appraisal obtained by the school district; and

(b) the amount the school district paid to acquire the surplus property.

(3) "Qualifying planning advisory area" means a planning advisory area under Section [~~17-27a-306~~] 17-79-303 that has a population density of 3,000 or more people per square mile within the boundaries of the planning advisory area.

(4) "Surplus property" means land owned by a school district that:

(a) was purchased with taxpayer money;

(b) is located within a city or town that is an eligible entity or within a qualifying planning advisory area;

(c) consists of one contiguous tract at least three acres in size; and

(d) has been declared by the school district to be surplus.

Section 121. Section **53G-7-303** is amended to read:

53G-7-303 (Effective 11/06/25). LEA governing board budget procedures.

- 9889 (1) As used in this section:
- 9890 (a) "Budget officer" means:
- 9891 (i) for a school district, the school district's superintendent; or
- 9892 (ii) for a charter school, an individual selected by the charter school governing board.
- 9893 (b) "LEA governing board" means:
- 9894 (i) for a school district, the local school board; or
- 9895 (ii) for a charter school, the charter school governing board.
- 9896 (2)(a) For a school district, before June 30 of each year, a local school board shall adopt
- 9897 a budget and make appropriations for the next fiscal year.
- 9898 (b) For a school district, if the tax rate in the school district's proposed budget exceeds
- 9899 the certified tax rate defined in Section 59-2-924, the local school board shall comply
- 9900 with Section 59-2-919 in adopting the budget, except as provided by Section
- 9901 53F-8-301.
- 9902 (3)(a) For a school district, before the adoption or amendment of a budget, a local school
- 9903 board shall hold a public hearing, as defined in Section [~~10-9a-103~~] 10-20-102, on the
- 9904 proposed budget or budget amendment.
- 9905 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, in
- 9906 regards to the public hearing described in Subsection (3)(a), at least 10 days prior to
- 9907 the public hearing, a local school board shall:
- 9908 (i) publish a notice of the public hearing in a newspaper or combination of
- 9909 newspapers of general circulation in the school district, except as provided in
- 9910 Section 45-1-101;
- 9911 (ii) publish a notice of the public hearing electronically in accordance with Section
- 9912 45-1-101;
- 9913 (iii) file a copy of the proposed budget with the local school board's business
- 9914 administrator for public inspection; and
- 9915 (iv) post the proposed budget on the school district's Internet website.
- 9916 (c) A notice of a public hearing on a school district's proposed budget shall include
- 9917 information on how the public may access the proposed budget as provided in
- 9918 Subsections (3)(b)(iii) and (iv).
- 9919 (4) For a charter school, before June 30 of each year, a charter school governing board shall
- 9920 adopt a budget for the next fiscal year.
- 9921 (5) Within 30 days of adopting a budget, an LEA governing board shall file a copy of the
- 9922 adopted budget with the state auditor and the state board.

9923 Section 122. Section **57-1-45** is amended to read:

9924 **57-1-45 (Effective 11/06/25). Boundary establishments -- Establishment**
9925 **documents -- Effect.**

9926 (1) A boundary establishment shall:

9927 (a) be finalized by recording an establishment document, as defined in Sections [
9928 ~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102; and

9929 (b) comply with this section.

9930 (2) An establishment document shall include:

9931 (a) the name and signature of each party to the establishment document;

9932 (b) the address of each party to the establishment document for assessment purposes;

9933 (c) a statement describing the ambiguity, uncertainty, or dispute being resolved with the
9934 boundary establishment;

9935 (d) a statement that the adjoining property owners agree on the established boundary
9936 location described in the establishment document;

9937 (e) a current legal description of each parcel or lot that is subject to the established
9938 boundary;

9939 (f) a new legal description of the established boundary;

9940 (g)(i) if the property owners have conducted a survey, a reference to a record of the
9941 survey map, as defined in Section [~~17-23-17~~] 17-73-504, showing information
9942 necessary to identify the established boundary that may include:

9943 (A) existing dwellings, outbuildings, improvements, and other physical features;

9944 (B) existing easements, rights-of-way, conditions, or restrictions recorded or
9945 apparent;

9946 (C) the location of the agreed boundary; and

9947 (D) an explanation in the survey narrative of the reason for the boundary
9948 establishment; or

9949 (ii) if the parcels or lots are unimproved, or if the property owners have otherwise not
9950 conducted a survey, an attached visual or graphic depicting a representation of the
9951 location of the established boundary relative to physical objects marking the
9952 established boundary;

9953 (h) if any of the property that is the subject of the establishment document is located in a
9954 recorded subdivision, an acknowledgment that each party to the agreement has been
9955 notified of the potential requirement of a subdivision plat amendment; and

9956 (i) a sufficient acknowledgment for each party's signature.

- 9957 (3) An establishment document described in Subsection (2) may not be used to create a new
9958 parcel or new lot.
- 9959 (4) Property owners who agree to a boundary establishment shall treat the established
9960 boundary as the common boundary, as demonstrated by:
- 9961 (a) actual possession by each owner of the owner's property up to the common
9962 boundary, as visibly marked by monuments, fences, buildings, or other physical
9963 improvements; or
- 9964 (b) each owner cultivating or controlling the owner's property up to the visibly marked
9965 common boundary.
- 9966 (5)(a) Before recording an establishment document, a county recorder shall confirm that
9967 the establishment document and any accompanying exhibit is presented in a legible
9968 and recordable format.
- 9969 (b) Upon receipt of an establishment document that is not in a legible and recordable
9970 format, the county recorder shall provide the person submitting the establishment
9971 document with an explanation of corrections necessary to record the establishment
9972 document.
- 9973 (6)(a) An establishment document is effective on the day it is recorded.
- 9974 (b) A recorded establishment document creates a boundary establishment.
- 9975 (c) If a judgment made by a court that establishes the location of a disputed boundary is
9976 recorded in the county title record:
- 9977 (i) the judgment is considered an establishment document; and
- 9978 (ii) the recording of the judgment creates a boundary establishment.
- 9979 (7) Once recorded, an establishment document described in Subsection (2):
- 9980 (a) does not affect any previously recorded easement;
- 9981 (b) establishes the location of the common boundary between the adjoining properties;
- 9982 (c) conveys the ownership of the adjoining parties to the agreed boundary; and
- 9983 (d) shall be indexed by a county recorder in the title record against each property
9984 affected by the established boundary.
- 9985 (8) The recording of an establishment document does not constitute a land use approval by
9986 a municipality or a county.
- 9987 (9) A municipality or a county may enforce a municipal or county ordinance against, or
9988 withhold approval of a land use application for, property that is subject to a boundary
9989 establishment if the municipality or the county determines that the established boundary
9990 was not in compliance with the municipality's or the county's land use regulations in

effect on the day on which the boundary establishment was recorded.

Section 123. Section **57-3-105** is amended to read:

57-3-105 (Effective 11/06/25). Legal description of real property and names and addresses required in documents.

- (1) Except as otherwise provided by statute, if a document for recording does not conform to this section, a person may not present the document to the office of the recorder of the county for recording.
- (2) A document executed after July 1, 2022, is entitled to be recorded in the office of the recorder of the county in which the property described in the document is located only if the document contains a legal description of the real property in accordance with Subsection (4).
- (3)(a) A document conveying title to real property presented for recording after July 1, 2022, is entitled to be recorded in the office of the recorder of the county in which the property described in the document is located only if the document:
 - (i) names the grantees and recites a mailing address to be used for assessment and taxation; and
 - (ii) includes a legal description of the real property in accordance with Subsection (4).
- (b) The address of the management committee may be used as the mailing address of a grantee as required in Subsection (3)(a) if the interest conveyed is a timeshare interest as defined by Section 57-19-2.
- (4) A legal description required under this [~~Section and Subsection 17-21-20(2)(d)] section and Section 17-71-402 shall include a description of the real property by:
 - (a) metes and bounds;
 - (b) a government survey that:
 - (i) references the Public Land Survey System; and
 - (ii) specifies the township, range, base and meridian, and section, with aliquot part or government lot, if applicable, of the real property;
 - (c) if the real property consists of a mining claim:
 - (i) the claim name; and
 - (ii) if available, a state or federal agency serial number; or
 - (d)(i) a lot, block, tract, parcel, or unit within a previously recorded plat or map;
 - (ii) station and offset with reference to centerline;
 - (iii) a centerline described using:
 - (A) a bearing and distance; or~~

- (B) at least three elements of curve data;
- (iv) a point referenced to a corner of the Public Land Survey System or other controlling corner; or
- (v) a type of legal description not described in Subsections (4)(d)(i) through (iv) that meets the requirements described in Section 57-10-4 for a legal and satisfactory description of a land boundary.
- (5) Notwithstanding Subsections (2), (3), and (4), a master form, as defined in Section 57-3-201, that does not meet the requirements of Subsections (2) and (3) is entitled to be recorded in the office of the recorder of the county in which the property described in the master form is located if the master form complies with Part 2, Master Mortgage and Trust Deeds.
- Section 124. Section **57-3-106** is amended to read:
- 57-3-106 (Effective 11/06/25). Original documents required -- Captions --**
- Legibility.**
- (1) A person may not present and a county recorder may refuse to accept a document for recording if the document does not comply with this section.
- (2)(a) Unless otherwise provided, a document presented for recording in the office of the county recorder shall:
- (i)(A) be an original; or
- (B) be an electronic document that satisfies the requirements under [~~Title 17, Chapter 21a, Uniform Real Property Electronic Recording Act~~] Title 17, Chapter 71, Part 6, Uniform Real Property Electronic Recording Act;
- (ii) contain a brief caption on the first page of the document stating the nature of the document; and
- (iii) contain a legal description of the property as required under Section 57-3-105.
- (b) If a document is a master form, as defined in Section 57-3-201, the caption required by Subsection (2)(a)(ii) shall state that the document is a master form.
- (3) A court judgment or an abstract of a court judgment presented for recording in the office of the county recorder in compliance with Section 78B-5-202 shall:
- (a) be an original, a certified copy, or an electronic document that satisfies the requirements under [~~Title 17, Chapter 21a, Uniform Real Property Electronic Recording Act~~] Title 17, Chapter 71, Part 6, Uniform Real Property Electronic Recording Act; and
- (b) include the information identifying the judgment debtor as referred to in Subsection

78B-5-201(4)(b) either:

(i) in the judgment or abstract of judgment; or

(ii) as a separate information statement of the judgment creditor as referred to in Subsection 78B-5-201(5).

(4) A judgment, abstract of judgment, or separate information statement of the judgment creditor does not require an acknowledgment, a legal description, or notarization to be recorded.

(5) A foreign judgment or an abstract of a foreign judgment recorded in the office of a county recorder shall include the affidavit as required in Section 78B-5-303.

(6) Any document recorded in the office of the county recorder to release, assign, renew, or extend a judgment lien shall include:

(a) the name of any judgment creditor, debtor, assignor, or assignee;

(b) the date on which the instrument creating the lien was recorded in the office of the county recorder;

(c) the entry number and book and page of the recorded instrument creating the judgment lien; and

(d) the date on which the document is recorded.

(7) A document presented for recording shall be sufficiently legible for the recorder to make certified copies of the document.

(8)(a)(i) A document that is of record in the office of the appropriate county recorder in compliance with this chapter may not be recorded again in that same county recorder's office unless the original document has been reexecuted by all parties who executed the document.

(ii) Unless exempt by statute, an original document that is reexecuted shall contain the appropriate acknowledgment, proof of execution, jurat, or other notarial certification for all parties who are reexecuting the document as required by Title 46, Chapter 1, Notaries Public Reform Act, and Title 57, Chapter 2, Acknowledgments.

(iii) A document submitted for rerecording shall contain a brief statement explaining the reason for rerecording.

(b) A person may not present and a county recorder may refuse to accept a document for rerecording if that document does not conform to this section.

(c) This Subsection (8) applies only to documents executed after July 1, 1998.

(9) Minor typographical or clerical errors in a document of record may be corrected by the

recording of an affidavit or other appropriate instrument.

(10)(a) Except as required by federal law, or by agreement between a borrower under the trust deed and a grantee under the trustee's deed, and subject to Subsection (10)(b), neither the recordation of an affidavit under Subsection (9) nor the reexecution and rerecording of a document under Subsection (8):

(i) divests a grantee of any real property interest;

(ii) alters an interest in real property; or

(iii) returns to the grantor an interest in real property conveyed by statute.

(b) A person who reexecutes and rerecords a document under Subsection (8), or records an affidavit under Subsection (9), shall include with the document or affidavit a notice containing the name and address to which real property valuation and tax notices shall be mailed.

Section 125. Section 57-3-202 is amended to read:

57-3-202 (Effective 11/06/25). Recording master mortgage and trust deed -- Requirements for master form -- Indexing by county recorder.

(1)(a) A person may record a master form in the office of the county recorder.

(b) A person who files a master form shall state in the caption required under Section 57-3-106 that the instrument is a master form.

(2) A master form is not required to:

(a) contain identification or description of any specific real property; or

(b) name a specific:

(i) mortgagor;

(ii) trustor; or

(iii) trustee.

(3) A master form shall:

(a) name a specific mortgagee or beneficiary;

(b) contain an acknowledgment, proof, or certification; and

(c) identify the person causing the recording of the master form.

(4) A county recorder shall:

(a) index a master form in the same manner as the county recorder indexes mortgages and trust deeds in accordance with Section ~~[17-21-6]~~ 17-71-302; and

(b) indicate on all indices and records of the county referencing the master form that the instrument is a master form.

(5)(a) If a county recorder receives a document for recording that contains both a master

form and a mortgage or trust deed, the county recorder:

(i) is not required to:

(A) separate the master form from the mortgage or trust deed; or

(B) record the master form and the mortgage or trust deed as separate instruments;

but

(ii) may separate the master form from the mortgage or trust deed and record only the master form if the unrecorded portion is clearly designated or marked as a section not recorded.

(b) A master form recorded under Subsection (5)(a), is considered as a master form under this part for purposes of the incorporation by reference of a previously recorded master form.

Section 126. Section **57-8-8.1** is amended to read:

57-8-8.1 (Effective 11/06/25). Equal treatment by rules required -- Limits on rules.

(1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit owners similarly.

(b) A rule may:

(i) vary according to the level and type of service that the association of unit owners provides to unit owners;

(ii) differ between residential and nonresidential uses; or

(iii) for a unit that a unit owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals that may use the common areas and facilities as the rental unit tenant's guest or as the unit owner's guest.

(2)(a) Except as provided in Subsection (2)(b), if a unit owner owns a rental unit and is in compliance with the association of unit owners' governing documents and any rule that the association of unit owners adopts under Subsection (4), a rule may not treat the unit owner differently because the unit owner owns a rental unit.

(b) A rule may:

(i) limit or prohibit a rental unit owner from using the common areas and facilities for purposes other than attending an association meeting or managing the rental unit;

(ii) if the rental unit owner retains the right to use the association of unit owners' common areas and facilities, even occasionally:

(A) charge a rental unit owner a fee to use the common areas and facilities; and

(B) for a unit that a unit owner leases for a term of less than 30 days, impose a

10161 reasonable limit on the number of individuals that may use the common areas
10162 and facilities as the rental unit tenant's guest or as the unit owner's guest; or
10163 (iii) include a provision in the association of unit owners' governing documents that:
10164 (A) requires each tenant of a rental unit to abide by the terms of the governing
10165 documents; and
10166 (B) holds the tenant and the rental unit owner jointly and severally liable for a
10167 violation of a provision of the governing documents.

10168 (3)(a) Except as provided in Subsection (3)(b), a rule may not interfere with the freedom
10169 of a unit owner to determine the composition of the unit owner's household.

10170 (b) An association of unit owners may:

- 10171 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
10172 or
10173 (ii) limit the total number of occupants permitted in each residential dwelling on the
10174 basis of the residential dwelling's:
10175 (A) size and facilities; and
10176 (B) fair use of the common areas and facilities.

10177 (4) Subject to Subsection (14), an association of unit owners may by rule:

10178 (a) unless otherwise provided in the declaration:

- 10179 (i) regulate the use, maintenance, repair, replacement, and modification of common
10180 areas and facilities; and
10181 (ii) impose and receive any payment, fee, or charge for:
10182 (A) the use, rental, or operation of the common areas, except limited common
10183 areas and facilities; or
10184 (B) a service provided to a unit owner;

10185 (b) impose, for a late payment of an assessment:

- 10186 (i) a late fee, not to exceed the greater of:
10187 (A) 10% of the assessment amount; or
10188 (B) \$50; and

10189 (ii) interest on the assessment and a late fee of up to 1.5% per month; or

10190 (c) provide for the indemnification of the association of unit owners' officers and
10191 management committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit
10192 Corporation Act.

10193 (5)(a) Except as provided in Subsection (5)(b), a rule may not prohibit a unit owner from
10194 installing a personal security camera immediately adjacent to the entryway, window,

10195 or other outside entry point of the owner's condominium unit.

10196 (b) A rule may prohibit a unit owner from installing a personal security camera in a
10197 common area not physically connected to the owner's unit.

10198 (6)(a) A rule may not abridge the right of a unit owner to display a religious or holiday
10199 sign, symbol, or decoration inside the owner's condominium unit.

10200 (b) An association may adopt a reasonable time, place, and manner restriction with
10201 respect to a display that is visible from the exterior of a unit.

10202 (7)(a) A rule may not:

10203 (i) prohibit a unit owner from displaying in a window of the owner's condominium
10204 unit:

10205 (A) a for-sale sign;

10206 (B) a political sign; or

10207 (C) a flag; or

10208 (ii) except as provided Subsection (7)(b), regulate the content or establish specific
10209 design criteria for the content of a political sign or flag.

10210 (b) A rule may restrict a political sign or flag that contains obscene, profane, or
10211 commercial content.

10212 (c) A rule may reasonably regulate the size and time, place, and manner of posting a
10213 for-sale sign, a political sign, or a flag.

10214 (8) For any area for which one or more unit owners, but not the association, are responsible
10215 for landscape maintenance, the association of unit owners:

10216 (a) shall adopt rules supporting water wise landscaping, including:

10217 (i) low water use requirements on lawns during drought conditions;

10218 (ii) design criterion for water wise landscaping; and

10219 (iii) limiting permissible plant material to specific water wise plant material;

10220 (b) may not prohibit low water use on lawns during drought conditions; and

10221 (c) except where reasonably necessary for erosion control, may not prohibit or restrict
10222 the conversion of a grass park strip of less than 8 feet wide to water-efficient
10223 landscaping.

10224 (9) A rule may restrict a sex offender from accessing a protected area that is maintained,
10225 operated, or owned by the association, subject to the exceptions described in Subsection
10226 53-29-306(3).

10227 (10)(a) Except as provided in this Subsection (10), a rule may not prohibit a unit owner
10228 from making modifications, consistent with industry standards, for radon mitigation.

- (b) Subsection (10)(a) does not apply if the modifications would violate:
- (i) a local land use ordinance;
 - (ii) a building code;
 - (iii) a health code; or
 - (iv) a fire code.
- (c) A rule governing the placement or external appearance of modifications may apply to modifications for radon mitigation unless the rule would:
- (i) unreasonably interfere with the modifications' functionality; or
 - (ii) add more than 40% of the modifications' original cost to the cost of installing the modifications.
- (d) A rule may require that a unit owner making modifications related to radon mitigation:
- (i) demonstrate or provide proof of radon contamination; and
 - (ii) provide proof that the modifications and any related construction will be performed by a licensed person.
- (11)(a) Except as provided in Subsection (11)(b), a rule may not restrict an individual from parking an operable vehicle in a driveway where the vehicle has a legal right to park, unless the vehicle is:
- (i) a commercial vehicle, as that term is defined in Section 72-9-102;
 - (ii) a motor home, as that term is defined in Section 13-20-2; or
 - (iii) a recreational vehicle trailer, as that term is defined in Section 13-20-2.
- (b) A rule may require that an individual park in a garage appurtenant to a unit before parking elsewhere.
- (12)(a) Except as provided in Subsection (12)(b), a rule may not restrict an individual from operating a vehicle that is not a commercial vehicle, as that term is defined in Section 72-9-102, in conformance with state traffic laws.
- (b) A rule may enforce a reduced speed limit on a private roadway.
- (13) A rule may not:
- (a) impose a requirement or restriction on the use of a public street, as that term is defined in Section ~~[10-9a-103]~~ 10-20-102; or
 - (b) restrict an individual from:
 - (i) installing, displaying, or storing an item that the individual has a legal right to store if the item is not visible to an individual standing outside the unit;
 - (ii) hiring a contractor or worker solely because the contractor or worker:

- 10263 (A) is not on the association's preferred vendor list; or
- 10264 (B) does not have a professional or occupational license, unless the license is
- 10265 required by law.
- 10266 (14) A rule shall be reasonable.
- 10267 (15) A declaration, or an amendment to a declaration, may vary any of the requirements of
- 10268 Subsections (1) through (5), except Subsection (1)(b)(ii).
- 10269 (16) This section applies to an association of unit owners regardless of when the association
- 10270 of unit owners is created.
- 10271 (17) Before imposing a fee under Subsection (4), an association of unit owners shall:
- 10272 (a) adopt a fee schedule by rule that describes the amount of each fee the association of
- 10273 unit owners shall impose; and
- 10274 (b) provide a copy of the fee schedule to each unit owner.
- 10275 **Section 127. Effective Date.**
- 10276 (1) Except as provided in Subsection (2), this bill takes effect:
- 10277 (a) except as provided in Subsection (1)(b), December 6, 2025; or
- 10278 (b) if approved by two-thirds of all members elected to each house, the later of:
- 10279 (i) November 6, 2025; or
- 10280 (ii)(A) upon approval by the governor;
- 10281 (B) without the governor's approval, the day following the constitutional time
- 10282 limit of Utah Constitution, Article VII, Section 8; or
- 10283 (C) with the governor's veto and a vote of the Legislature to override the veto, the
- 10284 date of veto override.
- 10285 (2) The actions affecting the following sections take effect on January 1, 2026:
- 10286 (a) Section 20A-11-103(Effective 01/01/26); and
- 10287 (b) Section 32B-1-102(Effective 01/01/26).