

SB0233S01 compared with SB0233

~~text~~ shows text that was in SB0233 but was deleted in SB0233S01.

text shows text that was not in SB0233 but was inserted into SB0233S01.

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Senator John D. Johnson proposes the following substitute bill:

PORTABLE BENEFIT PLAN

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John D. Johnson

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to portable benefit plans.

Highlighted Provisions:

This bill:

- ▶ provides that government entities or private entities may offer a portable benefit plan;
- ▶ requires contributions to a portable benefit plan be voluntary;
- ▶ provides that contributions to a portable benefit plan:
 - are not evidence of an employment relationship or employer liability; and
 - may not be used as criteria in determining employment classifications; and
- ▶ defines terms.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-57-101, Utah Code Annotated 1953

34-57-102, Utah Code Annotated 1953

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

Section 1. Section **34-57-101** is enacted to read:

CHAPTER 57. PORTABLE BENEFIT PLAN

Part 1. General Provisions

34-57-101. Definitions.

As used in this chapter:

- (1) "Hiring party" means a person who hires or enters into a contract with an independent contractor.
- (2) "Independent contractor" means the same as that term is defined in Section 34A-2-103.
- (3) "Portable benefit plan" means a group ~~{coverage benefit option offered through a fund, account, or alternative mechanism}~~ that:
- ~~(a) {provides portable benefits, including:~~
 - ~~(i) health insurance coverage;~~
 - ~~(ii) unemployment insurance coverage; or~~
 - ~~(iii) disability pay coverage} offers an insurance product regulated by:
 - (i) Title 31A, Insurance Code; or
 - (ii) Title 35A, Chapter 4, Employment Security Act; and~~
 - (b) is assigned to an individual beneficiary and is not associated with a specific employer or hiring party.

Section 2. Section **34-57-102** is enacted to read:

34-57-102. Administration -- Assignment of benefits -- Portability.

- (1) A governmental entity or private entity may offer a portable benefit plan.

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(2) Contributions to a portable benefit plan:

(a) shall be voluntary; and

(b) may not be used as a criterion for determining a person's employment classification.

(3) If an Internet or application-based company contributes to a portable benefit plan for the benefit of an individual beneficiary:

(a) the contribution is not evidence of employer liability; and

(b) a court may not construe the contribution as an element of an employment relationship for purposes of:

(i) Title 34A, Chapter 2, Workers' Compensation Act; or

(ii) Title 35A, Chapter 4, Employment Security Act.