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**PUBLIC CONTRACT REQUIREMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Chris H. Wilson**

House Sponsor: Rex P. Shipp

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**LONG TITLE**

**General Description:**

This bill addresses public entity contract requirements.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ subject to exceptions, prohibits a public entity from entering into a contract with a company who engages in certain environmental boycott actions; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-27-102**, as enacted by Laws of Utah 2021, Chapter 347

**63G-27-201**, as enacted by Laws of Utah 2021, Chapter 347

REPEALS:

**63G-27-101**, as enacted by Laws of Utah 2021, Chapter 347

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



28 Section 1. Section **63G-27-102** is amended to read:

29 **CHAPTER 27. PUBLIC CONTRACT BOYCOTT RESTRICTIONS**

30 **63G-27-102. Definitions.**

31 As used in this chapter:

32 (1) "Boycott action" means refusing to deal, terminating business activities, or limiting  
33 commercial relations.

34 (2) "Boycott of the State of Israel" means engaging in a boycott action targeting:

35 (a) the State of Israel; and

36 (b) (i) companies or individuals doing business in or with the State of Israel; or

37 (ii) companies authorized by, licensed by, or organized under the laws of the State of  
38 Israel to do business.

39 (3) (a) "Company" means a corporation, partnership, limited liability company, or  
40 similar entity.

41 (b) "Company" includes any wholly-owned subsidiary, majority-owned subsidiary,  
42 parent company, or affiliate of an entity described in Subsection (3)(a).

43 (4) "Environmental boycott" means engaging in a boycott action targeting a company  
44 that:

45 (a) engages in the exploration, production, utilization, transportation, sale, or  
46 manufacture of fossil fuels or fossil fuel byproducts;

47 (b) engages in production agriculture; or

48 (c) does not meet or commit to meet environmental standards, including standards for  
49 eliminating, reducing, offsetting, or disclosing greenhouse gas-emissions, beyond applicable  
50 state and federal law requirements.

51 (5) "Public entity" means the state or a political subdivision of the state, including each  
52 department, division, office, board, commission, council, authority, or institution of the state or  
53 a political subdivision of the state.

54 Section 2. Section **63G-27-201** is amended to read:

55 **63G-27-201. Prohibition on contracting.**

56 (1) Except as provided in Subsection (2), a public entity may not enter into a contract  
57 with a company to acquire or dispose of a good or service, including supplies, information  
58 technology, or construction services, unless:

59 (a) the contract includes a written certification that the company is not currently  
60 engaged in a boycott of the State of Israel or an environmental boycott; and

61 (b) the company agrees not to engage in a boycott of the State of Israel or an  
62 environmental boycott for the duration of the contract.

63 (2) This section does not apply to:

64 (a) a contract with a total value of less than \$100,000; or

65 (b) a contract with a company that has fewer than 10 full-time employees.

66 Section 3. **Repealer.**

67 This bill repeals:

68 Section **63G-27-101**, Title.