

HEALTH CARE WORKER PROTECTION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Don L. Ipson

Cosponsors:	Matthew H. Gwynn	Andrew Stoddard
Cheryl K. Acton	Stephen G. Handy	Raymond P. Ward
Melissa G. Ballard	Suzanne Harrison	Christine F. Watkins
Stewart E. Barlow	Jon Hawkins	Elizabeth Weight
Gay Lynn Bennion	Sandra Hollins	Mark A. Wheatley
Joel K. Briscoe	Karen Kwan	Stephen L. Whyte
Jefferson S. Burton	Ashlee Matthews	Ryan D. Wilcox
Clare Collard	Carol Spackman Moss	Mike Winder
Jennifer Dailey-Provost	Judy Weeks Rohner	
James A. Dunnigan	Jeffrey D. Stenquist	
Steve Eliason		

LONG TITLE

General Description:

This bill enacts provisions relating to the assault of an owner, employee, or contractor of a health facility.

Highlighted Provisions:

This bill:

- ▶ enacts enhanced penalties for assault or threat of violence against an owner, employee, or contractor of a health facility;
- ▶ creates an automatic sunset date for the provisions in this bill; and
- ▶ makes technical corresponding changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63I-2-276**, as last amended by Laws of Utah 2019, Chapter 124

34 **76-5-102.7**, as last amended by Laws of Utah 2017, Chapters 123 and 326



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

37 Section 1. Section **63I-2-276** is amended to read:

38 **63I-2-276. Repeal dates -- Title 76.**

39 (1) Subsection **76-5-102.7**(2)(b), regarding assault or threat of violence against an
40 owner, employee, or contractor of a health facility, is repealed January 1, 2027.

41 [~~(1)~~] (2) If Section **76-7-302.4** is not in effect before January 1, 2029, Section
42 **76-7-302.4** is repealed January 1, 2029.

43 [~~(2)~~] (3) Section **76-7-305.7** is repealed January 1, 2023.

44 Section 2. Section **76-5-102.7** is amended to read:

45 **76-5-102.7. Assault or threat of violence against health care provider, emergency**
46 **medical service worker, or health facility employee, owner, or contractor -- Penalty.**

47 (1) As used in this section:

48 (a) "Assault" means an offense under Section **76-5-102.**

49 (b) "Emergency medical service worker" means an individual licensed under Section
50 **26-8a-302.**

51 (c) "Health care provider" means the same as that term is defined in Section
52 **78B-3-403.**

53 (d) "Health facility" means:

54 (i) a health care facility as defined in Section 26-21-2; and
55 (ii) the office of a private health care provider, whether for individual or group
56 practice.
57 (e) "Health facility employee" means an employee, owner, or contractor of a health
58 facility.
59 (f) "Threat of violence" means an offense under Section 76-5-107.
60 ~~[(1) A person who]~~
61 (2) (a) An actor commits [an] assault or threat of violence against a health care
62 provider or emergency medical service worker [is guilty of a class A misdemeanor] if:
63 ~~[(a) the person]~~ (i) the actor is not a prisoner or a [person detained under Section
64 77-7-15] detained detail;
65 (ii) the actor commits an assault or threat of violence;
66 ~~[(b) the person]~~ (iii) the actor knew that the victim was a health care provider or
67 emergency medical service worker; and
68 ~~[(c)]~~ (iv) the health care provider or emergency medical service worker was performing
69 emergency or life saving duties within the scope of his or her authority at the time of the assault
70 or threat of violence.
71 (b) An actor commits assault or threat of violence against a health facility employee if:
72 (i) the actor is not a prisoner or a detained individual;
73 (ii) the actor commits an assault or threat of violence;
74 (iii) the actor knew that the victim was a health facility employee; and
75 (iv) the health facility employee was acting within the scope of the health facility
76 employee's duties for the health facility.
77 (3) (a) A violation of Subsection (2) is a class A misdemeanor.
78 ~~[(2) A person who violates Subsection (1) is guilty of]~~
79 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree
80 felony if the [person] actor:

- 81 [~~(a)~~] (i) causes substantial bodily injury[~~, as defined in Section 76-1-601~~]; and
- 82 [~~(b)~~] (ii) acts intentionally or knowingly.
- 83 [~~(3) As used in this section:~~]
- 84 [~~(a) "Assault" means the same as that term is defined in Section 76-5-102.~~]
- 85 [~~(b) "Emergency medical service worker" means a person licensed under Section~~
- 86 ~~26-8a-302.~~]
- 87 [~~(c) "Health care provider" means the same as that term is defined in Section~~
- 88 ~~78B-3-403.~~]
- 89 [~~(d) "Threat of violence" means the same as that term is defined in Section 76-5-107.~~]