

BOARDS AND COMMISSIONS MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill repeals and amends provisions related to certain boards and commissions.

Highlighted Provisions:

This bill:

▶ repeals the following entities and amends provisions related to the following entities:

- the Residential Child Care Licensing Advisory Committee;
- the Dietitian Board;
- the Genetic Counselors Licensing Board;
- the Online Prescribing, Dispensing, and Facilitation Licensing Board;
- the Licensed Direct Entry Midwife Board;
- the Naturopathic Physicians Licensing Board;
- the Utah Health Advisory Council;
- the Transparency Advisory Board; and
- the Western States Transportation Alliance;

▶ modifies provisions related to the Motor Carrier Advisory Board;

▶ modifies provisions related to the Geographic Names Board;

▶ modifies provisions related to the criminal justice coordinating councils;

▶ renames and modifies provisions related to the Child Care Center Licensing Committee; and

▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35 **9-9-113**, as enacted by Laws of Utah 2021, Chapter 189
- 36 **17-55-201**, as enacted by Laws of Utah 2022, Chapter 187
- 37 **26-1-2**, as last amended by Laws of Utah 2022, Chapter 255
- 38 **26-39-102**, as last amended by Laws of Utah 2022, Chapters 21, 255
- 39 **26-39-200**, as last amended by Laws of Utah 2022, Chapter 255
- 40 **26-39-203**, as last amended by Laws of Utah 2016, Chapter 74
- 41 **26B-1-204**, as renumbered and amended by Laws of Utah 2022, Chapter 255
- 42 **58-49-2**, as last amended by Laws of Utah 1993, Chapter 297
- 43 **58-49-4**, as last amended by Laws of Utah 2020, Chapter 339
- 44 **58-49-6**, as enacted by Laws of Utah 1986, Chapter 192
- 45 **58-71-102**, as last amended by Laws of Utah 2022, Chapter 440
- 46 **58-71-203**, as enacted by Laws of Utah 2022, Chapter 440
- 47 **58-71-302**, as last amended by Laws of Utah 2020, Chapter 339
- 48 **58-71-304**, as last amended by Laws of Utah 2001, Chapter 268
- 49 **58-71-304.2**, as enacted by Laws of Utah 1996, Chapter 282
- 50 **58-71-601**, as last amended by Laws of Utah 2013, Chapter 364
- 51 **58-71-802**, as enacted by Laws of Utah 1996, Chapter 282
- 52 **58-71-803**, as enacted by Laws of Utah 1996, Chapter 282
- 53 **58-75-102**, as last amended by Laws of Utah 2008, Chapter 382
- 54 **58-75-303**, as enacted by Laws of Utah 2001, Chapter 100
- 55 **58-77-102**, as last amended by Laws of Utah 2017, Chapter 114

- 56 **58-77-302**, as last amended by Laws of Utah 2020, Chapter 339
- 57 **58-83-102**, as last amended by Laws of Utah 2022, Chapter 415
- 58 **58-83-302**, as last amended by Laws of Utah 2022, Chapter 415
- 59 **58-83-401**, as last amended by Laws of Utah 2022, Chapter 415
- 60 **63A-16-107**, as enacted by Laws of Utah 2021, Chapter 84
- 61 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
- 62 347, and 451
- 63 **63I-1-263**, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,
- 64 249, 274, 296, 313, 361, 362, 417, 419, and 472
- 65 **63I-2-226**, as last amended by Laws of Utah 2022, Chapters 255, 365
- 66 **67-1-2.5**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 67 **72-9-201**, as last amended by Laws of Utah 2017, Chapter 96
- 68 REPEALS:
- 69 **26-1-7.5**, as last amended by Laws of Utah 2011, Chapter 297
- 70 **26-39-201**, as last amended by Laws of Utah 2022, Chapter 255
- 71 **41-23-1**, as last amended by Laws of Utah 2011, Chapter 202
- 72 **41-23-2**, as last amended by Laws of Utah 2011, Chapter 202
- 73 **58-49-1**, as enacted by Laws of Utah 1986, Chapter 192
- 74 **58-49-3**, as repealed and reenacted by Laws of Utah 1993, Chapter 297
- 75 **58-71-201**, as last amended by Laws of Utah 1997, Chapter 10
- 76 **58-75-101**, as enacted by Laws of Utah 2001, Chapter 100
- 77 **58-75-201**, as enacted by Laws of Utah 2001, Chapter 100
- 78 **58-77-201**, as last amended by Laws of Utah 2013, Chapter 167
- 79 **58-83-101**, as enacted by Laws of Utah 2010, Chapter 180
- 80 **58-83-201**, as enacted by Laws of Utah 2010, Chapter 180
- 81 **63A-18-102**, as enacted by Laws of Utah 2021, Chapter 84
- 82 **63A-18-201**, as renumbered and amended by Laws of Utah 2021, Chapter 84

83 **63A-18-202**, as enacted by Laws of Utah 2021, Chapter 84

84

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

86 Section 1. Section **9-9-113** is amended to read:

87 **9-9-113. Geographic place names -- Role of division -- Report.**

88 (1) As used in this section[;], "location name referring to American Indians" means the
89 name of a place in the state that uses American Indian related terms.

90 [~~(a) "Location name referring to American Indians" means the name of a place in the~~
91 ~~state that uses American Indian related terms.]~~

92 [~~(b) "Utah Committee on Geographic Names" means the committee created by~~
93 ~~executive order of the governor that has a primary function to act as the state's liaison with the~~
94 ~~United States Board on Geographic Names and to review geographic name changes and~~
95 ~~additions in Utah.]~~

96 (2) (a) To facilitate the United States Board on Geographic Names' application process
97 for changing a location name referring to American Indians, the division may create an
98 application template[~~, in consultation with the Utah Committee on Geographic Names,]~~ for the
99 following to use:

100 (i) a county in which a place with a location name referring to American Indians is
101 located;

102 (ii) an Indian tribe that is connected to the geographic location referring to American
103 Indians for which the Indian tribe seeks to change the name;

104 (iii) a local community in and around a place with a location name referring to
105 American Indians; or

106 (iv) another person identified by the division [~~in consultation with the Utah Committee~~
107 ~~on Geographic Names].~~

108 (b) The application template described in Subsection (2)(a) shall encourage an
109 applicant to solicit feedback from the one or more tribal governments that are connected to the

110 geographic location for which the applicant is proposing to change the location name referring
111 to American Indians.

112 (c) If the division assists a person applying to change the location name referring to
113 American Indians, the division shall direct the person to consult with any tribal government
114 that is connected to the geographic location for which the location name referring to American
115 Indians is proposed to be changed so that a tribal government has an opportunity to provide an
116 official response.

117 (d) The division may bring proposed name changes to location names referring to
118 American Indians to tribal leaders to solicit input from the Indian tribes.

119 (3) The division shall provide on the division's website resources for applicants and
120 information about proposed changes to location names referring to American Indians.

121 (4) In accordance with Section 9-9-107, the division shall annually report to the Native
122 American Legislative Liaison Committee on the division's activities under this section.

123 Section 2. Section 17-55-201 is amended to read:

124 **17-55-201. Criminal justice coordinating councils -- Creation -- Strategic plan --**
125 **Reporting requirements.**

126 (1) (a) Beginning January 1, 2023, a county shall:

- 127 (i) create a criminal justice coordinating council; or
- 128 (ii) jointly with another county or counties, create a criminal justice coordinating
129 council.

130 (b) The purpose of a council is to coordinate and improve components of the criminal
131 justice system in the county or counties.

132 (2) (a) A council shall include:

- 133 (i) one county commissioner or county council member;
- 134 (ii) the county sheriff or the sheriff's designee;
- 135 (iii) one chief of police of a municipality within the county or the chief's designee;
- 136 (iv) the county attorney or the attorney's designee;

- 137 (v) one public defender or attorney who provides public defense within the county;
- 138 (vi) one district court judge;
- 139 (vii) one justice court judge;
- 140 (viii) one representative from the Division of Adult Probation and Parole within the
- 141 Department of Corrections;
- 142 (ix) one representative from the local mental health authority within the county; and
- 143 (x) one individual who is:
- 144 (A) a crime victim; or
- 145 (B) a victim advocate, as defined in Section 77-38-403.
- 146 (b) A council may include:
- 147 (i) an individual representing:
- 148 (A) local government;
- 149 (B) human services programs;
- 150 (C) higher education;
- 151 (D) peer support services;
- 152 (E) workforce services;
- 153 (F) local housing services;
- 154 (G) mental health or substance use disorder providers;
- 155 (H) a health care organization within the county;
- 156 (I) a local homeless council;
- 157 (J) family counseling and support groups; or
- 158 (K) organizations that work with families of incarcerated individuals; or
- 159 (ii) an individual with lived experiences in the criminal justice system.
- 160 [~~(3) The member described in Subsection (2)(a)(i) shall serve as chair of the council.~~]
- 161 (3) A council shall rotate the position of the chair among the members.
- 162 (4) (a) A council shall develop and implement a strategic plan for the county's or
- 163 counties' criminal justice system that includes:

164 (i) mapping of all systems, resources, assets, and services within the county's or
165 counties' criminal justice system;

166 (ii) a plan for data sharing across the county's or counties' criminal justice system;

167 (iii) recidivism reduction objectives; and

168 (iv) community reintegration goals.

169 (b) The commission may assist a council in the development of a strategic plan.

170 (5) Before November 30 of each year, a council shall provide a written report to the
171 commission regarding:

172 (a) the implementation of a strategic plan described in Subsection (4); and

173 (b) any data on the impact of the council on the criminal justice system in the county or
174 counties.

175 Section 3. Section **26-1-2** is amended to read:

176 **26-1-2. Definitions.**

177 As used in this title:

178 [~~(1) "Council" means the Utah Health Advisory Council.~~]

179 [~~(2)~~] (1) "Department" means the Department of Health and Human Services created in
180 Section [26B-1-201](#).

181 [~~(3)~~] (2) "Executive director" means the executive director of the department appointed
182 under Section [26B-1-203](#).

183 [~~(4)~~] (3) "Public health authority" means an agency or authority of the United States, a
184 state, a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting
185 under a grant of authority from or contract with such an agency, that is responsible for public
186 health matters as part of its official mandate.

187 Section 4. Section **26-39-102** is amended to read:

188 **26-39-102. Definitions.**

189 As used in this chapter:

190 [~~(1) "Advisory committee" means the Residential Child Care Licensing Advisory~~

191 ~~Committee created in Section 26B-1-204.]~~

192 ~~[(2)]~~ (1) "Capacity limit" means the maximum number of qualifying children that a
193 regulated provider may care for at any given time, in accordance with rules made by the
194 department.

195 ~~[(3)]~~ (2) (a) "Center based child care" means child care provided in a facility or
196 program that is not the home of the provider.

197 (b) "Center based child care" does not include:

198 (i) residential child care; or

199 (ii) care provided in a facility or program exempt under Section 26-39-403.

200 ~~[(4)]~~ (3) "Certified provider" means a person who holds a certificate from the
201 department under Section 26-39-402.

202 ~~[(5)]~~ (4) "Child care" means continuous care and supervision of a qualifying child, that
203 is:

204 (a) in lieu of care ordinarily provided by a parent in the parent's home;

205 (b) for less than 24 hours a day; and

206 (c) for direct or indirect compensation.

207 ~~[(6)]~~ (5) "Child care program" means a child care facility or program operated by a
208 regulated provider.

209 ~~[(7)]~~ (6) "Exempt provider" means a person who provides care described in Subsection
210 26-39-403(2).

211 ~~[(8)]~~ (7) "Licensed provider" means a person who holds a license from the department
212 under Section 26-39-401.

213 ~~[(9)]~~ (8) "Licensing committee" means the Child Care ~~[Center]~~ Provider Licensing
214 Committee created in Section 26B-1-204.

215 ~~[(10)]~~ (9) "Public school" means:

216 (a) a school, including a charter school, that:

217 (i) is directly funded at public expense; and

218 (ii) provides education to qualifying children for any grade from first grade through
219 twelfth grade; or

220 (b) a school, including a charter school, that provides:

221 (i) preschool or kindergarten to qualifying children, regardless of whether the preschool
222 or kindergarten is funded at public expense; and

223 (ii) education to qualifying children for any grade from first grade through twelfth
224 grade, if each grade, from first grade to twelfth grade, that is provided at the school, is directly
225 funded at public expense.

226 ~~[(11)]~~ (10) "Qualifying child" means an individual who is:

227 (a) (i) under the age of 13 years old; or

228 (ii) under the age of 18 years old, if the person has a disability; and

229 (b) a child of:

230 (i) a person other than the person providing care to the child;

231 (ii) a regulated provider, if the child is under the age of four; or

232 (iii) an employee or owner of a licensed child care center, if the child is under the age
233 of four.

234 ~~[(12)]~~ (11) "Regulated provider" means a licensed provider or certified provider.

235 ~~[(13)]~~ (12) "Residential child care" means child care provided in the home of the
236 provider.

237 Section 5. Section **26-39-200** is amended to read:

238 **26-39-200. Child Care Provider Licensing Committee.**

239 (1) (a) The licensing committee shall be comprised of ~~[seven]~~ 12 members appointed
240 by the governor and approved by the Senate in accordance with this subsection.

241 (b) The governor shall appoint three members who:

242 (i) have at least five years of experience as an owner in or director of a for profit or
243 not-for-profit center based child care; and

244 (ii) hold an active license as a child care center from the department to provide center

245 based child care.

246 (c) The governor shall appoint two members who hold an active license as a residential
247 child care provider and one member who is a certified residential child care provider.

248 ~~[(c)]~~ (d) (i) The governor shall appoint one member to represent each of the following:

249 (A) a parent with a child in a licensed center based child care facility;

250 (B) a parent with a child in a residential based child care facility;

251 ~~[(B)]~~ (C) a child development expert from the state system of higher education;

252 ~~[(C)]~~ (D) except as provided in Subsection ~~[(1)(e)]~~ (1)(f), a pediatrician licensed in the
253 state; ~~[and]~~

254 (E) a health care provider; and

255 ~~[(D)]~~ (F) an architect licensed in the state.

256 (ii) Except as provided in Subsection ~~[(1)(e)(i)(B)]~~ (1)(d)(i)(C), a member appointed
257 under Subsection ~~[(1)(e)(i)]~~ (1)(d)(i) may not be an employee of the state or a political
258 subdivision of the state.

259 ~~[(A)]~~ (e) At least one member described in Subsection (1)(b) shall at the time of
260 appointment reside in a county that is not a county of the first class.

261 ~~[(c)]~~ (f) For the appointment described in Subsection ~~[(1)(e)(i)(C)]~~ (1)(d)(i)(D), the
262 governor may appoint a health care professional who specializes in pediatric health if:

263 (i) the health care professional is licensed under:

264 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse
265 practitioner; or

266 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and

267 (ii) before appointing a health care professional under this Subsection ~~[(1)(e)]~~ (1)(f),
268 the governor:

269 (A) sends a notice to a professional physician organization in the state regarding the
270 opening for the appointment described in Subsection ~~[(1)(e)(i)(C)]~~ (1)(d)(i)(D); and

271 (B) receives no applications from a pediatrician who is licensed in the state for the

272 appointment described in Subsection [~~(1)(e)(i)(C)~~] (1)(d)(i)(D) within 90 days after the day on
273 which the governor sends the notice described in Subsection [~~(1)(e)(ii)(A)~~] (1)(f)(ii)(A).

274 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the
275 governor shall appoint each new member or reappointed member to a four-year term ending
276 June 30.

277 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
278 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
279 members are staggered so that approximately half of the licensing committee is appointed
280 every two years.

281 (c) Upon the expiration of the term of a member of the licensing committee, the
282 member shall continue to hold office until a successor is appointed and qualified.

283 (d) A member may not serve more than two consecutive terms.

284 (e) Members of the licensing committee shall annually select one member to serve as
285 chair who shall establish the agenda for licensing committee meetings.

286 (3) When a vacancy occurs in the membership for any reason, the governor, with the
287 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

288 (4) (a) The licensing committee shall meet at least every two months.

289 (b) The director may call additional meetings:

290 (i) at the director's discretion;

291 (ii) upon the request of the chair; or

292 (iii) upon the written request of three or more members.

293 (5) [~~Three~~] Seven members of the licensing committee constitute a quorum for the
294 transaction of business.

295 (6) A member appointed under Subsection (1)(b) may not vote on any action proposed
296 by the licensing committee regarding residential child care.

297 (7) A member appointed under Subsection (1)(c) may not vote on any action proposed
298 by the licensing committee regarding center based child care.

299 ~~[(6)]~~ (8) A member of the licensing committee may not receive compensation or
300 benefits for the member's service, but may receive per diem and travel expenses as allowed in:

301 (a) Section 63A-3-106;

302 (b) Section 63A-3-107; and

303 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
304 63A-3-107.

305 Section 6. Section 26-39-203 is amended to read:

306 **26-39-203. Duties of the Child Care Provider Licensing Committee.**

307 (1) The licensing committee shall:

308 (a) in concurrence with the department and in accordance with Title 63G, Chapter 3,
309 Utah Administrative Rulemaking Act, make rules that govern center based child care and
310 residential child care as necessary to protect qualifying children's common needs for a safe and
311 healthy environment, to provide for:

312 (i) adequate facilities and equipment; and

313 (ii) competent caregivers considering the age of the children and the type of program
314 offered by the licensee;

315 (b) in concurrence with the department and in accordance with Title 63G, Chapter 3,
316 Utah Administrative Rulemaking Act, make rules necessary to carry out the purposes of this
317 chapter that govern center based child care and residential child care, in the following areas:

318 (i) requirements for applications, the application process, and compliance with other
319 applicable statutes and rules;

320 (ii) documentation and policies and procedures that providers shall have in place in
321 order to be licensed, in accordance with Subsection (1);

322 (iii) categories, classifications, and duration of initial and ongoing licenses;

323 (iv) changes of ownership or name, changes in licensure status, and changes in
324 operational status;

325 (v) license expiration and renewal, contents, and posting requirements;

326 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other
327 procedural measures to encourage and assure compliance with statute and rule; and

328 (vii) guidelines necessary to assure consistency and appropriateness in the regulation
329 and discipline of licensees;

330 (c) advise the department on the administration of a matter affecting center based child
331 care and residential child care;

332 (d) advise and assist the department in conducting center based child care provider
333 seminars and residential child care seminars; and

334 (e) perform other duties as provided under Section 26-39-301.

335 (2) (a) The licensing committee may not enforce the rules adopted under this section.

336 (b) The department shall enforce the rules adopted under this section in accordance
337 with Section 26-39-301.

338 Section 7. Section 26B-1-204 is amended to read:

339 **26B-1-204. Creation of boards, divisions, and offices -- Power to organize**
340 **department.**

341 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,
342 Utah Administrative Rulemaking Act, and not inconsistent with law for:

343 (a) the administration and government of the department;

344 (b) the conduct of the department's employees; and

345 (c) the custody, use, and preservation of the records, papers, books, documents, and
346 property of the department.

347 (2) The following policymaking boards, councils, and committees are created within
348 the Department of Health and Human Services:

349 (a) Board of Aging and Adult Services;

350 (b) Utah State Developmental Center Board;

351 [~~(c) Health Advisory Council;~~]

352 [~~(d)~~] (c) Health Facility Committee;

- 353 ~~[(e)]~~ (d) State Emergency Medical Services Committee;
- 354 ~~[(f)]~~ (e) Air Ambulance Committee;
- 355 ~~[(g)]~~ (f) Health Data Committee;
- 356 ~~[(h)]~~ (g) Utah Health Care Workforce Financial Assistance Program Advisory
- 357 Committee;
- 358 ~~[(i) Residential Child Care Licensing Advisory Committee;]~~
- 359 ~~[(j)]~~ (h) Child Care ~~[Center]~~ Provider Licensing Committee;
- 360 ~~[(k)]~~ (i) Primary Care Grant Committee;
- 361 ~~[(l)]~~ (j) Adult Autism Treatment Program Advisory Committee;
- 362 ~~[(m)]~~ (k) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
- 363 Committee; and
- 364 ~~[(n)]~~ (l) any boards, councils, or committees that are created by statute in:
- 365 (i) this title;
- 366 (ii) Title 26, Utah Health Code; or
- 367 (iii) Title 62A, Utah Human Services Code.
- 368 (3) The following divisions are created within the Department of Health and Human
- 369 Services:
- 370 (a) relating to operations:
- 371 (i) the Division of Finance and Administration;
- 372 (ii) the Division of Licensing and Background Checks;
- 373 (iii) the Division of Customer Experience;
- 374 (iv) the Division of Data, Systems, and Evaluation; and
- 375 (v) the Division of Continuous Quality Improvement;
- 376 (b) relating to healthcare administration:
- 377 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 378 (A) the state's medical assistance programs; and
- 379 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse

380 and Mental Health Act;

381 (ii) the Division of Aging and Adult Services; and

382 (iii) the Division of Services for People with Disabilities; and

383 (c) relating to community health and well-being:

384 (i) the Division of Child and Family Services;

385 (ii) the Division of Family Health;

386 (iii) the Division of Population Health;

387 (iv) the Division of Juvenile Justice and Youth Services; and

388 (v) the Office of Recovery Services.

389 (4) The executive director may establish offices and bureaus to facilitate management

390 of the department as required by, and in accordance with:

391 (a) this title;

392 (b) Title 26, Utah Health Code; and

393 (c) Title 62A, Utah Human Services Code.

394 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the

395 organizational structure relating to the department, including the organization of the

396 department's divisions and offices, notwithstanding the organizational structure described in:

397 (a) this title;

398 (b) Title 26, Utah Health Code; or

399 (c) Title 62A, Utah Human Services Code.

400 Section 8. Section **58-49-2** is amended to read:

401 **58-49-2. Definitions.**

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

403 [~~(1) "Board" means the Dietitian Board created in Section 58-49-3.~~]

404 [~~(2)~~] (1) "Certified dietitian" means a person who is certified by the division as meeting

405 the certification requirements provided in this chapter.

406 [~~(3)~~] (2) "Commission on Dietetic Registration" means the credentialing component of

407 the American Dietetic Association.

408 [(4)] (3) "Dietetics" means the integration and application of principles derived from
409 the sciences of food for the development, management, and provision of dietary services for
410 individuals and groups for meeting their health care needs. "Dietetics" includes:

- 411 (a) the evaluation of a person's dietary status;
- 412 (b) the advising and education of persons on dietary needs; and
- 413 (c) the evaluation of needs, implementation of systems to support needs, and
414 maintenance of appropriate standards of quality in food and dietary service for individuals,
415 groups, or patients in licensed institutional facilities or in private office settings.

416 [(5)] (4) "Unprofessional conduct" as defined in Section 58-1-501 and as may be
417 further defined by rule includes failing to maintain a level of professional practice consistent
418 with all initial and subsequent requirements by which certification is achieved or maintained
419 under this chapter.

420 Section 9. Section 58-49-4 is amended to read:

421 **58-49-4. Qualifications for certification -- Fee.**

422 Each applicant for certification under this chapter shall provide proof satisfactory to the
423 division that the applicant:

424 (1) holds a baccalaureate or post-baccalaureate degree conferred by a college or
425 university approved by the division at the time the degree was conferred with a major course of
426 study in the sciences of food, dietetics, food systems management, or an equivalent major
427 course of study;

428 (2) has completed an internship or preplanned professional baccalaureate or
429 post-baccalaureate experience in a dietetic program under the supervision of a certified
430 dietitian who is certified under this chapter or certified, registered, or licensed under the laws of
431 another state or territory of the United States;

432 (3) has satisfactorily passed a competency examination, approved by or given at the
433 direction of the [~~board in collaboration with the~~] division; and

434 (4) has paid the appropriate fees determined by the Department of Commerce. The fee
435 assessed by the Department of Commerce shall be fair and reasonable and shall reflect the cost
436 of services provided.

437 Section 10. Section **58-49-6** is amended to read:

438 **58-49-6. Certification of persons qualified in other jurisdictions.**

439 Upon receipt of an application and application fee~~], and upon the recommendation of~~
440 ~~the board,~~] the division may waive the examination requirement for an applicant who, at the
441 time of application:

442 (1) holds a valid dietitian license or certificate issued by another state or territory of the
443 United States, provided his qualifications meet the requirements of this chapter; or

444 (2) is registered by the Commission on Dietetic Registration.

445 Section 11. Section **58-71-102** is amended to read:

446 **58-71-102. Definitions.**

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

448 (1) "Acupuncture" means the same as that term is defined in Section **58-72-102**.

449 (2) "Administrative penalty" means a monetary fine imposed by the division for acts or
450 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
451 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative
452 Procedures Act.

453 [~~(3) "Board" means the Naturopathic Physicians Licensing Board created in Section~~
454 ~~**58-71-201**.~~]

455 [~~(4)~~ (3) "Controlled substance" means the same as that term is defined in Section
456 **58-37-2**.

457 [~~(5)~~ (4) "Diagnose" means:

458 (a) to examine in any manner another individual, parts of an individual's body,
459 substances, fluids, or materials excreted, taken, or removed from an individual's body, or
460 produced by an individual's body, to determine the source, nature, kind, or extent of a disease

461 or other physical or mental condition;

462 (b) to attempt to conduct an examination or determination described under Subsection
463 ~~[(5)(a)]~~ (4)(a);

464 (c) to hold oneself out as making or to represent that one is making an examination or
465 determination as described in Subsection ~~[(5)(a)]~~ (4)(a); or

466 (d) to make an examination or determination as described in Subsection ~~[(5)(a)]~~ (4)(a)
467 upon or from information supplied directly or indirectly by another individual, whether or not
468 in the presence of the individual the examination or determination concerns.

469 ~~[(6)]~~ (5) "Local anesthesia" means an agent, whether a natural medicine or
470 nonscheduled prescription drug, which:

471 (a) is applied topically or by injection associated with the performance of minor office
472 procedures;

473 (b) has the ability to produce loss of sensation to a targeted area of an individual's
474 body;

475 (c) does not cause loss of consciousness or produce general sedation; and

476 (d) is part of the competent practice of naturopathic medicine during minor office
477 procedures.

478 ~~[(7)]~~ (6) "Medical naturopathic assistant" means an unlicensed individual working
479 under the direct and immediate supervision of a licensed naturopathic physician and engaged in
480 specific tasks assigned by the licensed naturopathic physician in accordance with the standards
481 and ethics of the profession.

482 ~~[(8)]~~ (7) (a) "Minor office procedures" means:

483 (i) the use of operative, electrical, or other methods for repair and care of superficial
484 lacerations, abrasions, and benign lesions;

485 (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or
486 ear;

487 (iii) the use of antiseptics and local anesthetics in connection with minor office surgical

488 procedures; and

489 (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:

490 (A) local anesthesia or a prescription drug described in Subsection [~~(9)(d)~~] (8)(d); or

491 (B) natural substances.

492 (b) "Minor office procedures" does not include:

493 (i) general or spinal anesthesia;

494 (ii) office procedures more complicated or extensive than those set forth in Subsection

495 [~~(8)(a)~~] (7)(a);

496 (iii) procedures involving the eye; and

497 (iv) any office procedure involving nerves, veins, or arteries.

498 [~~(9)~~] (8) "Natural medicine" means any:

499 (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and

500 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance that is not

501 designated a prescription drug or controlled substance;

502 (b) over-the-counter medication;

503 (c) other nonprescription substance, the prescription or administration of which is not

504 otherwise prohibited or restricted under federal or state law; or

505 (d) prescription drug:

506 (i) the prescription of which is consistent with the competent practice of naturopathic

507 medicine;

508 (ii) that is not a controlled substance except for testosterone; and

509 (iii) that is not any of the following as determined by the federal Food and Drug

510 Administration's general drug category list:

511 (A) an anticoagulant for the management of a bleeding disorder;

512 (B) an anticonvulsant;

513 (C) an antineoplastic;

514 (D) an antipsychotic;

- 515 (E) a barbiturate;
- 516 (F) a cytotoxic;
- 517 (G) a sedative;
- 518 (H) a sleeping drug;
- 519 (I) a tranquilizer; or
- 520 (J) any drug category added after April 1, 2022, unless the division determines the drug
- 521 category to be consistent with the practice of naturopathic medicine under Section [58-71-203](#).

522 ~~[(10)]~~ (9) (a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted
523 by a naturopathic physician.

524 (b) "Naturopathic childbirth" includes the use of:

- 525 (i) natural medicines; and
- 526 (ii) uncomplicated episiotomy.

527 (c) "Naturopathic childbirth" does not include the use of:

- 528 (i) forceps delivery;
- 529 (ii) general or spinal anesthesia;
- 530 (iii) caesarean section delivery; or
- 531 (iv) induced labor or abortion.

532 ~~[(11)]~~ (10) (a) "Naturopathic mobilization therapy" means manually administering
533 mechanical treatment of body structures or tissues for the purpose of restoring normal
534 physiological function to the body by normalizing and balancing the musculoskeletal system of
535 the body;

536 (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of
537 the joints of the human body beyond the elastic barrier; and

538 (c) "Naturopathic mobilization therapy" does not include manipulation as used in Title
539 58, Chapter 73, Chiropractic Physician Practice Act.

540 ~~[(12)]~~ (11) (a) "Naturopathic physical medicine" means the use of the physical agents
541 of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the

542 physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light, ultrasound,
543 hydrotherapy, naturopathic mobilization therapy, and exercise.

544 (b) "Naturopathic physical medicine" does not include the practice of physical therapy
545 or physical rehabilitation.

546 ~~[(13)]~~ (12) "Practice of naturopathic medicine" means:

547 (a) a system of primary health care for the prevention, diagnosis, and treatment of
548 human health conditions, injuries, and diseases that uses education, natural medicines, and
549 natural therapies, to support and stimulate the patient's intrinsic self-healing processes by:

550 (i) using naturopathic childbirth, but only if:

551 (A) the licensee meets standards of the American College of Naturopathic
552 Obstetricians (ACNO) or ACNO's successor as determined by the division in collaboration
553 with the board; and

554 (B) the licensee follows a written plan for naturopathic physicians practicing
555 naturopathic childbirth approved by the division in collaboration with the board, which
556 includes entering into an agreement with a consulting physician and surgeon or osteopathic
557 physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and
558 specialty care and delivery is indicated, detailing the guidelines by which the naturopathic
559 physician will:

560 (I) refer patients to the consulting physician; and

561 (II) consult with the consulting physician;

562 (ii) using naturopathic mobilization therapy;

563 (iii) using naturopathic physical medicine;

564 (iv) using minor office procedures;

565 (v) prescribing or administering natural medicine;

566 (vi) prescribing medical equipment and devices, diagnosing by the use of medical
567 equipment and devices, and administering therapy or treatment by the use of medical devices
568 necessary and consistent with the competent practice of naturopathic medicine;

- 569 (vii) prescribing barrier devices for contraception;
- 570 (viii) using dietary therapy;
- 571 (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and
- 572 physiological function tests;
- 573 (x) taking of body fluids for clinical laboratory tests and using the results of the tests in
- 574 diagnosis;
- 575 (xi) taking of a history from and conducting of a physical examination upon a human
- 576 patient; and
- 577 (xii) administering local anesthesia during the performance of a minor office
- 578 procedure;
- 579 (b) to maintain an office or place of business for the purpose of doing any of the acts
- 580 described in Subsection [~~(13)~~(a)] (12)(a), whether or not for compensation; or
- 581 (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or
- 582 treatment of human diseases or conditions, in any printed material, stationery, letterhead,
- 583 envelopes, signs, or advertisements, the designation "naturopathic physician," "naturopathic
- 584 doctor," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy,"
- 585 "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care,"
- 586 "naturopathy," "N.D.," "N.M.D.," or any combination of these designations in any manner that
- 587 might cause a reasonable person to believe the individual using the designation is a licensed
- 588 naturopathic physician.
- 589 [~~(14)~~] (13) "Prescribe" means to issue a prescription:
- 590 (a) orally or in writing; or
- 591 (b) by telephone, facsimile transmission, computer, or other electronic means of
- 592 communication as defined by division rule.
- 593 [~~(15)~~] (14) "Prescription device" means an instrument, apparatus, implement, machine,
- 594 contrivance, implant, in vitro reagent, or other similar or related article, and any component
- 595 part or accessory, which is required under federal or state law to be prescribed by a practitioner

596 and dispensed by or through a person licensed under this chapter or exempt from licensure
597 under this chapter.

598 ~~[(16)]~~ (15) "Prescription drug" means a drug that is required by federal or state law or
599 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

600 ~~[(17)]~~ (16) "Unlawful conduct" means the same as that term is defined in Sections
601 [58-1-501](#) and [58-71-501](#).

602 ~~[(18)]~~ (17) "Unprofessional conduct" means the same as that term is defined in
603 Sections [58-1-501](#) and [58-71-502](#), and as may be further defined by division rule.

604 Section 12. Section **58-71-203** is amended to read:

605 **58-71-203. Drug category review.**

606 (1) As used in this section, "FDA" means the federal Food and Drug Administration.

607 (2) After April 1, 2022, if the FDA adds a new drug category to the FDA's general drug
608 category list, the division shall determine whether the drug category is consistent with the
609 practice of naturopathic medicine.

610 (3) To make the determination described in Subsection (2), the division shall consult
611 with~~[:]~~ the board described in Section [58-67-201](#).

612 ~~[(a) the board; and]~~

613 ~~[(b) the board described in Section [58-67-201](#).]~~

614 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
615 division shall make rules to implement this section.

616 Section 13. Section **58-71-302** is amended to read:

617 **58-71-302. Qualifications for licensure.**

618 (1) An applicant for licensure as a naturopathic physician, except as set forth in
619 Subsection (2), shall:

620 (a) submit an application in a form prescribed by the division, which may include:

621 (i) submissions by the applicant of information maintained by practitioner data banks,
622 as designated by division rule, with respect to the applicant; and

623 (ii) a record of professional liability claims made against the applicant and settlements
624 paid by or in behalf of the applicant;

625 (b) pay a fee determined by the department under Section 63J-1-504;

626 (c) provide satisfactory documentation of having successfully completed a program of
627 professional education preparing an individual as a naturopathic physician, as evidenced by
628 having received an earned degree of doctor of naturopathic medicine from:

629 (i) a naturopathic medical school or college accredited by the Council of Naturopathic
630 Medical Education or its successor organization approved by the division;

631 (ii) a naturopathic medical school or college that is a candidate for accreditation by the
632 Council of Naturopathic Medical Education or its successor organization, and is approved by
633 the division [~~in collaboration with the board~~], upon a finding there is reasonable expectation
634 the school or college will be accredited; or

635 (iii) a naturopathic medical school or college which, at the time of the applicant's
636 graduation, met current criteria for accreditation by the Council of Naturopathic Medical
637 Education or its successor organization approved by the division;

638 (d) provide satisfactory documentation of having successfully completed, after
639 successful completion of the education requirements set forth in Subsection (1)(c), 12 months
640 of clinical experience in naturopathic medicine in a residency program recognized by the
641 division and associated with an accredited school or college of naturopathic medicine, and
642 under the preceptorship of a licensed naturopathic physician, physician and surgeon, or
643 osteopathic physician;

644 (e) pass the licensing examination sequence required by division rule [~~established in~~
645 ~~collaboration with the board~~];

646 (f) be able to read, write, speak, understand, and be understood in the English language
647 and demonstrate proficiency to the satisfaction of the [~~board~~] division if requested by the
648 [~~board~~] division; and

649 (g) meet with [~~the board and~~] representatives of the division, if requested, for the

650 purpose of evaluating the applicant's qualifications for licensure.

651 (2) (a) In accordance with Subsection (2)(b), an applicant for licensure as a
652 naturopathic physician under the endorsement provision of Section 58-1-302 shall:

653 (i) meet the requirements of Section 58-1-302;

654 (ii) document having met all requirements for licensure under Subsection (1) except
655 the clinical experience requirement of Subsection (1)(d);

656 (iii) have passed the examination requirements established under Subsection (1)(e)
657 that:

658 (A) the applicant has not passed in connection with licensure in another state or
659 jurisdiction; and

660 (B) are available to the applicant to take without requiring additional professional
661 education;

662 (iv) have been actively engaged in the practice of a naturopathic physician for not less
663 than 6,000 hours during the five years immediately preceding the date of application for
664 licensure in Utah; and

665 (v) meet with [~~the board and~~] representatives of the division for the purpose of
666 evaluating the applicant's qualifications for licensure.

667 (b) The division may rely, either wholly or in part, on one or more credentialing
668 associations designated by division rule[~~, made in collaboration with the board,~~] to document
669 and certify in writing to the satisfaction of the division that an applicant has met each of the
670 requirements of this Subsection (2), including the requirements of Section 58-1-302, and that:

671 (i) the applicant holds a current license;

672 (ii) the education, experience, and examination requirements of the foreign country or
673 the state, district, or territory of the United States that issued the applicant's license are, or were
674 at the time the license was issued, equal to those of this state for licensure as a naturopathic
675 physician; and

676 (iii) the applicant has produced evidence satisfactory to the division of the applicant's

677 qualifications, identity, and good standing as a naturopathic physician.

678 Section 14. Section **58-71-304** is amended to read:

679 **58-71-304. License renewal requirements.**

680 (1) As a condition precedent for license renewal, each licensee shall, during each
681 two-year licensure cycle or other cycle defined by division rule, complete qualified continuing
682 professional education requirements in accordance with the number of hours and standards
683 defined by division rule [~~made in collaboration with the board~~].

684 (2) If a renewal period is extended or shortened under Section **58-71-303**, the
685 continuing education hours required for license renewal under this section are increased or
686 decreased proportionally.

687 Section 15. Section **58-71-304.2** is amended to read:

688 **58-71-304.2. Temporary license.**

689 (1) The division may issue a temporary license to an individual who:

690 (a) meets all qualifications for licensure except completion of the 12 month clinical
691 experience required under Section **58-71-302**; and

692 (b) presents a plan acceptable to the division [~~and the board~~] under which the applicant
693 will practice under the direct supervision of a licensed naturopathic physician, physician and
694 surgeon, or osteopathic physician, who supervises not more than three naturopathic physicians
695 in an approved clinical experience program.

696 (2) A temporary license issued under this section expires on the date the licensee
697 completes the clinical experience program, but not more than 18 months from the original date
698 of issue.

699 (3) A temporary license under this section may be issued only once to an individual.

700 Section 16. Section **58-71-601** is amended to read:

701 **58-71-601. Mentally incompetent or incapacitated naturopathic physician.**

702 (1) As used in this section:

703 (a) "Incapacitated person" means a person who is incapacitated, as defined in Section

704 75-1-201.

705 (b) "Mental illness" is as defined in Section 62A-15-602.

706 (2) If a court of competent jurisdiction determines a naturopathic physician is an
707 incapacitated person or that the physician has a mental illness and is unable to safely engage in
708 the practice of medicine, the director shall immediately suspend the license of the naturopathic
709 physician upon the entry of the judgment of the court, without further proceedings under Title
710 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the
711 court's ruling is pending. The director shall promptly notify the naturopathic physician, in
712 writing, of the suspension.

713 (3) (a) If the division [~~and a majority of the board find~~] finds reasonable cause to
714 believe a naturopathic physician, who is not determined judicially to be an incapacitated person
715 or to have a mental illness, is incapable of practicing medicine with reasonable skill regarding
716 the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any
717 mental or physical condition, [~~the board shall recommend that~~] the director shall file a petition
718 with the division, and cause the petition to be served upon the naturopathic physician with a
719 notice of hearing on the sole issue of the capacity of the naturopathic physician to competently
720 and safely engage in the practice of medicine.

721 (b) The hearing shall be conducted under Section 58-1-109, and Title 63G, Chapter 4,
722 Administrative Procedures Act, except as provided in Subsection (4).

723 (4) (a) Every naturopathic physician who accepts the privilege of being licensed under
724 this chapter gives consent to:

725 (i) submitting at the physician's own expense to an immediate mental or physical
726 examination when directed in writing by the division [~~and a majority of the board~~] to do so;
727 and

728 (ii) the admissibility of the reports of the examining physician's testimony or
729 examination, and waives all objections on the ground the reports constitute a privileged
730 communication.

731 (b) The examination may be ordered by the division~~[- with the consent of a majority of~~
732 ~~the board,]~~ only upon a finding of reasonable cause to believe:

733 (i) the naturopathic physician has a mental illness, is incapacitated, or otherwise unable
734 to practice medicine with reasonable skill and safety; and

735 (ii) immediate action by the division [~~and the board~~] is necessary to prevent harm to
736 the naturopathic physician's patients or the general public.

737 (c) (i) Failure of a naturopathic physician to submit to the examination ordered under
738 this section is a ground for the division's immediate suspension of the naturopathic physician's
739 license by written order of the director.

740 (ii) The division may enter the order of suspension without further compliance with
741 Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to
742 submit to the examination ordered under this section was due to circumstances beyond the
743 control of the naturopathic physician and was not related directly to the illness or incapacity of
744 the naturopathic physician.

745 (5) (a) A naturopathic physician whose license is suspended under Subsection (2) or
746 (3) has the right to a hearing to appeal the suspension within 10 days after the license is
747 suspended.

748 (b) The hearing held under this subsection shall be conducted in accordance with
749 Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists
750 for the continuance of the order of suspension in order to prevent harm to the naturopathic
751 physician's patients or the general public.

752 (6) A naturopathic physician whose license is revoked, suspended, or in any way
753 restricted under this section may request the division [~~and the board~~] to consider, at reasonable
754 intervals, evidence presented by the naturopathic physician, under procedures established by
755 division rule, regarding any change in the naturopathic physician's condition, to determine
756 whether:

757 (a) the physician is or is not able to safely and competently engage in the practice of

758 medicine; and

759 (b) the physician is qualified to have the physician's license to practice under this
760 chapter restored completely or in part.

761 Section 17. Section **58-71-802** is amended to read:

762 **58-71-802. Form of practice.**

763 (1) A naturopathic physician licensed under this chapter may engage in practice as a
764 naturopathic physician, or in the practice of naturopathic medicine only as an individual
765 licensee; but as an individual licensee, ~~he~~ the naturopathic physician may be:

- 766 (a) an individual operating as a business proprietor;
- 767 (b) an employee of another person;
- 768 (c) a partner in a lawfully organized partnership;
- 769 (d) a lawfully formed professional corporation;
- 770 (e) a lawfully organized limited liability company;
- 771 (f) a lawfully organized business corporation; or
- 772 (g) any other form of organization recognized by the state which is not prohibited by
773 rule adopted by division rules ~~[made in collaboration with the board]~~.

774 (2) Regardless of the form in which a licensee engages in the practice of medicine, the
775 licensee may only permit the practice of medicine in that form of practice to be conducted by
776 an individual:

- 777 (a) licensed in Utah as a naturopathic physician under Section **58-71-301**, a physician
778 and surgeon, or as an osteopathic physician and surgeon; and
- 779 (b) who is able to lawfully and competently engage in the practice of medicine.

780 Section 18. Section **58-71-803** is amended to read:

781 **58-71-803. Medical records -- Electronic records.**

- 782 (1) Medical records maintained by a licensee shall:
 - 783 (a) meet the standards and ethics of the profession; and
 - 784 (b) be maintained in accordance with division rules ~~[made in collaboration with the~~

785 board].

786 (2) Medical records under this section may be maintained by an electronic means if the
787 records comply with Subsection (1).

788 Section 19. Section **58-75-102** is amended to read:

789 **58-75-102. Definitions.**

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

791 [~~(1) "Board" means the Genetic Counselors Licensing Board created in Section~~
792 ~~58-75-201.~~]

793 [~~(2)~~] (1) "Genetic counselor" means a person licensed under this chapter to engage in
794 the practice of genetic counseling.

795 [~~(3)~~] (2) "Practice of genetic counseling" means the communication process which
796 deals with the human problems associated with the occurrence, or the risk of occurrence, of a
797 genetic disorder in a family, including the provision of services to help an individual or family:

798 (a) comprehend the medical facts, including the diagnosis, probable cause of the
799 disorder, and the available management;

800 (b) appreciate the way heredity contributes to the disorder and the risk of occurrence in
801 specified relatives;

802 (c) understand the alternatives for dealing with the risk of occurrence;

803 (d) choose the course of action which seems appropriate to them in view of their risk,
804 their family goals, and their ethical and religious standards, and to act in accordance with that
805 decision; and

806 (e) make the best possible psychosocial adjustment to the disorder in an affected family
807 member or to the risk of occurrence of that disorder.

808 [~~(4)~~] (3) "Unlawful conduct" is as defined in Sections **58-1-501** and **58-75-501**.

809 [~~(5)~~] (4) "Unprofessional conduct" is as defined in Sections **58-1-501** and **58-75-502**

810 and as may be further defined by rule by the division in accordance with Title 63G, Chapter 3,
811 Utah Administrative Rulemaking Act.

812 Section 20. Section **58-75-303** is amended to read:

813 **58-75-303. Term of license -- Expiration -- Renewal.**

814 (1) The division shall issue each license under this chapter in accordance with a
815 two-year renewal cycle established by rule. The division may by rule extend or shorten a
816 renewal cycle by as much as one year to stagger the renewal cycles it administers.

817 (2) Each licensee shall, at the time of applying for renewal, demonstrate compliance
818 with continuing education requirements established by rule by the division [~~in collaboration~~
819 ~~with the board~~].

820 (3) Each license automatically expires on the expiration date shown on the license
821 unless the licensee renews it in accordance with Section **58-1-308**.

822 Section 21. Section **58-77-102** is amended to read:

823 **58-77-102. Definitions.**

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

825 [~~(1) "Board" means the Licensed Direct-entry Midwife Board created in Section~~
826 ~~58-77-201.~~]

827 [~~(2)~~] (1) "Certified nurse-midwife" means a person licensed under Title 58, Chapter
828 44a, Nurse Midwife Practice Act.

829 [~~(3)~~] (2) "Client" means a woman and her fetus or newborn baby under the care of a
830 direct-entry midwife.

831 [~~(4)~~] (3) "Direct-entry midwife" means an individual who is engaging in the practice of
832 direct-entry midwifery.

833 [~~(5)~~] (4) "Licensed direct-entry midwife" means a person licensed under this chapter.

834 [~~(6)~~] (5) "Low risk" means a labor and delivery and postpartum, newborn, and
835 interconceptual care that does not include a condition that requires a mandatory transfer under
836 administrative rules adopted by the division.

837 [~~(7)~~] (6) "Physician" means an individual licensed as a physician and surgeon,
838 osteopathic physician, or naturopathic physician.

839 ~~[(8)]~~ (7) "Practice of direct-entry midwifery" means the practice of providing the
840 necessary supervision, care, and advice to a client during essentially normal pregnancy, labor,
841 delivery, postpartum, and newborn periods that is consistent with national professional
842 midwifery standards and that is based upon the acquisition of clinical skills necessary for the
843 care of a pregnant woman and a newborn baby, including antepartum, intrapartum, postpartum,
844 newborn, and limited interconceptual care, and includes:

- 845 (a) obtaining an informed consent to provide services;
- 846 (b) obtaining a health history, including a physical examination;
- 847 (c) developing a plan of care for a client;
- 848 (d) evaluating the results of client care;
- 849 (e) consulting and collaborating with and referring and transferring care to licensed
850 health care professionals, as is appropriate, regarding the care of a client;
- 851 (f) obtaining medications, as specified in this Subsection ~~[(8)(f)]~~ (7)(f), to administer to
852 a client, including:
 - 853 (i) prescription vitamins;
 - 854 (ii) Rho D immunoglobulin;
 - 855 (iii) sterile water;
 - 856 (iv) one dose of intramuscular oxytocin after the delivery of a baby to minimize a
857 client's blood loss;
 - 858 (v) an additional single dose of oxytocin if a hemorrhage occurs, in which case the
859 licensed direct-entry midwife must initiate transfer if a client's condition does not immediately
860 improve;
 - 861 (vi) oxygen;
 - 862 (vii) local anesthetics without epinephrine used in accordance with Subsection ~~[(8)(f)]~~
863 (7)(l);
 - 864 (viii) vitamin K to prevent hemorrhagic disease of a newborn baby;
 - 865 (ix) as required by law, eye prophylaxis to prevent ophthalmia neonatorum; and

866 (x) any other medication approved by a licensed health care provider with authority to
867 prescribe that medication;

868 (g) obtaining food, food extracts, dietary supplements, as defined by the federal Food,
869 Drug, and Cosmetic Act, homeopathic remedies, plant substances that are not designated as
870 prescription drugs or controlled substances, and over-the-counter medications to administer to
871 clients;

872 (h) obtaining and using appropriate equipment and devices such as a Doppler, a blood
873 pressure cuff, phlebotomy supplies, instruments, and sutures;

874 (i) obtaining appropriate screening and testing, including laboratory tests, urinalysis,
875 and ultrasound scans;

876 (j) managing the antepartum period;

877 (k) managing the intrapartum period, including:

878 (i) monitoring and evaluating the condition of a mother and a fetus;

879 (ii) performing an emergency episiotomy; and

880 (iii) delivering a baby in any out-of-hospital setting;

881 (l) managing the postpartum period, including the suturing of an episiotomy and the
882 suturing of first and second degree natural perineal and labial lacerations, including the
883 administration of a local anesthetic;

884 (m) managing the newborn period, including:

885 (i) providing care for a newborn baby, including performing a normal newborn baby
886 examination; and

887 (ii) resuscitating a newborn baby;

888 (n) providing limited interconceptual services in order to provide continuity of care,
889 including:

890 (i) breastfeeding support and counseling;

891 (ii) family planning, limited to natural family planning, cervical caps, and diaphragms;

892 and

893 (iii) pap smears, where each client with an abnormal result is to be referred to an
894 appropriate licensed health care provider; and

895 (o) executing the orders of a licensed health care professional, if the orders are within
896 the education, knowledge, and skill of the direct-entry midwife.

897 ~~[(9)]~~ (8) "Unlawful conduct" means the same as that term is defined in Sections
898 58-1-501 and 58-77-501.

899 ~~[(10)]~~ (9) "Unprofessional conduct" means the same as that term is defined in Sections
900 58-1-501 and 58-77-502 and as may be further defined by rule.

901 Section 22. Section 58-77-302 is amended to read:

902 **58-77-302. Qualifications for licensure.**

903 Each applicant for licensure as a licensed direct-entry midwife shall:

904 (1) submit an application in a form prescribed by the division;

905 (2) pay a fee as determined by the department under Section 63J-1-504;

906 (3) hold a Certified Professional Midwife certificate in good standing with the North
907 American Registry of Midwives or equivalent certification approved by the division [~~in~~
908 ~~collaboration with the board~~];

909 (4) hold current adult and infant CPR and newborn resuscitation certifications through
910 an organization approved by the division [~~in collaboration with the board~~]; and

911 (5) provide documentation of successful completion of an approved pharmacology
912 course as defined by division rule.

913 Section 23. Section 58-83-102 is amended to read:

914 **58-83-102. Definitions.**

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

916 ~~[(1) "Board" means the Online Prescribing, Dispensing, and Facilitation Licensing~~
917 ~~Board created in Section 58-83-201.]~~

918 ~~[(2)]~~ (1) "Branching questionnaire" means an adaptive and progressive assessment tool
919 [~~approved by the board~~].

920 ~~[(3)]~~ (2) "Delivery of online pharmaceutical services" means the process in which a
921 prescribing practitioner diagnoses a patient and prescribes one or more of the drugs authorized
922 by Section [58-83-306](#), using:

923 (a) a branching questionnaire or other assessment tool approved by the division for the
924 purpose of diagnosing and assessing a patient's health status;

925 (b) an Internet contract pharmacy to:

926 (i) dispense the prescribed drug; or

927 (ii) transfer the prescription to another pharmacy; and

928 (c) an Internet facilitator to facilitate the practices described in Subsections ~~[(3)(a) and~~
929 ~~(b)]~~ (2)(a) and (b).

930 ~~[(4)]~~ (3) "Division" means the Division of Professional Licensing.

931 ~~[(5)]~~ (4) "Internet facilitator" means a licensed provider of a web-based system for
932 electronic communication between and among an online prescriber, the online prescriber's
933 patient, and the online contract pharmacy.

934 ~~[(6)]~~ (5) "Online contract pharmacy" means a pharmacy licensed and in good standing
935 under Chapter 17b, Pharmacy Practice Act, as either a Class A Retail Pharmacy or a Class B
936 Closed Door Pharmacy and licensed under this chapter to fulfill prescriptions issued by an
937 online prescriber through a specific Internet facilitator.

938 ~~[(7)]~~ (6) "Online prescriber" means a person:

939 (a) licensed under another chapter of this title;

940 (b) whose license under another chapter of this title includes assessing, diagnosing, and
941 prescribing authority for humans; and

942 (c) who has obtained a license under this chapter to engage in online prescribing.

943 ~~[(8)]~~ (7) "Unlawful conduct" is as defined in Sections [58-1-501](#) and [58-83-501](#).

944 ~~[(9)]~~ (8) "Unprofessional conduct" is as defined in Sections [58-1-203](#) and [58-83-502](#),

945 and as further defined by the division in accordance with Title 63G, Chapter 3, Utah

946 Administrative Rulemaking Act.

947 Section 24. Section **58-83-302** is amended to read:

948 **58-83-302. Qualifications for licensure.**

949 (1) Each applicant for licensure as an online prescriber under this chapter shall:

950 (a) submit an application in a form prescribed by the division;

951 (b) pay a fee determined by the department under Section [63J-1-504](#);

952 (c) document that the applicant holds a Utah license that is active and in good standing
953 and authorizes the licensee to engage in the assessment, diagnosis, and treatment of human
954 ailments and the prescription of medications;

955 (d) document that any other professional license the applicant possesses from other
956 jurisdictions is in good standing;

957 (e) (i) submit to the division an outline of the applicant's proposed online assessment,
958 diagnosis, and prescribing tool, such as a branching questionnaire; and

959 (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the
960 ~~[board]~~ division and establish to the ~~[board's]~~ division's satisfaction that the utilization of that
961 assessment tool to facilitate the prescription of the drugs approved for online prescribing under
962 Section [58-83-305](#) does not compromise the public's health, safety, or welfare;

963 (f) submit policies and procedures that address patient confidentiality, including
964 measures that will be taken to ensure that the age and other identifying information of the
965 person completing the online branching questionnaire are accurate;

966 (g) describe the mechanism by which the online prescriber and patient will
967 communicate with one another, including electronic and telephonic communication;

968 (h) describe how the online prescriber/patient relationship will be established and
969 maintained;

970 (i) submit the name, address, and contact person of the Internet facilitator with whom
971 the online prescriber has contracted to provide services that the online prescriber will use to
972 engage in online assessment, diagnosis, and prescribing; and

973 (j) submit documentation satisfactory to the ~~[board]~~ division regarding public health,

974 safety, and welfare demonstrating:

975 (i) how the online prescriber will comply with the requirements of Section 58-83-305;

976 (ii) the contractual services arrangement between the online prescriber and:

977 (A) the Internet facilitator; and

978 (B) the online contract pharmacy; and

979 (iii) how the online prescriber will allow and facilitate the division's ability to conduct
980 audits in accordance with Section 58-83-308.

981 (2) An online prescriber may not use the services of an Internet facilitator or online
982 contract pharmacy whose license is not active and in good standing.

983 (3) Each applicant for licensure as an online contract pharmacy under this chapter
984 shall:

985 (a) be licensed in good standing in Utah as a Class A Retail Pharmacy or a Class B
986 Closed Door Pharmacy;

987 (b) submit a written application in the form prescribed by the division;

988 (c) pay a fee as determined by the department under Section 63J-1-504;

989 (d) submit any contract between the applicant and the Internet facilitator with which
990 the applicant is or will be affiliated;

991 (e) submit proof of liability insurance acceptable to the division that expressly covers
992 all activities the online contract pharmacy will engage in under this chapter, which coverage
993 shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than
994 \$3,000,000;

995 (f) submit a signed affidavit to the division attesting that the online contract pharmacy
996 will not dispense a drug that is prescribed by an online prescriber engaged in the delivery of
997 online pharmaceutical services under the provisions of this chapter unless:

998 (i) the drug is specifically approved by the division under Section 58-83-306; and

999 (ii) both the prescribing and the dispensing of the drug were facilitated by the Internet
1000 facilitator with whom the Internet contract pharmacy is associated under Subsection (3)(d);

1001 (g) document that any other professional license the applicant possesses from other
1002 jurisdictions is active and in good standing; and

1003 (h) demonstrate to the division that the applicant has satisfied any background check
1004 required by Section 58-17b-307, and each owner, officer, or manager of the applicant online
1005 contract pharmacy has not engaged in any act, practice, or omission, which when considered
1006 with the duties and responsibilities of a licensee under this chapter indicates there is cause to
1007 believe that issuing a license under this chapter is inconsistent with the public's health, safety,
1008 or welfare.

1009 (4) Each applicant for licensure as an Internet facilitator under this chapter shall:

1010 (a) submit a written application in the form prescribed by the division;

1011 (b) pay a fee as determined by the department under Section 63J-1-504;

1012 (c) submit any contract between the applicant and the following with which the
1013 applicant will be affiliated:

1014 (i) each online prescriber; and

1015 (ii) the single online contract pharmacy;

1016 (d) submit written policies and procedures satisfactory to the division that:

1017 (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and
1018 164, Health Insurance Portability and Accountability Act of 1996;

1019 (ii) ensure compliance with all applicable laws by health care personnel and the online
1020 prescriber who will process patient communications;

1021 (iii) list the hours of operation;

1022 (iv) describe the types of services that will be permitted electronically;

1023 (v) describe the required patient information to be included in the communication, such
1024 as patient name, identification number, and type of transaction;

1025 (vi) establish procedures for archiving and retrieving information; and

1026 (vii) establish quality oversight mechanisms;

1027 (e) submit written documentation of the applicant's security measures to ensure the

- 1028 confidentiality and integrity of any user-identifiable medical information;
- 1029 (f) submit a description of the mechanism for:
- 1030 (i) patients to access, supplement, and amend patient-provided personal health
- 1031 information;
- 1032 (ii) back-up regarding the Internet facilitator electronic interface;
- 1033 (iii) the quality of information and services provided via the interface; and
- 1034 (iv) patients to register complaints regarding the Internet facilitator, the online
- 1035 prescriber, or the online contract pharmacy;
- 1036 (g) submit a copy of the Internet facilitator's website;
- 1037 (h) sign an affidavit attesting that:
- 1038 (i) the applicant will not access any medical records or information contained in the
- 1039 medical record except as necessary to administer the website and the branching questionnaire;
- 1040 and
- 1041 (ii) the applicant and its principals, and any entities affiliated with them, will only use
- 1042 the services of a single online contract pharmacy named on the license approved by the
- 1043 division; and
- 1044 (i) submit any other information required by the division.
- 1045 Section 25. Section **58-83-401** is amended to read:
- 1046 **58-83-401. Grounds for denial of license -- Disciplinary proceedings --**
- 1047 **Termination of authority to prescribe -- Immediate and significant danger.**
- 1048 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the
- 1049 license of a licensee, for revoking, suspending, restricting, or placing on probation the license
- 1050 of a licensee, for issuing a public reprimand to a licensee, and for issuing a cease and desist
- 1051 order:
- 1052 (a) shall be in accordance with Section **58-1-401**; and
- 1053 (b) includes:
- 1054 (i) prescribing, dispensing, or facilitating the prescribing or dispensing of a drug not

1055 approved by the [board] division under Section 58-83-306; or

1056 (ii) any other violation of this chapter.

1057 (2) The termination or expiration of a license under this chapter for any reason does not
1058 limit the division's authority to start or continue any investigation or adjudicative proceeding.

1059 (3) (a) Because of the working business relationship between and among the online
1060 prescriber, the Internet facilitator, and the online contract pharmacy, each entity's ability to
1061 comply with this chapter may depend in some respects on the actions of the others.

1062 (b) It is possible that a particular action or inaction by the online prescriber, the Internet
1063 facilitator, or the online contract pharmacy could have the effect of causing the other licensed
1064 entities to be out of compliance with this chapter, and each entity may, therefore, be held
1065 accountable for any related party's non-compliance, if the party knew or reasonably should
1066 have known of the other person's non-compliance.

1067 (4) (a) An online prescriber may lose the practitioner's professional license to prescribe
1068 any drug under this title if the online prescriber knew or reasonably should have known that the
1069 provisions of this chapter were violated by the online prescriber, the Internet facilitator, or the
1070 online contract pharmacy.

1071 (b) It is not a defense to an alleged violation under this chapter that the alleged
1072 violation was a result of an action or inaction not by the charged party but by the related online
1073 prescriber, the online contract pharmacy, or the Internet facilitator.

1074 (5) The following actions may result in an immediate suspension of the online
1075 prescriber's license, the online contract pharmacy's license, or the Internet facilitator's license,
1076 and each is considered an immediate and significant danger to the public health, safety, or
1077 welfare requiring immediate action by the division pursuant to Section 63G-4-502 to terminate
1078 the delivery of online pharmaceutical services by the licensee:

1079 (a) online prescribing, dispensing, or facilitation with respect to:

1080 (i) a person who is younger than 18 years old;

1081 (ii) a legend drug not authorized by the division in accordance with Section 58-83-306;

- 1082 and
- 1083 (iii) any controlled substance;
- 1084 (b) violating this chapter after having been given reasonable opportunity to cure the
- 1085 violation;
- 1086 (c) using the name or official seal of the state, the department, or the division, or their
- 1087 boards, in an unauthorized manner; or
- 1088 (d) failing to respond to a request from the division within the time frame requested
- 1089 for:
- 1090 (i) an audit of the website; or
- 1091 (ii) records of the online prescriber, the Internet facilitator, or the online contract
- 1092 pharmacy.

1093 Section 26. Section **63A-16-107** is amended to read:

1094 **63A-16-107. Utah Open Data Portal Website.**

1095 (1) As used in this section:

1096 (a) "Governmental entity" means the same as that term is defined in Section

1097 [63G-2-103](#).

1098 (b) "Public information" means:

1099 (i) a record of a state governmental entity, a local governmental entity, or an

1100 independent entity that is classified as public under Title 63G, Chapter 2, Government Records

1101 Access and Management Act; or

1102 (ii) subject to any specific limitations and requirements regarding the provision of

1103 financial information from the entity under Section [67-3-12](#), for an entity that is exempt from

1104 Title 63G, Chapter 2, Government Records Access and Management Act, records that would

1105 normally be classified as public if the entity were not exempt from Title 63G, Chapter 2,

1106 Government Records Access and Management Act.

1107 (c) "Private, controlled, or protected information" means information classified as

1108 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and

1109 Management Act.

1110 (d) "Website" means the Utah Open Data Portal Website created in this section.

1111 (2) There is created the Utah Open Data Portal Website to be administered by the
1112 division.

1113 (3) The website shall serve as a point of access for public information.

1114 (4) The division shall:

1115 (a) establish and maintain the website~~[, guided by the principles described in~~
1116 ~~Subsection 63A-18-202(2)]~~;

1117 (b) provide equipment, resources, and personnel as needed to establish and maintain
1118 the website;

1119 (c) provide a mechanism for a governmental entity to gain access to the website for the
1120 purpose of posting and modifying public information; and

1121 (d) maintain an archive of all public information posted to the website.

1122 (5) The timing for posting and the content of the public information posted to the
1123 website is the responsibility of the governmental entity posting the public information.

1124 (6) A governmental entity may not post private, controlled, or protected information to
1125 the website.

1126 (7) A person who negligently discloses private, controlled, or protected information is
1127 not criminally or civilly liable for improper disclosure of the information if the information is
1128 disclosed solely as a result of the preparation or publication of the website.

1129 Section 27. Section **63I-1-226** is amended to read:

1130 **63I-1-226. Repeal dates: Titles 26 through 26B.**

1131 [~~(1) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed~~
1132 ~~July 1, 2025.~~]

1133 [~~(2) Section 26-1-40 is repealed July 1, 2022.~~]

1134 [~~(3)~~] (1) Section 26-1-41 is repealed July 1, 2026.

1135 [~~(4)~~] (2) Section 26-1-43 is repealed December 31, 2025.

- 1136 [~~(5)~~] (3) Section 26-7-10 is repealed July 1, 2025.
- 1137 [~~(6)~~] (4) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
1138 2028.
- 1139 [~~(7)~~] (5) Section 26-7-14 is repealed December 31, 2027.
- 1140 [~~(8)~~] (6) Section 26-8a-603 is repealed July 1, 2027.
- 1141 [~~(9)~~] (7) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
1142 July 1, 2025.
- 1143 [~~(10)~~] (8) Subsection 26-10-6(5), which creates the Newborn Hearing Screening
1144 Committee, is repealed July 1, 2026.
- 1145 [~~(11)~~] (9) Section 26-10b-106, which creates the Primary Care Grant Committee, is
1146 repealed July 1, 2025.
- 1147 [~~(12)~~] Subsection 26-15c-104(3), relating to a limitation on the number of
1148 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.]
- 1149 [~~(13)~~] (10) Subsection 26-18-2.6(9), which addresses reimbursement for dental
1150 hygienists, is repealed July 1, 2028.
- 1151 [~~(14)~~] (11) Section 26-18-27 is repealed July 1, 2025.
- 1152 [~~(15)~~] (12) Section 26-18-28 is repealed June 30, 2027.
- 1153 [~~(16)~~] (13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
1154 July 1, 2027.
- 1155 [~~(17)~~] (14) Subsection 26-18-418(2), the language that states "and the Behavioral
1156 Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 1157 [~~(18)~~] (15) Section 26-33a-117 is repealed December 31, 2023.
- 1158 [~~(19)~~] (16) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
1159 2024.
- 1160 [~~(20)~~] (17) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July
1161 1, 2024.
- 1162 [~~(21)~~] (18) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is

- 1163 repealed July 1, 2024.
- 1164 ~~[(22)]~~ (19) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
1165 1, 2024.
- 1166 ~~[(23)]~~ Section ~~26-39-201~~, which creates the Residential Child Care Licensing Advisory
1167 Committee, is repealed July 1, 2024.]
- 1168 ~~[(24)]~~ (20) Section ~~26-39-405~~, Drinking water quality in child care centers, is repealed
1169 July 1, 2027.
- 1170 ~~[(25)]~~ (21) Section ~~26-40-104~~, which creates the Utah Children's Health Insurance
1171 Program Advisory Council, is repealed July 1, 2025.
- 1172 ~~[(26)]~~ (22) Section ~~26-50-202~~, which creates the Traumatic Brain Injury Advisory
1173 Committee, is repealed July 1, 2025.
- 1174 ~~[(27)]~~ (23) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
1175 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 1176 ~~[(28)]~~ (24) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
1177 July 1, 2026.
- 1178 ~~[(29)]~~ (25) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
1179 1, 2024.
- 1180 ~~[(30)]~~ (26) Section ~~26-69-406~~ is repealed July 1, 2025.
- 1181 ~~[(31)]~~ Subsection ~~26B-1-204(2)(i)~~, related to the Residential Child Care Licensing
1182 Advisory Committee, is repealed July 1, 2024.]
- 1183 ~~[(32)]~~ (27) Subsection [~~26B-1-204(2)(k)~~] ~~26B-1-204(2)(i)~~, related to the Primary Care
1184 Grant Committee, is repealed July 1, 2025.
- 1185 Section 28. Section **63I-1-263** is amended to read:
- 1186 **63I-1-263. Repeal dates: Titles 63A through 63N.**
- 1187 (1) Subsection ~~63A-5b-405(5)~~, relating to prioritizing and allocating capital
1188 improvement funding, is repealed July 1, 2024.
- 1189 (2) Section ~~63A-5b-1003~~, State Facility Energy Efficiency Fund, is repealed July 1,

1190 2023.

1191 (3) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review

1192 Committee, are repealed July 1, 2023.

1193 [~~(4)~~ In relation to the Utah Transparency Advisory Board, on January 1, 2025:]

1194 [~~(a)~~ Section [63A-18-102](#) is repealed;]

1195 [~~(b)~~ Section [63A-18-201](#) is repealed; and]

1196 [~~(c)~~ Section [63A-18-202](#) is repealed.]

1197 [~~(5)~~ (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed

1198 July 1, 2028.

1199 [~~(6)~~ (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,

1200 2025.

1201 [~~(7)~~ (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed

1202 July 1, 2024.

1203 [~~(8)~~ (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act,

1204 is repealed July 1, 2023.

1205 [~~(9)~~ (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is

1206 repealed July 1, 2023.

1207 [~~(10)~~ (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council,

1208 is repealed July 1, 2026.

1209 [~~(11)~~ (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.

1210 [~~(12)~~ (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1,

1211 2026.

1212 [~~(13)~~ (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with

1213 Disabilities Advisory Board, is repealed July 1, 2026.

1214 [~~(14)~~ (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed

1215 July 1, 2028.

1216 [~~(15)~~ (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed

1217 July 1, 2024.

1218 ~~[(16)]~~ (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,

1219 2026.

1220 ~~[(17)]~~ (16) Subsection [63J-1-602.1](#)(17), relating to the Nurse Home Visiting Restricted

1221 Account, is repealed July 1, 2026.

1222 ~~[(18)]~~ (17) Subsection [63J-1-602.2](#)(6), referring to dedicated credits to the Utah

1223 Marriage Commission, is repealed July 1, 2023.

1224 ~~[(19) Subsection [63J-1-602.2](#)(7), referring to the Trip Reduction Program, is repealed~~

1225 ~~July 1, 2022.]~~

1226 ~~[(20)]~~ (18) Subsection [63J-1-602.2](#)(26), related to the Utah Seismic Safety

1227 Commission, is repealed January 1, 2025.

1228 ~~[(21)]~~ (19) Title 63L, Chapter 11, Part 4, Resource Development Coordinating

1229 Committee, is repealed July 1, 2027.

1230 ~~[(22)]~~ (20) In relation to the Utah Substance Use and Mental Health Advisory Council,

1231 on January 1, 2033:

1232 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are

1233 repealed;

1234 (b) Section [63M-7-305](#), the language that states "council" is replaced with

1235 "commission";

1236 (c) Subsection [63M-7-305](#)(1)(a) is repealed and replaced with:

1237 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

1238 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:

1239 "(2) The commission shall:

1240 (a) provide ongoing oversight of the implementation, functions, and evaluation of the

1241 Drug-Related Offenses Reform Act; and

1242 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in

1243 Subsections [77-18-103](#)(2)(c) and (d).".

- 1244 [~~(23)~~] (21) The Crime Victim Reparations and Assistance Board, created in Section
1245 [63M-7-504](#), is repealed July 1, 2027.
- 1246 [~~(24)~~] (22) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
1247 2026.
- 1248 [~~(25)~~] (23) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
1249 repealed January 1, 2025.
- 1250 [~~(26)~~] (24) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 1251 [~~(27)~~] (25) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
1252 July 1, 2028.
- 1253 [~~(28)~~] (26) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
1254 repealed July 1, 2027.
- 1255 [~~(29)~~] (27) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
1256 Program, is repealed July 1, 2025.
- 1257 [~~(30)~~] (28) In relation to the Rural Employment Expansion Program, on July 1, 2023:
1258 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
1259 and
- 1260 (b) Subsection [63N-4-805](#)(5)(b), referring to the Rural Employment Expansion
1261 Program, is repealed.
- 1262 [~~(31)~~] (29) In relation to the Board of Tourism Development, on July 1, 2025:
1263 (a) Subsection [63N-2-511](#)(1)(b), which defines "tourism board," is repealed;
1264 (b) Subsections [63N-2-511](#)(3)(a) and (5), the language that states "tourism board" is
1265 repealed and replaced with "Utah Office of Tourism";
- 1266 (c) Subsection [63N-7-101](#)(1), which defines "board," is repealed;
1267 (d) Subsection [63N-7-102](#)(3)(c), which requires the Utah Office of Tourism to receive
1268 approval from the Board of Tourism Development, is repealed; and
- 1269 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.
- 1270 [~~(32)~~] (30) Subsection [63N-8-103](#)(3)(c), which allows the Governor's Office of

1271 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
1272 is repealed on July 1, 2024.

1273 Section 29. Section **63I-2-226** is amended to read:

1274 **63I-2-226. Repeal dates: Titles 26 through 26B.**

1275 [~~(1)~~ Subsection ~~26-2-12.6(3)~~, relating to the report for birth certificate fees, is repealed
1276 ~~December 31, 2022.~~]

1277 [~~(2)~~ (1) Subsection ~~26-7-8(3)~~ is repealed January 1, 2027.

1278 [~~(3)~~ (2) Section ~~26-8a-107~~ is repealed July 1, 2024.

1279 [~~(4)~~ Subsection ~~26-8a-203(3)(a)(i)~~ is repealed January 1, 2023.]

1280 [~~(5)~~ (3) Section ~~26-8a-211~~ is repealed July 1, 2023.

1281 [~~(6)~~ (4) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
1282 ~~26-8a-602(1)(a)~~ is amended to read:

1283 "(a) provide the patient or the patient's representative with the following information
1284 before contacting an air medical transport provider:

1285 (i) which health insurers in the state the air medical transport provider contracts with;

1286 (ii) if sufficient data is available, the average charge for air medical transport services
1287 for a patient who is uninsured or out of network; and

1288 (iii) whether the air medical transport provider balance bills a patient for any charge not
1289 paid by the patient's health insurer; and".

1290 [~~(7)~~ Subsection ~~26-18-2.4(3)(c)~~ is repealed January 1, 2023.]

1291 [~~(8)~~ Subsection ~~26-18-411(8)~~, related to reporting on the health coverage improvement
1292 program, is repealed January 1, 2023.]

1293 [~~(9)~~ (5) Subsection ~~26-18-420(5)~~, related to reporting on coverage for in vitro
1294 fertilization and genetic testing, is repealed July 1, 2030.

1295 [~~(10)~~ (6) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
1296 ~~26-21-32(1)(a)~~ is amended to read:

1297 "(a) provide the patient or the patient's representative with the following information

1298 before contacting an air medical transport provider:

1299 (i) which health insurers in the state the air medical transport provider contracts with;

1300 (ii) if sufficient data is available, the average charge for air medical transport services

1301 for a patient who is uninsured or out of network; and

1302 (iii) whether the air medical transport provider balance bills a patient for any charge not
1303 paid by the patient's health insurer; and".

1304 [~~(11) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.~~]

1305 [~~(12)~~] (7) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
1306 Program, is repealed July 1, 2027.

1307 [~~(13) Subsection 26-61-202(4)(b) is repealed January 1, 2022.~~]

1308 [~~(14) Subsection 26-61-202(5) is repealed January 1, 2022.~~]

1309 [~~(15)~~] (8) Subsection [~~26B-1-204(2)(f)~~] 26B-1-204(2)(e), relating to the Air
1310 Ambulance Committee, is repealed July 1, 2024.

1311 Section 30. Section **67-1-2.5** is amended to read:

1312 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

1313 (1) As used in this section:

1314 (a) "Administrator" means the boards and commissions administrator designated under
1315 Subsection (3).

1316 (b) "Executive board" means an executive branch board, commission, council,
1317 committee, working group, task force, study group, advisory group, or other body:

1318 (i) with a defined limited membership;

1319 (ii) that is created by the constitution, by statute, by executive order, by the governor,
1320 lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a
1321 department, division, or other administrative subunit of the executive branch of state
1322 government; and

1323 (iii) that is created to operate for more than six months.

1324 (2) (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year

1325 following the year in which a new executive board is created in statute, the governor shall:

1326 (i) review the executive board to evaluate:

1327 (A) whether the executive board accomplishes a substantial governmental interest; and

1328 (B) whether it is necessary for the executive board to remain in statute;

1329 (ii) in the governor's review described in Subsection (2)(a)(i), consider:

1330 (A) the funding required for the executive board;

1331 (B) the staffing resources required for the executive board;

1332 (C) the time members of the executive board are required to commit to serve on the

1333 executive board; and

1334 (D) whether the responsibilities of the executive board could reasonably be

1335 accomplished through an existing entity or without statutory direction; and

1336 (iii) submit a report to the Government Operations Interim Committee recommending

1337 that the Legislature:

1338 (A) repeal the executive board;

1339 (B) add a sunset provision or future repeal date to the executive board;

1340 (C) make other changes to make the executive board more efficient; or

1341 (D) make no changes to the executive board.

1342 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give

1343 deference to:

1344 (i) reducing the size of government; and

1345 (ii) making governmental programs more efficient and effective.

1346 (c) The governor is not required to conduct the review or submit the report described in

1347 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1,

1348 Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.

1349 (3) (a) The governor shall designate a board and commissions administrator from the

1350 governor's staff to maintain a computerized database containing information about all

1351 executive boards.

- 1352 (b) The administrator shall ensure that the database contains:
- 1353 (i) the name of each executive board;
- 1354 (ii) the current statutory or constitutional authority for the creation of the executive
- 1355 board;
- 1356 (iii) the sunset date on which each executive board's statutory authority expires;
- 1357 (iv) the state officer or department and division of state government under whose
- 1358 jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- 1359 (v) the name, address, gender, telephone number, and county of each individual
- 1360 currently serving on the executive board, along with a notation of all vacant or unfilled
- 1361 positions;
- 1362 (vi) the title of the position held by the person who appointed each member of the
- 1363 executive board;
- 1364 (vii) the length of the term to which each member of the executive board was
- 1365 appointed and the month and year that each executive board member's term expires;
- 1366 (viii) whether members appointed to the executive board require the advice and
- 1367 consent of the Senate;
- 1368 (ix) the organization, interest group, profession, local government entity, or geographic
- 1369 area that an individual appointed to an executive board represents, if any;
- 1370 (x) the party affiliation of an individual appointed to an executive board, if the statute
- 1371 or executive order creating the position requires representation from political parties;
- 1372 (xi) whether each executive board is a policy board or an advisory board;
- 1373 (xii) whether the executive board has or exercises rulemaking authority, or is a
- 1374 rulemaking board as defined in Section [63G-24-102](#); and
- 1375 (xiii) any compensation and expense reimbursement that members of the executive
- 1376 board are authorized to receive.
- 1377 (4) The administrator shall ensure the governor's website includes:
- 1378 (a) the information contained in the database, except for an individual's:

- 1379 (i) physical address;
- 1380 (ii) email address; and
- 1381 (iii) telephone number;
- 1382 (b) a portal, accessible on each executive board's web page within the governor's
- 1383 website, through which a member of the public may provide input on:
- 1384 (i) an individual appointed to serve on the executive board; or
- 1385 (ii) a sitting member of the executive board;
- 1386 (c) each report the administrator receives under Subsection (5); and
- 1387 (d) the summary report described in Subsection (6).
- 1388 (5) (a) Before August 1, once every five years, beginning in calendar year 2024, each
- 1389 executive board shall prepare and submit to the administrator a report that includes:
- 1390 (i) the name of the executive board;
- 1391 (ii) a description of the executive board's official function and purpose;
- 1392 (iii) a description of the actions taken by the executive board since the last report the
- 1393 executive board submitted to the administrator under this Subsection (5);
- 1394 (iv) recommendations on whether any statutory, rule, or other changes are needed to
- 1395 make the executive board more effective; and
- 1396 (v) an indication of whether the executive board should continue to exist.
- 1397 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
- 1398 to the governor's website before September 1 of a calendar year in which the administrator
- 1399 receives a report described in Subsection (5)(a).
- 1400 (6) (a) Before September 1 of a calendar year in which the administrator receives a
- 1401 report described in Subsection (5)(a), the administrator shall prepare a report that includes:
- 1402 (i) as of July 1 of that year, the total number of executive boards that exist;
- 1403 (ii) a summary of the reports submitted to the administrator under Subsection (5),
- 1404 including:
- 1405 (A) a list of each executive board that submitted a report under Subsection (5);

1406 (B) a list of each executive board that did not submit a report under Subsection (5);

1407 (C) an indication of any recommendations made under Subsection (5)(a)(iv); and

1408 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
1409 executive board should no longer exist; and

1410 (iii) a list of each executive board, identified and reported by the Division of Archives
1411 and Record Services under Section [63A-16-601](#), that did not post a notice of a public meeting
1412 on the Utah Public Notice Website during the previous fiscal year.

1413 (b) On or before September 1 of a calendar year in which the administrator prepares a
1414 report described in Subsection (6)(a), in accordance with Section [68-3-14](#), the administrator
1415 shall submit the report to:

1416 (i) the president of the Senate;

1417 (ii) the speaker of the House of Representatives; and

1418 (iii) the Government Operations Interim Committee.

1419 (7) (a) On or before September 30, 2023, the administrator shall meet with the Division
1420 of Professional Licensing, the Insurance Department, the Department of Agriculture and Food,
1421 and the stakeholders involved with at least the following boards as part of the annual review of
1422 executive boards:

1423 (i) the Landscape Architects Board;

1424 (ii) the Professional Geologist Licensing Board;

1425 (iii) the Bail Bond Oversight Board;

1426 (iv) the Title and Escrow Commission; and

1427 (v) the Horse Racing Commission.

1428 (b) The review described in Subsection (7)(a) shall consider:

1429 (i) the funding required for the executive board;

1430 (ii) the staffing resources required for the executive board;

1431 (iii) the time members of the executive board are required to commit to serve on the
1432 executive board;

1433 (iv) whether the responsibilities of the executive board could reasonably be
1434 accomplished through an existing entity or without statutory direction;
1435 (v) the historical record of how many meetings the executive board held in the last five
1436 years and the agendas of the executive board;
1437 (vi) the ability to fill vacancies and appointments to the executive board;
1438 (vii) the statutory duties of the executive board; and
1439 (viii) other items to make the best recommendations for the executive board.
1440 (8) (a) The administrator shall submit a report of the review described in Subsection
1441 (7)(b) to the Government Operations Interim Committee before October 17, 2023,
1442 recommending that the Legislature:
1443 (i) repeal the executive board;
1444 (ii) add a sunset or future repeal date to the executive board;
1445 (iii) make other changes to make the executive board more efficient; or
1446 (iv) make no changes to the executive board.
1447 (b) In conducting the review described in Subsection (7)(b), the administrator shall
1448 give deference to:
1449 (i) reducing the size of government;
1450 (ii) making governmental programs more efficient and effective; and
1451 (iii) reducing the burdens of government on business.
1452 Section 31. Section **72-9-201** is amended to read:
1453 **72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms --**
1454 **Meetings -- Per diem and expenses -- Duties.**
1455 (1) There is created within the department the Motor Carrier Advisory Board
1456 consisting of five members appointed by the [governor] department.
1457 (2) Each member of the board shall:
1458 (a) represent experience and expertise in the areas of motor carrier transportation,
1459 commerce, agriculture, economics, shipping, or highway safety;

- 1460 (b) be selected at large on a nonpartisan basis; and
- 1461 (c) have been a legal resident of the state for at least one year immediately preceding
- 1462 the date of appointment.
- 1463 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
- 1464 expire, the [governor] department shall appoint each new member or reappointed member to a
- 1465 four-year term.
- 1466 (b) The [governor] department shall, at the time of appointment or reappointment,
- 1467 adjust the length of terms to ensure that the terms of board members are staggered so that
- 1468 approximately half of the board is appointed every two years.
- 1469 (c) A member shall serve from the date of appointment until a replacement is
- 1470 appointed.
- 1471 (4) When a vacancy occurs in the membership for any reason, the [governor]
- 1472 department shall appoint the replacement to serve for the remainder of the unexpired term
- 1473 beginning the day following the day on which the vacancy occurs.
- 1474 (5) The board shall elect its own chair and vice chair at the first regular meeting of each
- 1475 calendar year.
- 1476 (6) The board shall meet at least twice per year or as needed when called by the chair.
- 1477 (7) Any three voting members constitute a quorum for the transaction of business that
- 1478 comes before the board.
- 1479 (8) A member may not receive compensation or benefits for the member's service, but
- 1480 may receive per diem and travel expenses in accordance with:
- 1481 (a) Section 63A-3-106;
- 1482 (b) Section 63A-3-107; and
- 1483 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1484 63A-3-107.
- 1485 (9) The board shall advise the department and the commission on interpretation,
- 1486 adoption, and implementation of this chapter and other motor carrier related issues.

- 1487 (10) The department shall provide staff support to the board.
- 1488 Section 32. **Repealer.**
- 1489 This bill repeals:
- 1490 Section **26-1-7.5, Health advisory council.**
- 1491 Section **26-39-201, Residential Child Care Licensing Advisory Committee.**
- 1492 Section **41-23-1, Enactment.**
- 1493 Section **41-23-2, Text.**
- 1494 Section **58-49-1, Short title.**
- 1495 Section **58-49-3, Board created -- Duties.**
- 1496 Section **58-71-201, Board.**
- 1497 Section **58-75-101, Title.**
- 1498 Section **58-75-201, Board.**
- 1499 Section **58-77-201, Board.**
- 1500 Section **58-83-101, Title.**
- 1501 Section **58-83-201, Board.**
- 1502 Section **63A-18-102, Definitions.**
- 1503 Section **63A-18-201, Utah Transparency Advisory Board -- Creation --**
- 1504 **Membership -- Duties.**
- 1505 Section **63A-18-202, Utah Transparency Advisory Board -- Duties.**