

KICKBACK PROHIBITION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

This bill amends prohibitions on kickbacks.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "kickback or bribe"; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-3201, as enacted by Laws of Utah 2022, Chapter 415

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

Section 1. Section **76-10-3201** is amended to read:

76-10-3201. Prohibition on kickbacks.

(1) As used in this section:

(a) "Kickback or bribe" means a rebate, compensation, or any other form of remuneration, that is:

- (i) direct or indirect;
- (ii) overt or covert; or

30 (iii) in cash or in kind.
31 (b) "Kickback or bribe" does not include;
32 (i) a fee that is:
33 [(i)] (A) shared between two or more individuals, each of whom is licensed to practice
34 law; and
35 [(ii)] (B) charged for services provided in the individual's capacity as a licensee
36 described in Subsection [(1)(b)(i)] (1)(b)(i)(A); or
37 (ii) payment for medical services rendered.
38 (2) (a) An actor may not solicit or receive a kickback or bribe in return for the referral
39 of a person to another person for the furnishing of any good or service that relates to any
40 insurance claim or a claim for damages.
41 (b) An actor may not offer or pay a kickback or bribe to induce the referral of a person
42 to another person for the furnishing of any good or service that relates to any insurance claim or
43 a claim for damages.
44 (3) A violation of Subsection [(2)(a) or (b)] (2) is a third degree felony.
45 (4) This section does not apply to an individual licensed to practice law or a medical
46 provider when referring, without compensation, a client for medical treatment or evaluation.