

Matthew H. Gwynn proposes the following substitute bill:

Drug Recodification

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor:

LONG TITLE

General Description:

This bill technically reorganizes, revises, and clarifies provisions relating to drugs.

Highlighted Provisions:

This bill:

- technically reorganizes, revises, and clarifies provisions concerning drugs, including moving certain criminal offenses concerning drugs from Title 58, Occupations and

- Professions, into Title 76, Utah Criminal Code, and reorganizing remaining sections into organized structures;

- updates cross references;

- adds coordination clauses to:

- coordinate changes between this bill and S.B. 117, Occupational and Professional Licensing Amendments, if both bills pass and become law; and

- ensure the statutory numbering and renumbering made in this bill will be reflected in any new language added to the Utah Code by legislation that passes in the 2026

- General Session and becomes law; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides coordination clauses.

Utah Code Sections Affected:

AMENDS:

4-5-107 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 396

4-41-402 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapters 146, 327

4-41a-102 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special

29 Session, Chapter 9
30 **4-41a-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, First Special
31 Session, Chapter 5
32 **4-41a-404 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 273,
33 313 and 327
34 **4-41a-801 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 114,
35 414
36 **4-41a-1107 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
37 Chapters 273, 307 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
38 **4-41a-1203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 114
39 **4-41a-1204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 414
40 **4-45-104 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 329
41 **10-8-47 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
42 **17-72-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
43 First Special Session, Chapter 13
44 **19-6-902 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 327
45 **26B-2-120 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 63
46 **26B-2-229 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
47 Chapter 305
48 **26B-3-131 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
49 Chapter 306
50 **26B-4-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392
51 **26B-4-211 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
52 Chapter 307
53 **26B-4-212 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
54 Chapter 307
55 **26B-4-216 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,
56 Chapter 307
57 **26B-4-220 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 273 and
58 renumbered and amended by Laws of Utah 2023, Chapter 307 and last amended by
59 Coordination Clause, Laws of Utah 2023, Chapter 307
60 **26B-4-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
61 340 and 470
62 **26B-4-513 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507

63 **29-2-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 276
64 **32B-3-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
65 **32B-5-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
66 **32B-6-406.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 455
67 **32B-7-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 162,
68 173
69 **32B-9-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
70 **32B-10-404 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapters 307,
71 334
72 **34-41-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
73 Session, Chapter 9
74 **34A-2-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 352
75 **34A-2-410.5 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
76 Session, Chapter 9
77 **35A-3-311 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 221
78 **41-6a-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 197
79 **41-6a-517 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 328
80 **49-20-416 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 180
81 **53-3-220 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 220
82 **53-10-113 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 276
83 **53-10-114 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 415
84 **53-10-211 (Effective 05/06/26)**, as last amended by Laws of Utah 2016, Chapter 144
85 **53-10-304 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 276
86 **53G-8-205 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
87 **53G-8-501 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2018,
88 Chapter 3
89 **53G-8-505 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 161
90 **58-1-501.7 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 328
91 **58-5a-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392
92 **58-16a-601 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 292
93 **58-17b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 486
94 **58-17b-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2013, Chapters 262,
95 278
96 **58-17b-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 287

97 **58-17b-502 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 273,
98 317, 321, and 328

99 **58-17b-504 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 415

100 **58-17b-609 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 310

101 **58-17b-610.6 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 210

102 **58-17b-610.7 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 66

103 **58-17b-627 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 513

104 **58-24b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 219

105 **58-28-502 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 125

106 **58-31b-503 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 415

107 **58-37f-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 329

108 **58-37f-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 329,
109 415

110 **58-37f-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 214

111 **58-37f-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 340

112 **58-37f-304 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507

113 **58-37f-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 318

114 **58-37f-502 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 391
115 and renumbered and amended by Laws of Utah 2010, Chapter 287

116 **58-37f-702 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 329

117 **58-37f-703 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 415

118 **58-37f-704 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 116

119 **58-38a-102 (Effective 05/06/26)**, as enacted by Laws of Utah 2010, Chapter 231

120 **58-38a-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapters 12,
121 340

122 **58-38a-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 12

123 **58-67-503 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443

124 **58-67a-1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443

125 **58-68-503 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443

126 **58-71-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507

127 **58-73-601 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 269

128 **58-88-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 276

129 **63A-17-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 397

130 **63G-7-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2014, Chapter 415

131 **63I-1-258 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 236
132 **64-13-45 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapters 245, 341
133 **64-14-204 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
134 Chapter 214
135 **67-5-36 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 443
136 **76-3-203.11 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 310,
137 330
138 **76-5-102.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471
139 **76-5-112.5 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 330
140 **76-5-113 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 330
141 **76-5-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
142 204, 208, and 284
143 **76-5-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471
144 **76-8-311.3 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
145 208
146 **76-8-311.10 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 96
147 **76-9-1110 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
148 Chapter 173
149 **76-9-1301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
150 Chapter 173
151 **76-9-1505 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
152 Chapter 173
153 **76-11-217 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
154 Chapter 208
155 **76-11-301 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 173
156 **76-11-302 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 208
157 **76-17-401 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
158 Chapter 173
159 **77-7-8 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 133
160 **77-11a-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 80
161 **77-11b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
162 208
163 **77-11c-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 291
164 **77-23-210 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 281

165 **77-23a-8 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173, 174
166 **77-40a-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
167 239
168 **77-40a-205 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
169 208, 214, and 239
170 **78A-2-231 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 273,
171 317 and 330 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 330
172 **78A-5-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426
173 **78A-5-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 434
174 **78B-3-801 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 345
175 **78B-4-504 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2008,
176 Chapter 3
177 **78B-6-1101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
178 Session, Chapter 15
179 **78B-6-1107 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 141,
180 173, 174, 178, and 208
181 **78B-9-104 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,
182 174
183 **80-1-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426
184 **80-3-110 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 273,
185 280, 317, and 330 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 330
186 **80-3-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426
187 **80-3-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426
188 **80-4-109 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392
189 **80-6-707 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
190 **80-6-708 (Effective 05/06/26)**, as enacted by Laws of Utah 2021, Chapter 261
191 **81-9-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426

ENACTS:

193 **58-37-103 (Effective 05/06/26)**, Utah Code Annotated 1953
194 **58-37-104 (Effective 05/06/26)**, Utah Code Annotated 1953
195 **58-37-113 (Effective 05/06/26)**, Utah Code Annotated 1953
196 **58-37-115 (Effective 05/06/26)**, Utah Code Annotated 1953
197 **58-37-201 (Effective 05/06/26)**, Utah Code Annotated 1953
198 **58-37-208 (Effective 05/06/26)**, Utah Code Annotated 1953

199 **58-37-209 (Effective 05/06/26)**, Utah Code Annotated 1953
 200 **58-37-210 (Effective 05/06/26)**, Utah Code Annotated 1953
 201 **58-37-301 (Effective 05/06/26)**, Utah Code Annotated 1953
 202 **58-37-304 (Effective 05/06/26)**, Utah Code Annotated 1953
 203 **58-37-305 (Effective 05/06/26)**, Utah Code Annotated 1953
 204 **58-37-401 (Effective 05/06/26)**, Utah Code Annotated 1953
 205 **58-37c-201 (Effective 05/06/26)**, Utah Code Annotated 1953
 206 **76-18-101 (Effective 05/06/26)**, Utah Code Annotated 1953
 207 **76-18-102 (Effective 05/06/26)**, Utah Code Annotated 1953
 208 **76-18-201 (Effective 05/06/26)**, Utah Code Annotated 1953
 209 **76-18-202 (Effective 05/06/26)**, Utah Code Annotated 1953
 210 **76-18-203 (Effective 05/06/26)**, Utah Code Annotated 1953
 211 **76-18-204 (Effective 05/06/26)**, Utah Code Annotated 1953
 212 **76-18-205 (Effective 05/06/26)**, Utah Code Annotated 1953
 213 **76-18-206 (Effective 05/06/26)**, Utah Code Annotated 1953
 214 **76-18-207 (Effective 05/06/26)**, Utah Code Annotated 1953
 215 **76-18-208 (Effective 05/06/26)**, Utah Code Annotated 1953
 216 **76-18-209 (Effective 05/06/26)**, Utah Code Annotated 1953
 217 **76-18-210 (Effective 05/06/26)**, Utah Code Annotated 1953
 218 **76-18-211 (Effective 05/06/26)**, Utah Code Annotated 1953
 219 **76-18-212 (Effective 05/06/26)**, Utah Code Annotated 1953
 220 **76-18-213 (Effective 05/06/26)**, Utah Code Annotated 1953
 221 **76-18-214 (Effective 05/06/26)**, Utah Code Annotated 1953
 222 **76-18-215 (Effective 05/06/26)**, Utah Code Annotated 1953
 223 **76-18-216 (Effective 05/06/26)**, Utah Code Annotated 1953
 224 **76-18-217 (Effective 05/06/26)**, Utah Code Annotated 1953
 225 **76-18-218 (Effective 05/06/26)**, Utah Code Annotated 1953
 226 **76-18-219 (Effective 05/06/26)**, Utah Code Annotated 1953
 227 **76-18-305 (Effective 05/06/26)**, Utah Code Annotated 1953
 228 **76-18-306 (Effective 05/06/26)**, Utah Code Annotated 1953
 229 **76-18-405 (Effective 05/06/26)**, Utah Code Annotated 1953

230 RENUMBERS AND AMENDS:

231 **58-37-101 (Effective 05/06/26)**, (Renumbered from 58-37-2, as last amended by Laws
 232 of Utah 2025, Chapter 396)

233 **58-37-102 (Effective 05/06/26)**, (Renumbered from 58-37-18, as enacted by Laws of
234 Utah 1971, Chapter 145)

235 **58-37-105 (Effective 05/06/26) (Partially Repealed 07/01/32)**, (Renumbered from
236 58-37-6, as last amended by Laws of Utah 2022, Chapter 415)

237 **58-37-106 (Effective 05/06/26)**, (Renumbered from 58-37-17, as last amended by
238 Laws of Utah 1987, Chapter 161)

239 **58-37-107 (Effective 05/06/26)**, (Renumbered from 58-37-3, as last amended by Laws
240 of Utah 2011, Chapter 12)

241 **58-37-108 (Effective 05/06/26)**, (Renumbered from 58-37-4, as last amended by Laws
242 of Utah 2025, Chapter 216)

243 **58-37-109 (Effective 05/06/26)**, (Renumbered from 58-37-4.2, as last amended by
244 Laws of Utah 2020, Chapter 26)

245 **58-37-110 (Effective 05/06/26)**, (Renumbered from 58-37-5.5, as last amended by
246 Laws of Utah 2008, Chapter 250)

247 **58-37-111 (Effective 05/06/26)**, (Renumbered from 58-37-2.5, as last amended by
248 Laws of Utah 1990, Chapter 101)

249 **58-37-112 (Effective 05/06/26)**, (Renumbered from 58-37-7, as last amended by Laws
250 of Utah 2024, Chapter 381)

251 **58-37-114 (Effective 05/06/26)**, (Renumbered from 58-37-15, as last amended by
252 Laws of Utah 2025, Chapter 302)

253 **58-37-202 (Effective 05/06/26)**, (Renumbered from 58-37-8.5, as enacted by Laws of
254 Utah 1997, Chapter 64)

255 **58-37-203 (Effective 05/06/26)**, (Renumbered from 58-37-12, as last amended by
256 Laws of Utah 1997, Chapter 64)

257 **58-37-204 (Effective 05/06/26)**, (Renumbered from 58-37-9, as last amended by Laws
258 of Utah 1995, Chapter 20)

259 **58-37-205 (Effective 05/06/26)**, (Renumbered from 58-37-10, as last amended by
260 Laws of Utah 2013, Chapter 278)

261 **58-37-206 (Effective 05/06/26)**, (Renumbered from 58-37-11, as last amended by
262 Laws of Utah 2024, Chapter 158)

263 **58-37-207 (Effective 05/06/26)**, (Renumbered from 58-37-14, as enacted by Laws of
264 Utah 1971, Chapter 145)

265 **58-37-302 (Effective 05/06/26)**, (Renumbered from 58-37-22, as last amended by
266 Laws of Utah 2023, Chapter 329)

267 **58-37-303 (Effective 05/06/26)**, (Renumbered from 58-37-6.5, as last amended by
268 Laws of Utah 2023, Chapter 329)
269 **58-37-306 (Effective 05/06/26)**, (Renumbered from 58-37-19, as last amended by
270 Laws of Utah 2024, Chapter 381)
271 **58-37-307 (Effective 05/06/26)**, (Renumbered from 58-37-23, as enacted by Laws of
272 Utah 2023, Chapter 323)
273 **58-37-308 (Effective 05/06/26)**, (Renumbered from 58-37-6.1, as enacted by Laws of
274 Utah 2025, Chapter 430)
275 **58-37-309 (Effective 05/06/26) (Repealed 07/01/27)**, (Renumbered from 58-37-3.5, as
276 last amended by Laws of Utah 2025, First Special Session, Chapter 9)
277 **58-37-402 (Effective 05/06/26)**, (Renumbered from 58-37-3.9, as last amended by
278 Laws of Utah 2023, Chapter 329)
279 **58-37-403 (Effective 05/06/26)**, (Renumbered from 58-37-3.6, as last amended by
280 Laws of Utah 2025, Chapter 114)
281 **58-37-404 (Effective 05/06/26)**, (Renumbered from 58-37-3.7, as last amended by
282 Laws of Utah 2023, Chapter 329)
283 **58-37-405 (Effective 05/06/26)**, (Renumbered from 58-37-3.8, as last amended by
284 Laws of Utah 2023, Chapters 273, 329)
285 **58-37c-101 (Effective 05/06/26)**, (Renumbered from 58-37c-3, as last amended by Laws
286 of Utah 2024, Chapter 113)
287 **58-37c-102 (Effective 05/06/26)**, (Renumbered from 58-37c-5, as last amended by Laws
288 of Utah 2022, Chapter 415)
289 **58-37c-103 (Effective 05/06/26)**, (Renumbered from 58-37c-6, as last amended by Laws
290 of Utah 2022, Chapter 415)
291 **58-37c-104 (Effective 05/06/26)**, (Renumbered from 58-37c-7, as last amended by Laws
292 of Utah 2010, Chapter 240)
293 **58-37c-105 (Effective 05/06/26)**, (Renumbered from 58-37c-8, as last amended by Laws
294 of Utah 2013, Chapters 262, 413)
295 **58-37c-106 (Effective 05/06/26)**, (Renumbered from 58-37c-9, as repealed and
296 reenacted by Laws of Utah 1993, Chapter 297)
297 **58-37c-107 (Effective 05/06/26)**, (Renumbered from 58-37c-10, as last amended by
298 Laws of Utah 2008, Chapter 322)
299 **58-37c-108 (Effective 05/06/26)**, (Renumbered from 58-37c-12, as repealed and
300 reenacted by Laws of Utah 1993, Chapter 297)

301 **58-37c-109 (Effective 05/06/26)**, (Renumbered from 58-37c-13, as enacted by Laws of
302 Utah 1992, Chapter 155)

303 **58-37c-110 (Effective 05/06/26)**, (Renumbered from 58-37c-14, as last amended by
304 Laws of Utah 2008, Chapter 382)

305 **58-37c-111 (Effective 05/06/26)**, (Renumbered from 58-37c-15, as last amended by
306 Laws of Utah 2023, Chapter 448)

307 **58-37c-112 (Effective 05/06/26)**, (Renumbered from 58-37c-17, as last amended by
308 Laws of Utah 2013, Chapter 278)

309 **58-37c-113 (Effective 05/06/26)**, (Renumbered from 58-37c-21, as last amended by
310 Laws of Utah 2022, Chapter 415)

311 **58-37c-114 (Effective 05/06/26)**, (Renumbered from 58-37c-11, as last amended by
312 Laws of Utah 2013, Chapters 262, 413)

313 **58-37c-202 (Effective 05/06/26)**, (Renumbered from 58-37c-18, as last amended by
314 Laws of Utah 1999, Chapter 21)

315 **58-37c-203 (Effective 05/06/26)**, (Renumbered from 58-37c-19, as last amended by
316 Laws of Utah 2013, Chapters 262, 413)

317 **58-37c-204 (Effective 05/06/26)**, (Renumbered from 58-37c-19.5, as last amended
318 by Laws of Utah 2017, Chapter 345)

319 **58-37c-205 (Effective 05/06/26)**, (Renumbered from 58-37c-19.7, as last amended
320 by Laws of Utah 2013, Chapters 262, 413)

321 **58-37c-206 (Effective 05/06/26)**, (Renumbered from 58-37c-19.9, as last amended
322 by Laws of Utah 2013, Chapters 262, 413)

323 **58-37c-207 (Effective 05/06/26)**, (Renumbered from 58-37c-20, as last amended by
324 Laws of Utah 2013, Chapters 262, 413)

325 **58-37c-208 (Effective 05/06/26)**, (Renumbered from 58-37c-20.5, as enacted by
326 Laws of Utah 2007, Chapter 358)

327 **58-37e-101 (Effective 05/06/26)**, (Renumbered from 58-37e-2, as enacted by Laws of
328 Utah 1997, Chapter 349)

329 **58-37e-102 (Effective 05/06/26)**, (Renumbered from 58-37e-3, as enacted by Laws of
330 Utah 1997, Chapter 349)

331 **58-37e-103 (Effective 05/06/26)**, (Renumbered from 58-37e-4, as enacted by Laws of
332 Utah 1997, Chapter 349)

333 **58-37e-104 (Effective 05/06/26)**, (Renumbered from 58-37e-5, as enacted by Laws of
334 Utah 1997, Chapter 349)

335 **58-37e-105 (Effective 05/06/26)**, (Renumbered from 58-37e-6, as enacted by Laws of
336 Utah 1997, Chapter 349)

337 **58-37e-106 (Effective 05/06/26)**, (Renumbered from 58-37e-7, as enacted by Laws of
338 Utah 1997, Chapter 349)

339 **58-37e-107 (Effective 05/06/26)**, (Renumbered from 58-37e-8, as enacted by Laws of
340 Utah 1997, Chapter 349)

341 **58-37e-108 (Effective 05/06/26)**, (Renumbered from 58-37e-9, as enacted by Laws of
342 Utah 1997, Chapter 349)

343 **58-37e-109 (Effective 05/06/26)**, (Renumbered from 58-37e-10, as enacted by Laws of
344 Utah 1997, Chapter 349)

345 **58-37e-110 (Effective 05/06/26)**, (Renumbered from 58-37e-11, as enacted by Laws of
346 Utah 1997, Chapter 349)

347 **58-37e-111 (Effective 05/06/26)**, (Renumbered from 58-37e-12, as enacted by Laws of
348 Utah 1997, Chapter 349)

349 **58-37e-112 (Effective 05/06/26)**, (Renumbered from 58-37e-13, as enacted by Laws of
350 Utah 1997, Chapter 349)

351 **58-37e-113 (Effective 05/06/26)**, (Renumbered from 58-37e-14, as enacted by Laws of
352 Utah 1997, Chapter 349)

353 **76-18-220 (Effective 05/06/26)**, (Renumbered from 58-37-8.1, as enacted by Laws of
354 Utah 2025, Chapter 198)

355 **76-18-221 (Effective 05/06/26)**, (Renumbered from 58-37-8.2, as renumbered and
356 amended by Laws of Utah 2025, Chapters 173, 173)

357 **76-18-222 (Effective 05/06/26)**, (Renumbered from 58-37-8.3, as renumbered and
358 amended by Laws of Utah 2025, Chapter 173)

359 **76-18-301 (Effective 05/06/26)**, (Renumbered from 58-37a-3, as last amended by Laws
360 of Utah 2023, Chapter 312)

361 **76-18-302 (Effective 05/06/26)**, (Renumbered from 58-37a-4, as last amended by Laws
362 of Utah 2011, Chapter 101)

363 **76-18-303 (Effective 05/06/26)**, (Renumbered from 58-37a-6, as last amended by Laws
364 of Utah 2023, Chapter 448)

365 **76-18-304 (Effective 05/06/26)**, (Renumbered from 58-37a-5, as last amended by Laws
366 of Utah 2024, Chapter 143)

367 **76-18-401 (Effective 05/06/26)**, (Renumbered from 58-37b-2, as last amended by
368 Laws of Utah 2010, Chapter 64)

369 **76-18-402 (Effective 05/06/26)**, (Renumbered from 58-37b-8, as enacted by Laws of
370 Utah 1982, Chapter 32)

371 **76-18-403 (Effective 05/06/26)**, (Renumbered from 58-37b-6, as last amended by
372 Laws of Utah 1986, Chapter 178)

373 **76-18-404 (Effective 05/06/26)**, (Renumbered from 58-37b-4, as last amended by
374 Laws of Utah 1991, Chapter 241)

375 **76-18-406 (Effective 05/06/26)**, (Renumbered from 58-37b-7, as last amended by
376 Laws of Utah 1991, Chapter 241)

377 **76-18-501 (Effective 05/06/26)**, (Renumbered from 58-37d-3, as last amended by
378 Laws of Utah 2019, Chapter 420)

379 **76-18-502 (Effective 05/06/26)**, (Renumbered from 58-37d-2, as last amended by
380 Laws of Utah 2019, Chapter 420)

381 **76-18-503 (Effective 05/06/26)**, (Renumbered from 58-37d-9, as last amended by
382 Laws of Utah 2022, Chapter 415)

383 **76-18-504 (Effective 05/06/26)**, (Renumbered from 58-37d-7, as last amended by
384 Laws of Utah 2023, Chapter 448)

385 **76-18-505 (Effective 05/06/26)**, (Renumbered from 58-37d-6, as last amended by
386 Laws of Utah 2019, Chapter 420)

387 **76-18-506 (Effective 05/06/26)**, (Renumbered from 58-37d-4, as last amended by
388 Laws of Utah 2019, Chapter 420)

389 REPEALS:

390 **58-37-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1971, Chapter 145

391 **58-37-8 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 141, 173,
392 198, 208, and 305

393 **58-37a-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1981, Chapter 76

394 **58-37a-2 (Effective 05/06/26)**, as enacted by Laws of Utah 1981, Chapter 76

395 **58-37a-7 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 330

396 **58-37b-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1982, Chapter 32

397 **58-37b-9 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 330

398 **58-37c-1 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 1992, Chapter
399 155

400 **58-37c-2 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 1992, Chapter
401 155

402 **58-37c-16 (Effective 05/06/26)**, as enacted by Laws of Utah 1992, Chapter 155

- 403 **58-37d-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1992, Chapter 156
 404 **58-37d-5 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 420
 405 **58-37d-8 (Effective 05/06/26)**, as enacted by Laws of Utah 1997, Chapter 64
 406 **58-37e-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1997, Chapter 349

407 **Utah Code Sections affected by Coordination Clause:**

- 408 **58-37-10 (07/01/26)**, as as renumbered to 58-37-205 in H.B. 301 (2026)

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

411 Section 1. Section **4-5-107** is amended to read:

412 **4-5-107 (Effective 05/06/26). Food containing vaccine.**

- 413 (1) As used in this section, "vaccine or vaccine material" means a substance that is:
 414 (a) intended for use in humans to stimulate the production of antibodies and provide
 415 immunity against disease;
 416 (b) prepared from the causative agent of a disease, the disease's products, or a synthetic
 417 substitute treated to act as an antigen without including the disease; and
 418 (c) authorized or approved by the United States Food and Drug Administration.
 419 (2) A food intended for human consumption that intentionally contains a vaccine or vaccine
 420 material is considered a drug for purposes of this chapter, Section 26B-7-108, and [~~Title~~
 421 ~~58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled
 422 Substances.

423 Section 2. Section **4-41-402** is amended to read:

424 **4-41-402 (Effective 05/06/26). Cannabinoid sales and use authorized.**

- 425 (1) The sale or use of a cannabinoid product is prohibited:
 426 (a) except as provided in this chapter; or
 427 (b) unless the United States Food and Drug Administration approves the product.
 428 (2) The department shall keep a list of registered cannabinoid products that the department
 429 has determined, in accordance with Section 4-41-403, are safe for human consumption.
 430 (3)(a) A person may sell or use a cannabinoid product that is in the list of registered
 431 cannabinoid products described in Subsection (2).
 432 (b) An individual may use cannabidiol or a cannabidiol product that is not in the list of
 433 registered cannabinoid products described in Subsection (2) if:
 434 (i) the individual purchased the product outside the state; and
 435 (ii) the product's contents do not violate [~~Title 58, Chapter 37, Utah Controlled~~
 436 Substances Act] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter

437 18, Part 2, Offenses Concerning Controlled Substances.

438 (4) Any marketing for a cannabinoid product shall include a notice to consumers that the
439 product is hemp or CBD and is not cannabis or medical cannabis, as those terms are
440 defined in Section 26B-4-201.

441 (5) A cannabinoid product that is designed to be inhaled shall include a warning on the
442 label regarding the possible health effects of inhaling cannabinoid products.

443 Section 3. Section **4-41a-102** is amended to read:

444 **4-41a-102 (Effective 05/06/26). Definitions.**

445 As used in this chapter:

446 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
447 injurious to health, including:

448 (a) pesticides;

449 (b) heavy metals;

450 (c) solvents;

451 (d) microbial life;

452 (e) artificially derived cannabinoid;

453 (f) toxins; or

454 (g) foreign matter.

455 (2) "Advertise" or "advertising" means information provided by a person in any medium:

456 (a) to the public; and

457 (b) that is not age restricted to an individual who is at least 21 years old.

458 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
459 Section 26B-1-435.

460 (4)(a) "Anticompetitive business practice" means any practice that is an illegal
461 anticompetitive activity under Section 76-16-510.

462 (b) "Anticompetitive business practice" may include:

463 (i) agreements that may be considered unreasonable when competitors interact to the
464 extent that they are:

465 (A) no longer acting independently; or

466 (B) when collaborating are able to wield market power together;

467 (ii) monopolizing or attempting to monopolize trade by:

468 (A) acting to maintain or acquire a dominant position in the market; or

469 (B) preventing new entry into the market; or

470 (iii) other conduct outlined in rule.

- 471 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
472 chemical reaction that changes the molecular structure of any chemical substance
473 derived from the cannabis plant.
- 474 (b) "Artificially derived cannabinoid" does not include:
- 475 (i) a naturally occurring chemical substance that is separated from the cannabis plant
476 by a chemical or mechanical extraction process; or
- 477 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
478 cannabinoid acid without the use of a chemical catalyst.
- 479 (6) "Batch" means a quantity of:
- 480 (a) cannabis extract produced on a particular date and time and produced between
481 completion of equipment and facility sanitation protocols until the next required
482 sanitation cycle during which lots of cannabis are used;
- 483 (b) cannabis product produced on a particular date and time and produced between
484 completion of equipment and facility sanitation protocols until the next required
485 sanitation cycle during which cannabis extract is used; or
- 486 (c) cannabis flower packaged on a particular date and time and produced between
487 completion of equipment and facility sanitation protocols until the next required
488 sanitation cycle during which lots of cannabis are being used.
- 489 (7) "Cannabis Research Review Board" means the Cannabis Research Review Board
490 created in Section 26B-1-420.
- 491 (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 492 (9) "Cannabis concentrate" means:
- 493 (a) the product of any chemical or physical process applied to naturally occurring
494 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 495 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
496 artificially derived cannabinoid's purified state.
- 497 (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
498 intended to be sold as a cannabis plant product.
- 499 (11) "Cannabis cultivation facility" means a person that:
- 500 (a) possesses cannabis;
- 501 (b) grows or intends to grow cannabis; and
- 502 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
503 processing facility, or a medical cannabis research licensee.
- 504 (12) "Cannabis cultivation facility agent" means an individual who

- 505 holds a valid cannabis production establishment agent registration card with a cannabis
506 cultivation facility designation.
- 507 (13) "Cannabis derivative product" means a product made using cannabis concentrate.
- 508 (14) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in
509 a form that is recognizable as a portion of a cannabis plant.
- 510 (15) "Cannabis processing facility" means a person that:
- 511 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 512 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 513 (c) manufactures or intends to manufacture a cannabis product from unprocessed
514 cannabis or a cannabis extract; and
- 515 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
516 medical cannabis research licensee.
- 517 (16) "Cannabis processing facility agent" means an individual who
518 holds a valid cannabis production establishment agent registration card with a cannabis
519 processing facility designation.
- 520 (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 521 (18) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis
522 processing facility, or an independent cannabis testing laboratory.
- 523 (19) "Cannabis production establishment agent" means a cannabis cultivation facility agent,
524 a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 525 (20) "Cannabis production establishment agent registration card" means a registration card
526 that the department issues that:
- 527 (a) authorizes an individual to act as a cannabis production establishment agent; and
- 528 (b) designates the type of cannabis production establishment for which an individual is
529 authorized to act as an agent.
- 530 (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home
531 delivery medical cannabis pharmacy for delivering medical cannabis.
- 532 (22) "Community location" means a public or private elementary or secondary school, a
533 church, a public library, a public playground, or a public park.
- 534 (23) "Cultivation space" means, quantified in square feet, the horizontal area in which a
535 cannabis cultivation facility cultivates cannabis, including each level of horizontal area
536 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
537 above other plants in multiple levels.
- 538 (24) "Delivery address" means:

- 539 (a) for a medical cannabis cardholder who is not a facility:
540 (i) the medical cannabis cardholder's home address; or
541 (ii) an address designated by the medical cannabis cardholder that:
542 (A) is the medical cannabis cardholder's workplace; and
543 (B) is not a community location; or
544 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 545 (25) "Department" means the Department of Agriculture and Food.
- 546 (26) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
547 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
548 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 549 (27) "Government issued photo identification" means the same as that term is defined in
550 Section 26B-4-201, including expired identification in accordance with Section
551 26B-4-244.
- 552 (28) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
553 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
554 shipments to a delivery address to fulfill electronic orders.
- 555 (29)(a) "Independent cannabis testing laboratory" means a person that:
556 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
557 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
558 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 559 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
560 or a research university operates in accordance with Subsection 4-41a-201(14).
- 561 (30) "Independent cannabis testing laboratory agent" means an individual who
562 holds a valid cannabis production establishment agent registration card with an independent
563 cannabis testing laboratory designation.
- 564 (31) "Inventory control system" means a system described in Section 4-41a-103.
- 565 (32) "Licensing board" or "board" means the Cannabis Production Establishment and
566 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 567 (33) "Medical cannabis" or "medical cannabis product" means the same as that term is
568 defined in Section 26B-4-201.
- 569 (34) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 570 (35) "Medical cannabis courier" means a courier that:
571 (a) the department licenses in accordance with Section 4-41a-1201; and
572 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical

- 573 cannabis shipments to fulfill electronic orders.
- 574 (36) "Medical cannabis courier agent" means an individual who:
- 575 (a) is an employee of a medical cannabis courier; and
- 576 (b) who holds a valid medical cannabis courier agent registration card.
- 577 (37) "Medical cannabis pharmacy" means the same as that term is defined in Section
- 578 26B-4-201.
- 579 (38) "Medical cannabis pharmacy agent" means the same as that term is defined in Section
- 580 26B-4-201.
- 581 (39) "Medical cannabis research license" means a license that the department issues to a
- 582 research university for the purpose of obtaining and possessing medical cannabis for
- 583 academic research.
- 584 (40) "Medical cannabis research licensee" means a research university that the department
- 585 licenses to obtain and possess medical cannabis for academic research, in accordance
- 586 with Section 4-41a-901.
- 587 (41) "Medical cannabis shipment" means a shipment of medical cannabis that a home
- 588 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
- 589 address to fulfill an electronic medical cannabis order.
- 590 (42) "Medical cannabis treatment" means the same as that term is defined in Section
- 591 26B-4-201.
- 592 (43) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 593 (44) "Patient product information insert" means the same as that term is defined in Section
- 594 26B-4-201.
- 595 (45) "Pharmacy ownership limit" means an amount equal to 30% of the total number of
- 596 medical cannabis pharmacy licenses issued by the department rounded down to the
- 597 nearest whole number.
- 598 (46) "Pharmacy medical provider" means the same as that term is defined in Section
- 599 26B-4-201.
- 600 (47) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
- 601 (48) "Recommending medical provider" means the same as that term is defined in Section
- 602 26B-4-201.
- 603 (49) "Research university" means the same as that term is defined in Section 53H-8-202
- 604 and a private, nonprofit college or university in the state that:
- 605 (a) is accredited by the Northwest Commission on Colleges and Universities;
- 606 (b) grants doctoral degrees; and

- 607 (c) has a laboratory containing or a program researching a schedule I controlled
608 substance described in Section [58-37-4] 58-37-108.
- 609 (50) "State electronic verification system" means the system described in Section 26B-4-202.
- 610 (51) "Targeted marketing" means the promotion of medical cannabis, a medical cannabis
611 brand, or a medical cannabis device using any of the following methods:
- 612 (a) electronic communication to an individual who is at least 21 years old and has
613 requested to receive promotional information;
- 614 (b) an in-person marketing event that is:
- 615 (i) held inside a medical cannabis pharmacy; and
616 (ii) in an area where only a medical cannabis cardholder may access the event;
- 617 (c) other marketing material that is physically available or digitally displayed in a
618 medical cannabis pharmacy; or
- 619 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
620 provided to an individual when obtaining medical cannabis:
- 621 (i) in the medical cannabis pharmacy;
622 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
623 (iii) in a medical cannabis shipment.
- 624 (52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section
625 4-41-102.
- 626 (53) "Tier one cannabis processing facility" means a cannabis processing facility that is
627 able to:
- 628 (a) create cannabis concentrate;
629 (b) create cannabis derivative product; and
630 (c) package and label medical cannabis.
- 631 (54) "Tier two cannabis processing facility" means a cannabis processing facility that is
632 able to package and label medical cannabis only if the medical cannabis is a cannabis
633 plant product.
- 634 (55) "THC analog" means the same as that term is defined in Section 4-41-102.
- 635 (56) "Total composite tetrahydrocannabinol" means all detectable forms of
636 tetrahydrocannabinol.
- 637 (57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in
638 Section 4-41-102.
- 639 Section 4. Section **4-41a-302** is amended to read:
- 640 **4-41a-302 (Effective 05/06/26). Cannabis production establishment agent**

641 **registration card -- Rebuttable presumption.**

- 642 (1) A cannabis production establishment agent whom the department registers under
643 Section 4-41a-301 shall carry the individual's cannabis production establishment agent
644 registration card with the agent at all times when:
- 645 (a) the agent is on the premises of a cannabis production establishment where the agent
646 is registered;
 - 647 (b) the agent is transporting cannabis in a medicinal dosage form, a cannabis product in
648 a medicinal dosage form, or a medical cannabis device between:
 - 649 (i) two cannabis production establishments; or
 - 650 (ii) a cannabis production establishment and a medical cannabis pharmacy; and
 - 651 (c) if the cannabis production establishment agent is an agent of a cannabis cultivation
652 facility, the agent is transporting raw cannabis plants to a cannabis processing facility
653 or an independent cannabis testing laboratory.
- 654 (2) If a cannabis processing facility agent possesses cannabis in a medicinal dosage form, a
655 cannabis product in a medicinal dosage form, or a medical cannabis device and produces
656 the registration card in the agent's possession in compliance with Subsection (1) while
657 handling, at a cannabis production establishment, or transporting the cannabis, cannabis
658 product, or medical cannabis device in compliance with Subsection (1):
- 659 (a) there is a rebuttable presumption that the agent possesses the cannabis, cannabis
660 product, or medical cannabis device legally; and
 - 661 (b) a law enforcement officer does not have probable cause, based solely on the agent's
662 possession of the cannabis in medicinal dosage form, cannabis product in medicinal
663 dosage form, or medical cannabis device in compliance with Subsection (1), to
664 believe that the individual is engaging in illegal activity.
- 665 (3)(a) A cannabis production establishment agent who fails to carry the agent's cannabis
666 production establishment agent registration card in accordance with Subsection (1) is:
- 667 (i) for a first or second offense in a two-year period:
 - 668 (A) guilty of an infraction; and
 - 669 (B) subject to a \$100 fine; or
 - 670 (ii) for a third or subsequent offense in a two-year period:
 - 671 (A) guilty of a class C misdemeanor; and
 - 672 (B) subject to a \$750 fine.
- 673 (b)(i) The prosecuting entity shall notify the department and the relevant cannabis
674 production establishment of each conviction under Subsection (3)(a).

675 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess
676 the relevant cannabis production establishment a fine of up to \$5,000, in
677 accordance with a fine schedule that the department establishes by rule in
678 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

679 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not guilty
680 for a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
681 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
682 Concerning Controlled Substances, for the conduct underlying the violation
683 described in Subsection (3)(a).

684 Section 5. Section ~~4-41a-404~~ is amended to read:

685 **4-41a-404 (Effective 05/06/26). Medical cannabis transportation.**

686 (1)(a) Except as provided in Part 12, Medical Cannabis Home Delivery and Couriers,
687 the following individuals may transport cannabis or a cannabis product under this
688 chapter:

- 689 (i) a cannabis production establishment agent;
- 690 (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment
691 that the cardholder is authorized to possess under this chapter;
- 692 (iii) a registered medical cannabis pharmacy agent;
- 693 (iv) a registered medical cannabis courier agent; and
- 694 (v) a registered pharmacy medical provider.

695 (b) Only an agent of a cannabis cultivation facility, when the agent is transporting
696 cannabis plants to a cannabis processing facility or an independent cannabis testing
697 laboratory, may transport unprocessed cannabis outside of a medicinal dosage form.

698 (2) Except for an individual with a valid medical cannabis card under Title 26B, Chapter 4,
699 Part 2, Cannabinoid Research and Medical Cannabis, who is transporting a medical
700 cannabis treatment, an individual transporting cannabis or a cannabis product shall:

- 701 (a) be employed by the entity licensed under this chapter that is authorizing the
702 transportation of the cannabis or cannabis product; and
- 703 (b) possess a transportation manifest that:
 - 704 (i) includes a unique identifier that links the cannabis or cannabis product to a
705 relevant inventory control system;
 - 706 (ii) includes origin and destination information for any cannabis or cannabis product
707 that the individual is transporting; and
 - 708 (iii) identifies the departure and arrival times and locations of the individual

- 709 transporting the cannabis or cannabis product.
- 710 (3)(a) In addition to the requirements in Subsections (1) and (2), the department may
711 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
712 Rulemaking Act, requirements for transporting cannabis or cannabis product to
713 ensure that the cannabis or cannabis product remains safe for human consumption.
- 714 (b) The transportation described in Subsection (3)(a) is limited to transportation:
715 (i) between a cannabis production establishment and another cannabis production
716 establishment;
717 (ii) between a cannabis processing facility and a medical cannabis pharmacy; and
718 (iii) between a medical cannabis pharmacy and:
719 (A) another medical cannabis pharmacy; or
720 (B) for a medical cannabis shipment, a delivery address.
- 721 (4)(a) It is unlawful for a registered cannabis production establishment agent to make a
722 transport described in this section with a manifest that does not meet the requirements
723 of this section.
- 724 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:
725 (i) guilty of an infraction; and
726 (ii) subject to a \$100 fine.
- 727 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not guilty
728 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
729 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
730 Concerning Controlled Substances, for the conduct underlying the violation
731 described in Subsection (4)(b).
- 732 (d) If the agent described in Subsection (4)(a) is transporting more cannabis or cannabis
733 product than the manifest identifies, except for a de minimis administrative error:
734 (i) the penalty described in Subsection (4)(b) does not apply; and
735 (ii) the agent is subject to penalties under [~~Title 58, Chapter 37, Utah Controlled~~
736 Substances Act] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter
737 18, Part 2, Offenses Concerning Controlled Substances.
- 738 (5) Nothing in this section prevents the department from taking administrative enforcement
739 action against a cannabis production establishment, medical cannabis pharmacy, medical
740 cannabis courier, or another person for failing to make a transport in compliance with
741 the requirements of this section.
- 742 (6) An individual other than an individual described in Subsection (1) may transport a

743 medical cannabis device within the state if the transport does not also contain medical
744 cannabis.

745 Section 6. Section **4-41a-801** is amended to read:

746 **4-41a-801 (Effective 05/06/26). Enforcement -- Fine -- Citation.**

- 747 (1)(a) If a person that is a cannabis production establishment, a cannabis production
748 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy
749 agent, or a medical cannabis courier, violates this chapter, the department may:
- 750 (i) revoke the person's license or agent registration card;
 - 751 (ii) decline to renew the person's license or agent registration card;
 - 752 (iii) assess the person an administrative penalty that the department establishes by
753 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
754 Act; or
 - 755 (iv) provide a letter of concern in accordance with Subsection (8).
- 756 (b) Except for a violation that threatens public health or for the third violation of the
757 same rule or statute in a 24-month period, the department shall issue a letter of
758 concern before taking other administrative action under this section.
- 759 (2) The department shall deposit an administrative penalty imposed under this section into
760 the General Fund.
- 761 (3)(a) The department may take an action described in Subsection (3)(b) if the
762 department concludes, upon investigation, that, for a person that is a cannabis
763 production establishment, a cannabis production establishment agent, a medical
764 cannabis pharmacy, a medical cannabis pharmacy agent, or a medical cannabis
765 courier:
- 766 (i) the person has violated the provisions of this chapter, a rule made under this
767 chapter, or an order issued under this chapter; or.
 - 768 (ii) the person produced cannabis or a cannabis product batch that contains a
769 substance, other than cannabis, that poses a significant threat to human health.
- 770 (b) If the department makes the determination about a person described in Subsection
771 (3)(a), the department may:
- 772 (i) issue the person a written administrative citation;
 - 773 (ii) attempt to negotiate a stipulated settlement;
 - 774 (iii) order the person to cease and desist from the action that creates a violation; or
 - 775 (iv) direct the person to appear before an adjudicative proceeding conducted under
776 Title 63G, Chapter 4, Administrative Procedures Act.

- 777 (c) If the department concludes, upon investigation, that a cannabis production
778 establishment or a cannabis production establishment agent has produced a cannabis
779 batch or a cannabis product batch that contains a substance that poses a significant
780 threat to human health, the department shall seize, embargo, or destroy the cannabis
781 batch or cannabis product batch.
- 782 (4) The department may, for a person subject to an uncontested citation, a stipulated
783 settlement, or a finding of a violation in an adjudicative proceeding under this section,
784 for a fine amount not already specified in law, assess the person, who is not an
785 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that
786 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
787 Administrative Rulemaking Act.
- 788 (5) The department may not revoke a license without first directing the licensee to appear
789 before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative
790 Procedures Act.
- 791 (6) If within 30 calendar days after the day on which a department serves a citation for a
792 violation of this chapter, the person that is the subject of the citation fails to request a
793 hearing to contest the citation, the citation becomes the department's final order.
- 794 (7) The department may, for a person who fails to comply with a citation under this section:
795 (a) refuse to issue or renew the person's license or agent registration card; or
796 (b) suspend, revoke, or place on probation the person's license or registration card.
- 797 (8)(a) A letter of concern shall describe:
798 (i) the violation including the statute or rule being violated;
799 (ii) possible options to remedy the issue; and
800 (iii) possible consequences for not remedying the violation.
- 801 (b) Under a letter of concern, the department shall provide the person at least 30 days to
802 remedy the violation.
- 803 (c) If the person fails to remedy the violation described in a letter of concern, the
804 department may take other enforcement action as described in this section.
- 805 (d) If a letter of concern is resolved without an enforcement action being taken under
806 Subsection (8)(c), the department may not report that a letter of concern was issued to
807 the licensing board.
- 808 (9)(a) Except where a criminal penalty is expressly provided for a specific violation of
809 this chapter, or where civil and criminal penalties are provided for violations of
810 Section 76-10-31, if an individual:

- 811 (i) violates a provision of this chapter, the individual is:
- 812 (A) guilty of an infraction; and
- 813 (B) subject to a \$100 fine; or
- 814 (ii) intentionally or knowingly violates a provision of this chapter or violates this
- 815 chapter three or more times, the individual is:
- 816 (A) guilty of a class B misdemeanor; and
- 817 (B) subject to a \$1,000 fine.
- 818 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not guilty
- 819 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
- 820 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 821 Concerning Controlled Substances, for the conduct underlying the violation
- 822 described in Subsection (9)(a).
- 823 (10) Nothing in this section prohibits:
- 824 (a) the department from referring potential criminal activity to law enforcement; or
- 825 (b) the attorney general from investigating or prosecuting individuals or businesses for
- 826 violations of [~~Title 76, Chapter 10, Part 31, Utah Antitrust Act~~] Title 76, Chapter 16,
- 827 Part 5, Antitrust Offenses.
- 828 (11) An appeal of administrative action taken under this chapter shall be heard by an
- 829 administrative law judge as an informal proceeding in accordance with Title 63G,
- 830 Chapter 4, Administrative Procedures Act.
- 831 Section 7. Section **4-41a-1107** is amended to read:
- 832 **4-41a-1107 (Effective 05/06/26). Medical cannabis pharmacy agent registration**
- 833 **card -- Rebuttable presumption.**
- 834 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis
- 835 pharmacy agent registration card with the individual at all times when:
- 836 (a) the individual is on the premises of a medical cannabis pharmacy; and
- 837 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
- 838 product in a medicinal dosage form, or a medical cannabis device between a cannabis
- 839 production establishment and a medical cannabis pharmacy.
- 840 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
- 841 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
- 842 device or transporting cannabis in a medicinal dosage form, a cannabis product in a
- 843 medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis
- 844 product, or medical cannabis device in compliance with Subsection (1):

- 845 (a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis
 846 product, or medical cannabis device legally; and
- 847 (b) there is no probable cause, based solely on the individual's possession of the
 848 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or
 849 medical cannabis device in compliance with Subsection (1), that the individual is
 850 engaging in illegal activity.
- 851 (3)(a) A medical cannabis pharmacy agent who fails to carry the agent's medical
 852 cannabis pharmacy agent registration card in accordance with Subsection (1) is:
- 853 (i) for a first or second offense in a two-year period:
- 854 (A) guilty of an infraction; and
 855 (B) is subject to a \$100 fine; or
- 856 (ii) for a third or subsequent offense in a two-year period:
- 857 (A) guilty of a class C misdemeanor; and
 858 (B) subject to a \$750 fine.
- 859 (b)(i) The prosecuting entity shall notify the department and the relevant medical
 860 cannabis pharmacy of each conviction under Subsection (3)(a).
- 861 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess
 862 the relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with
 863 a fine schedule that the department establishes by rule in accordance with Title
 864 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 865 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not guilty
 866 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
 867 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
 868 Concerning Controlled Substances, for the conduct underlying the violation
 869 described in Subsection (3)(a).
- 870 Section 8. Section **4-41a-1203** is amended to read:
- 871 **4-41a-1203 (Effective 05/06/26). Medical cannabis shipment transportation.**
- 872 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
 873 capable of delivering, directly or through a medical cannabis courier, medical cannabis
 874 shipments in a secure manner.
- 875 (2)(a) A home delivery medical cannabis pharmacy may contract with a licensed
 876 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic
 877 medical cannabis orders.
- 878 (b) If a home delivery medical cannabis pharmacy enters into a contract described in

- 879 Subsection (2)(a), the pharmacy shall:
- 880 (i) impose security and personnel requirements on the medical cannabis courier
- 881 sufficient to ensure the security and safety of medical cannabis shipments; and
- 882 (ii) provide regular oversight of the medical cannabis courier.
- 883 (3) Notwithstanding Subsection 4-41a-404(1), an individual may transport a medical
- 884 cannabis shipment if the individual is:
- 885 (a) a registered pharmacy medical provider;
- 886 (b) a registered medical cannabis pharmacy agent; or
- 887 (c) a registered agent of the medical cannabis courier described in Subsection (2).
- 888 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
- 889 comply with the requirements of Subsection 4-41a-404(3).
- 890 (5) In addition to the requirements in Subsections (3) and (4), the department may establish
- 891 by rule, in collaboration with the Division of Professional Licensing and the Board of
- 892 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
- 893 Rulemaking Act, requirements for transporting medical cannabis shipments that are
- 894 related to safety for human consumption of medical cannabis.
- 895 (6)(a) It is unlawful for an individual to transport a medical cannabis shipment with a
- 896 manifest that does not meet the requirements of Subsection (4).
- 897 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a)
- 898 is:
- 899 (i) guilty of an infraction; and
- 900 (ii) subject to a \$100 fine.
- 901 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty
- 902 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
- 903 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 904 Concerning Controlled Substances, for the conduct underlying the violation
- 905 described in Subsection (6)(b).
- 906 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
- 907 cannabis product, or medical cannabis devices than the manifest identifies, except for
- 908 a de minimis administrative error:
- 909 (i) this chapter does not apply; and
- 910 (ii) the individual is subject to penalties under [~~Title 58, Chapter 37, Utah Controlled~~
- 911 Substances Act] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter
- 912 18, Part 2, Offenses Concerning Controlled Substances.

913 Section 9. Section **4-41a-1204** is amended to read:

914 **4-41a-1204 (Effective 05/06/26). Medical cannabis courier agent -- Background**
915 **check -- Registration card -- Rebuttable presumption.**

916 (1) An individual may not serve as a medical cannabis courier agent unless the department
917 registers the individual as a medical cannabis courier agent.

918 (2)(a) The department shall, within 15 days after the day on which the department
919 receives a complete application from a medical cannabis courier on behalf of a
920 medical cannabis courier agent, register and issue a medical cannabis courier agent
921 registration card to the prospective agent if the medical cannabis courier:

922 (i) provides to the department:

923 (A) the prospective agent's name and address;

924 (B) the name and address of the medical cannabis courier;

925 (C) the name and address of each home delivery medical cannabis pharmacy with
926 which the medical cannabis courier contracts to deliver medical cannabis
927 shipments; and

928 (D) the submission required under Subsection (2)(b);

929 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
930 law of:

931 (A) a felony; or

932 (B) after December 3, 2018, a misdemeanor for drug distribution; and

933 (iii) pays the department a fee in an amount that, subject to Subsection 4-41a-104(5),
934 the department sets in accordance with Section 63J-1-504.

935 (b) Each prospective agent described in Subsection (2)(a) shall:

936 (i) submit to the department:

937 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

938 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
939 the registration of the prospective agent's fingerprints in the Federal Bureau of
940 Investigation Next Generation Identification System's Rap Back Service; and

941 (ii) consent to a fingerprint background check by:

942 (A) the Bureau of Criminal Identification; and

943 (B) the Federal Bureau of Investigation.

944 (c) The Bureau of Criminal Identification shall:

945 (i) check the fingerprints the prospective agent submits under Subsection (2)(b)
946 against the applicable state, regional, and national criminal records databases,

- 947 including the Federal Bureau of Investigation Next Generation Identification
948 System;
- 949 (ii) report the results of the background check to the department;
- 950 (iii) maintain a separate file of fingerprints that prospective agents submit under
951 Subsection (2)(b) for search by future submissions to the local and regional
952 criminal records databases, including latent prints;
- 953 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
954 Next Generation Identification System's Rap Back Service for search by future
955 submissions to national criminal records databases, including the Next Generation
956 Identification System and latent prints; and
- 957 (v) establish a privacy risk mitigation strategy to ensure that the department only
958 receives notifications for an individual with whom the department maintains an
959 authorizing relationship.
- 960 (d) The department shall:
- 961 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
962 amount that the department sets in accordance with Section 63J-1-504 for the
963 services that the Bureau of Criminal Identification or another authorized agency
964 provides under this section; and
- 965 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
966 Identification.
- 967 (3)(a) A medical cannabis courier agent shall comply with a certification standard that
968 the department develops, in collaboration with the Division of Professional Licensing
969 and the Board of Pharmacy, or a third-party certification standard that the department
970 designates by rule in collaboration with the Division of Professional Licensing and
971 the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
972 Administrative Rulemaking Act.
- 973 (b) The department shall ensure that the certification standard described in Subsection
974 (3)(a) includes training in:
- 975 (i) Utah medical cannabis law;
- 976 (ii) the medical cannabis shipment process; and
- 977 (iii) medical cannabis courier agent best practices.
- 978 (4)(a) A medical cannabis courier agent registration card expires two years after the day
979 on which the department issues or renews the card.
- 980 (b) A medical cannabis courier agent may renew the agent's registration card if the agent:

- 981 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 982 (ii) certifies to the department in a renewal application that the information in
- 983 Subsection (2)(a) is accurate or updates the information; and
- 984 (iii) pays to the department a renewal fee in an amount that:
- 985 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with
- 986 Section 63J-1-504; and
- 987 (B) may not exceed the cost of the relatively lower administrative burden of
- 988 renewal in comparison to the original application process.
- 989 (5) The department may revoke or refuse to issue or renew the medical cannabis courier
- 990 agent registration card of an individual who:
- 991 (a) violates the requirements of this chapter; or
- 992 (b) is convicted under state or federal law of:
- 993 (i) a felony within the preceding 10 years; or
- 994 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 995 (6) A medical cannabis courier agent whom the department has registered under this section
- 996 shall carry the agent's medical cannabis courier agent registration card with the agent at
- 997 all times when:
- 998 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
- 999 pharmacy, or a delivery address; and
- 1000 (b) the agent is handling a medical cannabis shipment.
- 1001 (7) If a medical cannabis courier agent handling a medical cannabis shipment possesses the
- 1002 shipment in compliance with Subsection (6):
- 1003 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
- 1004 (b) there is no probable cause, based solely on the agent's possession of the medical
- 1005 cannabis shipment that the agent is engaging in illegal activity.
- 1006 (8)(a) A medical cannabis courier agent who violates Subsection (6) is:
- 1007 (i) guilty of an infraction; and
- 1008 (ii) subject to a \$100 fine.
- 1009 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty
- 1010 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
- 1011 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 1012 Concerning Controlled Substances, for the conduct underlying the violation
- 1013 described in Subsection (8)(a).
- 1014 (9) A medical cannabis courier shall:

- 1015 (a) maintain a list of employees who have a medical cannabis courier agent card; and
 1016 (b) provide the list to the department upon request.

1017 Section 10. Section **4-45-104** is amended to read:

1018 **4-45-104 (Effective 05/06/26). Kratom processor requirements -- Criminal**
 1019 **penalty.**

1020 (1) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product:

- 1021 (a) that is mixed or packed with a nonkratom substance that affects the quality or
 1022 strength of the kratom product to such a degree as to render the kratom product
 1023 injurious to a consumer;
 1024 (b) that contains a poisonous or otherwise deleterious nonkratom ingredient, including a
 1025 controlled substance as defined in Section ~~[58-37-2]~~ 58-37-101;
 1026 (c) containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater
 1027 than 2% of the alkaloid composition of the kratom product;
 1028 (d) containing a synthetic alkaloid, including synthetic mitragynine, synthetic
 1029 7-hydroxymitragynine, or any other synthetically derived compound of the kratom
 1030 plant; or
 1031 (e) that does not include a product label on the kratom product packaging that states the
 1032 amount of mitragynine and 7-hydroxymitragynine contained in the packaged kratom
 1033 product.

1034 (2) A kratom processor who violates Subsection (1) is guilty of a class C misdemeanor for
 1035 each violation.

1036 (3) A kratom processor does not violate Subsection (1) if the kratom processor shows by a
 1037 preponderance of the evidence that the kratom processor relied in good faith upon the
 1038 representation of a manufacturer, processor, packer, or distributor of food represented to
 1039 be a kratom product.

1040 (4) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product
 1041 that is not registered with the department in accordance with this chapter.

1042 (5) A kratom processor shall register as a food establishment in accordance with Section
 1043 4-5-301.

1044 Section 11. Section **10-8-47** is amended to read:

1045 **10-8-47 (Effective 05/06/26). Intoxication -- Fights -- Disorderly conduct --**
 1046 **Assault and battery -- Petit larceny -- Riots and disorderly assemblies -- Firearms and**
 1047 **fireworks -- False pretenses and embezzlement -- Sale of liquor, narcotics, tobacco**
 1048 **products, electronic cigarette products, or nicotine products to minors -- Possession of**

1049 **controlled substances -- Treatment of alcoholics and narcotics or drug addicts.**

- 1050 (1) A municipal legislative body may:
- 1051 (a) prevent intoxication, fighting, quarreling, dog fights, cockfights, prize fights,
- 1052 bullfights, and all disorderly conduct and provide against and punish the offenses of
- 1053 assault and battery and petit larceny;
- 1054 (b) restrain riots, routs, noises, disturbances, or disorderly assemblies in any street,
- 1055 house, or place in the city;
- 1056 (c) regulate and prevent the discharge of firearms, rockets, powder, fireworks in
- 1057 accordance with Section 53-7-225, or any other dangerous or combustible material;
- 1058 (d) provide against and prevent the offense of obtaining money or property under false
- 1059 pretenses and the offense of embezzling money or property in the cases when the
- 1060 money or property embezzled or obtained under false pretenses does not exceed in
- 1061 value the sum of \$500;
- 1062 (e) prohibit the sale, giving away, or furnishing of narcotics or alcoholic beverages to an
- 1063 individual younger than 21 years old; or
- 1064 (f) prohibit the sale, giving away, or furnishing of a tobacco product, an electronic
- 1065 cigarette product, or a nicotine product as those terms are defined in Section
- 1066 76-9-1101 to an individual younger than 21 years old.
- 1067 (2) A city may:
- 1068 (a) by ordinance, prohibit the possession of controlled substances as defined in [~~the Utah~~
- 1069 ~~Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76,
- 1070 Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any other
- 1071 endangering or impairing substance, provided the conduct is not a class A
- 1072 misdemeanor or felony; and
- 1073 (b) provide for treatment of alcoholics, narcotic addicts, and other individuals who are
- 1074 addicted to the use of drugs or intoxicants such that an individual substantially lacks
- 1075 the capacity to control the individual's use of the drugs or intoxicants, and judicial
- 1076 supervision may be imposed as a means of effecting the individual's rehabilitation.
- 1077 Section 12. Section **17-72-101** is amended to read:
- 1078 **17-72-101 (Effective 05/06/26). Definitions.**
- 1079 As used in this chapter:
- 1080 (1) "Commissary account" means an account from which a prisoner may withdraw money,
- 1081 deposited by the prisoner or another individual, to purchase discretionary items for sale
- 1082 by a correctional facility.

- 1083 (2) "Commissary purchase" means a transaction initiated by a prisoner by which the
1084 prisoner obtains an item or items offered for sale by the correctional facility in exchange
1085 for money withdrawn from the prisoner's commissary account.
- 1086 (3) "Commission" means the State Commission on Criminal and Juvenile Justice created in
1087 Section 63M-7-201.
- 1088 (4) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 1089 (5) "County inmate" means an inmate who is sentenced to a county jail.
- 1090 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section
1091 26B-4-1001.281-12(6)
- 1092 (7)(a) "In-custody death" means a prisoner death that occurs while the prisoner is in the
1093 custody of a county jail.
- 1094 (b) "In-custody death" includes a prisoner death that occurs while the prisoner is:
1095 (i) being transported for health care; or
1096 (ii) receiving health care outside of a county jail.
- 1097 (8) "Inmate" means a prisoner who is in the custody of a correctional facility following a
1098 criminal conviction.
- 1099 (9) "Medication assisted treatment plan" means a prescription plan to use prescribed
1100 medication approved by the Food and Drug Administration, such as buprenorphine,
1101 methadone, or naltrexone to treat substance use withdrawal symptoms or an opioid use
1102 disorder.
- 1103 (10) "Notice" means all papers and orders, except process, required to be served in any
1104 proceeding before any court, board, commission, or officer, or when required by law to
1105 be served independently of a court proceeding.
- 1106 (11) "Opiate" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.
- 1107 (12) "Primary sex characteristic surgical procedure" means the same as that term is defined
1108 in Section 26B-4-1001.
- 1109 (13) "Prisoner" means an individual who is:
1110 (a) in custody of a peace officer in accordance with a lawful arrest; or
1111 (b) confined in a county jail.
- 1112 (14) "Police interlocal entity" means the same as that term is defined in Sections 17-76-201
1113 and 17-76-301.
- 1114 (15) "Police special district" means the same as that term is defined in Section 17-76-201.
- 1115 (16) "Probationer" means an individual on probation under the supervision of the county
1116 sheriff.

- 1117 (17) "Process" means all writs, warrants, summonses and orders of the courts of justice or
1118 judicial officers.
- 1119 (18)(a) "Qualifying domestic violence offense" means the same as that term is defined in
1120 Section 77-36-1.1.
- 1121 (b) "Qualifying domestic violence offense" does not include criminal mischief as that
1122 term is defined in Section 76-6-106.
- 1123 (19) "State inmate" means an inmate who is sentenced to the Department of Corrections,
1124 created in Section 64-13-2, even if the inmate is in the custody of a county jail.
- 1125 (20) "Secondary sex characteristic surgical procedure" means the same as that term is
1126 defined in Section 26B-4-1001.
- 1127 (21) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- 1128 Section 13. Section **19-6-902** is amended to read:
- 1129 **19-6-902 (Effective 05/06/26). Definitions.**
- 1130 As used in this part:
- 1131 (1) "Board" means the Waste Management and Radiation Control Board, as defined in
1132 Section 19-1-106, within the Department of Environmental Quality.
- 1133 (2) "Certified decontamination specialist" means an individual who has met the standards
1134 for certification as a decontamination specialist and has been certified by the board
1135 under Subsection 19-6-906(2).
- 1136 (3) "Contaminated" or "contamination" means:
- 1137 (a) polluted by hazardous materials that cause property to be unfit for human habitation
1138 or use due to immediate or long-term health hazards; or
- 1139 (b) that a property is polluted by hazardous materials as a result of the use, production,
1140 or presence of methamphetamine in excess of decontamination standards adopted by
1141 the Department of Health and Human Services under Section 26B-7-409.
- 1142 (4) "Contamination list" means a list maintained by the local health department of
1143 properties:
- 1144 (a) reported to the local health department under Section 19-6-903; and
1145 (b) determined by the local health department to be contaminated.
- 1146 (5)(a) "Decontaminated" means property that at one time was contaminated, but the
1147 contaminants have been removed.
- 1148 (b) "Decontaminated" for a property that was contaminated by the use, production, or
1149 presence of methamphetamine means that the property satisfies decontamination
1150 standards adopted by the Department of Health and Human Services under Section

- 1151 26B-7-409.
- 1152 (6) "Hazardous materials":
- 1153 (a) has the same meaning as "hazardous or dangerous material" as defined in Section [
- 1154 58-37d-3] 76-18-501; and
- 1155 (b) includes any illegally manufactured controlled substances.
- 1156 (7) "Health department" means a local health department under Title 26A, Local Health
- 1157 Authorities.
- 1158 (8) "Owner of record":
- 1159 (a) means the owner of real property as shown on the records of the county recorder in
- 1160 the county where the property is located; and
- 1161 (b) may include an individual, financial institution, company, corporation, or other entity.
- 1162 (9) "Property":
- 1163 (a) means any real property, site, structure, part of a structure, or the grounds
- 1164 surrounding a structure; and
- 1165 (b) includes single-family residences, outbuildings, garages, units of multiplexes,
- 1166 condominiums, apartment buildings, warehouses, hotels, motels, boats, motor
- 1167 vehicles, trailers, manufactured housing, shops, or booths.
- 1168 (10) "Reported property" means property that is the subject of a law enforcement report
- 1169 under Section 19-6-903.
- 1170 Section 14. Section **26B-2-120** is amended to read:
- 1171 **26B-2-120 (Effective 05/06/26). Background check -- Direct access to children or**
- 1172 **vulnerable adults.**
- 1173 (1) As used in this section:
- 1174 (a)(i) "Applicant" means an individual who is associated with a certification,
- 1175 contract, or licensee with the department under this part and has direct access,
- 1176 including:
- 1177 (A) an adoptive parent or prospective adoptive parent, including an applicant for
- 1178 an adoption in accordance with Section 78B-6-128;
- 1179 (B) a foster parent or prospective foster parent;
- 1180 (C) an individual who provides respite care to a foster parent or an adoptive parent
- 1181 on more than one occasion;
- 1182 (D) an individual who transports a child for a youth transportation company;
- 1183 (E) an individual who provides certified peer support, as defined in Section
- 1184 26B-5-610;

- 1185 (F) an individual who provides peer supports, has a disability or a family member
 1186 with a disability, or is in recovery from a mental illness or a substance use
 1187 disorder;
- 1188 (G) an individual who has lived experience with the services provided by the
 1189 department, and uses that lived experience to provide support, guidance, or
 1190 services to promote resiliency and recovery;
- 1191 (H) an individual who is identified as a mental health professional, licensed under
 1192 Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in
 1193 the practice of mental health therapy, as defined in Section 58-60-102;
- 1194 (I) an individual, other than the child or vulnerable adult receiving the service,
 1195 who is 12 years old or older and resides in a home, that is licensed or certified
 1196 by the division;
- 1197 (J) an individual who is 12 years old or older and is associated with a certification,
 1198 contract, or licensee with the department under this part and has or will likely
 1199 have direct access;
- 1200 (K) a foster home licensee that submits an application for an annual background
 1201 screening as required by Subsection 26B-2-105(4)(d)(iii); or
- 1202 (L) a short-term relief care provider.
- 1203 (ii) "Applicant" does not include:
- 1204 (A) an individual who is in the custody of the Division of Child and Family
 1205 Services or the Division of Juvenile Justice and Youth Services;
- 1206 (B) an individual who applies for employment with, or is employed by, the
 1207 Department of Health and Human Services;
- 1208 (C) a parent of a person receiving services from the Division of Services for
 1209 People with Disabilities, if the parent provides direct care to and resides with
 1210 the person, including if the parent provides direct care to and resides with the
 1211 person pursuant to a court order; or
- 1212 (D) an individual or a department contractor who provides services in an adults
 1213 only substance use disorder program, as defined by rule adopted by the
 1214 Department of Health and Human Services in accordance with Title 63G,
 1215 Chapter 3, Utah Administrative Rulemaking Act, and who is not a program
 1216 director or a member, as defined by Section 26B-2-105, of the program.
- 1217 (b) "Application" means a background check application to the office.
- 1218 (c) "Bureau" means the Bureau of Criminal Identification within the Department of

- 1219 Public Safety, created in Section 53-10-201.
- 1220 (d) "Criminal finding" means a record of:
- 1221 (i) an arrest for a criminal offense;
- 1222 (ii) a warrant for a criminal arrest;
- 1223 (iii) charges for a criminal offense; or
- 1224 (iv) a criminal conviction.
- 1225 (e) "Direct access" means that an individual has, or likely will have:
- 1226 (i) contact with or access to a child or vulnerable adult by which the individual will
- 1227 have the opportunity for personal communication or touch with the child or
- 1228 vulnerable adult; or
- 1229 (ii) an opportunity to view medical, financial, or other confidential personal
- 1230 identifying information of the child, the child's parent or legal guardian, or the
- 1231 vulnerable adult.
- 1232 (f)~~(f)~~ "Direct access qualified" means that:~~[-]~~
- 1233 (i) the applicant has an eligible determination by the office within the license and
- 1234 renewal time period; and
- 1235 (ii) no more than 180 days have passed since the date on which the applicant's
- 1236 association with a certification, contract, or licensee with the department expires.
- 1237 (g) "Incidental care" means occasional care, not in excess of five hours per week and
- 1238 never overnight, for a foster child.
- 1239 (h) "Licensee" means an individual or a human services program licensed by the
- 1240 division.
- 1241 (i) "Non-criminal finding" means a record maintained in:
- 1242 (i) the Division of Child and Family Services' Management Information System
- 1243 described in Section 80-2-1001;
- 1244 (ii) the Division of Child and Family Services' Licensing Information System
- 1245 described in Section 80-2-1002;
- 1246 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or
- 1247 exploitation database described in Section 26B-6-210;
- 1248 (iv) juvenile court arrest, adjudication, and disposition records;
- 1249 (v) the Sex, Kidnap, and Child Abuse Offender Registry described in Title 53,
- 1250 Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
- 1251 offender registry; or
- 1252 (vi) a state child abuse or neglect registry.

- 1253 (j) "Office" means the Office of Background Processing within the department.
- 1254 (k) "Personal identifying information" means:
- 1255 (i) current name, former names, nicknames, and aliases;
- 1256 (ii) date of birth;
- 1257 (iii) physical address and email address;
- 1258 (iv) telephone number;
- 1259 (v) driver license or other government-issued identification;
- 1260 (vi) social security number;
- 1261 (vii) only for applicants who are 18 years old or older, fingerprints, in a form
- 1262 specified by the office; and
- 1263 (viii) other information specified by the office by rule made in accordance with Title
- 1264 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1265 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the
- 1266 following to the office:
- 1267 (a) personal identifying information;
- 1268 (b) a fee established by the office under Section 63J-1-504;
- 1269 (c) a disclosure form, specified by the office, for consent for:
- 1270 (i) an initial background check upon association with a certification, contract, or
- 1271 licensee with the department;
- 1272 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a
- 1273 certification, contract, or licensee with the department for 180 days;
- 1274 (iii) a background check when the office determines that reasonable cause exists; and
- 1275 (iv) retention of personal identifying information, including fingerprints, for
- 1276 monitoring and notification as described in Subsections (3)(c) and (4);
- 1277 (d) if an applicant resided outside of the United States and its territories during the five
- 1278 years immediately preceding the day on which the information described in
- 1279 Subsections (2)(a) through (c) is submitted to the office, documentation establishing
- 1280 whether the applicant was convicted of a crime during the time that the applicant
- 1281 resided outside of the United States or its territories; and
- 1282 (e) an application showing an applicant's association with a certification, contract, or a
- 1283 licensee with the department, for the purpose of the office tracking the direct access
- 1284 qualified status of the applicant, which expires 180 days after the date on which the
- 1285 applicant is no longer associated with a certification, contract, or a licensee with the
- 1286 department.

- 1287 (3) The office:
- 1288 (a) shall perform the following duties as part of a background check of an applicant
- 1289 before the office grants or denies direct access qualified status to an applicant:
- 1290 (i) check state and regional criminal background databases for the applicant's
- 1291 criminal history by:
- 1292 (A) submitting personal identifying information to the bureau for a search; or
- 1293 (B) using the applicant's personal identifying information to search state and
- 1294 regional criminal background databases as authorized under Section 53-10-108;
- 1295 (ii) submit the applicant's personal identifying information and fingerprints to the
- 1296 bureau for a criminal history search of applicable national criminal background
- 1297 databases;
- 1298 (iii) search the Division of Child and Family Services' Licensing Information System
- 1299 described in Section 80-2-1002;
- 1300 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in Title
- 1301 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national
- 1302 sex offender registry for an applicant 18 years old or older;
- 1303 (v) search the Division of Child and Family Services' Management Information
- 1304 System in Section 80-2-1001, if the applicant is:
- 1305 (A) a prospective foster or adoptive parent;
- 1306 (B) an employee of a congregate care program; or
- 1307 (C) an adult who lives in a foster home.
- 1308 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,
- 1309 or exploitation database described in Section 26B-6-210;
- 1310 (vii) search the juvenile court records for substantiated findings of severe child abuse
- 1311 or neglect described in Section 80-3-404 or 80-3-504; and
- 1312 (viii) search the juvenile court arrest, adjudication, and disposition records, as
- 1313 provided under Section 78A-6-209;
- 1314 (b) may conduct all or portions of a background check in connection with determining
- 1315 whether an applicant is direct access qualified, as provided by rule, made by the
- 1316 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 1317 (i) for an annual renewal; or
- 1318 (ii) when the office determines that reasonable cause exists;
- 1319 (c) may submit an applicant's personal identifying information, including fingerprints, to
- 1320 the bureau for checking, retaining, and monitoring of state and national criminal

- 1321 background databases and for notifying the office of new criminal activity associated
1322 with the applicant;
- 1323 (d) shall track the status of an applicant under this section to ensure that the applicant is
1324 not required to duplicate the submission of the applicant's fingerprints if the applicant
1325 is associated with more than one certification, contract, or licensee with the
1326 department;
- 1327 (e) shall notify the bureau when a direct access qualified individual has not been
1328 associated with a certification, contract, or licensee with the department for a period
1329 of 180 days;
- 1330 (f) shall adopt measures to strictly limit access to personal identifying information solely
1331 to the individuals responsible for processing and entering the applications for
1332 background checks and to protect the security of the personal identifying information
1333 the office reviews under this Subsection (3);
- 1334 (g) as necessary to comply with the federal requirement to check a state's child abuse
1335 and neglect registry regarding any applicant working in a congregate care program,
1336 shall:
- 1337 (i) search the Division of Child and Family Services' Licensing Information System
1338 described in Section 80-2-1002; and
- 1339 (ii) require the child abuse and neglect registry be checked in each state where an
1340 applicant resided at any time during the five years immediately preceding the day
1341 on which the application is submitted to the office; and
- 1342 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
1343 Rulemaking Act, to implement the provisions of this Subsection (3) relating to
1344 background checks.
- 1345 (4)(a) With the personal identifying information the office submits to the bureau under
1346 Subsection (3), the bureau shall check against state and regional criminal background
1347 databases for the applicant's criminal history.
- 1348 (b) With the personal identifying information and fingerprints the office submits to the
1349 bureau under Subsection (3), the bureau shall check against national criminal
1350 background databases for the applicant's criminal history.
- 1351 (c) Upon direction from the office, and with the personal identifying information and
1352 fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:
- 1353 (i) maintain a separate file of the fingerprints for search by future submissions to the
1354 local and regional criminal records databases, including latent prints; and

- 1355 (ii) monitor state and regional criminal background databases and identify criminal
1356 activity associated with the applicant.
- 1357 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of
1358 Investigation Next Generation Identification System, to be retained in the Federal
1359 Bureau of Investigation Next Generation Identification System for the purpose of:
- 1360 (i) being searched by future submissions to the national criminal records databases,
1361 including the Federal Bureau of Investigation Next Generation Identification
1362 System and latent prints; and
- 1363 (ii) monitoring national criminal background databases and identifying criminal
1364 activity associated with the applicant.
- 1365 (e) The bureau shall notify and release to the office all information of criminal activity
1366 associated with the applicant.
- 1367 (f) Upon notice that an individual who has direct access qualified status will no longer
1368 be associated with a certification, contract, or licensee with the department, the
1369 bureau shall:
- 1370 (i) discard and destroy any retained fingerprints; and
- 1371 (ii) notify the Federal Bureau of Investigation when the license has expired or an
1372 individual's direct access to a child or a vulnerable adult has ceased, so that the
1373 Federal Bureau of Investigation will discard and destroy the retained fingerprints
1374 from the Federal Bureau of Investigation Next Generation Identification System.
- 1375 (5)(a) Except as provided in Subsection (5)(b), the office shall deny direct access
1376 qualified status to an applicant who, within three years from the date on which the
1377 office conducts the background check, was convicted of:
- 1378 (i) a felony or misdemeanor involving conduct that constitutes any of the following:
- 1379 (A) an offense identified as domestic violence, lewdness, voyeurism, battery,
1380 cruelty to animals, or bestiality;
- 1381 (B) a violation of any pornography law, including sexual exploitation of a minor
1382 or aggravated sexual exploitation of a minor;
- 1383 (C) sexual solicitation or prostitution;
- 1384 (D) a violent offense committed in the presence of a child, as described in Section
1385 76-3-203.10;
- 1386 (E) an offense included in Title 76, Chapter 5, Part 1, 2, 3, 4, or 7;
- 1387 (F) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act, other
1388 than Section 76-5b-206;

- 1389 (G) an offense included in Title 76, Chapter 7, Offenses Against the Family;
- 1390 (H) an offense included in Title 76, Chapter 12, Part 3, Privacy Offenses;
- 1391 (I) an offense included in Title 76, Chapter 15, Part 3, Weapons of Mass
- 1392 Destruction;
- 1393 (J) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking
- 1394 Injunctions;
- 1395 (K) aggravated arson, as described in Section 76-6-103;
- 1396 (L) aggravated burglary, as described in Section 76-6-203;
- 1397 (M) aggravated exploitation of prostitution, as described in Section 76-5d-208;
- 1398 (N) aggravated robbery, as described in Section 76-6-302;
- 1399 (O) endangering persons in a human services program, as described in Section
- 1400 26B-2-113;
- 1401 (P) failure to report, as described in Section 80-2-609;
- 1402 (Q) identity fraud crime, as described in Section 76-6-1102;
- 1403 (R) riot, as described in Section 76-9-101; or
- 1404 (S) threatening with or using a dangerous weapon in a fight or quarrel, as
- 1405 described in Section 76-11-207; or
- 1406 (ii) a felony or misdemeanor offense committed outside of the state that, if committed
- 1407 in the state, would constitute a violation of an offense described in Subsection
- 1408 (5)(a)(i).
- 1409 (b)(i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a
- 1410 peer support provider or a mental health professional, if the applicant provides
- 1411 services in a program that serves only adults with a primary mental health
- 1412 diagnosis, with or without a co-occurring substance use disorder.
- 1413 (ii) The office shall conduct a comprehensive review of an applicant described in
- 1414 Subsection (5)(b)(i) in accordance with Subsection (7).
- 1415 (c) Subject to Subsection (5)(d), the office shall deny direct access qualified status to an
- 1416 applicant who:
- 1417 (i) a court order prohibits from having direct access to a child or vulnerable adult; or
- 1418 (ii) is an applicant for a congregate care program and:
- 1419 (A) is subject to an open investigation for a non-criminal finding; or
- 1420 (B) has a supported non-criminal finding, excluding a supported finding for
- 1421 dependency, as defined in Section 80-1-102, within three years from the date
- 1422 on which the office conducts the background check.

- 1423 (d)(i) Subsection (5)(c) does not apply retrospectively for congregate care program
1424 employees who have an approved background screening on or before July 1,
1425 2025; or
- 1426 (ii) notwithstanding Subsection (5)(c)(ii)(A), the division may grant temporary direct
1427 access qualified status to an applicant subject to a condition that the applicant is
1428 directly supervised at all times.
- 1429 (6) The office shall conduct a comprehensive review of an applicant's background check if
1430 the applicant:
- 1431 (a) has a felony or class A misdemeanor conviction that is more than three years from
1432 the date on which the office conducts the background check, for an offense described
1433 in Subsection (5)(a);
- 1434 (b) has a felony charge or conviction that is no more than 10 years from the date on
1435 which the office conducts the background check for an offense not described in
1436 Subsection (5)(a);
- 1437 (c) has a felony charge or conviction that is more than 10 years from the date on which
1438 the office conducts the background check, for an offense not described in Subsection
1439 (5)(a), with criminal or non-criminal findings after the date of the felony charge or
1440 conviction;
- 1441 (d) has a class B misdemeanor or class C misdemeanor conviction that is more than
1442 three years and no more than 10 years from the date on which the office conducts the
1443 background check for an offense described in Subsection (5)(a);
- 1444 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10
1445 years from the date on which the office conducts the background check, for an
1446 offense described in Subsection (5)(a), with criminal or non-criminal findings after
1447 the date of conviction;
- 1448 (f) has a misdemeanor charge or conviction that is no more than three years from the
1449 date on which the office conducts the background check for an offense not described
1450 in Subsection (5)(a);
- 1451 (g) has a misdemeanor charge or conviction that is more than three years from the date
1452 on which the office conducts the background check, for an offense not described in
1453 Subsection (5)(a), with criminal or non-criminal findings after the date of charge or
1454 conviction;
- 1455 (h) is currently subject to a plea in abeyance or diversion agreement for an offense
1456 described in Subsection (5)(a);

- 1457 (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in Title
1458 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
1459 offender registry;
- 1460 (j) has a record of an adjudication in juvenile court for an act that, if committed by an
1461 adult, would be a felony or misdemeanor, if the applicant is:
- 1462 (i) under 28 years old; or
- 1463 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is
1464 currently subject to a plea in abeyance or diversion agreement for a felony or a
1465 misdemeanor offense described in Subsection (5)(a);
- 1466 (k) has a pending charge for an offense described in Subsection (5)(a);
- 1467 (l) has a supported finding that occurred no more than 15 years from the date on which
1468 the office conducts the background check in the Division of Child and Family
1469 Services' Licensing Information System described in Section 80-2-1002;
- 1470 (m) has a supported finding that occurred more than 15 years from the date on which the
1471 office conducts the background check in the Division of Child and Family Services'
1472 Licensing Information System described in Section 80-2-1002, with criminal or
1473 non-criminal findings after the date of the listing;
- 1474 (n) has a listing that occurred no more than 15 years from the date on which the office
1475 conducts the background check in the Division of Aging and Adult Services'
1476 vulnerable adult abuse, neglect, or exploitation database described in Section
1477 26B-6-210;
- 1478 (o) has a listing that occurred more than 15 years from the date on which the office
1479 conducts the background check in the Division of Aging and Adult Services'
1480 vulnerable adult abuse, neglect, or exploitation database described in Section
1481 26B-6-210, with criminal or non-criminal findings after the date of the listing;
- 1482 (p) has a substantiated finding that occurred no more than 15 years from the date on
1483 which the office conducts the background check of severe child abuse or neglect
1484 under Section 80-3-404 or 80-3-504; or
- 1485 (q) has a substantiated finding that occurred more than 15 years from the date on which
1486 the office conducts the background check of severe child abuse or neglect under
1487 Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of
1488 the listing.
- 1489 (7)(a) The comprehensive review shall include an examination of:
- 1490 (i) the date of the offense or incident;

- 1491 (ii) the nature and seriousness of the offense or incident;
- 1492 (iii) the circumstances under which the offense or incident occurred;
- 1493 (iv) the age of the perpetrator when the offense or incident occurred;
- 1494 (v) whether the offense or incident was an isolated or repeated incident;
- 1495 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable
- 1496 adult, including:
- 1497 (A) actual or threatened, nonaccidental physical, mental, or financial harm;
- 1498 (B) sexual abuse;
- 1499 (C) sexual exploitation; or
- 1500 (D) negligent treatment;
- 1501 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric
- 1502 treatment received, or additional academic or vocational schooling completed;
- 1503 (viii) the applicant's risk of harm to clientele in the program or in the capacity for
- 1504 which the applicant is applying; and
- 1505 (ix) if the background check of an applicant is being conducted for the purpose of
- 1506 giving direct access qualified status to an applicant seeking a position in a
- 1507 congregate care program or to become a prospective foster or adoptive parent, any
- 1508 listing in the Division of Child and Family Services' Management Information
- 1509 System described in Section 80-2-1001.
- 1510 (b) At the conclusion of the comprehensive review, the office shall deny direct access
- 1511 qualified status to an applicant if the office finds the approval would likely create a
- 1512 risk of harm to a child or vulnerable adult.
- 1513 (8) The office shall grant direct access qualified status to an applicant who is not denied
- 1514 under this section.
- 1515 (9)(a) The office may conditionally grant direct access qualified status to an applicant,
- 1516 for a maximum of 60 days after the day on which the office sends written notice,
- 1517 without requiring that the applicant be directly supervised, if the office:
- 1518 (i) is awaiting the results of the criminal history search of national criminal
- 1519 background databases; and
- 1520 (ii) would otherwise grant direct access qualified status to the applicant under this
- 1521 section.
- 1522 (b) The office may conditionally grant direct access qualified status to an applicant, for a
- 1523 maximum of one year after the day on which the office sends written notice, without
- 1524 requiring that the applicant be directly supervised if the office:

- 1525 (i) is awaiting the results of an out-of-state registry for providers other than foster and
1526 adoptive parents; and
- 1527 (ii) would otherwise grant direct access qualified status to the applicant under this
1528 section.
- 1529 (c) Upon receiving the results of the criminal history search of a national criminal
1530 background database, the office shall grant or deny direct access qualified status to
1531 the applicant in accordance with this section.
- 1532 (10)(a) Each time an applicant is associated with a licensee, the department shall review
1533 the current status of the applicant's background check to ensure the applicant is still
1534 eligible for direct access qualified status in accordance with this section.
- 1535 (b) A licensee may not permit an individual to have direct access to a child or a
1536 vulnerable adult without being directly supervised unless:
- 1537 (i) the individual is the parent or guardian of the child, or the guardian of the
1538 vulnerable adult;
- 1539 (ii) the individual is approved by the parent or guardian of the child, or the guardian
1540 of the vulnerable adult, to have direct access to the child or the vulnerable adult;
- 1541 (iii) the individual is only permitted to have direct access to a vulnerable adult who
1542 voluntarily invites the individual to visit; or
- 1543 (iv) the individual only provides incidental care for a foster child on behalf of a foster
1544 parent who has used reasonable and prudent judgment to select the individual to
1545 provide the incidental care for the foster child.
- 1546 (c) Notwithstanding any other provision of this section, an applicant who is denied direct
1547 access qualified status shall not have direct access to a child or vulnerable adult
1548 unless the office grants direct access qualified status to the applicant through a
1549 subsequent application in accordance with this section.
- 1550 (11) If the office denies direct access qualified status to an applicant, the applicant may
1551 request a hearing in the department's Office of Administrative Hearings to challenge the
1552 office's decision.
- 1553 (12)(a) This Subsection (12) applies to an applicant associated with a certification,
1554 contract, or licensee serving adults only.
- 1555 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee
1556 shall comply with this section.
- 1557 (c) The office shall conduct a comprehensive review for an applicant if:
- 1558 (i) the applicant is seeking a position:

- 1559 (A) as a peer support provider;
- 1560 (B) as a mental health professional; or
- 1561 (C) in a program that serves only adults with a primary mental health diagnosis,
- 1562 with or without a co-occurring substance use disorder; and
- 1563 (ii) within three years from the date on which the office conducts the background
- 1564 check, the applicant has a felony or misdemeanor charge or conviction or a
- 1565 non-criminal finding.
- 1566 (13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate
- 1567 care program, an applicant seeking to provide a prospective foster home, an applicant
- 1568 seeking to provide a prospective adoptive home, and each adult living in the home of
- 1569 the prospective foster or prospective adoptive home.
- 1570 (b) As federally required, the office shall:
- 1571 (i) check the child abuse and neglect registry in each state where each applicant
- 1572 resided in the five years immediately preceding the day on which the applicant
- 1573 applied to be a foster or adoptive parent, to determine whether the prospective
- 1574 foster or adoptive parent is listed in the registry as having a substantiated or
- 1575 supported finding of child abuse or neglect; and
- 1576 (ii) except for applicants seeking a position in a congregate care program, check the
- 1577 child abuse and neglect registry in each state where each adult living in the home
- 1578 of the prospective foster or adoptive home resided in the five years immediately
- 1579 preceding the day on which the applicant applied to be a foster or adoptive parent,
- 1580 to determine whether the adult is listed in the registry as having a substantiated or
- 1581 supported finding of child abuse or neglect.
- 1582 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:
- 1583 (i) federal law or rule permits otherwise; or
- 1584 (ii) the requirements would prohibit the Division of Child and Family Services or a
- 1585 court from placing a child with:
- 1586 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or
- 1587 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302,
- 1588 or 80-3-303, pending completion of the background check described in
- 1589 Subsections (5), (6), and (7).
- 1590 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 1591 qualified status if the applicant has been convicted of:
- 1592 (i) a felony involving conduct that constitutes any of the following:

- 1593 (A) child abuse, as described in Section 76-5-109;
- 1594 (B) aggravated child abuse, as described in Section 76-5-109.2;
- 1595 (C) child abandonment, as described in Section 76-5-109.3;
- 1596 (D) child torture, as described in Section 76-5-109.4;
- 1597 (E) commission of domestic violence in the presence of a child, as described in
- 1598 Section 76-5-114;
- 1599 (F) abuse or neglect of a child with a disability, as described in Section 76-5-110;
- 1600 (G) intentional aggravated abuse of a vulnerable adult, as described in Section
- 1601 76-5-111;
- 1602 (H) endangerment of a child or vulnerable adult, as described in Section
- 1603 76-5-112.5;
- 1604 (I) aggravated murder, as described in Section 76-5-202;
- 1605 (J) murder, as described in Section 76-5-203;
- 1606 (K) manslaughter, as described in Section 76-5-205;
- 1607 (L) child abuse homicide, as described in Section 76-5-208;
- 1608 (M) homicide by assault, as described in Section 76-5-209;
- 1609 (N) kidnapping, as described in Section 76-5-301;
- 1610 (O) child kidnapping, as described in Section 76-5-301.1;
- 1611 (P) aggravated kidnapping, as described in Section 76-5-302;
- 1612 (Q) human trafficking of a child, as described in Section 76-5-308.5;
- 1613 (R) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than
- 1614 Section 76-5-417, 76-5-418, or 76-5-419;
- 1615 (S) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual
- 1616 Exploitation Act;
- 1617 (T) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
- 1618 (U) aggravated arson, as described in Section 76-6-103;
- 1619 (V) aggravated burglary, as described in Section 76-6-203;
- 1620 (W) aggravated robbery, as described in Section 76-6-302;
- 1621 (X) incest, as described in Section 76-7-102; or
- 1622 (Y) domestic violence, as described in Section 77-36-1; or
- 1623 (ii) an offense committed outside the state that, if committed in the state, would
- 1624 constitute a violation of an offense described in Subsection (13)(d)(i).
- 1625 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 1626 qualified status to an applicant if, within the five years from the date on which the

- 1627 office conducts the background check, the applicant was convicted of a felony
 1628 involving conduct that constitutes a violation of any of the following:
- 1629 (i) aggravated assault, as described in Section 76-5-103;
 - 1630 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
 - 1631 (iii) mayhem, as described in Section 76-5-105;
 - 1632 (iv) an offense described in [~~Title 58, Chapter 37, Utah Controlled Substances Act~~]
 1633 Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2,
 1634 Offenses Concerning Controlled Substances;
 - 1635 (v) an offense described in [~~Title 58, Chapter 37a, Utah Drug Paraphernalia Act~~] Title
 1636 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
 - 1637 (vi) an offense described in [~~Title 58, Chapter 37b, Imitation Controlled Substances~~
 1638 ~~Act~~] Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled
 1639 Substances;
 - 1640 (vii) an offense described in [~~Title 58, Chapter 37c, Utah Controlled Substance~~
 1641 ~~Precursor Act~~] Title 58, Chapter 37c, Controlled Substance Precursors;[~~or~~]
 - 1642 (viii) an offense described in [~~Title 58, Chapter 37d, Clandestine Drug Lab Act~~] Title
 1643 76, Chapter 18, Part 5, Clandestine Drug Labs; or
 - 1644 (ix) an offense described in a statute previously in effect in this state that is the same
 1645 or substantially similar to an offense described in Subsections (13)(e)(i) through
 1646 (viii).
- 1647 (f) In addition to the circumstances described in Subsection (6), the office shall conduct
 1648 a comprehensive review of an applicant's background check under this section if the
 1649 applicant:
- 1650 (i) has an offense described in Subsection (5)(a);
 - 1651 (ii) has an infraction conviction entered on a date that is no more than three years
 1652 before the date on which the office conducts the background check;
 - 1653 (iii) has a listing in the Division of Child and Family Services' Licensing Information
 1654 System described in Section 80-2-1002;
 - 1655 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult,
 1656 neglect, or exploitation database described in Section 26B-2-210;
 - 1657 (v) has a substantiated finding of severe child abuse or neglect under Section
 1658 80-3-404 or 80-3-504; or
 - 1659 (vi) has a listing on the registry check described in Subsection (13)(b) as having a
 1660 substantiated or supported finding of a severe type of child abuse or neglect, as

1661 defined in Section 80-1-102.

1662 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1663 office may make rules, consistent with this part, to:

- 1664 (a) establish procedures for, and information to be examined in, the comprehensive
1665 review described in Subsections (6), (7), and (13); and
1666 (b) determine whether to consider an offense or incident that occurred while an
1667 individual was in the custody of the Division of Child and Family Services or the
1668 Division of Juvenile Justice and Youth Services for purposes of granting or denying
1669 direct access qualified status to an applicant.

1670 Section 15. Section **26B-2-229** is amended to read:

1671 **26B-2-229 (Effective 05/06/26). Disposal of controlled substances at nursing care**
1672 **facilities.**

1673 (1) As used in this section:

1674 (a) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]
1675 58-37-101.

1676 (b)(i) "Irretrievable" means a state in which the physical or chemical condition of a
1677 controlled substance is permanently altered through irreversible means so that the
1678 controlled substance is unavailable and unusable for all practical purposes.

1679 (ii) A controlled substance is irretrievable if the controlled substance is
1680 non-retrievable as that term is defined in 21 C.F.R. Sec. 1300.05.

1681 (2) A nursing care facility that is in lawful possession of a controlled substance in the
1682 nursing care facility's inventory that desires to dispose of the controlled substance shall
1683 dispose of the controlled substance in a manner that:

1684 (a) renders the controlled substance irretrievable; and

1685 (b) complies with all applicable federal and state requirements for the disposal of a
1686 controlled substance.

1687 (3) A nursing care facility shall:

1688 (a) develop a written plan for the disposal of a controlled substance in accordance with
1689 this section; and

1690 (b) make the plan described in Subsection (3)(a) available to the department and the
1691 committee for inspection.

1692 Section 16. Section **26B-3-131** is amended to read:

1693 **26B-3-131 (Effective 05/06/26). Screening, Brief Intervention, and Referral to**
1694 **Treatment Medicaid reimbursement.**

- 1695 (1) As used in this section:
- 1696 (a) "Controlled substance prescriber" means a controlled substance prescriber, as that
- 1697 term is defined in Section [~~58-37-6.5~~] 58-37-303, who:
- 1698 (i) has a record of having completed SBIRT training, in accordance with Subsection [~~58-37-6.5(2)~~] 58-37-303(2), before providing the SBIRT services; and
- 1699 (ii) is a Medicaid enrolled health care provider.
- 1700
- 1701 (b) "SBIRT" means the same as that term is defined in Section [~~58-37-6.5~~] 58-37-303.
- 1702 (2) The department shall reimburse a controlled substance prescriber who provides SBIRT
- 1703 services to a Medicaid enrollee who is 13 years old or older for the SBIRT services.
- 1704 Section 17. Section **26B-4-201** is amended to read:
- 1705 **26B-4-201 (Effective 05/06/26). Definitions.**
- 1706 As used in this part:
- 1707 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
- 1708 tetrahydrocannabinolic acid.
- 1709 (2) "Administration of criminal justice" means the performance of detection, apprehension,
- 1710 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1711 (3) "Advertise" means information provided by a person in any medium:
- 1712 (a) to the public; and
- 1713 (b) that is not age restricted to an individual who is at least 21 years old.
- 1714 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
- 1715 Section 26B-1-435.
- 1716 (5) "Cannabis" means marijuana.
- 1717 (6) "Cannabis processing facility" means the same as that term is defined in Section
- 1718 4-41a-102.
- 1719 (7) "Cannabis product" means a product that:
- 1720 (a) is intended for human use; and
- 1721 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
- 1722 concentration of 0.3% or greater on a dry weight basis.
- 1723 (8) "Cannabis production establishment" means the same as that term is defined in Section
- 1724 4-41a-102.
- 1725 (9) "Cannabis production establishment agent" means the same as that term is defined in
- 1726 Section 4-41a-102.
- 1727 (10) "Cannabis production establishment agent registration card" means the same as that
- 1728 term is defined in Section 4-41a-102.

- 1729 (11) "Conditional medical cannabis card" means an electronic medical cannabis card that
1730 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1731 applicant for a medical cannabis card to access medical cannabis during the department's
1732 review of the application.
- 1733 (12) "Controlled substance database" means the controlled substance database created in
1734 Section 58-37f-201.
- 1735 (13) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1736 (14) "Department" means the Department of Health and Human Services.
- 1737 (15) "Designated caregiver" means:
- 1738 (a) an individual:
- 1739 (i) whom an individual with a medical cannabis patient card or a medical cannabis
1740 guardian card designates as the patient's caregiver; and
- 1741 (ii) who registers with the department under Section 26B-4-214; or
- 1742 (b)(i) a facility that an individual designates as a designated caregiver in accordance
1743 with Subsection 26B-4-214(1)(b); or
- 1744 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1745 (16) "Directions of use" means recommended routes of administration for a medical
1746 cannabis treatment and suggested usage guidelines.
- 1747 (17) "Dosing guidelines" means a quantity range and frequency of administration for a
1748 recommended treatment of medical cannabis.
- 1749 (18) "Government issued photo identification" means any of the following forms of
1750 identification:
- 1751 (a) a valid state-issued driver license or identification card;
- 1752 (b) a valid United States federal-issued photo identification, including:
- 1753 (i) a United States passport;
- 1754 (ii) a United States passport card;
- 1755 (iii) a United States military identification card; or
- 1756 (iv) a permanent resident card or alien registration receipt card; or
- 1757 (c) a foreign passport.
- 1758 (19) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
1759 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
1760 shipments to a delivery address to fulfill electronic orders.
- 1761 (20) "Inventory control system" means the system described in Section 4-41a-103.
- 1762 (21) "Legal dosage limit" means an amount that:

- 1763 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
1764 relevant recommending medical provider or pharmacy medical provider, in
1765 accordance with Subsection 26B-4-231(5), recommends; and
- 1766 (b) may not exceed:
- 1767 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
1768 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
1769 total, greater than 20 grams of active tetrahydrocannabinol.
- 1770 (22) "Legal use termination date" means a date on the label of a container of unprocessed
1771 cannabis flower:
- 1772 (a) that is 60 days after the date of purchase of the cannabis; and
1773 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
1774 primary residence of the relevant medical cannabis patient cardholder.
- 1775 (23) "Marijuana" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.
- 1776 (24) "Medical cannabis" or "medical cannabis product" means cannabis in a medicinal
1777 dosage form or a cannabis product in a medicinal dosage form.
- 1778 (25) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis
1779 guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- 1780 (26) "Medical cannabis cardholder" means:
- 1781 (a) a holder of a medical cannabis card; or
1782 (b) a facility or assigned employee, described in Subsection (15)(b), only:
- 1783 (i) within the scope of the facility's or assigned employee's performance of the role of
1784 a medical cannabis patient cardholder's caregiver designation under Subsection
1785 26B-4-214(1)(b); and
1786 (ii) while in possession of documentation that establishes:
- 1787 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
1788 (B) the identity of the individual presenting the documentation; and
1789 (C) the relation of the individual presenting the documentation to the caregiver
1790 designation.
- 1791 (27) "Medical cannabis caregiver card" means an electronic document that a cardholder
1792 may print or store on an electronic device or a physical card or document that:
- 1793 (a) the department issues to an individual whom a medical cannabis patient cardholder
1794 or a medical cannabis guardian cardholder designates as a designated caregiver; and
1795 (b) is connected to the electronic verification system.
- 1796 (28) "Medical cannabis courier" means the same as that term is defined in Section

- 1797 4-41a-102.
- 1798 (29)(a) "Medical cannabis device" means a device that an individual uses to ingest or
1799 inhale medical cannabis.
- 1800 (b) "Medical cannabis device" does not include a device that:
- 1801 (i) facilitates cannabis combustion; or
- 1802 (ii) an individual uses to ingest substances other than cannabis.
- 1803 (30) "Medical cannabis guardian card" means an electronic document that a cardholder may
1804 print or store on an electronic device or a physical card or document that:
- 1805 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1806 condition; and
- 1807 (b) is connected to the electronic verification system.
- 1808 (31) "Medical cannabis patient card" means an electronic document that a cardholder may
1809 print or store on an electronic device or a physical card or document that:
- 1810 (a) the department issues to an individual with a qualifying condition; and
- 1811 (b) is connected to the electronic verification system.
- 1812 (32) "Medical cannabis pharmacy" means a person that:
- 1813 (a)(i) acquires or intends to acquire medical cannabis from a cannabis processing
1814 facility or another medical cannabis pharmacy or a medical cannabis device; or
- 1815 (ii) possesses medical cannabis or a medical cannabis device; and
- 1816 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1817 cannabis cardholder.
- 1818 (33) "Medical cannabis pharmacy agent" means an individual who holds a valid medical
1819 cannabis pharmacy agent registration card issued by the department.
- 1820 (34) "Medical cannabis pharmacy agent registration card" means a registration card issued
1821 by the department that authorizes an individual to act as a medical cannabis pharmacy
1822 agent.
- 1823 (35) "Medical cannabis shipment" means the same as that term is defined in Section
1824 4-41a-102.
- 1825 (36) "Medical cannabis treatment" means medical cannabis or a medical cannabis device.
- 1826 (37)(a) "Medicinal dosage form" means:
- 1827 (i) for processed medical cannabis, the following with a specific and consistent
1828 cannabinoid content:
- 1829 (A) a tablet;
- 1830 (B) a capsule;

- 1831 (C) a concentrated liquid or viscous oil;
- 1832 (D) a liquid suspension that does not exceed 30 milliliters;
- 1833 (E) a topical preparation;
- 1834 (F) a transdermal preparation;
- 1835 (G) a sublingual preparation;
- 1836 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
- 1837 rectangular cuboid shape;
- 1838 (I) a resin or wax;
- 1839 (J) an aerosol;
- 1840 (K) a suppository preparation; or
- 1841 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
- 1842 spherical shape, is homogeneous in color and texture, and each piece is a single
- 1843 serving; or
- 1844 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1845 (A) contains cannabis flower in a quantity that varies by no more than 10% from
- 1846 the stated weight at the time of packaging;
- 1847 (B) at any time the medical cannabis cardholder transports or possesses the
- 1848 container in public, is contained within an opaque bag or box that the medical
- 1849 cannabis pharmacy provides; and
- 1850 (C) is labeled with the container's content and weight, the date of purchase, the
- 1851 legal use termination date, and a barcode that provides information connected
- 1852 to an inventory control system.
- 1853 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1854 (i) the medical cannabis cardholder has recently removed from the container
- 1855 described in Subsection (37)(a)(ii) for use; and
- 1856 (ii) does not exceed the quantity described in Subsection (37)(a)(ii).
- 1857 (c) "Medicinal dosage form" does not include:
- 1858 (i) any unprocessed cannabis flower outside of the container described in Subsection
- 1859 (37)(a)(ii), except as provided in Subsection (37)(b);
- 1860 (ii) any unprocessed cannabis flower in a container described in Subsection (37)(a)(ii)
- 1861 after the legal use termination date;
- 1862 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
- 1863 cannabis on a nail or other metal object that is heated by a flame, including a
- 1864 blowtorch;

- 1865 (iv) a liquid suspension that is branded as a beverage;
- 1866 (v) a substance described in Subsection (37)(a)(i) or (ii) if the substance is not
- 1867 measured in grams, milligrams, or milliliters; or
- 1868 (vi) a substance that contains or is covered to any degree with chocolate.
- 1869 (38) "Nonresident patient" means an individual who:
- 1870 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 1871 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
- 1872 card under the laws of another state, district, territory, commonwealth, or insular
- 1873 possession of the United States; and
- 1874 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
- 1875 (39) "Patient product information insert" means a single page document or webpage that
- 1876 contains information about a medical cannabis product regarding:
- 1877 (a) how to use the product;
- 1878 (b) common side effects;
- 1879 (c) serious side effects;
- 1880 (d) dosage;
- 1881 (e) contraindications;
- 1882 (f) safe storage;
- 1883 (g) information on when a product should not be used; and
- 1884 (h) other information the department deems appropriate in consultation with the
- 1885 cannabis processing facility that created the product.
- 1886 (40) "Pharmacy medical provider" means the medical provider required to be on site at a
- 1887 medical cannabis pharmacy under Section 26B-4-219.
- 1888 (41) "Provisional patient card" means a card that:
- 1889 (a) the department issues to a minor with a qualifying condition for whom:
- 1890 (i) a recommending medical provider has recommended a medical cannabis
- 1891 treatment; and
- 1892 (ii) the department issues a medical cannabis guardian card to the minor's parent or
- 1893 legal guardian; and
- 1894 (b) is connected to the electronic verification system.
- 1895 (42) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
- 1896 26B-1-310.
- 1897 (43) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1898 (44) "Recommend" or "recommendation" means, for a recommending medical provider, the

- 1899 act of suggesting the use of medical cannabis treatment, which:
- 1900 (a) certifies the patient's eligibility for a medical cannabis card; and
- 1901 (b) may include, at the recommending medical provider's discretion, directions of use,
- 1902 with or without dosing guidelines.
- 1903 (45) "Recommending medical provider" means an individual who:
- 1904 (a) meets the recommending qualifications;
- 1905 (b) completes four hours of continuing medical education specific to medical cannabis
- 1906 through formal or informal sources; and
- 1907 (c) every two years, provides an acknowledgment to the department that the individual
- 1908 completed four hours of continuing medical education.
- 1909 (46) "Recommending qualifications" means that an individual:
- 1910 (a)(i) has the authority to write a prescription;
- 1911 (ii) is licensed to prescribe a controlled substance under [~~Title 58, Chapter 37, Utah~~
- 1912 ~~Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances; and
- 1913 (iii) possesses the authority, in accordance with the individual's scope of practice, to
- 1914 prescribe a Schedule II controlled substance; and
- 1915 (b) is licensed as:
- 1916 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1917 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
- 1918 Act;
- 1919 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
- 1920 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1921 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 1922 (47) "State electronic verification system" means the system described in Section 26B-4-202.
- 1923 (48) "Targeted marketing" means the promotion by a recommending medical provider,
- 1924 medical clinic, or medical office that employs a recommending medical provider of a
- 1925 medical cannabis recommendation service using any of the following methods:
- 1926 (a) electronic communication to an individual who is at least 21 years old and has
- 1927 requested to receive promotional information;
- 1928 (b) an in-person marketing event that is held in an area where only an individual who is
- 1929 at least 21 years old may access the event;
- 1930 (c) other marketing material that is physically or digitally displayed in the office of the
- 1931 medical clinic or office that employs a recommending medical provider; or
- 1932 (d) a leaflet that a recommending medical provider, medical clinic, or medical office that

1933 employs a recommending medical provider shares with an individual who is at least
1934 21 years old.

1935 (49) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
1936 synthetic equivalent as described in Subsection [~~58-37-4(2)(a)(iii)(AA)~~]
1937 58-37-108(2)(a)(iii)(AA).

1938 (50) "THC analog" means the same as that term is defined in Section 4-41-102.

1939 Section 18. Section **26B-4-211** is amended to read:

1940 **26B-4-211 (Effective 05/06/26). Analogous to prescribed controlled substances.**

1941 When an employee, officer, or agent of the state or a political subdivision makes a
1942 finding, determination, or otherwise considers an individual's possession or use of cannabis, a
1943 cannabis product, or a medical cannabis device, the employee, officer, or agent may not
1944 consider the individual's possession or use any differently than the lawful possession or use of
1945 any prescribed controlled substance, if the individual's possession or use complies with:

1946 (1) this part;

1947 (2) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; or

1948 (3) Subsection [~~58-37-3.7(2)~~] 58-37-404(2) or (3).

1949 Section 19. Section **26B-4-212** is amended to read:

1950 **26B-4-212 (Effective 05/06/26). Institutional review board -- Approved study of**
1951 **cannabis, a cannabinoid product, or an expanded cannabinoid product.**

1952 (1) As used in this section:

1953 (a) "Approved study" means a medical research study:

1954 (i) the purpose of which is to investigate the medical benefits and risks of
1955 cannabinoid products; and

1956 (ii) that is approved by an IRB.

1957 (b) "Cannabinoid product" means the same as that term is defined in Section [~~58-37-3.6~~]
1958 58-37-403.

1959 (c) "Cannabis" means the same as that term is defined in Section [~~58-37-3.6~~] 58-37-403.

1960 (d) "Expanded cannabinoid product" means the same as that term is defined in Section [
1961 ~~58-37-3.6~~] 58-37-403.

1962 (e) "Institutional review board" or "IRB" means an institutional review board that is
1963 registered for human subject research by the United States Department of Health and
1964 Human Services.

1965 (2) A person conducting an approved study may, for the purposes of the study:

1966 (a) process a cannabinoid product or an expanded cannabinoid product;

- 1967 (b) possess a cannabinoid product or an expanded cannabinoid product; and
 1968 (c) administer a cannabinoid product, or an expanded cannabinoid product to an
 1969 individual in accordance with the approved study.
- 1970 (3) A person conducting an approved study may:
- 1971 (a) import cannabis, a cannabinoid product, or an expanded cannabinoid product from
 1972 another state if:
- 1973 (i) the importation complies with federal law; and
 1974 (ii) the person uses the cannabis, cannabinoid product, or expanded cannabinoid
 1975 product in accordance with the approved study; or
- 1976 (b) obtain cannabis, a cannabinoid product, or an expanded cannabinoid product from
 1977 the National Institute on Drug Abuse.
- 1978 (4) A person conducting an approved study may distribute cannabis, a cannabinoid product,
 1979 or an expanded cannabinoid product outside the state if:
- 1980 (a) the distribution complies with federal law; and
 1981 (b) the distribution is for the purposes of, and in accordance with, the approved study.
- 1982 Section 20. Section **26B-4-216** is amended to read:
- 1983 **26B-4-216 (Effective 05/06/26). Medical cannabis card -- Patient and designated**
 1984 **caregiver requirements -- Rebuttable presumption.**
- 1985 (1)(a) A medical cannabis cardholder who possesses medical cannabis that the
 1986 cardholder purchased under this part:
- 1987 (i) shall carry:
- 1988 (A) at all times the cardholder's medical cannabis card; and
 1989 (B) with the medical cannabis, a label that identifies that the medical cannabis was
 1990 sold from a licensed medical cannabis pharmacy and includes an identification
 1991 number that links the medical cannabis to the inventory control system;
- 1992 (ii) may possess up to the legal dosage limit of:
- 1993 (A) unprocessed cannabis in medicinal dosage form; and
 1994 (B) a cannabis product in medicinal dosage form;
- 1995 (iii) may not possess more medical cannabis than described in Subsection (1)(a)(ii);
 1996 (iv) may only possess the medical cannabis in the container in which the cardholder
 1997 received the medical cannabis from the medical cannabis pharmacy; and
 1998 (v) may not alter or remove any label described in Section 4-41a-602 from the
 1999 container described in Subsection (1)(a)(iv).
- 2000 (b) Except as provided in Subsection (1)(c) or (e), a medical cannabis cardholder who

- 2001 possesses medical cannabis in violation of Subsection (1)(a) is:
- 2002 (i) guilty of an infraction; and
- 2003 (ii) subject to a \$100 fine.
- 2004 (c) A medical cannabis cardholder or a nonresident patient who possesses medical
- 2005 cannabis in an amount that is greater than the legal dosage limit and equal to or less
- 2006 than twice the legal dosage limit is:
- 2007 (i) for a first offense:
- 2008 (A) guilty of an infraction; and
- 2009 (B) subject to a fine of up to \$100; and
- 2010 (ii) for a second or subsequent offense:
- 2011 (A) guilty of a class B misdemeanor; and
- 2012 (B) subject to a fine of \$1,000.
- 2013 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is not
- 2014 guilty of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title
- 2015 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 2016 Concerning Controlled Substances, for the conduct underlying the penalty described
- 2017 in Subsection (1)(b) or (c).
- 2018 (e) A nonresident patient who possesses medical cannabis that is not in a medicinal
- 2019 dosage form is:
- 2020 (i) for a first offense:
- 2021 (A) guilty of an infraction; and
- 2022 (B) subject to a fine of up to \$100; and
- 2023 (ii) for a second or subsequent offense, is subject to the penalties described in [~~Title~~
- 2024 58, Chapter 37, Utah Controlled Substances Act] Title 58, Chapter 37, Controlled
- 2025 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
- 2026 Substances.
- 2027 (f) A medical cannabis cardholder or a nonresident patient who possesses medical
- 2028 cannabis in an amount that is greater than twice the legal dosage limit is subject to
- 2029 the penalties described in [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title
- 2030 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 2031 Concerning Controlled Substances.
- 2032 (2)(a) As used in this Subsection (2), "emergency medical condition" means the same as
- 2033 that term is defined in Section 31A-1-301.
- 2034 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder, a

2035 provisional patient cardholder, or a nonresident patient may not use, in public view,
2036 medical cannabis or a cannabis product.

2037 (c) In the event of an emergency medical condition, an individual described in
2038 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a
2039 medical cannabis caregiver card may administer to the cardholder's charge, in public
2040 view, cannabis in a medicinal dosage form or a cannabis product in a medicinal
2041 dosage form.

2042 (d) An individual described in Subsection (2)(b) who violates Subsection (2)(b) is:

2043 (i) for a first offense:

2044 (A) guilty of an infraction; and

2045 (B) subject to a fine of up to \$100; and

2046 (ii) for a second or subsequent offense:

2047 (A) guilty of a class B misdemeanor; and

2048 (B) subject to a fine of \$1,000.

2049 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis in a
2050 medicinal dosage form or a cannabis product in compliance with Subsection (1), or a
2051 medical cannabis device that corresponds with the cannabis or cannabis product:

2052 (a) there is a rebuttable presumption that the cardholder possesses the cannabis, cannabis
2053 product, or medical cannabis device legally; and

2054 (b) there is no probable cause, based solely on the cardholder's possession of the
2055 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or
2056 medical cannabis device, to believe that the cardholder is engaging in illegal activity.

2057 (4)(a) If a law enforcement officer stops an individual who possesses cannabis in a
2058 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical
2059 cannabis device, and the individual represents to the law enforcement officer that the
2060 individual holds a valid medical cannabis card, but the individual does not have the
2061 medical cannabis card in the individual's possession at the time of the stop by the law
2062 enforcement officer, the law enforcement officer shall attempt to access the state
2063 electronic verification system to determine whether the individual holds a valid
2064 medical cannabis card.

2065 (b) If the law enforcement officer is able to verify that the individual described in
2066 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

2067 (i) may not arrest or take the individual into custody for the sole reason that the

2068 individual is in possession of cannabis in a medicinal dosage form, a cannabis

2069 product in a medicinal dosage form, or a medical cannabis device; and

2070 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

2071 Section 21. Section **26B-4-220** is amended to read:

2072 **26B-4-220 (Effective 05/06/26). Enforcement -- Misdemeanor.**

2073 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments and
2074 Pharmacies, it is unlawful for a medical cannabis cardholder to sell or otherwise give to
2075 another medical cannabis cardholder cannabis in a medicinal dosage form, a cannabis
2076 product in a medicinal dosage form, a medical cannabis device, or any cannabis residue
2077 remaining in or from a medical cannabis device.

2078 (2)(a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who
2079 violates Subsection (1) is:

2080 (i) guilty of a class B misdemeanor; and

2081 (ii) subject to a \$1,000 fine.

2082 (b) An individual is not guilty under Subsection (2)(a) if the individual:

2083 (i)(A) is a designated caregiver; and

2084 (B) gives the product described in Subsection (1) to the medical cannabis
2085 cardholder who designated the individual as a designated caregiver; or

2086 (ii)(A) is a medical cannabis guardian cardholder; and

2087 (B) gives the product described in Subsection (1) to the relevant provisional
2088 patient cardholder.

2089 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not guilty
2090 of a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
2091 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
2092 Concerning Controlled Substances, for the conduct underlying the violation
2093 described in Subsection (2)(a).

2094 Section 22. Section **26B-4-501** is amended to read:

2095 **26B-4-501 (Effective 05/06/26). Definitions.**

2096 As used in this part:

2097 (1) "Controlled substance" means the same as that term is defined in [~~Title 58, Chapter 37~~
2098 ~~, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances.

2099 (2) "Critical access hospital" means a critical access hospital that meets the criteria of 42
2100 U.S.C. Sec. 1395i-4(c)(2).

2101 (3) "Designated facility" means:

2102 (a) a freestanding urgent care center;

- 2103 (b) a general acute hospital; or
2104 (c) a critical access hospital.
- 2105 (4) "Dispense" means the same as that term is defined in Section 58-17b-102.
- 2106 (5) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 2107 (6) "Emergency contraception" means the use of a substance, approved by the United States
2108 Food and Drug Administration, to prevent pregnancy after sexual intercourse.
- 2109 (7) "Freestanding urgent care center" means the same as that term is defined in Section
2110 59-12-801.
- 2111 (8) "General acute hospital" means the same as that term is defined in Section 26B-2-201.
- 2112 (9) "Health care facility" means a hospital, a hospice inpatient residence, a nursing facility,
2113 a dialysis treatment facility, an assisted living residence, an entity that provides home-
2114 and community-based services, a hospice or home health care agency, or another facility
2115 that provides or contracts to provide health care services, which facility is licensed under
2116 Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 2117 (10) "Health care provider" means:
- 2118 (a) a physician, as defined in Section 58-67-102;
2119 (b) an advanced practice registered nurse, as defined in Section 58-31b-102;
2120 (c) a physician assistant, as defined in Section 58-70a-102; or
2121 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
2122 58-69-102.
- 2123 (11) "Increased risk" means risk exceeding the risk typically experienced by an individual
2124 who is not using, and is not likely to use, an opiate.
- 2125 (12) "Opiate" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.
- 2126 (13) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that is
2127 not a controlled substance and that is approved by the federal Food and Drug
2128 Administration for the diagnosis or treatment of an opiate-related drug overdose.
- 2129 (14) "Opiate-related drug overdose event" means an acute condition, including a decreased
2130 level of consciousness or respiratory depression resulting from the consumption or use
2131 of a controlled substance, or another substance with which a controlled substance was
2132 combined, and that a person would reasonably believe to require medical assistance.
- 2133 (15) "Overdose outreach provider" means:
- 2134 (a) a law enforcement agency;
2135 (b) a fire department;
2136 (c) an emergency medical service provider, as defined in Section 53-2d-101;

- 2137 (d) emergency medical service personnel, as defined in Section 53-2d-101;
- 2138 (e) an organization providing treatment or recovery services for drug or alcohol use;
- 2139 (f) an organization providing support services for an individual, or a family of an
- 2140 individual, with a substance use disorder;
- 2141 (g) a certified peer support specialist, as defined in Section 26B-5-610;
- 2142 (h) an organization providing substance use or mental health services under contract
- 2143 with a local substance abuse authority, as defined in Section 26B-5-101, or a local
- 2144 mental health authority, as defined in Section 26B-5-101;
- 2145 (i) an organization providing services to the homeless;
- 2146 (j) a local health department;
- 2147 (k) an individual licensed to practice under:
- 2148 (i) Title 58, Chapter 17b, Pharmacy Practice Act;
- 2149 (ii) Title 58, Chapter 60, Part 2, Social Worker Licensing Act; or
- 2150 (iii) Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act; or
- 2151 (l) an individual.
- 2152 (16) "Patient counseling" means the same as that term is defined in Section 58-17b-102.
- 2153 (17) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 2154 (18) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- 2155 (19) "Physician" means the same as that term is defined in Section 58-67-102.
- 2156 (20) "Practitioner" means:
- 2157 (a) a physician; or
- 2158 (b) any other person who is permitted by law to prescribe emergency contraception.
- 2159 (21) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- 2160 (22)(a) "Self-administered hormonal contraceptive" means a self-administered hormonal
- 2161 contraceptive that is approved by the United States Food and Drug Administration to
- 2162 prevent pregnancy.
- 2163 (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive,
- 2164 a hormonal vaginal ring, and a hormonal contraceptive patch.
- 2165 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
- 2166 induce an abortion, as that term is defined in Section 76-7-301.
- 2167 (23)(a) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5,
- 2168 Part 4, Sexual Offenses, that may result in a pregnancy.
- 2169 (b) "Sexual assault" does not include criminal conduct described in:
- 2170 (i) Section 76-5-417, enticing a minor;

- 2171 (ii) Section 76-5-418, sexual battery;
- 2172 (iii) Section 76-5-419, lewdness; or
- 2173 (iv) Section 76-5-420, lewdness involving a child.
- 2174 (24) "Victim of sexual assault" means any person who presents to receive, or receives,
- 2175 medical care in consequence of being subjected to sexual assault.
- 2176 Section 23. Section **26B-4-513** is amended to read:
- 2177 **26B-4-513 (Effective 05/06/26). Coprescription guidelines.**
- 2178 (1) As used in this section:
- 2179 (a) "Controlled substance prescriber" means the same as that term is defined in Section [
- 2180 58-37-6.5] 58-37-303.
- 2181 (b) "Coprescribe" means to issue a prescription for an opiate antagonist with a
- 2182 prescription for an opiate.
- 2183 (2) The department shall, in consultation with the Medical Licensing Board created in
- 2184 Section 58-67-201, and the Division of Professional Licensing created in Section
- 2185 58-1-103, establish by rule, made in accordance with Title 63G, Chapter 3, Utah
- 2186 Administrative Rulemaking Act, scientifically based guidelines for controlled substance
- 2187 prescribers to coprescribe an opiate antagonist to a patient.
- 2188 Section 24. Section **29-2-102** is amended to read:
- 2189 **29-2-102 (Effective 05/06/26). Definitions.**
- 2190 As used in this chapter:
- 2191 (1) "Alcoholic beverage" has the same meaning as provided in Section 32B-1-102.
- 2192 (2) "Controlled substance" has the same meaning as provided in Section [58-37-2] 58-37-101.
- 2193 (3) "Guest" means a person for whom an innkeeper was paid to provide temporary sleeping
- 2194 accommodations in a lodging establishment.
- 2195 (4) "Innkeeper" means the proprietor or designated employee of a proprietor of a lodging
- 2196 establishment.
- 2197 (5) "Lodging establishment" means a place providing temporary sleeping accommodations
- 2198 to the public, including any of the following:
- 2199 (a) a bed and breakfast establishment;
- 2200 (b) a boarding house;
- 2201 (c) a hotel;
- 2202 (d) an inn;
- 2203 (e) a lodging house;
- 2204 (f) a motel;

- 2205 (g) a resort; or
- 2206 (h) a rooming house.
- 2207 (6) "Minor" means an unemancipated person younger than 18 years ~~[of age]~~ old.
- 2208 Section 25. Section **32B-3-303** is amended to read:
- 2209 **32B-3-303 (Effective 05/06/26). Acts making a person subject to this part.**
- 2210 (1) One or more of the following acts constitute a nuisance activity:
- 2211 (a) a single felony conviction within the last two years of:
- 2212 (i) a retail licensee; or
- 2213 (ii) supervisory or managerial level staff of the retail licensee;
- 2214 (b) a single conviction ~~[under Title 58, Chapter 37, Utah Controlled Substances Act]~~ for
- 2215 an offense described in Title 58, Chapter 37, Controlled Substances, or Title 76,
- 2216 Chapter 18, Part 2, Offenses Concerning Controlled Substances, or an offense
- 2217 described in a statute previously in effect in this state that is the same or substantially
- 2218 the same as a conviction for an offense described in Title 58, Chapter 37, Controlled
- 2219 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
- 2220 Substances:
- 2221 (i)(A) of a retail licensee; or
- 2222 (B) of staff of the retail licensee;
- 2223 (ii) within the last two years; and
- 2224 (iii) made on the basis of an act that occurs on the licensed premises;
- 2225 (c) three or more convictions of patrons of a retail licensee ~~[under Title 58, Chapter 37,~~
- 2226 ~~Utah Controlled Substances Act]~~ for an offense described in Title 58, Chapter 37,
- 2227 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
- 2228 Controlled Substances, or an offense described in a statute previously in effect in this
- 2229 state that is the same or substantially the same as a conviction for an offense
- 2230 described in Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18,
- 2231 Part 2, Offenses Concerning Controlled Substances, if:
- 2232 (i) the convictions are made on the basis of an act that occurs on the licensed
- 2233 premises; and
- 2234 (ii) there is evidence that the retail licensee knew or should have known of the illegal
- 2235 activity;
- 2236 (d) a single conviction within the last two years of a retail licensee or staff of the retail
- 2237 licensee that is made on the basis of:
- 2238 (i) pornographic and harmful materials:

- 2239 (A) that violate Title 76, Chapter 5c, Pornographic and Harmful Materials and
2240 Performances; and
- 2241 (B) if the violation occurs on the licensed premises;
- 2242 (ii) prostitution;
- 2243 (iii) engaging in or permitting gambling, as defined and proscribed in Title 76,
2244 Chapter 9, Part 14, Gambling, on the licensed premises;
- 2245 (iv) having any fringe gaming device, video gaming device, or gambling device or
2246 record as defined in Section 76-9-1401 on the licensed premises;
- 2247 (v) on the licensed premises engaging in or permitting a contest, game, gaming
2248 scheme, or gaming device that requires the risking of something of value for a
2249 return or for an outcome when the return or outcome is based upon an element of
2250 chance, excluding the playing of an amusement device that confers only an
2251 immediate and unrecorded right of replay not exchangeable for value;
- 2252 (vi) a disturbance of the peace that occurs on the licensed premises; or
- 2253 (vii) disorderly conduct that occurs on the licensed premises; or
- 2254 (e) three or more adjudicated violations of this title within the last two years by a retail
2255 licensee or by staff of the retail licensee that result in a criminal citation or an
2256 administrative referral to the department relating to:
- 2257 (i) the sale, offer for sale, or furnishing of an alcoholic product to a minor;
- 2258 (ii) the sale, offer for sale, or furnishing of an alcoholic product to a person actually,
2259 apparently, or obviously intoxicated;
- 2260 (iii) the sale, offer for sale, or furnishing of an alcoholic product after the lawful
2261 hours for the sale or furnishing; or
- 2262 (iv) acts or conduct on the licensed premises contrary to the public welfare and
2263 morals involving lewd acts or lewd entertainment prohibited by this title.
- 2264 (2) For purposes of Subsection (1), in the case of a retail licensee that is a partnership,
2265 corporation, or limited liability company, a conviction under Subsection (1)(c) includes
2266 a conviction of any of the following for an offense described in Subsection (1)(c):
- 2267 (a) a partner;
- 2268 (b) a managing agent;
- 2269 (c) a manager;
- 2270 (d) an officer;
- 2271 (e) a director;
- 2272 (f) a stockholder who holds at least 20% of the total issued and outstanding stock of a

- 2273 corporate retail licensee; or
- 2274 (g) a member who owns at least 20% of a limited liability company retail licensee.
- 2275 Section 26. Section **32B-5-301** is amended to read:
- 2276 **32B-5-301 (Effective 05/06/26). General operational requirements.**
- 2277 (1)(a) A retail licensee and staff of a retail licensee shall comply with this title and the
- 2278 rules of the commission, including the relevant chapter or part for the specific type of
- 2279 retail license.
- 2280 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
- 2281 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
- 2282 (i) a retail licensee;
- 2283 (ii) individual staff of a retail licensee; or
- 2284 (iii) both a retail licensee and staff of the retail licensee.
- 2285 (2)(a) If there is a conflict between this part and the relevant chapter or part for the
- 2286 specific type of retail license, the relevant chapter or part for the specific type of retail
- 2287 license governs.
- 2288 (b) Notwithstanding that this part refers to "liquor" or an "alcoholic product," a retail
- 2289 licensee may only sell, offer for sale, furnish, or allow the consumption of an
- 2290 alcoholic product specifically authorized by the relevant chapter or part for the retail
- 2291 licensee's specific type of retail license.
- 2292 (c) Notwithstanding that this part or the relevant chapter or part for a specific retail
- 2293 licensee refers to "retail licensee," staff of the retail licensee is subject to the same
- 2294 requirement or prohibition.
- 2295 (3)(a) A retail licensee shall display in a prominent place in the licensed premises the
- 2296 retail license that is issued by the department.
- 2297 (b) A retail licensee shall display in a prominent place a sign in large letters that consists
- 2298 of text in the following order:
- 2299 (i) a header that reads: "WARNING";
- 2300 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
- 2301 can cause birth defects and permanent brain damage for the child.";
- 2302 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
- 2303 Human Services at [insert most current toll-free number] with questions or for
- 2304 more information.";
- 2305 (iv) a header that reads: "WARNING"; and
- 2306 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is

- 2307 a serious crime that is prosecuted aggressively in Utah."
- 2308 (c)(i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different
2309 font style than the text described in Subsections (3)(b)(iv) and (v).
- 2310 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the
2311 same font size.
- 2312 (d) The Department of Health and Human Services shall work with the commission and
2313 department to facilitate consistency in the format of a sign required under this section.
- 2314 (4) A retail licensee may not on the licensed premises:
- 2315 (a) engage in or permit any form of gambling, as defined in Section 76-9-1401, or fringe
2316 gambling, as defined in Section 76-9-1401;
- 2317 (b) have any fringe gaming device, video gaming device, or gambling device or record
2318 as defined in Section 76-9-1401; or
- 2319 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
2320 the risking of something of value for a return or for an outcome when the return or
2321 outcome is based upon an element of chance, excluding the playing of an amusement
2322 device that confers only an immediate and unrecorded right of replay not
2323 exchangeable for value.
- 2324 (5) A retail licensee may not knowingly allow a person on the licensed premises to, in
2325 violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah~~
2326 ~~Drug Paraphernalia Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76,
2327 Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Part 3, Offenses
2328 Concerning Drug Paraphernalia:
- 2329 (a) sell, distribute, possess, or use a controlled substance, as defined in Section [~~58-37-2~~]
2330 ~~58-37-101~~; or
- 2331 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in
2332 Section [~~58-37a-3~~] 76-18-301.
- 2333 (6) Upon the presentation of credentials, at any time during which a retail licensee is open
2334 for the transaction of business, the retail licensee shall immediately:
- 2335 (a) admit a commissioner, authorized department employee, or law enforcement officer
2336 to the retail licensee's premises; and
- 2337 (b) permit, without hindrance or delay, the person described in Subsection (6)(a) to
2338 inspect completely:
- 2339 (i) the entire premises of the retail licensee; and
- 2340 (ii) the records of the retail licensee.

- 2341 (7) An individual may not consume an alcoholic product on the licensed premises of a retail
 2342 licensee on any day during the period:
- 2343 (a) beginning one hour after the time of day that the period during which a retail licensee
 2344 may not sell, offer for sale, or furnish an alcoholic product on the licensed premises
 2345 begins; and
- 2346 (b) ending at the time specified in the relevant chapter or part for the retail licensee's
 2347 specific type of retail license when the retail licensee may first sell, offer for sale, or
 2348 furnish an alcoholic product on the licensed premises on that day.
- 2349 (8) An employee of a retail licensee who sells, offers for sale, or furnishes an alcoholic
 2350 product to a patron shall wear an identification badge.
- 2351 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 2352 commission shall make rules:
- 2353 (a) related to the requirement described in Subsection (8); and
- 2354 (b) for dispensing systems and dispensing areas of restaurant licensees, bar licensees,
 2355 and taverns, establishing standards:
- 2356 (i) in accordance with the provisions of this title; and
- 2357 (ii) prohibiting a dispensing system to remain at a patron's table.
- 2358 Section 27. Section **32B-6-406.1** is amended to read:
- 2359 **32B-6-406.1 (Effective 05/06/26). Specific operational restrictions related to**
 2360 **dance or concert hall.**
- 2361 (1) A minor who is at least 18 years [~~of age~~] old may be admitted into, use, or be on the
 2362 premises of a dance or concert hall if:
- 2363 (a) the dance or concert hall is located:
- 2364 (i) on the licensed premises of a bar licensee; or
- 2365 (ii) on the property that immediately adjoins the licensed premises of and is operated
 2366 by a bar licensee; and
- 2367 (b) the bar licensee holds a permit to operate a dance or concert hall that was issued on
 2368 or before May 11, 2009:
- 2369 (i) on the basis of the operational requirements described in Subsection (2); and
- 2370 (ii) when the bar licensee was licensed as a class D private club.
- 2371 (2) A bar licensee that holds a dance or concert hall permit shall operate in such a way that:
- 2372 (a) the bar licensee's lounge, dispensing structure, or other area for alcoholic product
 2373 consumption is:
- 2374 (i) not accessible to a minor;

- 2375 (ii) clearly defined; and
- 2376 (iii) separated from the dance or concert hall area by one or more walls, multiple
- 2377 floor levels, or other substantial physical barriers;
- 2378 (b) a dispensing structure or area where alcoholic product is dispensed is not visible to a
- 2379 minor;
- 2380 (c) consumption of an alcoholic product may not occur in:
- 2381 (i) the dance or concert hall area; or
- 2382 (ii) an area of the bar license premises accessible to a minor;
- 2383 (d) the bar licensee maintains sufficient security personnel to prevent the passing of
- 2384 beverages from the bar licensee's lounge, dispensing structure, or other area for
- 2385 alcoholic product consumption to:
- 2386 (i) the dance or concert hall area; or
- 2387 (ii) an area of the bar licensee premises accessible to a minor;
- 2388 (e) there are one or more separate entrances, exits, and restroom facilities from the bar
- 2389 licensee's lounge, dispensing structure, or other area for alcoholic product
- 2390 consumption than for:
- 2391 (i) the dance or concert hall area; or
- 2392 (ii) an area accessible to a minor; and
- 2393 (f) the bar licensee complies with any other requirements imposed by the commission by
- 2394 rule.
- 2395 (3)(a) A minor under 18 years [~~of age~~] old who is accompanied at all times by a parent or
- 2396 legal guardian may be admitted into, use, or be on the premises of a concert hall
- 2397 described in Subsection (1) if:
- 2398 (i) the requirements of Subsection (2) are met; and
- 2399 (ii) signage, product, and dispensing equipment containing recognition of an
- 2400 alcoholic product is not visible to the minor.
- 2401 (b) A minor under 18 years [~~of age~~] old but who is 14 years [~~of age~~] old or older who is
- 2402 not accompanied by a parent or legal guardian may be admitted into, use, or be on the
- 2403 premises of a concert hall described in Subsection (1) if:
- 2404 (i) the requirements of Subsections (2) and (3)(a) are met; and
- 2405 (ii) there is no alcoholic product, sales, furnishing, or consumption on the premises of
- 2406 the bar licensee.
- 2407 (4) The commission may suspend or revoke a dance or concert permit issued to a bar
- 2408 licensee and suspend or revoke the license of the bar licensee if:

- 2409 (a) the bar licensee fails to comply with the requirements in this section;
- 2410 (b) the bar licensee sells, offers for sale, or furnishes an alcoholic product to a minor;
- 2411 (c) the bar licensee or a supervisory or managerial level staff of the bar licensee is
- 2412 convicted [~~under Title 58, Chapter 37, Utah Controlled Substances Act~~] of an offense
- 2413 described in Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18,
- 2414 Part 2, Offenses Concerning Controlled Substances, or an offense described in a
- 2415 statute previously in effect in this state that is the same or substantially the same as a
- 2416 conviction for an offense described in Title 58, Chapter 37, Controlled Substances, or
- 2417 Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, on the basis
- 2418 of an activity that occurs on:
- 2419 (i) the licensed premises; or
- 2420 (ii) the dance or concert hall that is located on property that immediately adjoins the
- 2421 licensed premises of and is operated by the bar licensee;
- 2422 (d) there are three or more convictions of patrons of the bar licensee [~~under Title 58,~~
- 2423 ~~Chapter 37, Utah Controlled Substances Act~~] for an offense described in Title 58,
- 2424 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 2425 Concerning Controlled Substances, or an offense described in a statute previously in
- 2426 effect in this state that is the same or substantially the same as a conviction for an
- 2427 offense described in Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter
- 2428 18, Part 2, Offenses Concerning Controlled Substances, on the basis of activities that
- 2429 occur on:
- 2430 (i) the licensed premises; or
- 2431 (ii) the dance or concert hall that is located on property that immediately adjoins the
- 2432 licensed premises of and is operated by the bar licensee;
- 2433 (iii) there is more than one conviction:
- 2434 (A) of:
- 2435 (I) the bar licensee;
- 2436 (II) staff of the bar licensee;
- 2437 (III) an entertainer contracted by the bar licensee; or
- 2438 (IV) a patron of the bar licensee; and
- 2439 (B) made on the basis of a lewd act or lewd entertainment prohibited by this title
- 2440 that occurs on:
- 2441 (I) the licensed premises; or
- 2442 (II) the dance or concert hall that is located on property that immediately

2443 adjoins the licensed premises of and is operated by the bar licensee; or
2444 (e) the commission finds acts or conduct contrary to the public welfare and morals
2445 involving lewd acts or lewd entertainment prohibited by this title that occurs on:
2446 (i) the licensed premises; or
2447 (ii) the dance or concert hall that is located on property that immediately adjoins the
2448 licensed premises of and is operated by the bar licensee.

2449 (5) Nothing in this section prohibits a bar licensee from selling, offering for sale, or
2450 furnishing an alcoholic product in a dance or concert area located on the bar licensed
2451 premises on days and times when the bar licensee does not allow a minor into those
2452 areas.

2453 Section 28. Section **32B-7-202** is amended to read:

2454 **32B-7-202 (Effective 05/06/26). General operational requirements for**
2455 **off-premise beer retailer.**

2456 (1) An off-premise beer retailer or staff of the off-premise beer retailer shall comply with
2457 the provisions of this title and any applicable rules made by the commission.

2458 (2) Failure to comply with this section may result in a suspension or revocation of a local
2459 license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3,
2460 Disciplinary Actions and Enforcement Act.

2461 (3)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the
2462 purpose of resale, or sell beer, except beer that the off-premise beer retailer
2463 lawfully purchases from:

2464 (A) a beer wholesaler licensee; or

2465 (B) a small brewer that manufactures the beer.

2466 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.

2467 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
2468 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only
2469 from a beer wholesaler licensee who is designated by the manufacturer to sell beer
2470 in the geographical area in which the off-premise beer retailer is located, unless an
2471 alternate wholesaler is authorized by the department to sell to the off-premise beer
2472 retailer as provided in Section 32B-13-301.

2473 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.

2474 (4) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
2475 container larger than two liters.

2476 (5)(a) Staff of an off-premise beer retailer, while on duty, may not:

- 2477 (i) consume an alcoholic product; or
2478 (ii) be intoxicated.
- 2479 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
2480 unless:
- 2481 (i) the sale is done under the supervision of a person 21 years old or older who is on
2482 the licensed premises; and
2483 (ii) the minor is at least 16 years old.
- 2484 (6) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product
2485 to:
- 2486 (a) a minor;
2487 (b) a person actually, apparently, or obviously intoxicated;
2488 (c) a known interdicted person; or
2489 (d) a known habitual drunkard.
- 2490 (7)(a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer
2491 shall:
- 2492 (i) display all beer accessible by and visible to a patron in no more than two locations
2493 on the retail sales floor, each of which is:
- 2494 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
2495 beverage displayed; and
2496 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
2497 cooler with a door from which the nonalcoholic beverages are not accessible,
2498 or the beer is separated from the display of nonalcoholic beverages by a display
2499 of one or more nonbeverage products or another physical divider; and
- 2500 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 2501 (A) is prominent;
2502 (B) is easily readable by a consumer;
2503 (C) meets the requirements for format established by the commission by rule; and
2504 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
2505 contain alcohol. Please read the label carefully."
- 2506 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
2507 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 2508 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
2509 labeled, packaged, or advertised as:
- 2510 (i) a malt cooler; or

- 2511 (ii) a beverage that may provide energy.
- 2512 (d) A violation of this Subsection (6) is an infraction.
- 2513 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
- 2514 (6)(a)(i) apply on and after May 9, 2017.
- 2515 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
- 2516 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 2517 (8)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
- 2518 who sells beer to a patron for consumption off the premises of the off-premise beer
- 2519 retailer shall wear a unique identification badge:
- 2520 (i) on the front of the staff's clothing;
- 2521 (ii) visible above the waist;
- 2522 (iii) bearing the staff's:
- 2523 (A) first or last name;
- 2524 (B) initials; or
- 2525 (C) unique identification in letters or numbers; and
- 2526 (iv) with the number or letters on the unique identification badge being sufficiently
- 2527 large to be clearly visible and identifiable while engaging in or directly
- 2528 supervising the retail sale of beer.
- 2529 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
- 2530 unique identification badge assigned by the off-premise beer retailer that includes the
- 2531 staff's:
- 2532 (i) full name;
- 2533 (ii) address; and
- 2534 (iii)(A) driver license number; or
- 2535 (B) similar identification number.
- 2536 (c) An off-premise beer retailer shall make available a record required to be made or
- 2537 maintained under this Subsection (7) for immediate inspection by:
- 2538 (i) a peace officer;
- 2539 (ii) a representative of the local authority that issues the off-premise beer retailer
- 2540 license; or
- 2541 (iii) for an off-premise beer retailer state license, a representative of the commission
- 2542 or department.
- 2543 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
- 2544 retailer that does not comply or require its staff to comply with this Subsection (7).

- 2545 (9)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 2546 (i) at a drive-through window;
- 2547 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the
- 2548 off-premise beer retailer's licensed premises; or
- 2549 (iii) subject to Subsection (8)(b), at a designated parking stall.
- 2550 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
- 2551 Subsection (8)(a)(iii) is:
- 2552 (A) located on property that the off-premise beer retailer owns or has a legal right
- 2553 to occupy;
- 2554 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
- 2555 and
- 2556 (C) labeled in a conspicuous manner that communicates the purpose described in
- 2557 Subsection (8)(b)(ii).
- 2558 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
- 2559 designated parking stall described in Subsection (8)(a)(iii) unless:
- 2560 (A) the off-premise beer retailer ensures that the individual purchasing the beer
- 2561 purchases the beer before parking in the designated parking stall;
- 2562 (B) the off-premise beer retailer delivers the beer directly from the off-premise
- 2563 beer retailer's licensed premises to the designated parking stall;
- 2564 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
- 2565 purchaser's age in accordance with Section 32B-1-407; and
- 2566 (D) the off-premise beer retailer maintains video surveillance of the designated
- 2567 parking stall.
- 2568 (c) Nothing in this Subsection (8) modifies the other requirements of this section.
- 2569 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
- 2570 accordance with this Subsection (8) shall comply with the training requirements
- 2571 described in Section 32B-1-703.
- 2572 (10) An off-premise beer retailer may not on the licensed premises:
- 2573 (a) engage in or permit any form of:
- 2574 (i) gambling, as defined in Section 76-9-1401; or
- 2575 (ii) fringe gambling, as defined in Section 76-9-1401;
- 2576 (b) have any fringe gaming device, video gaming device, or gambling device or record
- 2577 as defined in Section 76-9-1401; or
- 2578 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires

2579 the risking of something of value for a return or for an outcome when the return or
 2580 outcome is based upon an element of chance, excluding the playing of an amusement
 2581 device that confers only an immediate and unrecorded right of replay not
 2582 exchangeable for value.

2583 (11) An off-premise beer retailer may not knowingly allow a person on the licensed
 2584 premises to, in violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act, or~~
 2585 ~~Chapter 37a, Utah Drug Paraphernalia Act]~~ Title 58, Chapter 37, Controlled Substances,
 2586 or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Part 3,
 2587 Offenses Concerning Drug Paraphernalia:

2588 (a) sell, distribute, possess, or use a controlled substance, as defined in Section [~~58-37-2]~~
 2589 ~~58-37-101~~; or

2590 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
 2591 Section [~~58-37a-3]~~ 76-18-301.

2592 (12) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
 2593 intended to be frozen and consumed in a manner other than as a beverage, including beer
 2594 in the form of a freeze pop, popsicle, ice cream, or sorbet.

2595 Section 29. Section **32B-9-204** is amended to read:

2596 **32B-9-204 (Effective 05/06/26). General operational requirements for an event**
 2597 **permit.**

2598 (1)(a) An event permittee and a person involved in the storage, sale, offer for sale, or
 2599 furnishing of an alcoholic product at an event for which an event permit is issued,
 2600 shall comply with this title and rules of the commission.

2601 (b) Failure to comply as provided in Subsection (1)(a):

2602 (i) may result in:

2603 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
 2604 Enforcement Act, against:

2605 (I) an event permittee;

2606 (II) a person involved in the storage, sale, offer for sale, or furnishing of an
 2607 alcoholic product at the event; or

2608 (III) any combination of the persons listed in this Subsection (1)(b);

2609 (B) immediate revocation of the event permit;

2610 (C) forfeiture of a bond; or

2611 (D) immediate seizure of an alcoholic product present at the event; and

2612 (ii) if the event permit is revoked, disqualifies the event permittee from applying for

2613 an event permit for a period of three years from the date of revocation of the event
2614 permit.

2615 (c) An alcoholic product seized under this Subsection (1) shall be returned to the event
2616 permittee after an event if forfeiture proceedings are not instituted under Section
2617 32B-4-206.

2618 (2)(a) If there is a conflict between this part and the relevant part under this chapter for
2619 the specific type of special use permit held by the special use permittee, the relevant
2620 part governs.

2621 (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," an
2622 event permittee may only sell, offer for sale, or furnish an alcoholic product specified
2623 in the relevant part under this chapter for the type of event permit that is held by the
2624 event permittee.

2625 (c) Notwithstanding that this part or the relevant part under this chapter for the type of
2626 event permit held by an event permittee refers to "event permittee," a person involved
2627 in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event
2628 for which the event permit is issued is subject to the same requirement or prohibition.

2629 (3) An event permittee shall display a copy of the event permit in a prominent place in the
2630 area in which an alcoholic product is sold, offered for sale, furnished, and consumed.

2631 (4) An event permittee may not on the premises of the event:

2632 (a) engage in or allow any form of gambling, as defined in Section 76-9-1401, or fringe
2633 gambling, as defined in Section 76-9-1401;

2634 (b) have any fringe gaming device, video gaming device, or gambling device or record
2635 as defined in Section 76-9-1401; or

2636 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
2637 the risking of something of value for a return or for an outcome when the return or
2638 outcome is based upon an element of chance, excluding the playing of an amusement
2639 device that confers only an immediate and unrecorded right of replay not
2640 exchangeable for value.

2641 (5) An event permittee may not knowingly allow a person at an event to, in violation of [
2642 ~~Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug~~
2643 ~~Paraphernalia Act]~~ Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18,
2644 Part 2, Offenses Concerning Controlled Substances, or Part 3, Offenses Concerning
2645 Drug Paraphernalia:

2646 (a) sell, distribute, possess, or use a controlled substance, as defined in Section [58-37-2]

- 2647 58-37-101; or
- 2648 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in
- 2649 Section [~~58-37a-3~~] 76-18-301.
- 2650 (6) An event permittee may not sell, offer for sale, or furnish beer except beer purchases
- 2651 from:
- 2652 (a) a beer wholesaler licensee;
- 2653 (b) a beer retailer; or
- 2654 (c) a small brewer.
- 2655 (7) An event permittee may not store, sell, offer for sale, furnish, or allow the consumption
- 2656 of an alcoholic product purchased for an event in a location other than that described in
- 2657 the application and designated on the event permit unless the event permittee first
- 2658 applies for and receives approval from the director, with the approval of the
- 2659 Compliance, Licensing, and Enforcement Subcommittee, for a change of location.
- 2660 (8)(a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or furnish
- 2661 beer for on-premise consumption:
- 2662 (i) in an open original container; and
- 2663 (ii) in a container on draft.
- 2664 (b) An event permittee may not sell, offer for sale, or furnish beer sold pursuant to
- 2665 Subsection (8)(a):
- 2666 (i) in a size of container that exceeds two liters; or
- 2667 (ii) to an individual patron in a size of container that exceeds one liter.
- 2668 (9)(a) An event permittee may not sell or offer for sale an alcoholic product at less than
- 2669 the cost of the alcoholic product to the event permittee.
- 2670 (b) An event permittee may not sell an alcoholic product at a discount price on any date
- 2671 or at any time.
- 2672 (c) An event permittee may not sell or offer for sale an alcoholic product at a price that
- 2673 encourages overconsumption or intoxication.
- 2674 (d) An event permittee may not sell or offer for sale an alcoholic product at a special or
- 2675 reduced price for only certain hours of the day of an event.
- 2676 (e) An event permittee may not sell, offer for sale, or furnish more than one alcoholic
- 2677 product at the price of a single alcoholic product.
- 2678 (f) An event permittee, or a person operating, selling, offering, or furnishing an alcoholic
- 2679 product under an event permit, may not sell, offer for sale, or furnish an indefinite or
- 2680 unlimited number of alcoholic products during a set period for a fixed price, unless:

- 2681 (i) the alcoholic product is served to a patron at a seated event;
- 2682 (ii) food is available whenever the alcoholic product is sold, offered for sale, or
- 2683 furnished; and
- 2684 (iii) no person advertises that at the event a person may be sold or furnished an
- 2685 indefinite or unlimited number of alcoholic products during a set period for a
- 2686 fixed price.
- 2687 (g) An event permittee may not engage in a public promotion involving or offering a
- 2688 free alcoholic product to the general public.
- 2689 (10) An event permittee may not sell, offer for sale, or furnish an alcoholic product to:
- 2690 (a) a minor;
- 2691 (b) a person actually, apparently, or obviously intoxicated;
- 2692 (c) a known interdicted person; or
- 2693 (d) a known habitual drunkard.
- 2694 (11)(a) An alcoholic product is considered under the control of the event permittee
- 2695 during an event.
- 2696 (b) A patron at an event may not bring an alcoholic product onto the premises of the
- 2697 event.
- 2698 (12) An event permittee may not permit a patron to carry from the premises an open
- 2699 container that:
- 2700 (a) is used primarily for drinking purposes; and
- 2701 (b) contains an alcoholic product.
- 2702 (13)(a) A person involved in the storage, sale, or furnishing of an alcoholic product at an
- 2703 event is considered under the supervision and direction of the event permittee.
- 2704 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at
- 2705 an event may not, while on duty:
- 2706 (i) consume an alcoholic product; or
- 2707 (ii) be intoxicated.
- 2708 (14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an event.
- 2709 (15) The location specified in an event permit may not be changed without prior written
- 2710 approval of the commission.
- 2711 (16) An event permittee may not sell, transfer, assign, exchange, barter, give, or attempt in
- 2712 any way to dispose of the event permit to another person whether for monetary gain or
- 2713 not.
- 2714 (17)(a) An event permittee may not sell, offer for sale, furnish, or allow the consumption

- 2715 of an alcoholic product during a period that:
- 2716 (i) begins at 1 a.m.; and
- 2717 (ii) ends at 9:59 a.m.
- 2718 (b) This Subsection (17) does not preclude a local authority from being more restrictive
- 2719 with respect to the hours of sale, offer for sale, furnishing, or consumption of an
- 2720 alcoholic product at an event.
- 2721 (18) A patron may have no more than one alcoholic product of any kind at a time before the
- 2722 patron.
- 2723 (19)(a) An event permittee shall display, in a prominent place, a sign in large letters that
- 2724 consists of text in the following order:
- 2725 (i) a header that reads: "WARNING";
- 2726 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
- 2727 can cause birth defects and permanent brain damage for the child.";
- 2728 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
- 2729 Human Services at [insert most current toll-free number] with questions or for
- 2730 more information.";
- 2731 (iv) a header that reads: "WARNING"; and
- 2732 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
- 2733 a serious crime that is prosecuted aggressively in Utah."
- 2734 (b)(i) The text described in Subsections (19)(a)(i) through (iii) shall be in a different
- 2735 font style than the text described in Subsections (19)(a)(iv) and (v).
- 2736 (ii) The warning statements in the sign described in Subsection (19)(a) shall be in the
- 2737 same font size.
- 2738 (c) The Department of Health and Human Services shall work with the commission and
- 2739 department to facilitate consistency in the format of a sign required under this section.
- 2740 Section 30. Section **32B-10-404** is amended to read:
- 2741 **32B-10-404 (Effective 05/06/26). Specific operational requirements for industrial**
- 2742 **or manufacturing use permit.**
- 2743 (1)(a) In addition to complying with Section 32B-10-206, an industrial or manufacturing
- 2744 use permittee and staff of the industrial or manufacturing use permittee shall comply
- 2745 with this section.
- 2746 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
- 2747 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
- 2748 (i) an industrial or manufacturing use permittee;

- 2749 (ii) individual staff of an industrial or manufacturing use permittee; or
 2750 (iii) an industrial or manufacturing use permittee and staff of the industrial or
 2751 manufacturing use permittee.
- 2752 (2) An industrial or manufacturing use permittee may produce for lawful use and sale the
 2753 following:
- 2754 (a) vinegar;
 2755 (b) preserved nonintoxicating cider;
 2756 (c) a food preparation;
 2757 (d) a United States Pharmacopoeia or national formulary preparation in conformity with
 2758 Title 58, Chapter 17b, Pharmacy Practice Act, [~~Chapter 37, Utah Controlled~~
 2759 ~~Substances Act, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation~~
 2760 ~~Controlled Substances Act, and Chapter 37c, Utah Controlled Substance Precursor~~
 2761 ~~Act]~~ Title 58, Chapter 37, Controlled Substances, Title 58, Chapter 37c, Controlled
 2762 Substance Precursors, and Title 76, Chapter 18, Part 2, Offenses Concerning
 2763 Controlled Substances, Part 3, Offenses Concerning Drug Paraphernalia, and Part 4,
 2764 Offenses Concerning Imitation Controlled Substances, if the preparation:
 2765 (i) conforms to standards established by:
 2766 (A) the Department of Agriculture and Food; and
 2767 (B) the Department of Health and Human Services; and
 2768 (ii) contains no more alcohol than is necessary to preserve or extract the medicinal,
 2769 flavoring, or perfumed properties of the treated substances; and
 2770 (e) wood and denatured alcohol if manufactured in compliance with the formulas and
 2771 regulations under Title 27, C.F.R. Parts 19, 20, and 21.
- 2772 (3)(a) An industrial or manufacturing use permittee that produces patent or proprietary
 2773 medicines containing alcohol may sell or offer for sale the medicines in the original
 2774 and unbroken container if the medicine contains sufficient medication to prevent its
 2775 use as an alcoholic product.
- 2776 (b) An industrial or manufacturing use permittee described in this Subsection (3) shall,
 2777 upon request by the department, provide a sufficient sample of the medicine to enable
 2778 the department to have the medicine analyzed for purposes of this section.
- 2779 Section 31. Section **34-41-101** is amended to read:
- 2780 **34-41-101 (Effective 05/06/26). Definitions.**
- 2781 As used in this chapter:
- 2782 (1) "Donor" means an employee, a volunteer, a prospective employee, or a prospective

- 2783 volunteer of a local government entity or an institution of higher education.
- 2784 (2) "Drug" means any substance recognized as a drug in the United States Pharmacopeia,
2785 the National Formulary, the Homeopathic Pharmacopeia, or other drug compendia,
2786 including [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
2787 Controlled Substances, or supplement to any of those compendia.
- 2788 (3) "Drug testing" means the scientific analysis for the presence of drugs or their
2789 metabolites in the human body in accordance with the definitions and terms of this
2790 chapter.
- 2791 (4) "Institution of higher education" means the same as that term is defined in Section
2792 53H-1-101.
- 2793 (5) "Local governmental employee" means any person or officer in the service of a local
2794 governmental entity or institution of higher education for compensation.
- 2795 (6)(a) "Local governmental entity" means any political subdivision of Utah including
2796 any county, municipality, local school district, special district, special service district,
2797 or any administrative subdivision of those entities.
- 2798 (b) "Local governmental entity" does not mean Utah state government or its
2799 administrative subdivisions provided for in Sections 63A-17-1001 through
2800 63A-17-1006.
- 2801 (7) "Periodic testing" means preselected and preannounced drug testing of employees or
2802 volunteers conducted on a regular schedule.
- 2803 (8) "Prospective employee" means any person who has made a written or oral application to
2804 become an employee of a local governmental entity or an institution of higher education.
- 2805 (9) "Random testing" means the unannounced drug testing of an employee or volunteer
2806 who was selected for testing by using a method uninfluenced by any personal
2807 characteristics other than job category.
- 2808 (10) "Reasonable suspicion for drug testing" means an articulated belief based on the
2809 recorded specific facts and reasonable inferences drawn from those facts that a local
2810 government employee or volunteer is in violation of the drug-free workplace policy.
- 2811 (11) "Rehabilitation testing" means unannounced but preselected drug testing done as part
2812 of a program of counseling, education, and treatment of an employee or volunteer in
2813 conjunction with the drug-free workplace policy.
- 2814 (12) "Safety sensitive position" means any local governmental or institution of higher
2815 education position involving duties which directly affects the safety of governmental
2816 employees, the general public, or positions where there is access to controlled

2817 substances, as defined in [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
2818 Chapter 37, Controlled Substances, during the course of performing job duties.

2819 (13) "Sample" means urine, blood, breath, saliva, or hair.

2820 (14) "Volunteer" means any person who donates services as authorized by the local
2821 governmental entity or institution of higher education without pay or other
2822 compensation except expenses actually and reasonably incurred.

2823 Section 32. Section **34A-2-302** is amended to read:

2824 **34A-2-302 (Effective 05/06/26). Employee's willful misconduct -- Penalty.**

2825 (1) For purposes of this section:

2826 (a) "Controlled substance" [~~is-as~~] means the same as that term is defined in Section [
2827 58-37-2] 58-37-101.

2828 (b) "Local government employee" [~~is-as~~] means the same as that term is defined in
2829 Section 34-41-101.

2830 (c) "Local governmental entity" [~~is-as~~] means the same as that term is defined in Section
2831 34-41-101.

2832 (d) "State institution of higher education" [~~is-as~~] means the same as that term is defined
2833 in Section 34-41-101.

2834 (e) "Valid prescription" is a prescription, as defined in Section [~~58-37-2~~] 58-37-101, that:

2835 (i) is prescribed for a controlled substance for use by the employee for whom it was
2836 prescribed; and

2837 (ii) has not been altered or forged.

2838 (2) An employee may not:

2839 (a) remove, displace, damage, destroy, or carry away any safety device or safeguard
2840 provided for use in any employment or place of employment;

2841 (b) interfere in any way with the use of a safety device or safeguard described in
2842 Subsection (2)(a) by any other person;

2843 (c) interfere with the use of any method or process adopted for the protection of any
2844 employee in the employer's employment or place of employment; or

2845 (d) fail or neglect to follow and obey orders and to do every other thing reasonably
2846 necessary to protect the life, health, and safety of employees.

2847 (3) Except in case of injury resulting in death:

2848 (a) compensation provided for by this chapter shall be reduced 15% when injury is
2849 caused by the willful failure of the employee:

2850 (i) to use safety devices when provided by the employer; or

2851 (ii) to obey any order or reasonable rule adopted by the employer for the safety of the
2852 employee; and

2853 (b) except when the employer permitted, encouraged, or had actual knowledge of the
2854 conduct described in Subsection (4):

2855 (i) disability compensation may not be awarded under this chapter or Chapter 3, Utah
2856 Occupational Disease Act, to an employee when the major contributing cause of
2857 the employee's injury is the employee's conduct described in Subsection (4); or

2858 (ii) disability compensation to an employee under this chapter or Chapter 3, Utah
2859 Occupational Disease Act, shall be reduced by 15% when the employee's conduct
2860 is a contributing cause of the employee's injury but not the major contributing
2861 cause.

2862 (4) The conduct described in Subsection (3)(b) is the employee's:

2863 (a) knowing use of a controlled substance that the employee did not obtain under a valid
2864 prescription;

2865 (b) intentional abuse of a controlled substance that the employee obtained under a valid
2866 prescription if the employee uses the controlled substance intentionally:

2867 (i) in excess of prescribed therapeutic amounts; or

2868 (ii) in an otherwise abusive manner; or

2869 (c) intoxication from alcohol with a blood or breath alcohol concentration of .05 grams
2870 or greater as shown by a chemical test.

2871 (5)(a) For purposes of Subsections (3) and (4), as shown by a chemical test that

2872 conforms to scientifically accepted analytical methods and procedures and includes

2873 verification or confirmation of any positive test result by gas chromatography, gas

2874 chromatography-mass spectroscopy, or other comparably reliable analytical method,

2875 before the result of the test may be used as a basis for the presumption, it is presumed

2876 that the major contributing cause of the employee's injury is the employee's conduct

2877 described in Subsection (4) if at the time of the injury:

2878 (i) the employee has in the employee's system:

2879 (A) any amount of a controlled substance or its metabolites if the employee did
2880 not obtain the controlled substance under a valid prescription; or

2881 (B) a controlled substance the employee obtained under a valid prescription or the
2882 metabolites of the controlled substance if the amount in the employee's system
2883 is consistent with the employee using the controlled substance intentionally:

2884 (I) in excess of prescribed therapeutic amounts; or

- 2885 (II) in an otherwise abusive manner; or
- 2886 (ii) the employee has a blood or breath alcohol concentration of .05 grams or greater.
- 2887 (b) The presumption created under Subsection (5)(a) may be rebutted by a
- 2888 preponderance of the evidence showing that:
- 2889 (i) the chemical test creating the presumption is inaccurate because the employer
- 2890 failed to comply with:
- 2891 (A) Sections 34-38-4 through 34-38-6; or
- 2892 (B) if the employer is a local governmental entity or state institution of higher
- 2893 education, Section 34-41-104, Subsection 34-41-103(7), or, if applicable,
- 2894 Subsection 34-41-103(6);
- 2895 (ii) the employee did not engage in the conduct described in Subsection (4);
- 2896 (iii) the test results do not exclude the possibility of passive inhalation of marijuana
- 2897 because the concentration of total urinary cannabinoids is less than 50
- 2898 nanograms/ml as determined by a test conducted in accordance with:
- 2899 (A) Sections 34-38-4 through 34-38-6; or
- 2900 (B) if the employer is a local governmental entity or state institution of higher
- 2901 education, Section 34-41-104, Subsection 34-41-103(7), or, if applicable,
- 2902 Subsection 34-41-103(6);
- 2903 (iv) a competent medical opinion from a physician verifies that the amount of
- 2904 controlled substances, metabolites, or alcohol in the employee's system does not
- 2905 support a finding that the conduct described in Subsection (4) was the major
- 2906 contributing cause of the employee's injury or a contributing cause of the
- 2907 employee's injury; or
- 2908 (v)(A) the conduct described in Subsection (4) was not a contributing cause of the
- 2909 employee's injury; or
- 2910 (B) the employee's mental and physical condition were not impaired at the time of
- 2911 the injury.
- 2912 (c)(i) Except as provided in Subsections (5)(c)(ii) and (iii), if a chemical test that
- 2913 creates the presumption under Subsection (5)(a) is taken at the request of the
- 2914 employer, the employer shall comply with:
- 2915 (A) Title 34, Chapter 38, Drug and Alcohol Testing; or
- 2916 (B) if the employee is a local governmental employee or an employee of a state
- 2917 institution of higher education, Title 34, Chapter 41, Local Governmental
- 2918 Entity Drug-Free Workplace Policies.

- 2919 (ii) Notwithstanding Section 34-38-13, the results of a test taken under Title 34,
 2920 Chapter 38, Drug and Alcohol Testing, may be disclosed to the extent necessary
 2921 to establish or rebut the presumption created under Subsection (5)(a).
 2922 (iii) Notwithstanding Section 34-41-103, the results of a test taken under Title 34,
 2923 Chapter 41, Local Governmental Entity Drug-Free Workplace Policies, may be
 2924 disclosed to the extent necessary to establish or rebut the presumption created
 2925 under Subsection (5)(a).
- 2926 (6)(a) A test sample taken pursuant to this section shall be taken as a split sample.
- 2927 (b) One part of the sample is to be used by the employer for testing pursuant to
 2928 Subsection (5)(a):
 2929 (i) at a testing facility selected by the employer; and
 2930 (ii) at the employer's or the employer's workers' compensation carrier's expense.
- 2931 (c) The testing facility selected under Subsection (6)(b) shall hold the part of the sample
 2932 not used under Subsection (6)(b) until the sooner of:
 2933 (i) six months from the date of the original test; or
 2934 (ii) when the employee requests that the sample be tested.
- 2935 (d) The employee has only six months from the date of the original test to have the
 2936 remaining sample tested:
 2937 (i) at the employee's expense; and
 2938 (ii) at the testing facility selected by the employee, except that the test shall meet the
 2939 requirements of Subsection (5)(a).
- 2940 (7) If any provision of this section, or the application of any provision of this section to any
 2941 person or circumstance, is held invalid, the remainder of this section shall be given
 2942 effect without the invalid provision or application.
- 2943 Section 33. Section **34A-2-410.5** is amended to read:
 2944 **34A-2-410.5 (Effective 05/06/26). Employee cooperation with reemployment.**
- 2945 (1) As used in this section:
 2946 (a) "Controlled substance" is as defined in Section [~~58-37-2~~] 58-37-101.
 2947 (b) "Correctional facility" means:
 2948 (i) a correctional facility as defined in Section 76-8-311.3; or
 2949 (ii) a facility operated by or contracting with the federal government to house a
 2950 criminal offender in either a secure or nonsecure setting.
 2951 (c) "Disability claim" means a claim for compensation for:
 2952 (i) a temporary total disability benefit; or

- 2953 (ii) a temporary partial disability benefit.
- 2954 (d) "Institution of higher education" means the same as that term is defined in Section
2955 53H-1-101.
- 2956 (e) "Local governmental entity" is as defined in Section 34-41-101.
- 2957 (f) "Reemployment" means employment that:
- 2958 (i) is after an accident or occupational disease that is the basis for a disability claim;
2959 and
- 2960 (ii) in a manner consistent with Subsection (2)(a), offers to an employee an
2961 opportunity for earnings, considering the employee's:
- 2962 (A) education;
2963 (B) experience; and
2964 (C) physical and mental impairment or condition.
- 2965 (g) "Valid prescription" is a prescription, as defined in Section ~~[58-37-2]~~ 58-37-101, that
2966 is:
- 2967 (i) prescribed for a controlled substance for use by the employee for whom it is
2968 prescribed; and
2969 (ii) not altered or forged.
- 2970 (2) In accordance with this section, the commission may reduce or terminate an employee's
2971 disability compensation for a disability claim for good cause shown by the employer
2972 including if:
- 2973 (a) the employer terminates the employee from the reemployment and the termination is:
2974 (i) reasonable;
2975 (ii) for cause; and
2976 (iii) as a result, in whole or in part, of:
- 2977 (A) criminal conduct;
2978 (B) violent conduct; or
2979 (C) a violation of a reasonable, written workplace health, safety, licensure, or
2980 nondiscrimination rule that is applied in a manner that is reasonable and
2981 nondiscriminatory;
- 2982 (b) the employee is incarcerated in a correctional facility for a period of time that would
2983 result in the termination of the employee's reemployment in accordance with a
2984 reasonable, written workplace rule that is applied in a manner that is reasonable and
2985 nondiscriminatory; or
2986 (c) subject to Subsection (6), the employee is terminated from the reemployment:

- 2987 (i)(A) for use of a controlled substance that the employee did not obtain under a
2988 valid prescription;
- 2989 (B) for intentional abuse of a controlled substance that the employee obtained
2990 under a valid prescription, if the employee uses the controlled substance
2991 intentionally:
- 2992 (I) in excess of a prescribed therapeutic amount; or
2993 (II) in an otherwise abusive manner; or
- 2994 (C) for the use of alcohol that results in intoxication from alcohol with a blood or
2995 breath alcohol concentration of .05 grams or greater; and
- 2996 (ii) in accordance with a reasonable, written workplace rule that is applied in a
2997 manner that is reasonable and nondiscriminatory.
- 2998 (3) Notwithstanding the other provisions of this section, the employee described in
2999 Subsection (2) is eligible for medical benefits to the extent otherwise allowed under this
3000 title.
- 3001 (4)(a) An employer or the employer's insurance carrier may file an application for a
3002 hearing with the Division of Adjudication to request that an employee's disability
3003 compensation for a disability claim be reduced or terminated under this section.
- 3004 (b) An action under this Subsection (4) is barred if an application for a hearing is not
3005 filed within one year from the day on which the employer terminates the employee
3006 from reemployment as described in Subsection (2).
- 3007 (c) An employer or the employer's insurance carrier shall notify the employee that the
3008 employer or employer's insurance carrier has filed a request for a hearing under this
3009 section within three business days of the day on which the filing is made.
- 3010 (5)(a) The commission may reduce or terminate the disability compensation of an
3011 employee for a disability claim if after a hearing requested under Subsection (4), the
3012 commission determines that the conditions of Subsection (2) are met.
- 3013 (b) The commission shall issue an order as to whether or not an employee's disability
3014 compensation is reduced or terminated under this section by no later than 45 days
3015 from the day on which an application for a hearing is filed.
- 3016 (c) A reduction or termination of disability compensation under this Subsection (5) takes
3017 effect on the day determined by the commission.
- 3018 (d) If the disability compensation is ordered terminated or reduced, the employer or
3019 employer's insurance carrier shall treat a resulting overpayment as an offset against
3020 the employer's or employer's insurance carrier's future obligations to pay disability

3021 compensation to the employee.

3022 (6)(a) For purposes of Subsection (2)(c), the commission may consider a chemical test
3023 that conforms to scientifically accepted analytical methods and procedures and
3024 includes verification or confirmation of any positive test result by gas
3025 chromatography, gas chromatography-mass spectroscopy, or other comparably
3026 reliable analytical method showing that the employee has:

3027 (i) in the employee's system during employment:

3028 (A) any amount of a controlled substance or its metabolites if the employee did
3029 not obtain the controlled substance under a valid prescription; or

3030 (B) a controlled substance the employee obtained under a valid prescription or the
3031 metabolites of the controlled substance if the amount in the employee's system
3032 is consistent with the employee using the controlled substance intentionally:

3033 (I) in excess of prescribed therapeutic amounts; or

3034 (II) in an otherwise abusive manner; or

3035 (ii) a blood or breath alcohol concentration of .05 grams or greater during
3036 employment.

3037 (b) A local governmental entity or an institution of higher education shall comply with
3038 Title 34, Chapter 41, Local Governmental Entity Drug-Free Workplace Policies, in
3039 engaging in a test for a controlled substance that is the basis of a presumption under
3040 this section.

3041 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3042 commission may make rules:

3043 (a) describing factors to be considered under Subsection (2); and

3044 (b) related to the procedures for a request for a hearing under this section.

3045 (8) The adjudication of a dispute arising under this section is governed by Part 8,
3046 Adjudication.

3047 (9) An issue related to an employee's cooperation with regard to a claim for compensation
3048 for permanent total disability benefits is governed by Section 34A-2-413.

3049 Section 34. Section **35A-3-311** is amended to read:

3050 **35A-3-311 (Effective 05/06/26). Cash assistance to noncitizen legal residents and**
3051 **drug dependent persons.**

3052 (1) If barred from using federal funds under federal law, the department may provide cash
3053 assistance to a legal resident who is not a citizen of the United States using funds
3054 appropriated from the General Fund.

- 3055 (2)(a) The State exercises the opt out provision in Section 115 of the Personal
 3056 Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No.
 3057 104-193.
- 3058 (b) Consistent with Subsection (2)(a), the department may provide cash assistance and
 3059 SNAP benefits to a person who has been convicted of a felony involving a controlled
 3060 substance, as defined in Section [~~58-37-2~~] 58-37-101.
- 3061 (c) As a condition for receiving cash assistance under this part, a drug dependant person,
 3062 as defined in Section [~~58-37-2~~] 58-37-101, shall:
- 3063 (i) receive available treatment for the dependency; and
 3064 (ii) make progress toward overcoming the dependency.
- 3065 (d) The department may only refer a recipient who is a drug dependent person to a
 3066 treatment provider for treating drug dependency if the provider has achieved an
 3067 objective level of success, as defined by department rules made in accordance with
 3068 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 3069 Section 35. Section **41-6a-501** is amended to read:
- 3070 **41-6a-501 (Effective 05/06/26). Definitions.**
- 3071 (1) As used in this part:
- 3072 (a) "Actual physical control" is determined by a consideration of the totality of the
 3073 circumstances, but does not include a circumstance in which:
- 3074 (i) the person is asleep inside the vehicle;
 3075 (ii) the person is not in the driver's seat of the vehicle;
 3076 (iii) the engine of the vehicle is not running;
 3077 (iv) the vehicle is lawfully parked; and
 3078 (v) under the facts presented, it is evident that the person did not drive the vehicle to
 3079 the location while under the influence of alcohol, a drug, or the combined
 3080 influence of alcohol and any drug.
- 3081 (b) "Assessment" means an in-depth clinical interview with a licensed mental health
 3082 therapist:
- 3083 (i) used to determine if a person is in need of:
- 3084 (A) substance abuse treatment that is obtained at a substance abuse program;
 3085 (B) an educational series; or
 3086 (C) a combination of Subsections (1)(b)(i)(A) and (B); and
 3087 (ii) that is approved by the Division of Integrated Healthcare in accordance with
 3088 Section 26B-5-104.

- 3089 (c) "Driving under the influence court" means a court that is approved as a driving under
3090 the influence court by the Judicial Council according to standards established by the
3091 Judicial Council.
- 3092 (d) "Drug" or "drugs" means:
3093 (i) a controlled substance as defined in Section [58-37-2] 58-37-101;
3094 (ii) a drug as defined in Section 58-17b-102; or
3095 (iii) a substance that, when knowingly, intentionally, or recklessly taken into the
3096 human body, can impair the ability of a person to safely operate a motor vehicle.
- 3097 (e) "Educational series" means an educational series obtained at a substance abuse
3098 program that is approved by the Division of Integrated Healthcare in accordance with
3099 Section 26B-5-104.
- 3100 (f) "Extreme DUI" means an offense of driving under the influence under Section
3101 41-1a-502 where there is admissible evidence that the individual:
3102 (i) had a blood or breath alcohol level of .16 or higher;
3103 (ii) had a blood or breath alcohol level of .05 or higher in addition to any measurable
3104 controlled substance; or
3105 (iii) had a combination of two or more controlled substances in the individual's body
3106 that were not:
3107 (A) recommended in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid
3108 Research and Medical Cannabis; or
3109 (B) prescribed.
- 3110 (g) "Negligence" means simple negligence, the failure to exercise that degree of care
3111 that an ordinarily reasonable and prudent person exercises under like or similar
3112 circumstances.
- 3113 (h) "Novice learner driver" means an individual who:
3114 (i) has applied for a Utah driver license;
3115 (ii) has not previously held a driver license in this state or another state; and
3116 (iii) has not completed the requirements for issuance of a Utah driver license.
- 3117 (i) "Screening" means a preliminary appraisal of a person:
3118 (i) used to determine if the person is in need of:
3119 (A) an assessment; or
3120 (B) an educational series; and
3121 (ii) that is approved by the Division of Integrated Healthcare in accordance with
3122 Section 26B-5-104.

- 3123 (j) "Serious bodily injury" means bodily injury that creates or causes:
3124 (i) serious permanent disfigurement;
3125 (ii) protracted loss or impairment of the function of any bodily member or organ; or
3126 (iii) a substantial risk of death.
- 3127 (k) "Substance abuse treatment" means treatment obtained at a substance abuse program
3128 that is approved by the Division of Integrated Healthcare in accordance with Section
3129 26B-5-104.
- 3130 (l) "Substance abuse treatment program" means a state licensed substance abuse
3131 program.
- 3132 (m)(i) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in
3133 Section 41-6a-102; and
3134 (ii) "Vehicle" or "motor vehicle" includes:
3135 (A) an off-highway vehicle as defined under Section 41-22-2; and
3136 (B) a motorboat as defined in Section 73-18-2.
- 3137 (2) As used in Sections 41-6a-502 and 41-6a-520.1:
- 3138 (a) "Conviction" means any conviction arising from a separate episode of driving for a
3139 violation of:
3140 (i) driving under the influence under Section 41-6a-502;
3141 (ii)(A) for an offense committed before July 1, 2008, alcohol, any drug, or a
3142 combination of both-related reckless driving under Sections 41-6a-512 and
3143 41-6a-528; or
3144 (B) for an offense committed on or after July 1, 2008, impaired driving under
3145 Section 41-6a-502.5;
3146 (iii) driving with any measurable controlled substance that is taken illegally in the
3147 body under Section 41-6a-517;
3148 (iv) local ordinances similar to Section 41-6a-502, alcohol, any drug, or a
3149 combination of both-related reckless driving, or impaired driving under Section
3150 41-6a-502.5 adopted in compliance with Section 41-6a-510;
3151 (v) Section 76-5-207;
3152 (vi) operating a motor vehicle with any amount of a controlled substance in an
3153 individual's body and causing serious bodily injury or death, as codified before
3154 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
3155 58-37-8(2)(g);
3156 (vii) negligently operating a vehicle resulting in injury under Section 76-5-102.1;

- 3157 (viii) a violation described in Subsections (2)(a)(i) through (vii), which judgment of
 3158 conviction is reduced under Section 76-3-402;
- 3159 (ix) refusal of a chemical test under Subsection 41-6a-520.1(1); or
- 3160 (x) statutes or ordinances previously in effect in this state or in effect in any other
 3161 state, the United States, or any district, possession, or territory of the United States
 3162 which would constitute a violation of Section 41-6a-502 or alcohol, any drug, or a
 3163 combination of both-related reckless driving if committed in this state, including
 3164 punishments administered under 10 U.S.C. Sec. 815.
- 3165 (b) A plea of guilty or no contest to a violation described in Subsections (2)(a)(i)
 3166 through (x) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in
 3167 Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge
 3168 has been subsequently reduced or dismissed in accordance with the plea in abeyance
 3169 agreement, for purposes of:
- 3170 (i) enhancement of penalties under this part; and
- 3171 (ii) expungement under Title 77, Chapter 40a, Expungement of Criminal Records.
- 3172 (c) An admission to a violation of Section 41-6a-502 in juvenile court is the equivalent
 3173 of a conviction even if the charge has been subsequently dismissed in accordance
 3174 with the Utah Rules of Juvenile Procedure for the purposes of enhancement of
 3175 penalties under:
- 3176 (i) this part;
- 3177 (ii) negligently operating a vehicle resulting in injury under Section 76-5-102.1; and
- 3178 (iii) automobile homicide under Section 76-5-207.
- 3179 (3) As used in Section 41-6a-505, "controlled substance" does not include an inactive
 3180 metabolite of a controlled substance.
- 3181 Section 36. Section **41-6a-517** is amended to read:
- 3182 **41-6a-517 (Effective 05/06/26). Definitions -- Driving with any measurable**
 3183 **controlled substance in the body -- Penalties -- Arrest without warrant.**
- 3184 (1) As used in this section:
- 3185 (a) "Controlled substance" means the same as that term is defined in Section ~~[58-37-2]~~
 3186 58-37-101.
- 3187 (b) "Practitioner" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.
- 3188 (c) "Prescribe" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.
- 3189 (d) "Prescription" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.
- 3190 (2)(a) Except as provided in Subsection (2)(b), in cases not amounting to a violation of

- 3191 Section 41-6a-502, 76-5-102.1, or 76-5-207, a person may not operate or be in actual
3192 physical control of a motor vehicle within this state if the person has any measurable
3193 controlled substance or metabolite of a controlled substance in the person's body.
- 3194 (b) Subsection (2)(a) does not apply to a person that has
3195 11-nor-9-carboxy-tetrahydrocannabinol as the only controlled substance present in
3196 the person's body.
- 3197 (3) It is an affirmative defense to prosecution under this section that the controlled
3198 substance was:
- 3199 (a) involuntarily ingested by the accused;
- 3200 (b) prescribed by a practitioner for use by the accused;
- 3201 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
3202 form that the accused ingested in accordance with Title 26B, Chapter 4, Part 2,
3203 Cannabinoid Research and Medical Cannabis; or
- 3204 (d) otherwise legally ingested.
- 3205 (4)(a) A person convicted of a violation of Subsection (2) is guilty of a class B
3206 misdemeanor.
- 3207 (b) A person who violates this section is subject to conviction and sentencing under both
3208 this section and any applicable offense under Section ~~[58-37-8]~~ 76-18-204, 76-18-207,
3209 76-18-208, 76-18-209, 76-18-210, 76-18-211, 76-18-212, 76-18-213, 76-18-214,
3210 76-18-215, 76-18-216, 76-18-217, 76-18-218, or 76-18-219.
- 3211 (5) A peace officer may, without a warrant, arrest a person for a violation of this section
3212 when the officer has probable cause to believe the violation has occurred, although not
3213 in the officer's presence, and if the officer has probable cause to believe that the
3214 violation was committed by the person.
- 3215 (6) The Driver License Division shall, if the person is 21 years old or older on the date of
3216 arrest:
- 3217 (a) suspend, for a period of 120 days, the driver license of a person convicted under
3218 Subsection (2) of an offense committed on or after July 1, 2009; or
- 3219 (b) revoke, for a period of two years, the driver license of a person if:
- 3220 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 3221 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3222 and within a period of 10 years after the date of the prior violation.
- 3223 (7) The Driver License Division shall, if the person is 19 years old or older but under 21
3224 years old on the date of arrest:

- 3225 (a) suspend, until the person is 21 years old or for a period of one year, whichever is
3226 longer, the driver license of a person convicted under Subsection (2) of an offense
3227 committed on or after July 1, 2011; or
- 3228 (b) revoke, until the person is 21 years old or for a period of two years, whichever is
3229 longer, the driver license of a person if:
- 3230 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
3231 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3232 and within a period of 10 years after the date of the prior violation.
- 3233 (8) The Driver License Division shall, if the person is under 19 years old on the date of
3234 arrest:
- 3235 (a) suspend, until the person is 21 years old, the driver license of a person convicted
3236 under Subsection (2) of an offense committed on or after July 1, 2009; or
- 3237 (b) revoke, until the person is 21 years old, the driver license of a person if:
- 3238 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
3239 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3240 and within a period of 10 years after the date of the prior violation.
- 3241 (9) The Driver License Division shall subtract from any suspension or revocation period the
3242 number of days for which a license was previously suspended under Section 53-3-223 or
3243 53-3-231, if the previous suspension was based on the same occurrence upon which the
3244 record of conviction is based.
- 3245 (10) The Driver License Division shall:
- 3246 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in
3247 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that
3248 was committed prior to July 1, 2009; or
- 3249 (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension,
3250 or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
- 3251 (i) the person was 20 years old or older but under 21 years old at the time of arrest;
3252 and
- 3253 (ii) the conviction under Subsection (2) is for an offense that was committed on or
3254 after July 1, 2009, and prior to July 1, 2011.
- 3255 (11) A court that reported a conviction of a violation of this section for a violation that
3256 occurred on or after July 1, 2009, to the Driver License Division may shorten the
3257 suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the
3258 suspension period if the person:

- 3259 (a) completes at least six months of the license suspension;
- 3260 (b) completes a screening;
- 3261 (c) completes an assessment, if it is found appropriate by a screening under Subsection
- 3262 (11)(b);
- 3263 (d) completes substance abuse treatment if it is found appropriate by the assessment
- 3264 under Subsection (11)(c);
- 3265 (e) completes an educational series if substance abuse treatment is not required by the
- 3266 assessment under Subsection (11)(c) or the court does not order substance abuse
- 3267 treatment;
- 3268 (f) has not been convicted of a violation of any motor vehicle law in which the person
- 3269 was involved as the operator of the vehicle during the suspension period imposed
- 3270 under Subsection (7)(a) or (8)(a);
- 3271 (g) has complied with all the terms of the person's probation or all orders of the court if
- 3272 not ordered to probation; and
- 3273 (h)(i) is 18 years old or older and provides a sworn statement to the court that the
- 3274 person has not consumed a controlled substance not prescribed by a practitioner
- 3275 for use by the person or unlawfully consumed alcohol during the suspension
- 3276 period imposed under Subsection (7)(a) or (8)(a); or
- 3277 (ii) is under 18 years old and has the person's parent or legal guardian provide an
- 3278 affidavit or other sworn statement to the court certifying that to the parent or legal
- 3279 guardian's knowledge the person has not consumed a controlled substance not
- 3280 prescribed by a practitioner for use by the person or unlawfully consumed alcohol
- 3281 during the suspension period imposed under Subsection (7)(a) or (8)(a).
- 3282 (12) If the court shortens a person's license suspension period in accordance with the
- 3283 requirements of Subsection (11), the court shall forward the order shortening the
- 3284 person's license suspension period to the Driver License Division in a manner specified
- 3285 by the division prior to the completion of the suspension period imposed under
- 3286 Subsection (7)(a) or (8)(a).
- 3287 (13)(a) The court shall notify the Driver License Division if a person fails to complete
- 3288 all court ordered screening and assessment, educational series, and substance abuse
- 3289 treatment.
- 3290 (b) Subject to Subsection 53-3-218(3), upon receiving the notification, the division shall
- 3291 suspend the person's driving privilege in accordance with Subsection 53-3-221(2).
- 3292 (14) The court:

- 3293 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
3294 convicted under Subsection (2); and
- 3295 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
3296 program as defined in Section 41-6a-515.5 if the person is 21 years old or older.
- 3297 (15)(a) A court that reported a conviction of a violation of this section to the Driver
3298 License Division may shorten the suspension period imposed under Subsection (6)
3299 before completion of the suspension period if the person is participating in or has
3300 successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.
- 3301 (b) If the court shortens a person's license suspension period in accordance with the
3302 requirements of this Subsection (15), the court shall forward to the Driver License
3303 Division, in a manner specified by the division, the order shortening the person's
3304 suspension period.
- 3305 (c) The court shall notify the Driver License Division, in a manner specified by the
3306 division, if a person fails to complete all requirements of a 24-7 sobriety program.
- 3307 (d)(i)(A) Upon receiving the notification described in Subsection (15)(c), for a
3308 first offense, the division shall suspend the person's driving privilege for a
3309 period of 120 days from the date of notice.
- 3310 (B) For a suspension described in Subsection (15)(d)(i)(A), no days shall be
3311 subtracted from the 120-day suspension period for which a driving privilege
3312 was suspended under this section or under Section 53-3-223, if the previous
3313 suspension was based on the same occurrence upon which the conviction under
3314 this section is based.
- 3315 (ii)(A) Upon receiving the notification described in Subsection (15)(c), for a
3316 second or subsequent offense, the division shall revoke the person's driving
3317 privilege for a period of two years from the date of notice.
- 3318 (B) For a revocation described in Subsection (15)(d)(ii)(A), no days shall be
3319 subtracted from the two-year revocation period for which a driving privilege
3320 was previously revoked under this section or under Section 53-3-223, if the
3321 previous revocation was based on the same occurrence upon which the
3322 conviction under this section is based.
- 3323 Section 37. Section **49-20-416** is amended to read:
- 3324 **49-20-416 (Effective 05/06/26). Screening, Brief Intervention, and Referral to**
3325 **Treatment program reimbursement.**
- 3326 (1) As used in this section:

- 3327 (a) "Controlled substance prescriber" means a controlled substance prescriber, as that
 3328 term is defined in Section [~~58-37-6.5~~] 58-37-303, who:
- 3329 (i) has a record of having completed SBIRT training, in accordance with Subsection [
 3330 ~~58-37-6.5(2)~~] 58-37-303(2), before providing the SBIRT services; and
- 3331 (ii) is a program enrolled controlled substance prescriber.
- 3332 (b) "SBIRT" means the same as that term is defined in Section [~~58-37-6.5~~] 58-37-303.
- 3333 (2) The health program offered to the state employee risk pool under Section 49-20-202
 3334 shall reimburse a controlled substance prescriber who provides SBIRT services to a
 3335 covered individual who is 13 years [~~of age~~] old or older for the SBIRT services.
- 3336 Section 38. Section **53-3-220** is amended to read:
- 3337 **53-3-220 (Effective 05/06/26). Offenses requiring mandatory revocation, denial,**
 3338 **suspension, or disqualification of license -- Offense requiring an extension of period --**
 3339 **Hearing -- Limited driving privileges.**
- 3340 (1)(a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 1a,
 3341 Motor Vehicle Act, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303,
 3342 specifically provides for denial, suspension, or disqualification, the division shall
 3343 deny, suspend, or disqualify the license or endorsement of a person upon receiving a
 3344 record of the person's conviction for:
- 3345 (i) manslaughter or negligent homicide resulting from driving a motor vehicle,
 3346 automobile homicide under Section 76-5-207, or automobile homicide involving
 3347 using a handheld wireless communication device while driving under Section
 3348 76-5-207.5;
- 3349 (ii) driving or being in actual physical control of a motor vehicle while under the
 3350 influence of alcohol, any drug, or combination of them to a degree that renders the
 3351 person incapable of safely driving a motor vehicle as prohibited in Section
 3352 41-6a-502 or as prohibited in an ordinance that complies with the requirements of
 3353 Subsection 41-6a-510(1);
- 3354 (iii) driving or being in actual physical control of a motor vehicle while having a
 3355 blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited
 3356 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- 3357 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
 3358 41, Motor Vehicles, or any other law of this state requiring the registration of
 3359 motor vehicles or regulating driving on highways;
- 3360 (v) any felony under the motor vehicle laws of this state;

- 3361 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 3362 (vii) failure to stop and render aid as required under the laws of this state if a motor
- 3363 vehicle accident results in the death or personal injury of another;
- 3364 (viii) two charges of reckless driving, impaired driving, or any combination of
- 3365 reckless driving and impaired driving committed within a period of 12 months;
- 3366 but if upon a first conviction of reckless driving or impaired driving the judge or
- 3367 justice recommends suspension of the convicted person's license, the division may
- 3368 after a hearing suspend the license for a period of three months;
- 3369 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement
- 3370 officer as required in Section 41-6a-210;
- 3371 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
- 3372 requires disqualification;
- 3373 (xi) a violation of Section 76-11-209 involving the discharging or allowing the
- 3374 discharging of a firearm from a vehicle or a violation of Section 76-11-210;
- 3375 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
- 3376 incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii);
- 3377 (xiii) operating or being in actual physical control of a motor vehicle while having
- 3378 any measurable controlled substance or metabolite of a controlled substance in the
- 3379 person's body in violation of Section 41-6a-517;
- 3380 (xiv) operating or being in actual physical control of a motor vehicle while having
- 3381 any measurable or detectable amount of alcohol in the person's body in violation
- 3382 of Section 41-6a-530;
- 3383 (xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
- 3384 violation of Section 41-6a-606;
- 3385 (xvi) operating or being in actual physical control of a motor vehicle in this state
- 3386 without an ignition interlock system in violation of Section 41-6a-518.2;
- 3387 (xvii) refusal of a chemical test under Subsection 41-6a-520.1(1);
- 3388 (xviii) failure to properly display a license plate on a motorcycle under Section
- 3389 41-1a-404.1;
- 3390 (xix) performing a wheelie on a highway under Section 41-6a-606.1;
- 3391 (xx) engaging in lane splitting under Section 41-6a-704.1; or
- 3392 (xxi) two or more offenses that:
- 3393 (A) are committed within a period of one year;
- 3394 (B) are enhanced under Section 76-3-203.17; and

- 3395 (C) arose from separate incidents.
- 3396 (b) The division shall immediately revoke the license of a person upon receiving a
3397 record of an adjudication under Section 80-6-701 for:
- 3398 (i) a violation of Section 76-11-209 involving the discharging or allowing the
3399 discharging of a firearm from a vehicle or a violation of Section 76-11-210
3400 involving discharging or allowing the discharge of a firearm from a vehicle; or
3401 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
3402 incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii).
- 3403 (c)(i) Except when action is taken under Section 53-3-219 for the same offense, upon
3404 receiving a record of conviction, the division shall immediately suspend for six
3405 months the license of the convicted person if the person was convicted of
3406 violating ~~[any one of the following offenses]~~ an offense contained in one of the
3407 following provisions while the person was an operator of a motor vehicle, and the
3408 court finds that a driver license suspension is likely to reduce recidivism and is in
3409 the interest of public safety:
- 3410 (A) ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37,
3411 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
3412 Controlled Substances;
- 3413 (B) Title 58, Chapter 37c, Controlled Substance Precursors;
- 3414 (C) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
- 3415 (D) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled
3416 Substances;
- 3417 (E) Title 76, Chapter 18, Part 5, Clandestine Drug Labs;
- 3418 ~~[(B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;]~~
- 3419 ~~[(C) Title 58, Chapter 37b, Imitation Controlled Substances Act;]~~
- 3420 ~~[(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;]~~
- 3421 ~~[(E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or]~~
- 3422 (F) an offense described in a statute previously in effect in this state that is the
3423 same or substantially similar to a violation of an offense described in
3424 Subsection (1)(c)(i)(A) through (E); or
- 3425 (G) any criminal offense that prohibits possession, distribution, manufacture,
3426 cultivation, sale, or transfer of any substance that is prohibited under the ~~[acts]~~
3427 provisions described in Subsections (1)(c)(i)(A) through ~~[(E)]~~ (F), or the
3428 attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or

3429 transfer any substance that is prohibited under the [aets] provisions described in
3430 Subsections (1)(c)(i)(A) through [~~E~~] (F).

3431 (ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate
3432 a person's driving privilege before completion of the suspension period imposed
3433 under Subsection (1)(c)(i) if the reporting court notifies the Driver License
3434 Division, in a manner specified by the division, that the defendant is participating
3435 in or has successfully completed a drug court program as defined in Section
3436 78A-5-201.

3437 (iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person
3438 is required to pay the license reinstatement fees under Subsection 53-3-105(26).

3439 (iv) The court shall notify the division, in a manner specified by the division, if a
3440 person fails to complete all requirements of the drug court program.

3441 (v) Upon receiving the notification described in Subsection (1)(c)(iv), the division
3442 shall suspend the person's driving privilege for a period of six months from the
3443 date of the notice, and no days shall be subtracted from the six-month suspension
3444 period for which a driving privilege was previously suspended under Subsection
3445 (1)(c)(i).

3446 (d)(i) The division shall immediately suspend a person's driver license for conviction
3447 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the
3448 division receives:

3449 (A) an order from the sentencing court requiring that the person's driver license be
3450 suspended; and

3451 (B) a record of the conviction.

3452 (ii) An order of suspension under this section is at the discretion of the sentencing
3453 court, and may not be for more than 90 days for each offense.

3454 (e)(i) The division shall immediately suspend for one year the license of a person
3455 upon receiving a record of:

3456 (A) conviction for the first time for a violation under Section 32B-4-411; or

3457 (B) an adjudication under Section 80-6-701 for a violation under Section
3458 32B-4-411.

3459 (ii) The division shall immediately suspend for a period of two years the license of a
3460 person upon receiving a record of:

3461 (A)(I) conviction for a second or subsequent violation under Section 32B-4-411;

3462 and

- 3463 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a
3464 prior conviction for a violation under Section 32B-4-411; or
3465 (B)(I) a second or subsequent adjudication under Section 80-6-701 for a
3466 violation under Section 32B-4-411; and
3467 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years
3468 of a prior adjudication under Section 80-6-701 for a violation under Section
3469 32B-4-411.
- 3470 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
3471 (A) for a conviction or adjudication described in Subsection (1)(e)(i):
3472 (I) impose a suspension for one year beginning on the date of conviction; or
3473 (II) if the person is under the age of eligibility for a driver license, impose a
3474 suspension that begins on the date of conviction and continues for one year
3475 beginning on the date of eligibility for a driver license; or
3476 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):
3477 (I) impose a suspension for a period of two years; or
3478 (II) if the person is under the age of eligibility for a driver license, impose a
3479 suspension that begins on the date of conviction and continues for two years
3480 beginning on the date of eligibility for a driver license.
- 3481 (iv) Upon receipt of the first order suspending a person's driving privileges under
3482 Section 32B-4-411, the division shall reduce the suspension period under
3483 Subsection (1)(e)(i) if ordered by the court in accordance with Subsection
3484 32B-4-411(3)(a).
- 3485 (v) Upon receipt of the second or subsequent order suspending a person's driving
3486 privileges under Section 32B-4-411, the division shall reduce the suspension
3487 period under Subsection (1)(e)(ii) if ordered by the court in accordance with
3488 Subsection 32B-4-411(3)(b).
- 3489 (f) The division shall immediately suspend a person's driver license for the conviction of
3490 an offense that is enhanced under Section 76-3-203.17 if the division receives:
3491 (i) an order from the sentencing court requiring the person's driver license to be
3492 suspended; and
3493 (ii) a record of the conviction.
- 3494 (2) The division shall extend the period of the first denial, suspension, revocation, or
3495 disqualification for an additional like period, to a maximum of one year for each
3496 subsequent occurrence, upon receiving:

- 3497 (a) a record of the conviction of any person on a charge of driving a motor vehicle while
3498 the person's license is denied, suspended, revoked, or disqualified;
- 3499 (b) a record of a conviction of the person for any violation of the motor vehicle law in
3500 which the person was involved as a driver;
- 3501 (c) a report of an arrest of the person for any violation of the motor vehicle law in which
3502 the person was involved as a driver; or
- 3503 (d) a report of an accident in which the person was involved as a driver.
- 3504 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
3505 driving while the person's license is denied, suspended, disqualified, or revoked, the
3506 person is entitled to a hearing regarding the extension of the time of denial, suspension,
3507 disqualification, or revocation originally imposed under Section 53-3-221.
- 3508 (4)(a) The division may extend to a person the limited privilege of driving a motor
3509 vehicle to and from the person's place of employment or within other specified limits
3510 on recommendation of the judge in any case where a person is convicted of any of
3511 the offenses referred to in Subsections (1) and (2) except:
- 3512 (i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b),
3513 and (1)(c)(i); and
- 3514 (ii) those offenses referred to in Subsection (2) when the original denial, suspension,
3515 revocation, or disqualification was imposed because of a violation of Section
3516 41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of
3517 Subsection 41-6a-510(1), Section 41-6a-520, 41-6a-520.1, 76-5-102.1, or 76-5-207,
3518 or a criminal prohibition that the person was charged with violating as a result of a
3519 plea bargain after having been originally charged with violating one or more of
3520 these sections or ordinances, unless:
- 3521 (A) the person has had the period of the first denial, suspension, revocation, or
3522 disqualification extended for a period of at least three years;
- 3523 (B) the division receives written verification from the person's primary care
3524 physician or physician assistant that:
- 3525 (I) to the physician's or physician assistant's knowledge the person has not used
3526 any narcotic drug or other controlled substance except as prescribed by a
3527 licensed medical practitioner within the last three years; and
- 3528 (II) the physician or physician assistant is not aware of any physical,
3529 emotional, or mental impairment that would affect the person's ability to
3530 operate a motor vehicle safely; and

- 3531 (C) for a period of one year prior to the date of the request for a limited driving
 3532 privilege:
- 3533 (I) the person has not been convicted of a violation of any motor vehicle law in
 3534 which the person was involved as the operator of the vehicle;
- 3535 (II) the division has not received a report of an arrest for a violation of any
 3536 motor vehicle law in which the person was involved as the operator of the
 3537 vehicle; and
- 3538 (III) the division has not received a report of an accident in which the person
 3539 was involved as an operator of a vehicle.

3540 (b)(i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
 3541 authorized in this Subsection (4):

3542 (A) is limited to when undue hardship would result from a failure to grant the
 3543 privilege; and

3544 (B) may be granted only once to any person during any single period of denial,
 3545 suspension, revocation, or disqualification, or extension of that denial,
 3546 suspension, revocation, or disqualification.

3547 (ii) The discretionary privilege authorized in Subsection (4)(a)(ii):

3548 (A) is limited to when the limited privilege is necessary for the person to commute
 3549 to school or work; and

3550 (B) may be granted only once to any person during any single period of denial,
 3551 suspension, revocation, or disqualification, or extension of that denial,
 3552 suspension, revocation, or disqualification.

3553 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
 3554 Commercial Driver License Act, or whose license has been revoked, suspended,
 3555 cancelled, or denied under this chapter.

3556 Section 39. Section **53-10-113** is amended to read:

3557 **53-10-113 (Effective 05/06/26). Other agencies to cooperate with division.**

3558 (1) All agencies of the state and local governments shall cooperate with the division in
 3559 discharging [its] the division's responsibilities under:

3560 (a) this chapter;

3561 (b) Title 32B, Alcoholic Beverage Control Act;

3562 (c) [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
 3563 Controlled Substances;

3564 (d) Title 58, Chapter 37c, Controlled Substance Precursors;

- 3565 (e) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
 3566 ~~[(d)] (f) [Title 58, Chapter 37a, Utah Drug Paraphernalia Act] Title 76, Chapter 18, Part 3,~~
 3567 Offenses Concerning Drug Paraphernalia; and
 3568 ~~[(e)] (g) [Title 58, Chapter 37b, Imitation Controlled Substances Act; and] Title 76,~~
 3569 Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances.
 3570 ~~[(f) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act.]~~
- 3571 (2) This part does not relieve local law enforcement agencies or officers of the
 3572 responsibility of enforcing laws relating to alcoholic beverages and alcoholic products or
 3573 any other laws.
- 3574 (3) The powers and duties conferred upon the director and the officers of the division are
 3575 not a limitation upon the powers and duties of other peace officers in the state.
- 3576 Section 40. Section **53-10-114** is amended to read:
 3577 **53-10-114 (Effective 05/06/26). Authority regarding drug precursors.**
- 3578 (1) As used in this section, "acts" means:
 3579 (a) ~~[Title 58, Chapter 37c, Utah Controlled Substance Precursor Act]~~ Title 58, Chapter
 3580 37c, Controlled Substance Precursors; and
 3581 (b) ~~[Title 58, Chapter 37d, Clandestine Drug Lab Act]~~ Title 76, Chapter 18, Part 5,
 3582 Clandestine Drug Labs.
- 3583 (2) The division has authority to enforce the drug lab and precursor acts. To carry out this
 3584 purpose, the division may:
 3585 (a) inspect, copy, and audit any records, inventories of controlled substance precursors,
 3586 and reports required under the acts and rules adopted under the acts;
 3587 (b) enter the premises of regulated distributors and regulated purchasers during normal
 3588 business hours to conduct administrative inspections;
 3589 (c) assist the law enforcement agencies of the state in enforcing the acts;
 3590 (d) conduct investigations to enforce the acts;
 3591 (e) present evidence obtained from investigations conducted in conjunction with
 3592 appropriate county and district attorneys and the Office of the Attorney General for
 3593 civil or criminal prosecution or for administrative action against a licensee; and
 3594 (f) work in cooperation with the Division of Professional Licensing, created under
 3595 Section 58-1-103, to accomplish the purposes of this section.
- 3596 Section 41. Section **53-10-211** is amended to read:
 3597 **53-10-211 (Effective 05/06/26). Notice required of arrest of school employee for**
 3598 **controlled substance or sex offense.**

- 3599 (1) The chief administrative officer of the law enforcement agency making the arrest or
 3600 receiving notice under Subsection (2) shall immediately notify:
- 3601 (a) the State Board of Education; and
- 3602 (b) the superintendent of schools of the employing public school district or, if the
 3603 offender is an employee of a private school, the administrator of that school.
- 3604 (2) Subsection (1) applies upon:
- 3605 (a) the arrest of any school employee for any offense:
- 3606 (i) in Section [~~58-37-8~~] 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210,
 3607 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217,
 3608 76-18-218, or 76-18-219;
- 3609 (ii) in Title 76, Chapter 5, Part 4, Sexual Offenses; or
- 3610 (iii) involving sexual conduct; or
- 3611 (b) upon receiving notice from any other jurisdiction that a school employee has
 3612 committed an act which would, if committed in Utah, be an offense under Subsection
 3613 (2)(a).

3614 Section 42. Section **53-10-304** is amended to read:

3615 **53-10-304 (Effective 05/06/26). Narcotics and alcoholic product enforcement --**
 3616 **Responsibility and jurisdiction.**

3617 The bureau shall:

- 3618 (1) have specific responsibility for the enforcement of all laws of the state pertaining to
 3619 alcoholic beverages and alcoholic products;
- 3620 (2) have general law enforcement jurisdiction throughout the state;
- 3621 (3) have concurrent law enforcement jurisdiction with all local law enforcement agencies
 3622 and their officers;
- 3623 (4) cooperate and exchange information with any other state agency and with other law
 3624 enforcement agencies of government, both within and outside this state, to obtain
 3625 information that may achieve more effective results in the prevention, detection, and
 3626 control of crime and apprehension of criminals;
- 3627 (5) sponsor or supervise programs or projects related to prevention, detection, and control
 3628 of violations of:
- 3629 (a) Title 32B, Alcoholic Beverage Control Act;
- 3630 (b) [~~Title 58, Chapter 37, Utah Controlled Substances Act;~~] Title 58, Chapter 37,
 3631 Controlled Substances;
- 3632 (c) Title 58, Chapter 37c, Controlled Substance Precursors;

- 3633 (d) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
 3634 (e) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
 3635 (f) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances;
 3636 and
 3637 (g) Title 76, Chapter 18, Part 5, Clandestine Drug Labs; and
 3638 [~~(e) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;~~]
 3639 [~~(d) Title 58, Chapter 37b, Imitation Controlled Substances Act;~~]
 3640 [~~(e) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; and~~]
 3641 [~~(f) Title 58, Chapter 37d, Clandestine Drug Lab Act; and~~]
 3642 (6) assist the governor in an emergency or as the governor may require.

3643 Section 43. Section **53G-8-205** is amended to read:

3644 **53G-8-205 (Effective 05/06/26). Grounds for suspension or expulsion from a**
 3645 **public school.**

- 3646 (1) A student may be suspended or expelled from a public school for the following reasons:
 3647 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive
 3648 behavior, including the use of foul, profane, vulgar, or abusive language;
 3649 (b) willful destruction or defacing of school property;
 3650 (c) behavior or threatened behavior which poses an immediate and significant threat to
 3651 the welfare, safety, or morals of other students or school personnel or to the operation
 3652 of the school;
 3653 (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
 3654 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the
 3655 school or school property, to a person associated with the school, or property
 3656 associated with that person, regardless of where it occurs; or
 3657 (f) possession or use of pornographic material on school property.
 3658 (2)(a) A student shall be suspended or expelled from a public school for the following
 3659 reasons:
 3660 (i) a serious violation affecting another student or a staff member, or a serious
 3661 violation occurring in a school building, in or on school property, or in
 3662 conjunction with a school activity, including:
 3663 (A) the possession, control, or actual or threatened use of a real weapon,
 3664 explosive, or noxious or flammable material;
 3665 (B) the actual use of violence or sexual misconduct;
 3666 (C) the actual or threatened use of a look alike weapon with intent to intimidate

- 3667 another person or to disrupt normal school activities; or
- 3668 (D) the sale, control, or distribution of a drug or controlled substance as defined in
- 3669 Section ~~[58-37-2]~~ 58-37-101, an imitation controlled substance defined in
- 3670 Section ~~[58-37b-2]~~ 76-18-401, or drug paraphernalia as defined in Section [
- 3671 ~~58-37a-3]~~ 76-18-301;
- 3672 (ii) the commission of an act involving the use of force or the threatened use of force
- 3673 which if committed by an adult would be a felony or class A misdemeanor; or
- 3674 (iii) making a false report of an emergency at a school under Subsection
- 3675 76-9-105.5(2)(b).
- 3676 (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike
- 3677 weapon, explosive, or flammable material shall be expelled from school for a period
- 3678 of not less than one year subject to the following:
- 3679 (i) within 45 days after the expulsion the student shall appear before the student's
- 3680 superintendent, the superintendent's designee, chief administrative officer of a
- 3681 charter school, or the chief administrative officer's designee, accompanied by a
- 3682 parent; and
- 3683 (ii) the superintendent, chief administrator, or designee shall determine:
- 3684 (A) what conditions must be met by the student and the student's parent for the
- 3685 student to return to school, including any provided for in the policies described
- 3686 in Section 53G-8-203;
- 3687 (B) if the student should be placed on probation in a regular or alternative school
- 3688 setting consistent with Section 53G-8-208, and what conditions must be met by
- 3689 the student in order to ensure the safety of students and faculty at the school the
- 3690 student is placed in; and
- 3691 (C) if it would be in the best interest of both the LEA, and the student, to modify
- 3692 the expulsion term to less than a year, conditioned on approval by the local
- 3693 governing board and giving highest priority to providing a safe school
- 3694 environment for all students.
- 3695 (3) A student may be denied admission to a public school on the basis of having been
- 3696 expelled from that or any other school during the preceding 12 months.
- 3697 (4) A suspension or expulsion under this section is not subject to the age limitations under
- 3698 Subsection 53G-6-204(1).
- 3699 (5) A local governing board shall prepare an annual report for the state board on:
- 3700 (a) each violation committed under this section; and

3701 (b) each action taken by the LEA against a student who committed the violation.

3702 Section 44. Section **53G-8-501** is amended to read:

3703 **53G-8-501 (Effective 05/06/26). Definitions.**

3704 For purposes of Sections 53G-8-502 through 53G-8-504:

3705 (1) "Educator" means a person employed by a public school, but excludes those employed
3706 by institutions of higher education.

3707 (2) "Prohibited act" means an act prohibited by:

3708 (a) Section 53G-8-602, relating to alcohol;

3709 (b) Section ~~[58-37-8]~~ 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210,

3710 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217,

3711 76-18-218, or 76-18-219, relating to controlled substances; or

3712 (c) Section ~~[58-37a-5]~~ 76-18-304, 76-18-305, or 76-18-306, relating to drug
3713 paraphernalia.

3714 Section 45. Section **53G-8-505** is amended to read:

3715 **53G-8-505 (Effective 05/06/26). Definitions.**

3716 For purposes of Sections 53G-8-506 through 53G-8-509:

3717 (1) The definitions in Sections ~~[58-37-2, 58-37a-3, and 58-37b-2]~~ 58-37-101, 76-18-301,
3718 and 76-18-401 apply to Sections 53G-8-506 through 53G-8-509.

3719 (2) "Prohibited act" means:

3720 (a) an act punishable under:

3721 (i) Section 53G-8-602~~[- Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b,~~
3722 ~~Imitation Controlled Substances Act; or]~~ ;

3723 (ii) Section 76-18-204;

3724 (iii) Section 76-18-207;

3725 (iv) Section 76-18-208;

3726 (v) Section 76-18-209;

3727 (vi) Section 76-18-210;

3728 (vii) Section 76-18-211;

3729 (viii) Section 76-18-212;

3730 (ix) Section 76-18-213;

3731 (x) Section 76-18-214;

3732 (xi) Section 76-18-215;

3733 (xii) Section 76-18-216;

3734 (xiii) Section 76-18-217;

3735 (xiv) Section 76-18-218;

3736 (xv) Section 76-18-219;

3737 (xvi) Section 76-18-304;

3738 (xvii) Section 76-18-305;

3739 (xviii) Section 76-18-306; or

3740 (xix) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled

3741 Substances; or

3742 (b) possession of an electronic cigarette product by a student on school property.

3743 (3) "School" means a public or private elementary or secondary school.

3744 Section 46. Section **58-1-501.7** is amended to read:

3745 **58-1-501.7 (Effective 05/06/26). Standards of conduct for prescription drug**
 3746 **education -- Academic and commercial detailing.**

3747 (1) For purposes of this section:

3748 (a) "Academic detailing":

3749 (i) means a health care provider who is licensed under this title to prescribe or
 3750 dispense a prescription drug and employed by someone other than a
 3751 pharmaceutical manufacturer:

3752 (A) for the purpose of countering information provided in commercial detailing;

3753 and

3754 (B) to disseminate educational information about prescription drugs to other

3755 health care providers in an effort to better align clinical practice with scientific
 3756 research; and

3757 (ii) does not include a health care provider who:

3758 (A) is disseminating educational information about a prescription drug as part of
 3759 teaching or supervising students or graduate medical education students at an
 3760 institution of higher education or through a medical residency program;

3761 (B) is disseminating educational information about a prescription drug to a patient
 3762 or a patient's representative; or

3763 (C) is acting within the scope of practice for the health care provider regarding the
 3764 prescribing or dispensing of a prescription drug.

3765 (b) "Commercial detailing" means an educational practice employed by a
 3766 pharmaceutical manufacturer in which clinical information and evidence about a
 3767 prescription drug is shared with health care professionals.

3768 (c) "Manufacture" [is-as] means the same as that term is defined in Section [58-37-2]

3769 58-37-101.

3770 (d) "Pharmaceutical manufacturer" is a person who manufactures a prescription drug.

3771 (2)(a) Except as provided in Subsection (3), the provisions of this section apply to an
3772 academic detailer beginning July 1, 2013.

3773 (b) An academic detailer and a commercial detailer who educate another health care
3774 provider about prescription drugs through written or oral educational material is
3775 subject to federal regulations regarding:

3776 (i) false and misleading advertising in 21 C.F.R., Part 201 (2007);

3777 (ii) prescription drug advertising in 21 C.F.R., Part 202 (2007); and

3778 (iii) the federal Office of the Inspector General's Compliance Program Guidance for
3779 Pharmaceutical Manufacturers issued in April 2003, as amended.

3780 (c) A person who is injured by a violation of this section has a private right of action
3781 against a person engaged in academic detailing, if:

3782 (i) the actions of the person engaged in academic detailing, that are a violation of this
3783 section, are:

3784 (A) the result of gross negligence by the person; or

3785 (B) willful and wanton behavior by the person; and

3786 (ii) the damages to the person are reasonable, foreseeable, and proximately caused by
3787 the violations of this section.

3788 (3)(a) For purposes of this Subsection, "accident and health insurance":

3789 (i) means the same as that term is defined in Section 31A-1-301; and

3790 (ii) includes a self-funded health benefit plan and an administrator for a self-funded
3791 health benefit plan.

3792 (b) This section does not apply to a person who engages in academic detailing if that
3793 person is engaged in academic detailing on behalf of:

3794 (i) a person who provides accident and health insurance, including when the person
3795 who provides accident and health insurance contracts with or offers:

3796 (A) the state Medicaid program, including the Primary Care Network within the
3797 state's Medicaid program;

3798 (B) the Children's Health Insurance Program created in Section 26B-3-902;

3799 (C) a Medicare plan; or

3800 (D) a Medicare supplement plan;

3801 (ii) a hospital as defined in Section 26B-2-201;

3802 (iii) any class of pharmacy as defined in Section 58-17b-102, including any affiliated

- 3803 pharmacies;
- 3804 (iv) an integrated health system as defined in Section 13-5b-102; or
- 3805 (v) a medical clinic.
- 3806 (c) This section does not apply to communicating or disseminating information about a
- 3807 prescription drug for the purpose of conducting research using prescription drugs at a
- 3808 health care facility as defined in Section 26B-2-201, or a medical clinic.

3809 Section 47. Section **58-5a-102** is amended to read:

3810 **58-5a-102 (Effective 05/06/26). Definitions.**

3811 In addition to the definitions under Section 58-1-102, as used in this chapter:

- 3812 (1) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.
- 3813 (2) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
- 3814 (3) "Indirect supervision" means the same as that term is defined by the division by rule
- 3815 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 3816 (4) "Medical assistant" means an unlicensed individual working under the indirect
- 3817 supervision of a licensed podiatric physician and engaging in specific tasks assigned by
- 3818 the licensed podiatric physician in accordance with the standards and ethics of the
- 3819 podiatry profession.
- 3820 (5) "Practice of podiatry" means, subject to Section 58-5a-103, the diagnosis and treatment
- 3821 of conditions affecting the human foot and ankle and their manifestations of systemic
- 3822 conditions, and wound debridement on the limbs and torso, by all appropriate and lawful
- 3823 means.
- 3824 (6) "Unlawful conduct" includes:
- 3825 (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and
- 3826 (b) for an individual who is not licensed under this chapter:
- 3827 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot
- 3828 doctor, foot specialist, or D.P.M.; or
- 3829 (ii) implying or representing that the individual is qualified to practice podiatry.
- 3830 (7)(a) "Unprofessional conduct" includes, for an individual licensed under this chapter:
- 3831 (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;
- 3832 (ii) communicating to a third party, without the consent of the patient, information
- 3833 the individual acquires in treating the patient, except as necessary for professional
- 3834 consultation regarding treatment of the patient;
- 3835 (iii) allowing the individual's name or license to be used by an individual who is not
- 3836 licensed to practice podiatry under this chapter;

- 3837 (iv) except as described in Section 58-5a-306, employing, directly or indirectly, any
3838 unlicensed individual to practice podiatry;
- 3839 (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs
3840 impairs the individual's ability to practice podiatry;
- 3841 (vi) unlawfully prescribing, selling, or giving away any prescription drug, including
3842 controlled substances, as defined in Section ~~[58-37-2]~~ 58-37-101;
- 3843 (vii) gross incompetency in the practice of podiatry;
- 3844 (viii) willfully and intentionally making a false statement or entry in hospital records,
3845 medical records, or reports;
- 3846 (ix) willfully making a false statement in reports or claim forms to governmental
3847 agencies or insurance companies with the intent to secure payment not rightfully
3848 due;
- 3849 (x) willfully using false or fraudulent advertising;
- 3850 (xi) conduct the division defines as unprofessional conduct by rule made in
3851 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 3852 (xii) falsely making an entry in, or altering, a medical record with the intent to
3853 conceal:
- 3854 (A) a wrongful or negligent act or omission of an individual licensed under this
3855 chapter or an individual under the direction or control of an individual licensed
3856 under this chapter; or
- 3857 (B) conduct described in Subsections (7)(a)(i) through (xi) or Subsection
3858 58-1-501(1); or
- 3859 (xiii) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid
3860 Research and Medical Cannabis.
- 3861 (b) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4,
3862 Part 2, Cannabinoid Research and Medical Cannabis, when acting as a
3863 recommending medical provider, as that term is defined in Section 26B-4-201,
3864 recommending the use of medical cannabis within the scope of practice of podiatry.
3865 Section 48. Section **58-16a-601** is amended to read:
3866 **58-16a-601 (Effective 05/06/26). Scope of practice.**
- 3867 (1) An optometrist may:
- 3868 (a) provide optometric services not specifically prohibited under this chapter or division
3869 rules if the services are within the optometrist's training, skills, and scope of
3870 competence; and

- 3871 (b) prescribe or administer pharmaceutical agents for the eye and its adnexa, including
3872 oral agents, subject to the following conditions:
- 3873 (i) an optometrist may prescribe oral antibiotics for only eyelid related ocular
3874 conditions or diseases, and other ocular conditions or diseases specified by
3875 division rule; and
- 3876 (ii) an optometrist may administer or prescribe a hydrocodone combination drug, or a
3877 Schedule III controlled substance, as defined in Section [~~58-37-4~~] 58-37-108, only
3878 if:
- 3879 (A) the substance is administered or prescribed for pain of the eye or adnexa;
3880 (B) the substance is administered orally or topically or is prescribed for oral or
3881 topical use;
3882 (C) the amount of the substance administered or prescribed does not exceed a
3883 72-hour quantity; and
3884 (D) if the substance is prescribed, the prescription does not include refills.

3885 (2) An optometrist may not:

- 3886 (a) perform surgery, including laser surgery; or
3887 (b) prescribe or administer a Schedule II controlled substance, as defined in Section [
3888 ~~58-37-4~~] 58-37-108, except for a hydrocodone combination drug, if so scheduled and
3889 prescribed or administered in accordance with Subsection (1)(b).

3890 (3) For purposes of Sections 31A-22-618 and 31A-45-303, an optometrist is a health care
3891 provider.

3892 Section 49. Section **58-17b-102** is amended to read:

3893 **58-17b-102 (Effective 05/06/26). Definitions.**

3894 In addition to the definitions in Section 58-1-102, as used in this chapter:

3895 (1) "Administering" means:

- 3896 (a) the direct application of a prescription drug or device, whether by injection,
3897 inhalation, ingestion, or by any other means, to the body of a human patient or
3898 research subject by another person; or
3899 (b) the placement by a veterinarian with the owner or caretaker of an animal or group of
3900 animals of a prescription drug for the purpose of injection, inhalation, ingestion, or
3901 any other means directed to the body of the animal by the owner or caretaker in
3902 accordance with written or verbal directions of the veterinarian.

3903 (2) "Adulterated drug or device" means a drug or device considered adulterated under 21
3904 U.S.C. Sec. 351 (2003).

- 3905 (3)(a) "Analytical laboratory" means a facility in possession of prescription drugs for the
3906 purpose of analysis.
- 3907 (b) "Analytical laboratory" does not include a laboratory possessing prescription drugs
3908 used as standards and controls in performing drug monitoring or drug screening
3909 analysis if the prescription drugs are prediluted in a human or animal body fluid,
3910 human or animal body fluid components, organic solvents, or inorganic buffers at a
3911 concentration not exceeding one milligram per milliliter when labeled or otherwise
3912 designated as being for in vitro diagnostic use.
- 3913 (4) "Animal euthanasia agency" means an agency performing euthanasia on animals by the
3914 use of prescription drugs.
- 3915 (5) "Automated pharmacy systems" includes mechanical systems which perform operations
3916 or activities, other than compounding or administration, relative to the storage,
3917 packaging, dispensing, or distribution of medications, and which collect, control, and
3918 maintain all transaction information.
- 3919 (6) "Beyond use date" means the date determined by a pharmacist and placed on a
3920 prescription label at the time of dispensing that indicates to the patient or caregiver a
3921 time beyond which the contents of the prescription are not recommended to be used.
- 3922 (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created in
3923 Section 58-17b-201.
- 3924 (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically
3925 underserved area, used for the storage and dispensing of prescription drugs, which is
3926 dependent upon, stocked by, and supervised by a pharmacist in another licensed
3927 pharmacy designated and approved by the division as the parent pharmacy.
- 3928 (9) "Centralized prescription processing" means the processing by a pharmacy of a request
3929 from another pharmacy to fill or refill a prescription drug order or to perform processing
3930 functions such as dispensing, drug utilization review, claims adjudication, refill
3931 authorizations, and therapeutic interventions.
- 3932 (10) "Class A pharmacy" means a pharmacy located in Utah that is authorized as a retail
3933 pharmacy to compound or dispense a drug or dispense a device to the public under a
3934 prescription order.
- 3935 (11) "Class B pharmacy":
3936 (a) means a pharmacy located in Utah:
3937 (i) that is authorized to provide pharmaceutical care for patients in an institutional
3938 setting; and

- 3939 (ii) whose primary purpose is to provide a physical environment for patients to obtain
3940 health care services; and
- 3941 (b)(i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and
3942 (ii) pharmaceutical administration and sterile product preparation facilities.
- 3943 (12) "Class C pharmacy" means a pharmacy that engages in the manufacture, production,
3944 wholesale, or distribution of drugs or devices in Utah.
- 3945 (13) "Class D pharmacy" means a nonresident pharmacy.
- 3946 (14) "Class E pharmacy" means all other pharmacies.
- 3947 (15)(a) "Closed-door pharmacy" means a pharmacy that:
- 3948 (i) provides pharmaceutical care to a defined and exclusive group of patients who
3949 have access to the services of the pharmacy because they are treated by or have an
3950 affiliation with a specific entity, including a health maintenance organization or an
3951 infusion company; or
- 3952 (ii) engages exclusively in the practice of telepharmacy and does not serve walk-in
3953 retail customers.
- 3954 (b) "Closed-door pharmacy" does not include a hospital pharmacy, a retailer of goods to
3955 the general public, or the office of a practitioner.
- 3956 (16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or more
3957 pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or
3958 more practitioners under protocol whereby the pharmacist may perform certain
3959 pharmaceutical care functions authorized by the practitioner or practitioners under
3960 certain specified conditions or limitations.
- 3961 (17) "Collaborative pharmacy practice agreement" means a written and signed agreement
3962 between one or more pharmacists and one or more practitioners that provides for
3963 collaborative pharmacy practice for the purpose of drug therapy management of patients
3964 and prevention of disease of human subjects.
- 3965 (18)(a) "Compounding" means the preparation, mixing, assembling, packaging, or
3966 labeling of a limited quantity drug, sterile product, or device:
- 3967 (i) as the result of a practitioner's prescription order or initiative based on the
3968 practitioner, patient, or pharmacist relationship in the course of professional
3969 practice;
- 3970 (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis
3971 and not for sale or dispensing; or
- 3972 (iii) in anticipation of prescription drug orders based on routine, regularly observed

- 3973 prescribing patterns.
- 3974 (b) "Compounding" does not include:
- 3975 (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale
- 3976 to another pharmacist or pharmaceutical facility;
- 3977 (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a
- 3978 dosage form which is regularly and commonly available from a manufacturer in
- 3979 quantities and strengths prescribed by a practitioner; or
- 3980 (iii) the preparation of a prescription drug, sterile product, or device which has been
- 3981 withdrawn from the market for safety reasons.
- 3982 (19) "Confidential information" has the same meaning as "protected health information"
- 3983 under the Standards for Privacy of Individually Identifiable Health Information, 45
- 3984 C.F.R. Parts 160 and 164.
- 3985 (20) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~
- 3986 58-37-101.
- 3987 (21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter 417,
- 3988 Sec. 3a(ff) which is incorporated by reference.
- 3989 (22) "Dispense" means the interpretation, evaluation, and implementation of a prescription
- 3990 drug order or device or nonprescription drug or device under a lawful order of a
- 3991 practitioner in a suitable container appropriately labeled for subsequent administration to
- 3992 or use by a patient, research subject, or an animal.
- 3993 (23) "Dispensing medical practitioner" means an individual who is:
- 3994 (a) currently licensed as:
- 3995 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;
- 3996 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic
- 3997 Medical Practice Act;
- 3998 (iii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
- 3999 (iv) a nurse practitioner under Chapter 31b, Nurse Practice Act; or
- 4000 (v) an optometrist under Chapter 16a, Utah Optometry Practice Act, if the
- 4001 optometrist is acting within the scope of practice for an optometrist; and
- 4002 (b) licensed by the division under the Pharmacy Practice Act to engage in the practice of
- 4003 a dispensing medical practitioner.
- 4004 (24) "Dispensing medical practitioner clinic pharmacy" means a closed-door pharmacy
- 4005 located within a licensed dispensing medical practitioner's place of practice.
- 4006 (25) "Distribute" means to deliver a drug or device other than by administering or

4007 dispensing.

4008 (26)(a) "Drug" means:

4009 (i) a substance recognized in the official United States Pharmacopoeia, official
4010 Homeopathic Pharmacopoeia of the United States, or official National Formulary,
4011 or any supplement to any of them, intended for use in the diagnosis, cure,
4012 mitigation, treatment, or prevention of disease in humans or animals;

4013 (ii) a substance that is required by any applicable federal or state law or rule to be
4014 dispensed by prescription only or is restricted to administration by practitioners
4015 only;

4016 (iii) a substance other than food intended to affect the structure or any function of the
4017 body of humans or other animals; and

4018 (iv) substances intended for use as a component of any substance specified in
4019 Subsections (26)(a)(i) through (iii).

4020 (b) "Drug" does not include dietary supplements.

4021 (27) "Drug regimen review" includes the following activities:

4022 (a) evaluation of the prescription drug order and patient record for:

4023 (i) known allergies;

4024 (ii) rational therapy-contraindications;

4025 (iii) reasonable dose and route of administration; and

4026 (iv) reasonable directions for use;

4027 (b) evaluation of the prescription drug order and patient record for duplication of therapy;

4028 (c) evaluation of the prescription drug order and patient record for the following
4029 interactions:

4030 (i) drug-drug;

4031 (ii) drug-food;

4032 (iii) drug-disease; and

4033 (iv) adverse drug reactions; and

4034 (d) evaluation of the prescription drug order and patient record for proper utilization,
4035 including over- or under-utilization, and optimum therapeutic outcomes.

4036 (28) "Drug sample" means a prescription drug packaged in small quantities consistent with
4037 limited dosage therapy of the particular drug, which is marked "sample", is not intended
4038 to be sold, and is intended to be provided to practitioners for the immediate needs of
4039 patients for trial purposes or to provide the drug to the patient until a prescription can be
4040 filled by the patient.

- 4041 (29) "Electronic signature" means a trusted, verifiable, and secure electronic sound, symbol,
4042 or process attached to or logically associated with a record and executed or adopted by a
4043 person with the intent to sign the record.
- 4044 (30) "Electronic transmission" means transmission of information in electronic form or the
4045 transmission of the exact visual image of a document by way of electronic equipment.
- 4046 (31) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to inpatients of
4047 a general acute hospital or specialty hospital licensed by the Department of Health and
4048 Human Services under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and
4049 Inspection.
- 4050 (32) "Legend drug" has the same meaning as prescription drug.
- 4051 (33) "Licensed pharmacy technician" means an individual licensed with the division, that
4052 may, under the supervision of a pharmacist, perform the activities involved in the
4053 technician practice of pharmacy.
- 4054 (34) "Manufacturer" means a person or business physically located in Utah licensed to be
4055 engaged in the manufacturing of drugs or devices.
- 4056 (35)(a) "Manufacturing" means:
- 4057 (i) the production, preparation, propagation, conversion, or processing of a drug or
4058 device, either directly or indirectly, by extraction from substances of natural origin
4059 or independently by means of chemical or biological synthesis, or by a
4060 combination of extraction and chemical synthesis, and includes any packaging or
4061 repackaging of the substance or labeling or relabeling of its container; and
- 4062 (ii) the promotion and marketing of such drugs or devices.
- 4063 (b) "Manufacturing" includes the preparation and promotion of commercially available
4064 products from bulk compounds for resale by pharmacies, practitioners, or other
4065 persons.
- 4066 (c) "Manufacturing" does not include the preparation or compounding of a drug by a
4067 pharmacist, pharmacy intern, or practitioner for that individual's own use or the
4068 preparation, compounding, packaging, labeling of a drug, or incident to research,
4069 teaching, or chemical analysis.
- 4070 (36) "Medical order" means a lawful order of a practitioner which may include a
4071 prescription drug order.
- 4072 (37) "Medication profile" or "profile" means a record system maintained as to drugs or
4073 devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to
4074 analyze the profile to provide pharmaceutical care.

- 4075 (38) "Misbranded drug or device" means a drug or device considered misbranded under 21
4076 U.S.C. Sec. 352 (2003).
- 4077 (39)(a) "Nonprescription drug" means a drug which:
4078 (i) may be sold without a prescription; and
4079 (ii) is labeled for use by the consumer in accordance with federal law.
- 4080 (b) "Nonprescription drug" includes homeopathic remedies.
- 4081 (40) "Nonresident pharmacy" means a pharmacy located outside of Utah that sells to a
4082 person in Utah.
- 4083 (41) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical service.
- 4084 (42) "Out-of-state mail service pharmacy" means a pharmaceutical facility located outside
4085 the state that is licensed and in good standing in another state, that:
4086 (a) ships, mails, or delivers by any lawful means a dispensed legend drug to a patient in
4087 this state pursuant to a lawfully issued prescription;
4088 (b) provides information to a patient in this state on drugs or devices which may include,
4089 but is not limited to, advice relating to therapeutic values, potential hazards, and uses;
4090 or
4091 (c) counsels pharmacy patients residing in this state concerning adverse and therapeutic
4092 effects of drugs.
- 4093 (43) "Patient counseling" means the written and oral communication by the pharmacist or
4094 pharmacy intern of information, to the patient or caregiver, in order to ensure proper use
4095 of drugs, devices, and dietary supplements.
- 4096 (44) "Pharmaceutical administration facility" means a facility, agency, or institution in
4097 which:
4098 (a) prescription drugs or devices are held, stored, or are otherwise under the control of
4099 the facility or agency for administration to patients of that facility or agency;
4100 (b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist or
4101 pharmacy intern with whom the facility has established a prescription drug
4102 supervising relationship under which the pharmacist or pharmacy intern provides
4103 counseling to the facility or agency staff as required, and oversees drug control,
4104 accounting, and destruction; and
4105 (c) prescription drugs are professionally administered in accordance with the order of a
4106 practitioner by an employee or agent of the facility or agency.
- 4107 (45)(a) "Pharmaceutical care" means carrying out the following in collaboration with a
4108 prescribing practitioner, and in accordance with division rule:

- 4109 (i) designing, implementing, and monitoring a therapeutic drug plan intended to
4110 achieve favorable outcomes related to a specific patient for the purpose of curing
4111 or preventing the patient's disease;
- 4112 (ii) eliminating or reducing a patient's symptoms; or
4113 (iii) arresting or slowing a disease process.
- 4114 (b) "Pharmaceutical care" does not include prescribing of drugs without consent of a
4115 prescribing practitioner.
- 4116 (46) "Pharmaceutical facility" means a business engaged in the dispensing, delivering,
4117 distributing, manufacturing, or wholesaling of prescription drugs or devices within or
4118 into this state.
- 4119 (47)(a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical facility
4120 engaged in the business of wholesale vending or selling of a prescription drug or
4121 device to other than a consumer or user of the prescription drug or device that the
4122 pharmaceutical facility has not produced, manufactured, compounded, or dispensed.
- 4123 (b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical facility
4124 carrying out the following business activities:
- 4125 (i) intracompany sales;
- 4126 (ii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
4127 purchase, or trade a prescription drug or device, if the activity is carried out
4128 between one or more of the following entities under common ownership or
4129 common administrative control, as defined by division rule:
- 4130 (A) hospitals;
- 4131 (B) pharmacies;
- 4132 (C) chain pharmacy warehouses, as defined by division rule; or
4133 (D) other health care entities, as defined by division rule;
- 4134 (iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
4135 purchase, or trade a prescription drug or device, for emergency medical reasons,
4136 including supplying another pharmaceutical facility with a limited quantity of a
4137 drug, if:
- 4138 (A) the facility is unable to obtain the drug through a normal distribution channel
4139 in sufficient time to eliminate the risk of harm to a patient that would result
4140 from a delay in obtaining the drug; and
- 4141 (B) the quantity of the drug does not exceed an amount reasonably required for
4142 immediate dispensing to eliminate the risk of harm;

- 4143 (iv) the distribution of a prescription drug or device as a sample by representatives of
4144 a manufacturer; and
- 4145 (v) the distribution of prescription drugs, if:
- 4146 (A) the facility's total distribution-related sales of prescription drugs does not
4147 exceed 5% of the facility's total prescription drug sales; and
- 4148 (B) the distribution otherwise complies with 21 C.F.R. Sec. 1307.11.
- 4149 (48) "Pharmacist" means an individual licensed by this state to engage in the practice of
4150 pharmacy.
- 4151 (49) "Pharmacist-in-charge" means a pharmacist currently licensed in good standing who
4152 accepts responsibility for the operation of a pharmacy in conformance with all laws and
4153 rules pertinent to the practice of pharmacy and the distribution of drugs, and who is
4154 personally in full and actual charge of the pharmacy and all personnel.
- 4155 (50) "Pharmacist preceptor" means a licensed pharmacist in good standing with one or
4156 more years of licensed experience. The preceptor serves as a teacher, example of
4157 professional conduct, and supervisor of interns in the professional practice of pharmacy.
- 4158 (51) "Pharmacy" means any place where:
- 4159 (a) drugs are dispensed;
- 4160 (b) pharmaceutical care is provided;
- 4161 (c) drugs are processed or handled for eventual use by a patient; or
- 4162 (d) drugs are used for the purpose of analysis or research.
- 4163 (52) "Pharmacy benefits manager or coordinator" means a person or entity that provides a
4164 pharmacy benefits management service as defined in Section 31A-46-102 on behalf of a
4165 self-insured employer, insurance company, health maintenance organization, or other
4166 plan sponsor, as defined by rule.
- 4167 (53) "Pharmacy intern" means an individual licensed by this state to engage in practice as a
4168 pharmacy intern.
- 4169 (54) "Pharmacy manager" means:
- 4170 (a) a pharmacist-in-charge;
- 4171 (b) a licensed pharmacist designated by a licensed pharmacy to consult on the
4172 pharmacy's administration;
- 4173 (c) an individual who manages the facility in which a licensed pharmacy is located;
- 4174 (d) an individual who oversees the operations of a licensed pharmacy;
- 4175 (e) an immediate supervisor of an individual described in Subsections (54)(a) through (d);
- 4176 or

- 4177 (f) another operations or site manager of a licensed pharmacy.
- 4178 (55) "Pharmacy technician training program" means an approved technician training
4179 program providing education for pharmacy technicians.
- 4180 (56)(a) "Practice as a dispensing medical practitioner" means the practice of pharmacy,
4181 specifically relating to the dispensing of a prescription drug in accordance with Part
4182 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic
4183 Pharmacy, and division rule adopted after consultation with the Board of pharmacy
4184 and the governing boards of the practitioners described in Subsection (23)(a).
- 4185 (b) "Practice as a dispensing medical practitioner" does not include:
- 4186 (i) using a vending type of dispenser as defined by the division by administrative
4187 rule; or
- 4188 (ii) except as permitted by Section 58-17b-805, dispensing of a controlled substance
4189 as defined in Section ~~[58-37-2]~~ 58-37-101.
- 4190 (57) "Practice as a licensed pharmacy technician" means engaging in practice as a
4191 pharmacy technician under the general supervision of a licensed pharmacist and in
4192 accordance with a scope of practice defined by division rule made in collaboration with
4193 the board.
- 4194 (58) "Practice of pharmacy" includes the following:
- 4195 (a) providing pharmaceutical care;
- 4196 (b) collaborative pharmacy practice in accordance with a collaborative pharmacy
4197 practice agreement;
- 4198 (c) compounding, packaging, labeling, dispensing, administering, and the coincident
4199 distribution of prescription drugs or devices, provided that the administration of a
4200 prescription drug or device is:
- 4201 (i) pursuant to a lawful order of a practitioner when one is required by law; and
4202 (ii) in accordance with written guidelines or protocols:
- 4203 (A) established by the licensed facility in which the prescription drug or device is
4204 to be administered on an inpatient basis; or
- 4205 (B) approved by the division, in collaboration with the board and, when
4206 appropriate, the Medical Licensing Board, created in Section 58-67-201, if the
4207 prescription drug or device is to be administered on an outpatient basis solely
4208 by a licensed pharmacist;
- 4209 (d) participating in drug utilization review;
- 4210 (e) ensuring proper and safe storage of drugs and devices;

- 4211 (f) maintaining records of drugs and devices in accordance with state and federal law
4212 and the standards and ethics of the profession;
- 4213 (g) providing information on drugs or devices, which may include advice relating to
4214 therapeutic values, potential hazards, and uses;
- 4215 (h) providing drug product equivalents;
- 4216 (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy
4217 technicians;
- 4218 (j) providing patient counseling, including adverse and therapeutic effects of drugs;
- 4219 (k) providing emergency refills as defined by rule;
- 4220 (l) telepharmacy;
- 4221 (m) formulary management intervention;
- 4222 (n) prescribing and dispensing a self-administered hormonal contraceptive in accordance
4223 with Title 26B, Chapter 4, Part 5, Treatment Access; and
- 4224 (o) issuing a prescription in accordance with Section 58-17b-610.8 or 58-17b-627.
- 4225 (59) "Practice of telepharmacy" means the practice of pharmacy through the use of
4226 telecommunications and information technologies.
- 4227 (60) "Practice of telepharmacy across state lines" means the practice of pharmacy through
4228 the use of telecommunications and information technologies that occurs when the
4229 patient is physically located within one jurisdiction and the pharmacist is located in
4230 another jurisdiction.
- 4231 (61) "Practitioner" means an individual currently licensed, registered, or otherwise
4232 authorized by the appropriate jurisdiction to prescribe and administer drugs in the course
4233 of professional practice.
- 4234 (62) "Prescribe" means to issue a prescription:
4235 (a) orally or in writing; or
4236 (b) by telephone, facsimile transmission, computer, or other electronic means of
4237 communication as defined by division rule.
- 4238 (63) "Prescription" means an order issued:
4239 (a) by a licensed practitioner in the course of that practitioner's professional practice or
4240 by collaborative pharmacy practice agreement; and
4241 (b) for a controlled substance or other prescription drug or device for use by a patient or
4242 an animal.
- 4243 (64) "Prescription device" means an instrument, apparatus, implement, machine,
4244 contrivance, implant, in vitro reagent, or other similar or related article, and any

- 4245 component part or accessory, which is required under federal or state law to be
4246 prescribed by a practitioner and dispensed by or through a person or entity licensed
4247 under this chapter or exempt from licensure under this chapter.
- 4248 (65) "Prescription drug" means a drug that is required by federal or state law or rule to be
4249 dispensed only by prescription or is restricted to administration only by practitioners.
- 4250 (66) "Repackage":
- 4251 (a) means changing the container, wrapper, or labeling to further the distribution of a
4252 prescription drug; and
- 4253 (b) does not include:
- 4254 (i) Subsection (66)(a) when completed by the pharmacist responsible for dispensing
4255 the product to a patient; or
- 4256 (ii) changing or altering a label as necessary for a dispensing practitioner under Part
4257 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic
4258 Pharmacy, for dispensing a product to a patient.
- 4259 (67) "Research using pharmaceuticals" means research:
- 4260 (a) conducted in a research facility, as defined by division rule, that is associated with a
4261 university or college in the state accredited by the Northwest Commission on
4262 Colleges and Universities;
- 4263 (b) requiring the use of a controlled substance, prescription drug, or prescription device;
- 4264 (c) that uses the controlled substance, prescription drug, or prescription device in
4265 accordance with standard research protocols and techniques, including, if required,
4266 those approved by an institutional review committee; and
- 4267 (d) that includes any documentation required for the conduct of the research and the
4268 handling of the controlled substance, prescription drug, or prescription device.
- 4269 (68) "Retail pharmacy" means a pharmaceutical facility dispensing prescription drugs and
4270 devices to the general public.
- 4271 (69)(a) "Self-administered hormonal contraceptive" means a self-administered hormonal
4272 contraceptive that is approved by the United States Food and Drug Administration to
4273 prevent pregnancy.
- 4274 (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive,
4275 a hormonal vaginal ring, and a hormonal contraceptive patch.
- 4276 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
4277 induce an abortion, as that term is defined in Section 76-7-301.
- 4278 (70) "Self-audit" means an internal evaluation of a pharmacy to determine compliance with

- 4279 this chapter.
- 4280 (71) "Supervising pharmacist" means a pharmacist who is overseeing the operation of the
4281 pharmacy during a given day or shift.
- 4282 (72) "Supportive personnel" means unlicensed individuals who:
- 4283 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed
4284 pharmacy technician in nonjudgmental duties not included in the definition of the
4285 practice of pharmacy, practice of a pharmacy intern, or practice of a licensed
4286 pharmacy technician, and as those duties may be further defined by division rule
4287 adopted in collaboration with the board; and
- 4288 (b) are supervised by a pharmacist in accordance with rules adopted by the division in
4289 collaboration with the board.
- 4290 (73) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
4291 58-17b-501.
- 4292 (74) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
4293 and 58-17b-502 and may be further defined by rule.
- 4294 (75) "Veterinary pharmaceutical facility" means a pharmaceutical facility that dispenses
4295 drugs intended for use by animals or for sale to veterinarians for the administration for
4296 animals.
- 4297 (76) "Written communication" means a physical document, or an electronic
4298 communication, by or from which the recipient may read or access the information
4299 intended to be communicated, including:
- 4300 (a) email;
- 4301 (b) text message; and
- 4302 (c) quick response (QR) code.
- 4303 Section 50. Section **58-17b-103** is amended to read:
- 4304 **58-17b-103 (Effective 05/06/26). Administrative inspections.**
- 4305 (1) The division may for the purpose of ascertaining compliance with the provisions of this
4306 chapter, require a self-audit or enter and inspect the business premises of a person:
- 4307 (a) licensed under Part 3, Licensing; or
- 4308 (b) who is engaged in activities that require a license under Part 3, Licensing.
- 4309 (2) Before conducting an inspection under Subsection (1), the division shall, after
4310 identifying the person in charge:
- 4311 (a) give proper identification;
- 4312 (b) request to see the applicable license or licenses;

- 4313 (c) describe the nature and purpose of the inspection; and
- 4314 (d) provide upon request, the authority of the division to conduct the inspection and the
- 4315 penalty for refusing to permit the inspection as provided in Section 58-17b-504.
- 4316 (3) In conducting an inspection under Subsection (1), the division may, after meeting the
- 4317 requirements of Subsection (2):
- 4318 (a) examine any record, prescription, order, drug, device, equipment, machine, electronic
- 4319 device or media, or area related to activities for which a license has been issued or is
- 4320 required by Part 3, Licensing, for the purpose of ascertaining compliance with the
- 4321 applicable provisions of this chapter;
- 4322 (b) reproduce any record or media at the division's own cost;
- 4323 (c) take a drug or device for further analysis if considered necessary;
- 4324 (d) temporarily seize a drug or device that is suspected to be adulterated, misbranded,
- 4325 outdated, or otherwise in violation of this chapter, pending an adjudicative
- 4326 proceeding on the matter;
- 4327 (e) box and seal drugs suspected to be adulterated, outdated, misbranded, or otherwise in
- 4328 violation of this chapter; and
- 4329 (f) dispose of or return a drug or device obtained under this Subsection (3) in accordance
- 4330 with procedures established by division rule.
- 4331 (4) An inspection described in Subsection (1) shall be conducted during regular business
- 4332 hours.
- 4333 (5) If, upon inspection, the division concludes that a person has violated the provisions of
- 4334 this chapter or [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled
- 4335 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances,
- 4336 or a rule or order issued with respect to those chapters, and that disciplinary action is
- 4337 appropriate, the director or the director's designee shall promptly issue a fine or citation
- 4338 to the licensee in accordance with Section 58-17b-504.
- 4339 Section 51. Section **58-17b-201** is amended to read:
- 4340 **58-17b-201 (Effective 05/06/26). Board -- Membership -- Qualifications -- Terms.**
- 4341 (1) There is created the Utah State Board of Pharmacy consisting of five pharmacists, one
- 4342 pharmacy technician, and one member of the general public.
- 4343 (a) The public member of the board shall be a Utah resident who:
- 4344 (i) is 21 years [~~of age~~] old or older;
- 4345 (ii) has never been licensed to engage in the practice of pharmacy;
- 4346 (iii) has never been the spouse of a person licensed to engage in the practice of

- 4347 pharmacy;
- 4348 (iv) has never held any material financial interest in pharmacy practice; and
- 4349 (v) has never engaged in any activity directly related to the practice of pharmacy.
- 4350 (b) The licensed pharmacist and licensed pharmacy technician members of the board
- 4351 shall:
- 4352 (i) have been Utah residents continuously for at least three years;
- 4353 (ii) have at least five years experience in the practice of pharmacy in good standing
- 4354 with the division in Utah after licensure; and
- 4355 (iii) maintain licensure in good standing to engage in the practice of pharmacy or
- 4356 practice as a pharmacy technician in Utah for the duration of the appointment.
- 4357 (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- 4358 (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202
- 4359 and 58-1-203, and as required under Section 58-37f-202 regarding the controlled
- 4360 substance database. In addition, the board shall designate an appropriate member on a
- 4361 permanent or rotating basis to:
- 4362 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional
- 4363 conduct of a licensee; and
- 4364 (b) advise the division in its investigation of these complaints.
- 4365 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its
- 4366 investigation may be disqualified from participating with the board when the board
- 4367 serves as a presiding officer in an adjudicative proceeding concerning the complaint.
- 4368 (5) A board member may be removed in accordance with Subsection 58-1-201(2)(e) or
- 4369 upon one of the following grounds:
- 4370 (a) refusal or inability for any reason of a board member to perform his duties as a
- 4371 member of the Board in an efficient, responsible, and professional manner;
- 4372 (b) misuse of appointment to obtain personal, pecuniary, or material gain or advantage
- 4373 for himself or another through such appointment; or
- 4374 (c) violation of the laws governing the practice of pharmacy or [~~Chapter 37, Utah~~
- 4375 ~~Controlled Substances Act~~] Chapter 37, Controlled Substances, or Title 76, Chapter
- 4376 18, Part 2, Offenses Concerning Controlled Substances.
- 4377 Section 52. Section **58-17b-502** is amended to read:
- 4378 **58-17b-502 (Effective 05/06/26). Unprofessional conduct.**
- 4379 (1) "Unprofessional conduct" includes:
- 4380 (a) willfully deceiving or attempting to deceive the division, the board, or their agents as

- 4381 to any relevant matter regarding compliance under this chapter;
- 4382 (b) except as provided in Subsection (2):
- 4383 (i) paying or offering rebates to practitioners or any other health care providers, or
- 4384 receiving or soliciting rebates from practitioners or any other health care provider;
- 4385 or
- 4386 (ii) paying, offering, receiving, or soliciting compensation in the form of a
- 4387 commission, bonus, rebate, kickback, or split fee arrangement with practitioners
- 4388 or any other health care provider, for the purpose of obtaining referrals;
- 4389 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
- 4390 dispensing of any outdated, misbranded, or adulterated drug or device;
- 4391 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
- 4392 bearing the inscription "sample" or "not for resale" or similar words or phrases;
- 4393 (e) except as provided in Section 58-17b-503, accepting back and redistributing any
- 4394 unused drug, or a part of it, after it has left the premises of a pharmacy;
- 4395 (f) an act in violation of this chapter committed by a person for any form of
- 4396 compensation if the act is incidental to the person's professional activities, including
- 4397 the activities of a pharmacist, pharmacy intern, or pharmacy technician;
- 4398 (g) violating:
- 4399 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;
- 4400 (ii) [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled
- 4401 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
- 4402 Substances; or
- 4403 (iii) rules or regulations adopted under either act;
- 4404 (h) requiring or permitting pharmacy interns or technicians to engage in activities
- 4405 outside the scope of practice for their respective license classifications, as defined in
- 4406 this chapter and division rules made in collaboration with the board, or beyond their
- 4407 scope of training and ability;
- 4408 (i) administering:
- 4409 (i) without appropriate training, as defined by rule;
- 4410 (ii) without a physician's order, when one is required by law; and
- 4411 (iii) in conflict with a practitioner's written guidelines or written protocol for
- 4412 administering;
- 4413 (j) disclosing confidential patient information in violation of the provisions of the Health
- 4414 Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.

- 4415 1936, as amended, or other applicable law;
- 4416 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as the
4417 pharmacist-in-charge;
- 4418 (l) failing to report to the division any adverse action taken by another licensing
4419 jurisdiction, government agency, law enforcement agency, or court for conduct that
4420 in substance would be considered unprofessional conduct under this section;
- 4421 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
4422 form which is regularly and commonly available from a manufacturer in quantities
4423 and strengths prescribed by a practitioner;
- 4424 (n) failing to act in accordance with Title 26B, Chapter 4, Part 5, Treatment Access,
4425 when dispensing a self-administered hormonal contraceptive under a standing order;
- 4426 (o) violating the requirements of Title 4, Chapter 41a, Cannabis Production
4427 Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid
4428 Research and Medical Cannabis; or
- 4429 (p) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 4430 (i) a wrongful or negligent act or omission of an individual licensed under this
4431 chapter or an individual under the direction or control of an individual licensed
4432 under this chapter; or
- 4433 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).
- 4434 (2) Subsection (1)(b) does not apply to:
- 4435 (a) giving or receiving a price discount based on purchase volume;
- 4436 (b) passing along a pharmaceutical manufacturer's rebate; or
- 4437 (c) providing compensation for services to a veterinarian.
- 4438 (3) "Unprofessional conduct" does not include:
- 4439 (a) in accordance with
- 4440 Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis when
4441 registered as a pharmacy medical provider, as that term is defined in Section 26B-4-201,
4442 providing pharmacy medical provider services in a medical cannabis pharmacy; or
- 4443 (b) if a pharmacist reasonably believes that a prescription drug will have adverse or
4444 harmful effects on an individual and warns the individual of the potential effects,
4445 filling a prescription prescribed by a health care provider who:
- 4446 (i) is operating within the health care provider's scope of practice; and
- 4447 (ii) is deviating from a medical norm or established practice in accordance with
4448 Subsection 58-1-501(2)(b)(i).

4449 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
 4450 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
 4451 define unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

4452 Section 53. Section **58-17b-504** is amended to read:

4453 **58-17b-504 (Effective 05/06/26). Penalty for unlawful or unprofessional conduct**

4454 **-- Fines -- Citations.**

4455 (1) Any person who violates any of the unlawful conduct provisions of Subsection
 4456 58-1-501(1)(a)(i) and Subsections 58-17b-501(7) and (11) is guilty of a third degree
 4457 felony.

4458 (2) Any person who violates any of the unlawful conduct provisions of Subsection
 4459 58-1-501(1)(a)(ii), Subsections 58-1-501(1)(b) through (e), and Section 58-17b-501,
 4460 except Subsections 58-17b-501(7) and (11), is guilty of a class A misdemeanor.

4461 (3)(a) Subject to Subsection (5) and in accordance with Section 58-17b-401, for acts of
 4462 unprofessional or unlawful conduct, the division may:

4463 (i) assess administrative penalties; and

4464 (ii) take any other appropriate administrative action.

4465 (b) An administrative penalty imposed pursuant to this section shall be deposited in the
 4466 General Fund as a dedicated credit to be used by the division for pharmacy licensee
 4467 education and enforcement as provided in Section 58-17b-505.

4468 (4) If a licensee has been convicted of violating Section 58-17b-501 prior to an
 4469 administrative finding of a violation of the same section, the licensee may not be
 4470 assessed an administrative fine under this chapter for the same offense for which the
 4471 conviction was obtained.

4472 (5)(a) If upon inspection or investigation, the division concludes that a person has
 4473 violated the provisions of Section 58-17b-501 or 58-17b-502, [~~Chapter 37, Utah~~
 4474 ~~Controlled Substances Act~~] Chapter 37, Controlled Substances, Chapter 37f,
 4475 Controlled Substance Database Act, Chapter 1, Division of Professional Licensing
 4476 Act, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a
 4477 provision described in a statute previously in effect in this state that is the same or
 4478 substantially similar to a provision described in Section 58-17b-501 or 58-17b-502,
 4479 Chapter 37, Controlled Substances, Chapter 37f, Controlled Substance Database Act,
 4480 Chapter 1, Division of Professional Licensing Act, or Title 76, Chapter 18, Part 2,
 4481 Offenses Concerning Controlled Substances, or any rule or order issued with respect
 4482 to these provisions, and that disciplinary action is appropriate, the director or the

- 4483 director's designee from within the division shall promptly issue a citation to the
4484 person according to this chapter and any pertinent rules, attempt to negotiate a
4485 stipulated settlement, or notify the person to appear before an adjudicative
4486 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- 4487 (b) Any person who is in violation of [~~the provisions of Section 58-17b-501 or~~
4488 ~~58-17b-502, Chapter 37, Utah Controlled Substances Act, Chapter 37f, Controlled~~
4489 ~~Substance Database Act, Chapter 1, Division of Professional Licensing Act]~~ a
4490 provision described in Subsection (5)(a), or any rule or order issued with respect to [
4491 ~~these provisions]~~ a provision described in Subsection (5)(a), as evidenced by an
4492 uncontested citation, a stipulated settlement, or a finding of violation in an
4493 adjudicative proceeding, may be assessed a fine [~~pursuant to~~] in accordance with this
4494 Subsection (5) of up to \$10,000 per single violation or up to \$2,000 per day of
4495 ongoing violation, whichever is greater, in accordance with a fine schedule
4496 established by rule, and may, in addition to or in lieu of, be ordered to cease and
4497 desist from violating [~~the provisions of Section 58-17b-501 or 58-17b-502, Chapter~~
4498 ~~37, Utah Controlled Substances Act, Chapter 1, Division of Professional Licensing~~
4499 ~~Act]~~ the provision described in Subsection (5)(a), or any rule or order issued with
4500 respect to [~~these provisions]~~ the provision described in Subsection (5)(a).
- 4501 (c) Except for an administrative fine and a cease and desist order, the licensure sanctions
4502 cited in Section 58-17b-401 may not be assessed through a citation.
- 4503 (d) Each citation shall be in writing and specifically describe with particularity the
4504 nature of the violation, including a reference to the provision of the chapter, rule, or
4505 order alleged to have been violated. The citation shall clearly state that the recipient
4506 must notify the division in writing within 20 calendar days of service of the citation
4507 in order to contest the citation at a hearing conducted under Title 63G, Chapter 4,
4508 Administrative Procedures Act. The citation shall clearly explain the consequences
4509 of failure to timely contest the citation or to make payment of any fines assessed by
4510 the citation within the time specified in the citation.
- 4511 (e) Each citation issued under this section, or a copy of each citation, may be served
4512 upon any person upon whom a summons may be served:
- 4513 (i) in accordance with the Utah Rules of Civil Procedure;
 - 4514 (ii) personally or upon the person's agent by a division investigator or by any person
4515 specially designated by the director; or
 - 4516 (iii) by mail.

- 4517 (f) If within 20 calendar days from the service of a citation, the person to whom the
 4518 citation was issued fails to request a hearing to contest the citation, the citation
 4519 becomes the final order of the division and is not subject to further agency review.
 4520 The period to contest the citation may be extended by the division for cause.
- 4521 (g) The division may refuse to issue or renew, suspend, revoke, or place on probation the
 4522 license of a licensee who fails to comply with the citation after it becomes final.
- 4523 (h) The failure of an applicant for licensure to comply with a citation after it becomes
 4524 final is a ground for denial of license.
- 4525 (i) No citation may be issued under this section after the expiration of one year
 4526 following the date on which the violation that is the subject of the citation is reported
 4527 to the division.

4528 (6)(a) The director may collect a penalty that is not paid by:

- 4529 (i) referring the matter to a collection agency; or
- 4530 (ii) bringing an action in the district court of the county where the person against
 4531 whom the penalty is imposed resides or in the county where the office of the
 4532 director is located.
- 4533 (b) A county attorney or the attorney general of the state shall provide legal assistance
 4534 and advice to the director in an action to collect a penalty.
- 4535 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
 4536 action brought by the division to collect a penalty.

4537 Section 54. Section **58-17b-609** is amended to read:

4538 **58-17b-609 (Effective 05/06/26). Limitation on prescriptions and refills --**

4539 **Controlled Substances Act not affected -- Legend drugs.**

- 4540 (1) Except as provided in Sections 58-16a-102 and 58-17b-608.2, a prescription for any
 4541 prescription drug or device may not be dispensed after one year from the date it was
 4542 initiated except as otherwise provided in [~~Chapter 37, Utah Controlled Substances Act~~]
 4543 Chapter 37, Controlled Substances.
- 4544 (2) Except as provided in Section 58-17b-608.2, a prescription authorized to be refilled may
 4545 not be refilled after one year from the original issue date.
- 4546 (3) A practitioner may not be prohibited from issuing a new prescription for the same drug
 4547 orally, in writing, or by electronic transmission.
- 4548 (4) Nothing in this chapter affects [~~Chapter 37, Utah Controlled Substances Act~~] Chapter
 4549 37, Controlled Substances.
- 4550 (5) A prescription for a legend drug written by a licensed prescribing practitioner in another

4551 state may be filled or refilled by a pharmacist or pharmacy intern in this state if the
4552 pharmacist or pharmacy intern verifies that the prescription is valid.

4553 Section 55. Section **58-17b-610.6** is amended to read:

4554 **58-17b-610.6 (Effective 05/06/26). Hospital pharmacy dispensing prescription**
4555 **drugs.**

4556 (1) As used in this section, "controlled substance" means a substance classified as a
4557 controlled substance under the Controlled Substances Act, Title II, Pub. L. No. 91-513 et
4558 seq., or Section [~~58-37-4~~] 58-37-108.

4559 (2)(a) Subject to Subsection (2)(b), the division shall make rules, in accordance with
4560 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in consultation with
4561 hospital pharmacies, to establish guidelines under which a hospital pharmacy may
4562 dispense a limited supply of a prescription drug to an individual who is no longer a
4563 patient in the hospital setting if:

- 4564 (i) the individual is discharged from the hospital on the same day that the hospital
4565 pharmacy dispenses the prescription drug to the individual;
- 4566 (ii) in the professional judgment of the practitioner, dispensing the drug is necessary
4567 for the patient's immediate needs;
- 4568 (iii) the class A pharmacy with which the patient has an established pharmacy-patient
4569 relationship:
 - 4570 (A) is not open at the time of the patient's discharge; or
 - 4571 (B) unable to dispense the medication for any reason;
- 4572 (iv) the hospital pharmacy dispenses a quantity of the prescription drug that is not
4573 more than a 72-hour supply; and
- 4574 (v) dispensing the prescription drug complies with protocols established by the
4575 hospital pharmacy.

4576 (b)(i) A hospital pharmacy may dispense an opioid antagonist to a patient without
4577 satisfying Subsection (2)(a)(iii).

4578 (ii) A hospital pharmacy that dispenses an opioid antagonist to a patient under
4579 Subsection (2)(b)(i) shall accept as payment the wholesale acquisition cost at the
4580 time of dispensing.

4581 (3) A hospital pharmacy, or a practitioner or pharmacist in the hospital, may dispense a
4582 prescription drug in accordance with rules made under Subsection (2).

4583 Section 56. Section **58-17b-610.7** is amended to read:

4584 **58-17b-610.7 (Effective 05/06/26). Partial filling of a Schedule II controlled**

4585 **substance prescription.**

- 4586 (1) For purposes of this section, "Schedule II controlled substance" means a substance
 4587 classified as a Schedule II controlled substance by the federal Controlled Substances
 4588 Act, Title II, Pub. L. No. 91-513 et seq., or Section [~~58-37-4~~] 58-37-108.
- 4589 (2) A prescription for a Schedule II controlled substance for a patient in a long-term care
 4590 facility or a patient with a terminal illness may be partially filled in accordance with
 4591 federal law.
- 4592 (3) A prescription for a Schedule II controlled substance for a patient other than a patient
 4593 described in Subsection (2) may be partially filled:
- 4594 (a) in accordance with federal law and rules made under Subsection (5); and
 4595 (b) at the request of the practitioner who issued the prescription, or the patient.
- 4596 (4) For purposes of Subsection (3), "partially filled" means that less than the full amount of
 4597 the prescription is dispensed.
- 4598 (5) For purposes of Subsection (3), the division shall make rules in accordance with Title
 4599 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 4600 (a) specifying how to record the date, quantity supplied, and quantity remaining of a
 4601 prescription partially filled under Subsection (3); and
 4602 (b) otherwise necessary for the implementation of Subsections (2) and (3).
- 4603 Section 57. Section **58-17b-627** is amended to read:

4604 **58-17b-627 (Effective 05/06/26). Prescription of drugs or devices by a**
 4605 **pharmacist.**

- 4606 (1) Beginning January 1, 2022, a pharmacist may prescribe a prescription drug or device if:
- 4607 (a) prescribing the prescription drug or device is within the scope of the pharmacist's
 4608 training and experience;
- 4609 (b) the prescription drug or device is designated by the division by rule under Subsection
 4610 (3)(a); and
- 4611 (c) the prescription drug or device is not a controlled substance that is included in
 4612 Schedules I, II, III, or IV of:
- 4613 (i) Section [~~58-37-4~~] 58-37-108; or
 4614 (ii) the federal Controlled Substances Act, Title II, P.L. 91-513.
- 4615 (2) Nothing in this section requires a pharmacist to issue a prescription for a prescription
 4616 drug or device.
- 4617 (3) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
 4618 Administrative Rulemaking Act, to:

- 4619 (a) designate the prescription drugs or devices that may be prescribed by a pharmacist
4620 under this section, beginning with prescription drugs or devices that address a public
4621 health concern that is designated by the Department of Health and Human Services,
4622 including:
- 4623 (i) post-exposure HIV prophylaxis;
 - 4624 (ii) pre-exposure HIV prophylaxis;
 - 4625 (iii) self-administered hormonal contraceptives;
 - 4626 (iv) smoking cessation;
 - 4627 (v) naloxone; and
 - 4628 (vi) fluoride;
- 4629 (b) create guidelines that a pharmacist must follow when prescribing a prescription drug
4630 or device, including guidelines:
- 4631 (i) for notifying the patient's primary care or other health care provider about the
4632 prescription; and
 - 4633 (ii) to prevent the over-prescription of drugs or devices including but not limited to
4634 antibiotics;
- 4635 (c) address when a pharmacist should refer the patient to an appropriate health care
4636 provider or otherwise encourage the patient to seek further medical care; and
- 4637 (d) implement the provisions of this section.
- 4638 (4) The division shall make rules under Subsection (3) in collaboration with:
- 4639 (a) individuals representing pharmacies and pharmacists;
 - 4640 (b) individuals representing physicians and advanced practice clinicians; and
 - 4641 (c)(i) if the executive director of the Department of Health and Human Services is a
4642 physician, the executive director of the Department of Health and Human Services;
 - 4643 (ii) if the executive director of the Department of Health and Human Services is not a
4644 physician, a deputy director who is a physician in accordance with Subsection
4645 26B-1-203(4); or
 - 4646 (iii) a designee of the individual described in Section 26B-1-203.
- 4647 (5) Before November 1 of each year, the division, in consultation with the individuals
4648 described in Subsection (4), shall:
- 4649 (a) develop recommendations for statutory changes to improve patient access to
4650 prescribed drugs in the state; and
 - 4651 (b) report the recommendations developed under Subsection (5)(a) to the Health and
4652 Human Services Interim Committee.

4653 Section 58. Section **58-24b-102** is amended to read:

4654 **58-24b-102 (Effective 05/06/26). Definitions.**

4655 As used in this chapter:

- 4656 (1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an
4657 animal.
- 4658 (2) "Board" means the Physical Therapies Licensing Board, created in Section 58-24b-201.
- 4659 (3) "Consultation by telecommunication" means the provision of expert or professional
4660 advice by a physical therapist who is licensed outside of Utah to a licensed physical
4661 therapist or a health care provider by telecommunication or electronic communication.
- 4662 (4) "General supervision" means supervision and oversight of an individual by a licensed
4663 physical therapist when the licensed physical therapist is immediately available in
4664 person, by telephone, or by electronic communication to assist the individual.
- 4665 (5) "Licensed physical therapist" means an individual licensed under this chapter to engage
4666 in the practice of physical therapy.
- 4667 (6) "Licensed physical therapist assistant" means an individual licensed under this chapter
4668 to engage in the practice of physical therapy, subject to the provisions of Subsection
4669 58-24b-401(2)(a).
- 4670 (7) "Licensing examination" means a nationally recognized physical therapy examination
4671 that is approved by the division, in consultation with the board.
- 4672 (8) "On-site supervision" means supervision and oversight of an individual by a licensed
4673 physical therapist or a licensed physical therapist assistant when the licensed physical
4674 therapist or licensed physical therapist assistant is:
- 4675 (a) continuously present at the facility where the individual is providing services;
4676 (b) immediately available to assist the individual; and
4677 (c) regularly involved in the services being provided by the individual.
- 4678 (9) "Physical impairment" means:
- 4679 (a) a mechanical impairment;
4680 (b) a physiological impairment;
4681 (c) a developmental impairment;
4682 (d) a functional limitation;
4683 (e) a disability;
4684 (f) a mobility impairment; or
4685 (g) a bodily malfunction.
- 4686 (10)(a) "Physical therapy" or "physiotherapy" means:

- 4687 (i) examining, evaluating, and testing an individual who has a physical impairment or
4688 injury;
- 4689 (ii) identifying or labeling a physical impairment or injury;
- 4690 (iii) formulating a therapeutic intervention plan for the treatment of a physical
4691 impairment, injury, or pain;
- 4692 (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a
4693 physical impairment or injury;
- 4694 (v) treating or alleviating a physical impairment by designing, modifying, or
4695 implementing a therapeutic intervention;
- 4696 (vi) reducing the risk of an injury or physical impairment;
- 4697 (vii) providing instruction on the use of physical measures, activities, or devices for
4698 preventative and therapeutic purposes;
- 4699 (viii) promoting and maintaining health and fitness;
- 4700 (ix) the administration of a prescription drug pursuant to Section 58-24b-403;
- 4701 (x) subject to Subsection 58-28-307(12)(b), engaging in the functions described in
4702 Subsections (10)(a)(i) through (ix) in relation to an animal, in accordance with the
4703 requirements of Section 58-24b-405;
- 4704 (xi) engaging in administration, consultation, education, and research relating to the
4705 practices described in this Subsection (10)(a); or
- 4706 (xii) applying dry needling to enhance an individual's physical performance if the
4707 physical therapy practitioner has received the necessary training as determined by
4708 division rule in collaboration with the board.
- 4709 (b) "Physical therapy" or "physiotherapy" does not include:
- 4710 (i) diagnosing disease;
- 4711 (ii) performing surgery;
- 4712 (iii) performing acupuncture;
- 4713 (iv) taking x-rays; or
- 4714 (v) prescribing or dispensing a drug, as defined in Section ~~58-37-2~~ 58-37-101.
- 4715 (11) "Physical therapy aide" means an individual who:
- 4716 (a) is trained, on-the-job, by a licensed physical therapist; and
- 4717 (b) provides routine assistance to a licensed physical therapist or licensed physical
4718 therapist assistant, while the licensed physical therapist or licensed physical therapist
4719 assistant practices physical therapy, within the scope of the licensed physical
4720 therapist's or licensed physical therapist assistant's license.

- 4721 (12) "Recognized accreditation agency" means an accreditation agency that:
4722 (a) grants accreditation, nationally, in the United States of America; and
4723 (b) is approved by the division, in consultation with the board.
- 4724 (13)(a) "Testing" means a standard method or technique used to gather data regarding a
4725 patient that is generally and nationally accepted by physical therapists for the practice
4726 of physical therapy.
- 4727 (b) "Testing" includes measurement or evaluation of:
4728 (i) muscle strength, force, endurance, or tone;
4729 (ii) cardiovascular fitness;
4730 (iii) physical work capacity;
4731 (iv) joint motion, mobility, or stability;
4732 (v) reflexes or autonomic reactions;
4733 (vi) movement skill or accuracy;
4734 (vii) sensation;
4735 (viii) perception;
4736 (ix) peripheral nerve integrity;
4737 (x) locomotor skills, stability, and endurance;
4738 (xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;
4739 (xii) posture;
4740 (xiii) body mechanics;
4741 (xiv) limb length, circumference, and volume;
4742 (xv) thoracic excursion and breathing patterns;
4743 (xvi) activities of daily living related to physical movement and mobility;
4744 (xvii) functioning in the physical environment at home or work, as it relates to
4745 physical movement and mobility; and
4746 (xviii) neural muscular responses.
- 4747 (14)(a) "Trigger point dry needling" means the stimulation of a trigger point using a dry
4748 needle to treat neuromuscular pain and functional movement deficits.
- 4749 (b) "Trigger point dry needling" does not include the stimulation of auricular or distal
4750 points.
- 4751 (15) "Therapeutic intervention" includes:
4752 (a) therapeutic exercise, with or without the use of a device;
4753 (b) functional training in self-care, as it relates to physical movement and mobility;
4754 (c) community or work integration, as it relates to physical movement and mobility;

- 4755 (d) manual therapy, including:
- 4756 (i) soft tissue mobilization;
- 4757 (ii) therapeutic massage; or
- 4758 (iii) joint mobilization, as defined by the division, by rule;
- 4759 (e) prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic,
- 4760 protective, or supportive device;
- 4761 (f) airway clearance techniques, including postural drainage;
- 4762 (g) integumentary protection and repair techniques;
- 4763 (h) wound debridement, cleansing, and dressing;
- 4764 (i) the application of a physical agent, including:
- 4765 (i) light;
- 4766 (ii) heat;
- 4767 (iii) cold;
- 4768 (iv) water;
- 4769 (v) air;
- 4770 (vi) sound;
- 4771 (vii) compression;
- 4772 (viii) electricity; and
- 4773 (ix) electromagnetic radiation;
- 4774 (j) mechanical or electrotherapeutic modalities;
- 4775 (k) positioning;
- 4776 (l) instructing or training a patient in locomotion or other functional activities, with or
- 4777 without an assistive device;
- 4778 (m) manual or mechanical traction;
- 4779 (n) correction of posture, body mechanics, or gait; and
- 4780 (o) trigger point dry needling, under the conditions described in Section 58-24b-505.
- 4781 Section 59. Section **58-28-502** is amended to read:
- 4782 **58-28-502 (Effective 05/06/26). Unprofessional conduct.**
- 4783 (1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:
- 4784 (a) applying unsanitary methods or procedures in the treatment of any animal, contrary
- 4785 to rules adopted by the board and approved by the division;
- 4786 (b) procuring any fee or recompense on the assurance that a manifestly incurable
- 4787 diseased condition of the body of an animal can be permanently cured;
- 4788 (c) selling any biologics containing living or dead organisms or products or such

- 4789 organisms, except in a manner which will prevent indiscriminate use of such
4790 biologics;
- 4791 (d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the
4792 practice of veterinary medicine, surgery, or dentistry;
- 4793 (e) willful failure to report any dangerous, infectious, or contagious disease, as required
4794 by law;
- 4795 (f) willful failure to report the results of any medical tests, as required by law, or rule
4796 adopted pursuant to law;
- 4797 (g) violating [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled
4798 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
4799 Substances;
- 4800 (h) delegating to unlicensed assistive personnel:
- 4801 (i) a task that violates the standards of the profession or Subsection (2); or
4802 (ii) the administration of anesthesia or sedation if the delegating veterinarian is not
4803 providing direct supervision of the administration; and
- 4804 (i) making any unsubstantiated claim of superiority in training or skill as a veterinarian
4805 in the performance of professional services.
- 4806 (2)(a) "Unprofessional conduct" does not include the following:
- 4807 (i) delegating to a veterinary technologist, while under the indirect supervision of a
4808 veterinarian, patient care and treatment that requires a technical understanding of
4809 veterinary medicine if written or oral instructions are provided to the technologist
4810 by the veterinarian;
- 4811 (ii) delegating to a state certified veterinary technician or a veterinary technician,
4812 while under the direct or indirect supervision of a veterinarian, patient care and
4813 treatment that requires a technical understanding of veterinary medicine if the
4814 veterinarian provides written or oral instructions to the state certified veterinary
4815 technician;
- 4816 (iii) delegating to a veterinary assistant, under the immediate supervision of a
4817 licensed veterinarian, tasks that are consistent with the standards and ethics of the
4818 profession;
- 4819 (iv) delegating to an individual described in Subsection 58-28-307(16), under the
4820 direct supervision of a licensed veterinarian, the administration of a sedative drug
4821 for teeth floating; or
- 4822 (v) discussing the effects of the following on an animal with the owner of an animal:

- 4823 (A) a cannabinoid or industrial hemp product, as those terms are defined in
 4824 Section 4-41-102; or
- 4825 (B) THC or medical cannabis, as those terms are defined in Section 26B-4-201.
- 4826 (b) The delegation of tasks permitted under Subsections (2)(a)(i) through (iv) does not
 4827 include:
- 4828 (i) diagnosing;
- 4829 (ii) prognosing;
- 4830 (iii) surgery; or
- 4831 (iv) prescribing drugs, medicines, or appliances.
- 4832 (3) Notwithstanding any provision of this section, a veterinarian is not prohibited from
 4833 engaging in a discussion described in Subsection (2)(a)(v).
- 4834 Section 60. Section **58-31b-503** is amended to read:
- 4835 **58-31b-503 (Effective 05/06/26). Penalties and administrative actions for**
 4836 **unlawful conduct and unprofessional conduct.**
- 4837 (1) Any person who violates the unlawful conduct provision specifically defined in
 4838 Subsection 58-1-501(1)(a) is guilty of a third degree felony.
- 4839 (2) Any person who violates any of the unlawful conduct provisions specifically defined in
 4840 Subsections 58-1-501(1)(b) through (f) and 58-31b-501(1)(d) is guilty of a class A
 4841 misdemeanor.
- 4842 (3) Any person who violates any of the unlawful conduct provisions specifically defined in
 4843 this chapter and not set forth in Subsection (1) or (2) is guilty of a class B misdemeanor.
- 4844 (4)(a) Subject to Subsection (6) and in accordance with Section 58-31b-401, for acts of
 4845 unprofessional or unlawful conduct, the division may:
- 4846 (i) assess administrative penalties; and
- 4847 (ii) take any other appropriate administrative action.
- 4848 (b) An administrative penalty imposed pursuant to this section shall be deposited into
 4849 the "Nurse Education and Enforcement Account" as provided in Section 58-31b-103.
- 4850 (5) If a licensee has been convicted of violating Section 58-31b-501 prior to an
 4851 administrative finding of a violation of the same section, the licensee may not be
 4852 assessed an administrative fine under this chapter for the same offense for which the
 4853 conviction was obtained.
- 4854 (6)(a) If upon inspection or investigation, the division concludes that a person has
 4855 violated the provisions of Section 58-31b-401, 58-31b-501, or 58-31b-502, Chapter
 4856 1, Division of Professional Licensing Act, [~~Chapter 37, Utah Controlled Substances~~

4857 Act] Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
 4858 Concerning Controlled Substances, or a provision described in a statute previously in
 4859 effect in this state that is the same or substantially similar to a provision described in
 4860 Section 58-31b-401, 58-31b-501, or 58-31b-502, Chapter 1, Division of Professional
 4861 Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2,
 4862 Offenses Concerning Controlled Substances, or any rule or order issued with respect
 4863 to these provisions, and that disciplinary action is appropriate, the director or the
 4864 director's designee from within the division shall:

4865 (i) promptly issue a citation to the person according to this chapter and any pertinent
 4866 administrative rules;

4867 (ii) attempt to negotiate a stipulated settlement; or

4868 (iii) notify the person to appear before an adjudicative proceeding conducted under
 4869 Title 63G, Chapter 4, Administrative Procedures Act.

4870 (b) Any person who is in violation of a provision described in Subsection (6)(a), as
 4871 evidenced by an uncontested citation, a stipulated settlement, or a finding of violation
 4872 in an adjudicative proceeding may~~[- be assessed a fine]~~:

4873 (i) ~~[pursuant to]~~ be assessed a fine in accordance with this Subsection (6) of up to
 4874 \$10,000 per single violation or up to \$2,000 per day of ongoing violation,
 4875 whichever is greater, in accordance with a fine schedule established by rule; and

4876 (ii) in addition to or in lieu of the fine imposed under Subsection (6)(b)(i), be ordered
 4877 to cease and desist from violating a provision ~~[of Sections 58-31b-501 and~~
 4878 ~~58-31b-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Utah~~
 4879 ~~Controlled Substances Act]~~ described in Subsection (6)(a), or any rule or order
 4880 issued with respect to [those provisions] a provision described in Subsection (6)(a).

4881 (c) Except for an administrative fine and a cease and desist order, the licensure sanctions
 4882 cited in Section 58-31b-401 may not be assessed through a citation.

4883 (d) Each citation issued under this section shall:

4884 (i) be in writing; and

4885 (ii) clearly describe or explain:

4886 (A) the nature of the violation, including a reference to the provision of the
 4887 chapter, rule, or order alleged to have been violated;

4888 (B) that the recipient must notify the division in writing within 20 calendar days of
 4889 service of the citation in order to contest the citation at a hearing conducted
 4890 under Title 63G, Chapter 4, Administrative Procedures Act; and

4891 (C) the consequences of failure to timely contest the citation or to make payment
 4892 of any fines assessed by the citation within the time specified in the citation;
 4893 and

4894 (iii) be served upon any person upon whom a summons may be served:

4895 (A) in accordance with the Utah Rules of Civil Procedure;

4896 (B) personally or upon the person's agent by a division investigator or by any
 4897 person specially designated by the director; or

4898 (C) by mail.

4899 (e) If within 20 calendar days from the service of a citation, the person to whom the
 4900 citation was issued fails to request a hearing to contest the citation, the citation
 4901 becomes the final order of the division and is not subject to further agency review.
 4902 The period to contest the citation may be extended by the division for cause.

4903 (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the
 4904 license of a licensee who fails to comply with the citation after it becomes final.

4905 (g) The failure of an applicant for licensure to comply with a citation after it becomes
 4906 final is a ground for denial of license.

4907 (h) No citation may be issued under this section after the expiration of one year
 4908 following the date on which the violation that is the subject of the citation is reported
 4909 to the division.

4910 (7)(a) The director may collect a penalty that is not paid by:

4911 (i) referring the matter to a collection agency; or

4912 (ii) bringing an action in the district court of the county where the person against
 4913 whom the penalty is imposed resides or in the county where the office of the
 4914 director is located.

4915 (b) A county attorney or the attorney general of the state shall provide legal assistance
 4916 and advice to the director in an action to collect a penalty.

4917 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
 4918 action brought by the division to collect a penalty.

4919 Section 61. Section **58-37-101**, which is renumbered from Section 58-37-2 is renumbered
 4920 and amended to read:

4921 **CHAPTER 37. Controlled Substances**

4922 **Part 1. General Provisions**

4923 **[58-37-2] 58-37-101 (Effective 05/06/26). Definitions.**

- 4924 (1) As used in this chapter:
- 4925 (a) "Administer" means the direct application of a controlled substance, whether by
- 4926 injection, inhalation, ingestion, or any other means, to the body of a patient or
- 4927 research subject by:
- 4928 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized
- 4929 agent; or
- 4930 (ii) the patient or research subject at the direction₁ and in the presence₂ of the
- 4931 practitioner.
- 4932 (b)(i) "Agent" means an authorized person who acts on behalf of₁ or at the direction of₁
- 4933 a manufacturer, distributor, or practitioner.
- 4934 (ii) ~~[-but]~~ "Agent" does not include a motor carrier~~[-]~~ or public warehouseman, or an
- 4935 employee of [any of them] a motor carrier or public warehouseman.
- 4936 (c) "Consumption" means ingesting or having any measurable amount of a controlled
- 4937 substance in ~~[a person's]~~ an individual's body, but this Subsection (1)(c) does not
- 4938 include the metabolite of a controlled substance.
- 4939 ~~[(d) "Continuing criminal enterprise" means any individual, sole proprietorship,~~
- 4940 ~~partnership, corporation, business trust, association, or other legal entity, and any~~
- 4941 ~~union or groups of individuals associated in fact although not a legal entity, and~~
- 4942 ~~includes illicit as well as licit entities created or maintained for the purpose of~~
- 4943 ~~engaging in conduct which constitutes the commission of episodes of activity made~~
- 4944 ~~unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b,~~
- 4945 ~~Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance~~
- 4946 ~~Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not~~
- 4947 ~~isolated, but have the same or similar purposes, results, participants, victims, methods~~
- 4948 ~~of commission, or otherwise are interrelated by distinguishing characteristics. Taken~~
- 4949 ~~together, the episodes shall demonstrate continuing unlawful conduct and be related~~
- 4950 ~~either to each other or to the enterprise.]~~
- 4951 ~~[(e)]~~ (d) "Control" means to add, remove, or change the placement of a drug, substance,
- 4952 or immediate precursor under Section ~~[58-37-3]~~ 58-37-107.
- 4953 ~~[(f)]~~ (e)(i) "Controlled substance" means a drug or substance:
- 4954 (A) included in Schedules I, II, III, IV, or V of Section ~~[58-37-4]~~ 58-37-108;
- 4955 (B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances
- 4956 Act, Title II, P.L. 91-513;
- 4957 (C) that is a controlled substance analog; or

- 4958 (D) listed in Section ~~[58-37-4.2]~~ 58-37-109.
- 4959 (ii) "Controlled substance" does not include:
- 4960 (A) distilled spirits, wine, or malt beverages, as those terms are defined in Title
- 4961 32B, Alcoholic Beverage Control Act;
- 4962 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
- 4963 or prevention of disease in human or other animals, which contains ephedrine,
- 4964 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
- 4965 lawfully purchased, sold, transferred, or furnished as an over-the-counter
- 4966 medication without prescription; or
- 4967 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances
- 4968 including concentrates or extracts, which:
- 4969 (I) are not otherwise regulated by law; and
- 4970 (II) may contain naturally occurring amounts of chemical or substances listed
- 4971 in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah
- 4972 Administrative Rulemaking Act.
- 4973 ~~(g)~~ (f)(i) "Controlled substance analog" means:
- 4974 (A) a substance the chemical structure of which is substantially similar to the
- 4975 chemical structure of a controlled substance listed in Schedules I and II of
- 4976 Section ~~[58-37-4]~~ 58-37-108, a substance listed in Section ~~[58-37-4.2]~~ 58-37-109,
- 4977 or in Schedules I and II of the federal Controlled Substances Act, Title II, P.L.
- 4978 91-513;
- 4979 (B) a substance that has a stimulant, depressant, or hallucinogenic effect on the
- 4980 central nervous system substantially similar to the stimulant, depressant, or
- 4981 hallucinogenic effect on the central nervous system of controlled substances
- 4982 listed in Schedules I and II of Section ~~[58-37-4]~~ 58-37-108, substances listed in
- 4983 Section ~~[58-37-4.2]~~ 58-37-109, or substances listed in Schedules I and II of the
- 4984 federal Controlled Substances Act, Title II, P.L. 91-513; or
- 4985 (C) A substance that, with respect to a particular individual, is represented or
- 4986 intended to have a stimulant, depressant, or hallucinogenic effect on the central
- 4987 nervous system substantially similar to the stimulant, depressant, or
- 4988 hallucinogenic effect on the central nervous system of controlled substances
- 4989 listed in Schedules I and II of Section ~~[58-37-4]~~ 58-37-108, substances listed in
- 4990 Section ~~[58-37-4.2]~~ 58-37-109, or substances listed in Schedules I and II of the
- 4991 federal Controlled Substances Act, Title II, P.L. 91-513.

- 4992 (ii) "Controlled substance analog" does not include:
- 4993 (A) a controlled substance currently scheduled in Schedules I through V of
- 4994 Section ~~[58-37-4]~~ 58-37-108;
- 4995 (B) a substance for which there is an approved new drug application;
- 4996 (C) a substance with respect to which an exemption is in effect for investigational
- 4997 use by a particular person under Section 505 of the Food, Drug, and Cosmetic
- 4998 Act, 21 U.S.C. 355, to the extent the conduct with respect to the substance is
- 4999 permitted by the exemption;
- 5000 (D) any substance to the extent not intended for human consumption before an
- 5001 exemption takes effect with respect to the substance;
- 5002 (E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
- 5003 or prevention of disease in man or other animals, which contains ephedrine,
- 5004 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
- 5005 lawfully purchased, sold, transferred, or furnished as an over-the-counter
- 5006 medication without prescription; or
- 5007 (F) dietary supplements, vitamins, minerals, herbs, or other similar substances
- 5008 including concentrates or extracts, which are not otherwise regulated by law,
- 5009 which may contain naturally occurring amounts of chemical or substances
- 5010 listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah
- 5011 Administrative Rulemaking Act.
- 5012 ~~(h)~~ (g)(i) "Conviction" means a determination of guilt by verdict, whether jury or
- 5013 bench, or plea, whether guilty or no contest, for any offense proscribed by:
- 5014 (A) this chapter;
- 5015 ~~[(B) Chapter 37a, Utah Drug Paraphernalia Act;]~~
- 5016 ~~[(C) Chapter 37b, Imitation Controlled Substances Act;]~~
- 5017 ~~[(D)] (B) [Chapter 37c, Utah Controlled Substance Precursor Act; or] Chapter 37c,~~
- 5018 Controlled Substance Precursors;
- 5019 (C) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
- 5020 (D) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
- 5021 (E) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled
- 5022 Substances;
- 5023 (F) Title 76, Chapter 18, Part 5, Clandestine Drug Labs; or
- 5024 (G) a statute previously in effect in this state that is the same or substantially
- 5025 similar to a violation of an offense described in Subsections (1)(g)(i)(A)

5026 through (F); or

5027 [~~(E)~~ Chapter 37d, Clandestine Drug Lab Act; or]

5028 (ii) for any offense under the laws of the United States and any other state ~~[which]~~ that,
5029 if committed in this state, would be an offense under~~[:]~~ Subsection (1)(g)(i).

5030 [~~(A)~~ this chapter;]

5031 [~~(B)~~ Chapter 37a, Utah Drug Paraphernalia Act;]

5032 [~~(C)~~ Chapter 37b, Imitation Controlled Substances Act;]

5033 [~~(D)~~ Chapter 37c, Utah Controlled Substance Precursor Act; or]

5034 [~~(E)~~ Chapter 37d, Clandestine Drug Lab Act.]

5035 [~~(i)~~] (h) "Counterfeit substance" means:

5036 (i) any controlled substance or container or labeling of any controlled substance that:

5037 (A) without authorization bears the trademark, trade name, or other identifying
5038 mark, imprint, number, device, or any likeness of them, of a manufacturer,
5039 distributor, or dispenser other than the person or persons who in fact
5040 manufactured, distributed, or dispensed the substance ~~[which]~~ that falsely
5041 purports to be a controlled substance distributed by any other manufacturer,
5042 distributor, or dispenser; and

5043 (B) a reasonable person would believe to be a controlled substance distributed by
5044 an authorized manufacturer, distributor, or dispenser based on the appearance
5045 of the substance as described under Subsection [~~(1)(i)(i)(A)~~] (1)(h)(i)(A) or the
5046 appearance of the container of that controlled substance; or

5047 [~~(i)~~] (ii) any substance other than under Subsection [~~(1)(i)(i)~~] (1)(h)(i) that:

5048 (A) is falsely represented to be any legally or illegally manufactured controlled
5049 substance; and

5050 (B) a reasonable person would believe to be a legal or illegal controlled substance.

5051 [~~(j)~~] (i) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
5052 controlled substance or a listed chemical, whether or not an agency relationship exists.

5053 [~~(k)~~] (j) "Department" means the Department of Commerce.

5054 [~~(l)~~] (k) "Depressant or stimulant substance" means:

5055 (i) a drug which contains any quantity of barbituric acid or any of the salts of
5056 barbituric acid;

5057 (ii) a drug which contains any quantity of:

5058 (A) amphetamine or any of its optical isomers;

5059 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or

5060 (C) any substance [~~which~~] that the Secretary of Health and Human Services or the
5061 Attorney General of the United States after investigation has found, and by
5062 regulation designated, habit-forming because of its stimulant effect on the
5063 central nervous system;

5064 (iii) lysergic acid diethylamide; or

5065 (iv) any drug [~~which~~] that contains any quantity of a substance [~~which~~] that the
5066 Secretary of Health and Human Services or the Attorney General of the United
5067 States after investigation has found to have, and by regulation designated as
5068 having, a potential for abuse because of its depressant or stimulant effect on the
5069 central nervous system or its hallucinogenic effect.

5070 [~~(m)~~] (l) "Dispense" means the delivery of a controlled substance by a pharmacist to an
5071 ultimate user pursuant to the lawful order or prescription of a practitioner, and
5072 includes distributing to, leaving with, giving away, or disposing of that substance as
5073 well as the packaging, labeling, or compounding necessary to prepare the substance
5074 for delivery.

5075 [~~(n)~~] (m) "Dispenser" means a pharmacist who dispenses a controlled substance.

5076 [~~(o)~~] (n) "Distribute" means to deliver other than by administering or dispensing a
5077 controlled substance or a listed chemical.

5078 [~~(p)~~] (o) "Distributor" means a person who distributes controlled substances.

5079 [~~(q)~~] (p) "Division" means the Division of Professional Licensing created in Section
5080 58-1-103.

5081 [~~(r)~~] (q)(i) "Drug" means:

5082 (A) a substance recognized in the official United States Pharmacopoeia, Official
5083 Homeopathic Pharmacopoeia of the United States, or Official National
5084 Formulary, or any supplement to any of them, intended for use in the
5085 diagnosis, cure, mitigation, treatment, or prevention of disease in humans or
5086 animals;

5087 (B) a substance that is required by any applicable federal or state law or rule to be
5088 dispensed by prescription only or is restricted to administration by practitioners
5089 only;

5090 (C) a substance other than food intended to affect the structure or any function of
5091 the body of humans or other animals; and

5092 (D) substances intended for use as a component of any substance specified in
5093 Subsections [~~(1)(r)(i)(A)] (1)(q)(i)(A), (B), and (C).~~

5094 (ii) "Drug" does not include dietary supplements.

5095 (iii) "Drug" includes a food intended for human consumption that intentionally
5096 contains a vaccine or vaccine material as provided in Section 4-5-107.

5097 ~~[(s)]~~ (r) "Drug dependent person" means any individual who unlawfully and habitually
5098 uses any controlled substance to endanger the public morals, health, safety, or
5099 welfare, or who is so dependent upon the use of controlled substances as to have lost
5100 the power of self-control with reference to the individual's dependency.

5101 ~~[(t)]~~ ~~(s)~~(i) "Food" means:

5102 (A) any nutrient or substance of plant, mineral, or animal origin other than a drug
5103 as specified in this chapter, and normally ingested by human beings; and

5104 (B) foods for special dietary uses as exist by reason of a physical, physiological,
5105 pathological, or other condition including the conditions of disease,
5106 convalescence, pregnancy, lactation, allergy, hypersensitivity to food,
5107 underweight, and overweight; uses for supplying a particular dietary need
5108 which exist by reason of age including the ages of infancy and childbirth, and
5109 also uses for supplementing and for fortifying the ordinary or unusual diet with
5110 any vitamin, mineral, or other dietary property for use of a food.

5111 (ii) Any particular use of a food is a special dietary use regardless of the nutritional
5112 purposes.

5113 ~~[(t)]~~ (t) "Immediate precursor" means a substance ~~[which]~~ that the Attorney General of
5114 the United States has found to be, and by regulation designated as being, the principal
5115 compound used or produced primarily for use in the manufacture of a controlled
5116 substance, or ~~[which]~~ that is an immediate chemical intermediary used or likely to be
5117 used in the manufacture of a controlled substance, the control of which is necessary
5118 to prevent, curtail, or limit the manufacture of the controlled substance.

5119 ~~[(v)]~~ "Indian" means a member of an Indian tribe.]

5120 ~~[(w)]~~ "Indian religion" means a religion:]

5121 ~~[(i)]~~ the origin and interpretation of which is from within a traditional Indian culture
5122 or community; and]

5123 ~~[(ii)]~~ that is practiced by Indians.]

5124 ~~[(x)]~~ "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or
5125 community of Indians, including any Alaska Native village, which is legally
5126 recognized as eligible for and is consistent with the special programs, services, and
5127 entitlements provided by the United States to Indians because of their status as

- 5128 Indians.]
- 5129 [(y)] (u) "Manufacture" means the production, preparation, propagation, compounding,
- 5130 or processing of a controlled substance, either directly or indirectly by extraction
- 5131 from substances of natural origin, or independently by means of chemical synthesis
- 5132 or by a combination of extraction and chemical synthesis.
- 5133 [(z)] (v) "Manufacturer" includes any person who packages, repackages, or labels any
- 5134 container of any controlled substance, except pharmacists who dispense or compound
- 5135 prescription orders for delivery to the ultimate consumer.
- 5136 [(aa)] (w)(i) "Marijuana" means all species of the genus cannabis and all parts of the
- 5137 genus, whether growing or not, including:
- 5138 (A) seeds;
- 5139 (B) resin extracted from any part of the plant, including the resin extracted from
- 5140 the mature stalks;
- 5141 (C) every compound, manufacture, salt, derivative, mixture, or preparation of the
- 5142 plant, seeds, or resin;
- 5143 (D) any synthetic equivalents of the substances contained in the plant cannabis
- 5144 sativa or any other species of the genus cannabis [which] that are chemically
- 5145 indistinguishable and pharmacologically active; and
- 5146 (E) any component part or cannabinoid extracted or isolated from the plant,
- 5147 including extracted or isolated tetrahydrocannabinols.
- 5148 (ii) "Marijuana" does not include:
- 5149 (A) the mature stalks of the plant;
- 5150 (B) fiber produced from the stalks;
- 5151 (C) oil or cake made from the seeds of the plant;
- 5152 (D) except as provided in Subsection [(1)(aa)(i)] (1)(w)(i), any other compound,
- 5153 manufacture, salt, derivative, mixture, or preparation of the mature stalks,
- 5154 fiber, oil or cake;
- 5155 (E) the sterilized seed of the plant [which] that is incapable of germination;
- 5156 (F) any compound, mixture, or preparation approved by the federal Food and
- 5157 Drug Administration under the federal Food, Drug, and Cosmetic Act, 21
- 5158 U.S.C. Sec. 301 et seq. that is not listed in a schedule of controlled substances
- 5159 in Section [58-37-4] 58-37-108 or in the federal Controlled Substances Act,
- 5160 Title II, P.L. 91-513; or
- 5161 (G) transportable industrial hemp concentrate as that term is defined in Section

5162 4-41-102.

5163 [~~(bb)~~] (x) "Money" means officially issued coin and currency of the United States or any
5164 foreign country.

5165 [~~(ee)~~] (y) "Narcotic drug" means any of the following, whether produced directly or
5166 indirectly by extraction from substances of vegetable origin, or independently by
5167 means of chemical synthesis, or by a combination of extraction and chemical
5168 synthesis:

5169 (i) opium, coca leaves, and opiates;

5170 (ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves,
5171 or opiates;

5172 (iii) opium poppy and poppy straw; or

5173 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of
5174 the substance, which is chemically identical with any of the substances referred to
5175 in Subsection [~~(1)~~]~~(ee)~~(i) (1)(y)(i), (ii), or (iii), except narcotic drug does not
5176 include decocainized coca leaves or extracts of coca leaves [~~which~~] that do not
5177 contain cocaine or ecgonine.

5178 [~~(dd)~~] (z) "Negotiable instrument" means [~~documents~~] a document, containing an
5179 unconditional promise to pay a sum of money, [~~which are~~] that is legally transferable
5180 to another party by endorsement or delivery.

5181 [~~(ee)~~] (aa) "Opiate" means any drug or other substance having an addiction-forming or
5182 addiction-sustaining liability similar to morphine or being capable of conversion into
5183 a drug having addiction-forming or addiction-sustaining liability.

5184 [~~(ff)~~] (bb) "Opium poppy" means the plant of the species *papaver somniferum* L., except
5185 the seeds of the plant.

5186 [~~(gg)~~] (cc) "Person" means any corporation, association, partnership, trust, other
5187 institution or entity or one or more individuals.

5188 [~~(hh)~~] (dd) "Poppy straw" means all parts, except the seeds, of the opium poppy, after
5189 mowing.

5190 [~~(ii)~~] (ee) "Possession" or "use" means the joint or individual ownership, control,
5191 occupancy, holding, retaining, belonging, maintaining, or the application, inhalation,
5192 swallowing, injection, or consumption, as distinguished from distribution, of
5193 controlled substances and includes individual, joint, or group possession or use of
5194 controlled substances. For a person to be a possessor or user of a controlled
5195 substance, it is not required that the person be shown to have individually possessed,

5196 used, or controlled the substance, but it is sufficient if it is shown that the person
 5197 jointly participated with one or more persons in the use, possession, or control of any
 5198 substances with knowledge that the activity was occurring, or the controlled
 5199 substance is found in a place or under circumstances indicating that the person had
 5200 the ability and the intent to exercise dominion and control over the controlled
 5201 substance.

5202 [(jj)] (ff) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian,
 5203 pharmacist, scientific investigator, pharmacy, hospital, or other person licensed,
 5204 registered, or otherwise permitted to distribute, dispense, conduct research with
 5205 respect to, administer, or use in teaching or chemical analysis a controlled substance
 5206 in the course of professional practice or research in this state.

5207 [(kk)] (gg) "Prescribe" means to issue a prescription:

5208 (i) orally or in writing; or

5209 (ii) by telephone, facsimile transmission, computer, or other electronic means of
 5210 communication as defined by division rule.

5211 [(H)] (hh) "Prescription" means an order issued:

5212 (i) by a licensed practitioner, in the course of that practitioner's professional practice
 5213 or by collaborative pharmacy practice agreement; and

5214 (ii) for a controlled substance or other prescription drug or device for use by a patient
 5215 or an animal.

5216 [(mm)] (ii) "Production" means the manufacture, planting, cultivation, growing, or
 5217 harvesting of a controlled substance.

5218 [(nn)] (jj) "Securities" means any stocks, bonds, notes, or other evidences of debt or of
 5219 property.

5220 [(oo)] (kk) "State" means the state of Utah.

5221 [(pp)] (ll) "Ultimate user" means any person who lawfully possesses a controlled
 5222 substance for the person's own use, for the use of a member of the person's
 5223 household, or for administration to an animal owned by the person or a member of
 5224 the person's household.

5225 (2) If a term used in this chapter is not defined, the definition and terms of Title 76, Utah
 5226 Criminal Code, shall apply.

5227 Section 62. Section **58-37-102**, which is renumbered from Section 58-37-18 is renumbered
 5228 and amended to read:

5229 **[58-37-18] 58-37-102 (Effective 05/06/26). Applicability of chapter -- Uniform**

5230 **construction.**

5231 (1)(a) Prosecution for a violation of any law or offense occurring [prior to the effective
 5232 date of this act shall not be] before January 1, 1972, is not affected by this [act;]
 5233 chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances,
 5234 provided, that sentences imposed after [the effective date of this act] January 1, 1972,
 5235 may not exceed the maximum terms specified and the judge has discretion to impose
 5236 any minimum sentence.

5237 (b) Civil seizures, forfeitures, and injunctive proceedings commenced [prior to the
 5238 effective date of this act shall not be] before January 1, 1972, are not affected by this [
 5239 act] chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 5240 Substances.

5241 (c)(i) All administrative proceedings pending before any agency or court on [the
 5242 effective date of this act] January 1, 1972, shall be continued and brought to final
 5243 determination in accordance with laws and regulations in effect [prior to the
 5244 effective date of this act] before January 1, 1972.

5245 (ii) Drugs placed under control [prior to enactment of this act which] before January
 5246 1, 1972, that are not listed within schedules I through V shall be automatically
 5247 controlled and listed in the appropriate schedule without further proceedings.

5248 (2) [This act does not affect-] Neither this chapter nor Title 76, Chapter 18, Part 2, Offenses
 5249 Concerning Controlled Substances, affects rights and duties that mature, penalties that
 5250 are incurred, and proceedings that are begun before [its effective date] January 1, 1972.

5251 (3) This [act] chapter and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 5252 Substances, shall be construed to effectuate [its] the general purpose to make uniform the
 5253 law of those states [which] that enact it where laws are similar to this [act] chapter and
 5254 Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

5255 Section 63. Section **58-37-103** is enacted to read:

5256 **58-37-103 (Effective 05/06/26). Restrictions on less restrictive ordinances.**

5257 A legislative body of a political subdivision may not enact an ordinance that is less
 5258 restrictive than any provision of:

5259 (1) this chapter; or

5260 (2) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

5261 Section 64. Section **58-37-104** is enacted to read:

5262 **58-37-104 (Effective 05/06/26). Severability.**

5263 If any provision, or the application of any provision to a person or circumstance, of this

chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, is held invalid, the remainder of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, shall be given effect without the invalid provision or application.

Section 65. Section **58-37-105**, which is renumbered from Section 58-37-6 is renumbered and amended to read:

[58-37-6] 58-37-105 (Effective 05/06/26) (Partially Repealed 07/01/32). Division responsibilities -- Licensing -- Records required.

(1)(a) The division may adopt rules relating to the licensing and control of the manufacture, distribution, production, prescription, administration, dispensing, conducting of research with, and performing of laboratory analysis upon controlled substances within this state.

(b) The division may assess reasonable fees to defray the cost of issuing original and renewal licenses under this chapter pursuant to Section 63J-1-504.

(2)(a)(i) Every person who manufactures, produces, distributes, prescribes, dispenses, administers, conducts research with, or performs laboratory analysis upon any controlled substance in Schedules I through V within this state, or who proposes to engage in manufacturing, producing, distributing, prescribing, dispensing, administering, conducting research with, or performing laboratory analysis upon controlled substances included in Schedules I through V within this state shall obtain a license issued by the division.

(ii)(A) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.

(B) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles [it] the division administers.

(b) Persons licensed to manufacture, produce, distribute, prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon controlled substances in Schedules I through V within this state may possess, manufacture, produce, distribute, prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon those substances to the extent authorized by their license and in conformity with this chapter and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(c) The following persons are not required to obtain a license and may lawfully possess controlled substances included in Schedules II through V under this section:

(i) an agent or employee, except a sales representative, of any registered

- 5298 manufacturer, distributor, or dispenser of any controlled substance, if the agent or
5299 employee is acting in the usual course of the agent or employee's business or
5300 employment; however, nothing in this subsection shall be interpreted to permit an
5301 agent, employee, sales representative, or detail man to maintain an inventory of
5302 controlled substances separate from the location of the person's employer's
5303 registered and licensed place of business;
- 5304 (ii) a motor carrier or warehouseman, or an employee of a motor carrier or
5305 warehouseman, who possesses a controlled substance in the usual course of the
5306 person's business or employment; and
- 5307 (iii) an ultimate user, or a person who possesses any controlled substance pursuant to
5308 a lawful order of a practitioner.
- 5309 (d) The division may enact rules waiving the license requirement for certain
5310 manufacturers, producers, distributors, prescribers, dispensers, administrators,
5311 research practitioners, or laboratories performing analysis if waiving the license
5312 requirement is consistent with public health and safety.
- 5313 (e) A separate license is required at each principal place of business or professional
5314 practice where the applicant manufactures, produces, distributes, dispenses, conducts
5315 research with, or performs laboratory analysis upon controlled substances.
- 5316 (f) The division may enact rules providing for the inspection of a licensee or applicant's
5317 establishment, and may inspect the establishment according to those rules.
- 5318 (3)(a)(i) Upon proper application, the division shall license a qualified applicant to
5319 manufacture, produce, distribute, conduct research with, or perform laboratory
5320 analysis upon controlled substances included in Schedules I through V, unless [it]
5321 the division determines that issuance of a license is inconsistent with the public
5322 interest.
- 5323 (ii) The division may not issue a license to any person to prescribe, dispense, or
5324 administer a Schedule I controlled substance except under Subsection (3)(a)(i).
- 5325 (iii) In determining public interest under this Subsection (3)(a), the division shall
5326 consider whether the applicant has:
- 5327 (A) maintained effective controls against diversion of controlled substances and
5328 any Schedule I or II substance compounded from any controlled substance into
5329 channels other than legitimate medical, scientific, or industrial channels;
- 5330 (B) complied with applicable state and local law;
- 5331 (C) been convicted under federal or state laws relating to the manufacture,

- 5332 distribution, or dispensing of substances;
- 5333 (D) past experience in the manufacture of controlled dangerous substances;
- 5334 (E) established effective controls against diversion; and
- 5335 (F) complied with any other factors that the division establishes that promote the
- 5336 public health and safety.
- 5337 (b) Licenses granted under Subsection (3)(a) do not entitle a licensee to manufacture,
- 5338 produce, distribute, conduct research with, or perform laboratory analysis upon
- 5339 controlled substances in Schedule I other than those specified in the license.
- 5340 (c)(i) [~~Practitioners-~~] A practitioner shall be licensed to administer, dispense, or
- 5341 conduct research with substances in Schedules II through V if [~~they are~~] the
- 5342 practitioner is authorized to administer, dispense, or conduct research under the
- 5343 laws of this state.
- 5344 (ii) The division need not require a separate license for [~~practitioners~~] a practitioner
- 5345 engaging in research with nonnarcotic controlled substances in Schedules II
- 5346 through V where the licensee is already licensed under this chapter in another
- 5347 capacity.
- 5348 (iii) With respect to research involving narcotic substances in Schedules II through V,
- 5349 or where the division by rule requires a separate license for research of
- 5350 nonnarcotic substances in Schedules II through V, a practitioner shall apply to the
- 5351 division [~~prior to~~] before conducting research.
- 5352 (iv) Licensing for purposes of bona fide research with controlled substances by a
- 5353 practitioner considered qualified may be denied only on a ground specified in
- 5354 Subsection (4), or upon evidence that the applicant will abuse or unlawfully
- 5355 transfer or fail to safeguard adequately the practitioner's supply of substances
- 5356 against diversion from medical or scientific use.
- 5357 (v) [~~Practitioners-~~] A practitioner registered under federal law to conduct research in
- 5358 Schedule I substances may conduct research in Schedule I substances within this
- 5359 state upon providing the division with evidence of federal registration.
- 5360 (d) Compliance by [~~manufacturers, producers, and distributors~~] a manufacturer,
- 5361 producer, or distributor with the provisions of federal law respecting registration,
- 5362 excluding fees, entitles [~~them~~] the manufacturer, producer, or distributor to be
- 5363 licensed under this chapter.
- 5364 (e) The division shall initially license those persons who own or operate an
- 5365 establishment engaged in the manufacture, production, distribution, dispensation, or

5366 administration of controlled substances prior to April 3, 1980, and who are licensed
5367 by the state.

5368 (4)(a) Any license issued [~~pursuant to~~] under Subsection (2) or (3) may be denied,
5369 suspended, placed on probation, or revoked by the division upon finding that the
5370 applicant or licensee has:

5371 (i) materially falsified any application filed or required pursuant to this chapter;
5372 (ii) been convicted of an offense under this chapter or Title 76, Chapter 18, Part 2,
5373 Offenses Concerning Controlled Substances, an offense described in a statute
5374 previously in effect in this state that is the same or substantially similar to a
5375 violation of an offense described in this chapter or Title 76, Chapter 18, Offenses
5376 Concerning Controlled Substances, or any law of the United States, or any state,
5377 relating to any substance defined as a controlled substance;

5378 (iii) been convicted of a felony under any other law of the United States or any state
5379 within five years of the date of the issuance of the license;

5380 (iv) had a federal registration or license denied, suspended, or revoked by competent
5381 federal authority and is no longer authorized to manufacture, distribute, prescribe,
5382 or dispense controlled substances;

5383 (v) had the licensee's license suspended or revoked by competent authority of another
5384 state for violation of laws or regulations comparable to those of this state relating
5385 to the manufacture, distribution, or dispensing of controlled substances;

5386 (vi) violated any division rule that reflects adversely on the licensee's reliability and
5387 integrity with respect to controlled substances;

5388 (vii) refused inspection of records required to be maintained under this chapter by a
5389 person authorized to inspect them; or

5390 (viii) prescribed, dispensed, administered, or injected an anabolic steroid for the
5391 purpose of manipulating human hormonal structure so as to:

5392 (A) increase muscle mass, strength, or weight without medical necessity and
5393 without a written prescription by any practitioner in the course of the
5394 practitioner's professional practice; or

5395 (B) improve performance in any form of human exercise, sport, or game.

5396 (b) The division may limit revocation or suspension of a license to a particular
5397 controlled substance with respect to which grounds for revocation or suspension exist.

5398 (c)(i) Proceedings to deny, revoke, or suspend a license shall be conducted pursuant
5399 to this section and in accordance with the procedures set forth in Title 58, Chapter

- 5400 1, Division of Professional Licensing Act, and conducted in conjunction with the
5401 appropriate representative committee designated by the director of the department.
- 5402 (ii) Nothing in this Subsection (4)(c) gives the Division of Professional Licensing
5403 exclusive authority in proceedings to deny, revoke, or suspend licenses, except
5404 where the division is designated by law to perform those functions, or, when not
5405 designated by law, is designated by the executive director of the Department of
5406 Commerce to conduct the proceedings.
- 5407 (d)(i) The division may suspend any license simultaneously with the institution of
5408 proceedings under this section if [it] the division finds there is an imminent danger
5409 to the public health or safety.
- 5410 (ii) Suspension shall continue in effect until the conclusion of proceedings, including
5411 judicial review, unless withdrawn by the division or dissolved by a court of
5412 competent jurisdiction.
- 5413 (e)(i) If a license is suspended or revoked under this Subsection (4), all controlled
5414 substances owned or possessed by the licensee may be placed under seal in the
5415 discretion of the division.
- 5416 (ii) Disposition may not be made of substances under seal until the time for taking an
5417 appeal has lapsed, or until all appeals have been concluded, unless a court, upon
5418 application, orders the sale of perishable substances and the proceeds deposited
5419 with the court.
- 5420 (iii) If a revocation order becomes final, all controlled substances shall be forfeited.
- 5421 (f) The division shall notify promptly the Drug Enforcement Administration of all orders
5422 suspending or revoking a license and all forfeitures of controlled substances.
- 5423 (g) If an individual's Drug Enforcement Administration registration is denied, revoked,
5424 surrendered, or suspended, the division shall immediately suspend the individual's
5425 controlled substance license, which shall only be reinstated by the division upon
5426 reinstatement of the federal registration, unless the division has taken further
5427 administrative action under Subsection (4)(a)(iv), which would be grounds for the
5428 continued denial of the controlled substance license.
- 5429 (5)(a) A person licensed under Subsection (2) or (3) shall maintain records and
5430 inventories in conformance with the record keeping and inventory requirements of
5431 federal and state law and any additional rules issued by the division.
- 5432 (b)(i) A physician, dentist, naturopathic physician, veterinarian, practitioner, or other
5433 individual who is authorized to administer or professionally use a controlled

- 5434 substance, shall keep a record of the drugs received by the individual and a record
5435 of all drugs administered, dispensed, or professionally used by the individual
5436 otherwise than by a prescription.
- 5437 (ii) An individual using small quantities or solutions or other preparations of those
5438 drugs for local application has complied with this Subsection (5)(b) if the
5439 individual keeps a record of the quantity, character, and potency of those solutions
5440 or preparations purchased or prepared by the individual, and of the dates when
5441 purchased or prepared.
- 5442 (6) Controlled substances in Schedules I through V may be distributed only by a licensee
5443 and pursuant to an order form prepared in compliance with division rules or a lawful
5444 order under the rules and regulations of the United States.
- 5445 ~~[(7)(a) An individual may not write or authorize a prescription for a controlled~~
5446 ~~substance unless the individual is:]~~
- 5447 ~~[(i) a practitioner authorized to prescribe drugs and medicine under the laws of this~~
5448 ~~state or under the laws of another state having similar standards; and]~~
- 5449 ~~[(ii) licensed under this chapter or under the laws of another state having similar~~
5450 ~~standards.]~~
- 5451 ~~[(b) An individual other than a pharmacist licensed under the laws of this state, or the~~
5452 ~~pharmacist's licensed intern, as required by Sections 58-17b-303 and 58-17b-304,~~
5453 ~~may not dispense a controlled substance.]~~
- 5454 ~~[(c)(i) A controlled substance may not be dispensed without the written prescription~~
5455 ~~of a practitioner, if the written prescription is required by the federal Controlled~~
5456 ~~Substances Act.]~~
- 5457 ~~[(ii) That written prescription shall be made in accordance with Subsection (7)(a) and~~
5458 ~~in conformity with Subsection (7)(d).]~~
- 5459 ~~[(iii) In emergency situations, as defined by division rule, controlled substances may~~
5460 ~~be dispensed upon oral prescription of a practitioner, if reduced promptly to~~
5461 ~~writing on forms designated by the division and filed by the pharmacy.]~~
- 5462 ~~[(iv) Prescriptions reduced to writing by a pharmacist shall be in conformity with~~
5463 ~~Subsection (7)(d).]~~
- 5464 ~~[(d) Except for emergency situations designated by the division, an individual may not~~
5465 ~~issue, fill, compound, or dispense a prescription for a controlled substance unless the~~
5466 ~~prescription is signed by the prescriber in ink or indelible pencil or is signed with an~~
5467 ~~electronic signature of the prescriber as authorized by division rule, and contains the~~

- 5468 following information:]
- 5469 [(i) the name, address, and registry number of the prescriber;]
- 5470 [(ii) the name, address, and age of the person to whom or for whom the prescription
- 5471 is issued;]
- 5472 [(iii) the date of issuance of the prescription; and]
- 5473 [(iv) the name, quantity, and specific directions for use by the ultimate user of the
- 5474 controlled substance.]
- 5475 [(e) A prescription may not be written, issued, filled, or dispensed for a Schedule I
- 5476 controlled substance unless:]
- 5477 [(i) the individual who writes the prescription is licensed under Subsection (2); and]
- 5478 [(ii) the prescribed controlled substance is to be used in research.]
- 5479 [(f) Except when administered directly to an ultimate user by a licensed practitioner,
- 5480 controlled substances are subject to the restrictions of this Subsection (7)(f).]
- 5481 [(i) A prescription for a Schedule II substance may not be refilled.]
- 5482 [(ii) A Schedule II controlled substance may not be filled in a quantity to exceed a
- 5483 one-month's supply, as directed on the daily dosage rate of the prescriptions.]
- 5484 [(iii)(A) A prescription for a Schedule II or Schedule III controlled substance that
- 5485 is an opiate and that is issued for an acute condition shall be completely or
- 5486 partially filled in a quantity not to exceed a seven-day supply as directed on the
- 5487 daily dosage rate of the prescription.]
- 5488 [(B) Subsection (7)(f)(iii)(A) does not apply to prescriptions issued for complex or
- 5489 chronic conditions which are documented as being complex or chronic in the
- 5490 medical record.]
- 5491 [(C) A pharmacist is not required to verify that a prescription is in compliance
- 5492 with Subsection (7)(f)(iii).]
- 5493 [(iv) A Schedule III or IV controlled substance may be filled only within six months
- 5494 of issuance, and may not be refilled more than six months after the date of its
- 5495 original issuance or be refilled more than five times after the date of the
- 5496 prescription unless renewed by the practitioner.]
- 5497 [(v) All other controlled substances in Schedule V may be refilled as the prescriber's
- 5498 prescription directs, but they may not be refilled one year after the date the
- 5499 prescription was issued unless renewed by the practitioner.]
- 5500 [(vi) Any prescription for a Schedule II substance may not be dispensed if it is not
- 5501 presented to a pharmacist for dispensing by a pharmacist or a pharmacy intern

5502 within 30 days after the date the prescription was issued, or 30 days after the
5503 dispensing date, if that date is specified separately from the date of issue.]

5504 [(vii) A practitioner may issue more than one prescription at the same time for the
5505 same Schedule II controlled substance, but only under the following conditions:]

5506 [(A) no more than three prescriptions for the same Schedule II controlled
5507 substance may be issued at the same time;]

5508 [(B) no one prescription may exceed a 30-day supply; and]

5509 [(C) a second or third prescription shall include the date of issuance and the date
5510 for dispensing.]

5511 [(g) An order for a controlled substance in Schedules II through V for use by an
5512 inpatient or an outpatient of a licensed hospital is exempt from all requirements of
5513 this Subsection (7) if the order is:]

5514 [(i) issued or made by a prescribing practitioner who holds an unrestricted
5515 registration with the federal Drug Enforcement Administration, and an active Utah
5516 controlled substance license in good standing issued by the division under this
5517 section, or a medical resident who is exempted from licensure under Subsection
5518 58-1-307(1)(c);]

5519 [(ii) authorized by the prescribing practitioner treating the patient and the prescribing
5520 practitioner designates the quantity ordered;]

5521 [(iii) entered upon the record of the patient, the record is signed by the prescriber
5522 affirming the prescriber's authorization of the order within 48 hours after filling or
5523 administering the order, and the patient's record reflects the quantity actually
5524 administered; and]

5525 [(iv) filled and dispensed by a pharmacist practicing the pharmacist's profession
5526 within the physical structure of the hospital, or the order is taken from a supply
5527 lawfully maintained by the hospital and the amount taken from the supply is
5528 administered directly to the patient authorized to receive it.]

5529 [(h) A practitioner licensed under this chapter may not prescribe, administer, or dispense
5530 a controlled substance to a child, without first obtaining the consent required in
5531 Section 78B-3-406 of a parent, guardian, or person standing in loco parentis of the
5532 child except in cases of an emergency. For purposes of Subsection (7)(h), "child" has
5533 the same meaning as defined in Section 80-1-102, and "emergency" means any
5534 physical condition requiring the administration of a controlled substance for
5535 immediate relief of pain or suffering.]

- 5536 [(i) A practitioner licensed under this chapter may not prescribe or administer dosages of
5537 a controlled substance in excess of medically recognized quantities necessary to treat
5538 the ailment, malady, or condition of the ultimate user.]
- 5539 [(j) A practitioner licensed under this chapter may not prescribe, administer, or dispense
5540 any controlled substance to another person knowing that the other person is using a
5541 false name, address, or other personal information for the purpose of securing the
5542 controlled substance.]
- 5543 [(k) A person who is licensed under this chapter to manufacture, distribute, or dispense a
5544 controlled substance may not manufacture, distribute, or dispense a controlled
5545 substance to another licensee or any other authorized person not authorized by this
5546 license.]
- 5547 [(l) A person licensed under this chapter may not omit, remove, alter, or obliterate a
5548 symbol required by this chapter or by a rule issued under this chapter.]
- 5549 [(m) A person licensed under this chapter may not refuse or fail to make, keep, or
5550 furnish any record notification, order form, statement, invoice, or information
5551 required under this chapter.]
- 5552 [(n) A person licensed under this chapter may not refuse entry into any premises for
5553 inspection as authorized by this chapter.]
- 5554 [(o) A person licensed under this chapter may not furnish false or fraudulent material
5555 information in any application, report, or other document required to be kept by this
5556 chapter or willfully make any false statement in any prescription, order, report, or
5557 record required by this chapter.]
- 5558 [(8)(a)(i) Any person licensed under this chapter who is found by the division to
5559 have violated any of the provisions of Subsections (7)(k) through (o) or
5560 Subsection (10) is subject to a penalty not to exceed \$5,000. The division shall
5561 determine the procedure for adjudication of any violations in accordance with
5562 Sections 58-1-106 and 58-1-108.]
- 5563 [(ii) The division shall deposit all penalties collected under Subsection (8)(a)(i) into
5564 the General Fund as a dedicated credit to be used by the division under Subsection
5565 58-37f-502(1).]
- 5566 [(iii) The director may collect a penalty that is not paid by:]
- 5567 [(A) referring the matter to a collection agency; or]
- 5568 [(B) bringing an action in the district court of the county where the person against
5569 whom the penalty is imposed resides or in the county where the office of the

5570 director is located.]

5571 [(iv) A county attorney or the attorney general of the state shall provide legal
5572 assistance and advice to the director in an action to collect a penalty.]

5573 [(v) A court shall award reasonable attorney fees and costs to the prevailing party in
5574 an action brought by the division to collect a penalty.]

5575 [(b) Any person who knowingly and intentionally violates Subsections (7)(h) through (j)
5576 or Subsection (10) is:]

5577 [(i) upon first conviction, guilty of a class B misdemeanor;]
5578 [(ii) upon second conviction, guilty of a class A misdemeanor; and]
5579 [(iii) on third or subsequent conviction, guilty of a third-degree felony.]

5580 [(e) Any person who knowingly and intentionally violates Subsections (7)(k) through (o)
5581 shall upon conviction be guilty of a third-degree felony.]

5582 [(9) Any information communicated to any licensed practitioner in an attempt to unlawfully
5583 procure, or to procure the administration of, a controlled substance is not considered to
5584 be a privileged communication.]

5585 [(10) A person holding a valid license under this chapter who is engaged in medical
5586 research may produce, possess, administer, prescribe, or dispense a controlled substance
5587 for research purposes as licensed under Subsection (2) but may not otherwise prescribe
5588 or dispense a controlled substance listed in Section 58-37-4.2.]

5589 [(11)(a) As used in this Subsection (11):]

5590 [(i) "High risk prescription" means a prescription for an opiate or a benzodiazepine
5591 that is written to continue for longer than 30 consecutive days.]

5592 [(ii) "Database" means the controlled substance database created in Section
5593 58-37f-201.]

5594 [(b) A practitioner who issues a high risk prescription to a patient shall, before issuing
5595 the high risk prescription to the patient, verify in the database that the patient does
5596 not have a high risk prescription from a different practitioner that is currently active.]

5597 [(e) If the database shows that the patient has received a high risk prescription that is
5598 currently active from a different practitioner, the practitioner may not issue a high
5599 risk prescription to the patient unless the practitioner:]

5600 [(i) contacts and consults with each practitioner who issued a high risk prescription
5601 that is currently active to the patient;]

5602 [(ii) documents in the patient's medical record that the practitioner made contact with
5603 each practitioner in accordance with Subsection (11)(e)(i); and]

5604 [(iii) documents in the patient's medical record the reason why the practitioner
5605 believes that the patient needs multiple high risk prescriptions from different
5606 practitioners.]

5607 [(d) A practitioner shall satisfy the requirement described in Subsection (11)(e) in a
5608 timely manner, which may be after the practitioner issues the high risk prescription to
5609 the patient.]

5610 Section 66. Section **58-37-106**, which is renumbered from Section 58-37-17 is renumbered
5611 and amended to read:

5612 **[58-37-17] 58-37-106 (Effective 05/06/26). Judicial review.**

5613 (1) ~~[Any]~~ A person aggrieved by a department's final order may obtain judicial review.

5614 (2) Venue for judicial review of an informal adjudicative ~~[proceedings]~~ proceeding is in the
5615 district court of Salt Lake County.

5616 Section 67. Section **58-37-107**, which is renumbered from Section 58-37-3 is renumbered
5617 and amended to read:

5618 **[58-37-3] 58-37-107 (Effective 05/06/26). Controlled substances.**

5619 (1) All substances listed in Section ~~[58-37-4 or 58-37-4.2]~~ 58-37-108 or 58-37-109 are
5620 controlled.

5621 (2) All substances listed in the federal Controlled Substances Act, Title II, P.L. 91-513, are
5622 controlled.

5623 Section 68. Section **58-37-108**, which is renumbered from Section 58-37-4 is renumbered
5624 and amended to read:

5625 **[58-37-4] 58-37-108 (Effective 05/06/26). Schedules of controlled substances --**
5626 **Schedules I through V -- Findings required -- Specific substances included in schedules.**

5627 (1) There are established five schedules of controlled substances known as Schedules I, II,
5628 III, IV, and V, which consist of substances listed in this section.

5629 (2) Schedules I, II, III, IV, and V consist of the following drugs or other substances by the
5630 official name, common or usual name, chemical name, or brand name designated:

5631 (a) Schedule I:

5632 (i) Unless specifically excepted or unless listed in another schedule, any of the
5633 following opiates, including their isomers, esters, ethers, salts, and salts of
5634 isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and
5635 salts is possible within the specific chemical designation:

5636 (A) Acetyl-alpha-methylfentanyl

5637 (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

- 5638 (B) Acetyl fentanyl: (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- 5639 (C) Acetylmethadol;
- 5640 (D) Acryl fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenylacrylamide);
- 5641 (E) Allylprodine;
- 5642 (F) Alphacetylmethadol, except levo-alphacetylmethadol also known as
- 5643 levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
- 5644 (G) Alphameprodine;
- 5645 (H) Alphamethadol;
- 5646 (I) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
- 5647 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- 5648 (J) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
- 5649 piperidiny]-N-phenylpropanamide);
- 5650 (K) Benzylpiperazine;
- 5651 (L) Benzethidine;
- 5652 (M) Betacetylmethadol;
- 5653 (N) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 5654 piperidiny]-N-phenylpropanamide);
- 5655 (O) Beta-hydroxy-3-methylfentanyl, other name: N-[1-(2-hydroxy-2-
- 5656 phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide;
- 5657 (P) Betameprodine;
- 5658 (Q) Betamethadol;
- 5659 (R) Betaprodine;
- 5660 (S) Butyryl fentanyl (N-(1-(2-phenylethyl)-4-piperidiny)-N-phenylbutyramide);
- 5661 (T) Clonitazene;
- 5662 (U) Cyclopropyl fentanyl
- 5663 (N-(1-Phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- 5664 (V) Dextromoramide;
- 5665 (W) Diampromide;
- 5666 (X) Diethylthiambutene;
- 5667 (Y) Difenoxin;
- 5668 (Z) Dimenoxadol;
- 5669 (AA) Dimepheptanol;
- 5670 (BB) Dimethylthiambutene;
- 5671 (CC) Dioxaphetyl butyrate;

- 5672 (DD) Dipipanone;
- 5673 (EE) Ethylmethylthiambutene;
- 5674 (FF) Etizolam
- 5675 (1-Methyl-6-o-chlorophenyl-8-ethyl-4H-s-triazolo[3,4-c]thieno[2,3-e]1,4-diazepine);
- 5676 (GG) Etonitazene;
- 5677 (HH) Etoxeridine;
- 5678 (II) Furanyl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]
- 5679 furan-2-carboxamide);
- 5680 (JJ) Furethidine;
- 5681 (KK) Hydroxypethidine;
- 5682 (LL) Ketobemidone;
- 5683 (MM) Levomoramide;
- 5684 (NN) Levophenacilmorphan;
- 5685 (OO) Methoxyacetyl fentanyl
- 5686 (2-Methoxy-N-(1-phenylethylpiperidinyl-4-yl)-N-acetamide);
- 5687 (PP) Morpheridine;
- 5688 (QQ) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 5689 (RR) Noracymethadol;
- 5690 (SS) Norlevorphanol;
- 5691 (TT) Normethadone;
- 5692 (UU) Norpipanone;
- 5693 (VV) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]
- 5694 propanamide);
- 5695 (WW) Para-fluoroisobutyryl fentanyl
- 5696 (N-(4-Fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- 5697 (XX) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 5698 (YY) Phenadoxone;
- 5699 (ZZ) Phenampromide;
- 5700 (AAA) Phenibut;
- 5701 (BBB) Phenomorphan;
- 5702 (CCC) Phenoperidine;
- 5703 (DDD) Piritramide;
- 5704 (EEE) Proheptazine;
- 5705 (FFF) Properidine;

- 5706 (GGG) Propiram;
- 5707 (HHH) Racemoramide;
- 5708 (III) Tetrahydrofuran fentanyl
- 5709 (N-(1-Phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
- 5710 (JJJ) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;
- 5711 (KKK) Tianeptine;
- 5712 (LLL) Tilidine;
- 5713 (MMM) Trimeperidine;
- 5714 (NNN) 3-methylfentanyl, including the optical and geometric isomers
- 5715 (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]- N-phenylpropanamide);
- 5716 (OOO) 3-methylthiofentanyl
- 5717 (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- 5718 (PPP) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide also
- 5719 known as U-47700; and
- 5720 (QQQ) 4-cyano CUMYL-BUTINACA.
- 5721 (ii) Unless specifically excepted or unless listed in another schedule, any of the
- 5722 following opium derivatives, their salts, isomers, and salts of isomers when the
- 5723 existence of the salts, isomers, and salts of isomers is possible within the specific
- 5724 chemical designation:
- 5725 (A) Acetorphine;
- 5726 (B) Acetyldihydrocodeine;
- 5727 (C) Benzylmorphine;
- 5728 (D) Codeine methylbromide;
- 5729 (E) Codeine-N-Oxide;
- 5730 (F) Cyprenorphine;
- 5731 (G) Desomorphine;
- 5732 (H) Dihydromorphine;
- 5733 (I) Drotebanol;
- 5734 (J) Etorphine (except hydrochloride salt);
- 5735 (K) Heroin;
- 5736 (L) Hydromorphanol;
- 5737 (M) Methyldesorphine;
- 5738 (N) Methylhydromorphine;
- 5739 (O) Morphine methylbromide;

- 5740 (P) Morphine methylsulfonate;
- 5741 (Q) Morphine-N-Oxide;
- 5742 (R) Myrophine;
- 5743 (S) Nicocodeine;
- 5744 (T) Nicomorphine;
- 5745 (U) Normorphine;
- 5746 (V) Pholcodine; and
- 5747 (W) Thebacon.
- 5748 (iii) Unless specifically excepted or unless listed in another schedule, any material,
- 5749 compound, mixture, or preparation [~~which~~] that contains any quantity of the
- 5750 following hallucinogenic substances, or [~~which~~] that contains any of their salts,
- 5751 isomers, and salts of isomers when the existence of the salts, isomers, and salts of
- 5752 isomers is possible within the specific chemical designation; as used in this
- 5753 Subsection (2)(a)(iii) only, "isomer" includes the optical, position, and geometric
- 5754 isomers:
- 5755 (A) Alpha-ethyltryptamine, some trade or other names: etryptamine; Monase; α
- 5756 -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET;
- 5757 (B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names:
- 5758 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;
- 5759 (C) 4-bromo-2,5-dimethoxyphenethylamine, some trade or other names:
- 5760 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB;
- 5761 2C-B, Nexus;
- 5762 (D) 2,5-dimethoxyamphetamine, some trade or other names: 2,5-dimethoxy- α
- 5763 -methylphenethylamine; 2,5-DMA;
- 5764 (E) 2,5-dimethoxy-4-ethylamphetamine, some trade or other names: DOET;
- 5765 (F) 4-methoxyamphetamine, some trade or other names: 4-methoxy- α
- 5766 -methylphenethylamine; paramethoxyamphetamine, PMA;
- 5767 (G) 5-methoxy-3,4-methylenedioxyamphetamine;
- 5768 (H) 4-methyl-2,5-dimethoxy-amphetamine, some trade and other names:
- 5769 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP";
- 5770 (I) 3,4-methylenedioxy amphetamine;
- 5771 (J) 3,4-methylenedioxymethamphetamine (MDMA);
- 5772 (K) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-
- 5773 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE,

- 5774 MDEA;
- 5775 (L) N-hydroxy-3,4-methylenedioxyamphetamine, also known as
- 5776 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy
- 5777 MDA;
- 5778 (M) 3,4,5-trimethoxy amphetamine;
- 5779 (N) Bufotenine, some trade and other names: 3-(β
- 5780 -Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol;
- 5781 N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
- 5782 (O) Diethyltryptamine, some trade and other names: N,N-Diethyltryptamine; DET;
- 5783 (P) Dimethyltryptamine, some trade or other names: DMT;
- 5784 (Q) Ibogaine, some trade and other names: 7-Ethyl-6,6β
- 5785 ,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2]
- 5786 azepino [5,4-b] indole; Tabernanthe iboga;
- 5787 (R) Lysergic acid diethylamide;
- 5788 (S) Marijuana;
- 5789 (T) Mescaline;
- 5790 (U) Parahexyl, some trade or other names:
- 5791 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;
- 5792 Synhexyl;
- 5793 (V) Peyote, meaning all parts of the plant presently classified botanically as
- 5794 *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any
- 5795 extract from any part of such plant, and every compound, manufacture, salts,
- 5796 derivative, mixture, or preparation of such plant, its seeds or extracts
- 5797 (Interprets 21 USC 812(c), Schedule I(c) (12));
- 5798 (W) N-ethyl-3-piperidyl benzilate;
- 5799 (X) N-methyl-3-piperidyl benzilate;
- 5800 (Y) Psilocybin;
- 5801 (Z) Psilocyn;
- 5802 (AA) Tetrahydrocannabinols, naturally contained in a plant of the genus *Cannabis*
- 5803 (*cannabis* plant), except for marijuana as defined in Subsection [
- 5804 58-37-2(1)(aa)(i)(E)] 58-37-101(1)(w)(i)(E), as well as synthetic equivalents of
- 5805 the substances contained in the *cannabis* plant, or in the resinous extractives of
- 5806 *Cannabis*, sp. and/or synthetic substances, derivatives, and their isomers with
- 5807 similar chemical structure and pharmacological activity to those substances

- 5808 contained in the plant, such as the following: Δ 1 cis or trans
5809 tetrahydrocannabinol, and their optical isomers Δ 6 cis or trans
5810 tetrahydrocannabinol, and their optical isomers Δ 3,4 cis or trans
5811 tetrahydrocannabinol, and its optical isomers, and since nomenclature of these
5812 substances is not internationally standardized, compounds of these structures,
5813 regardless of numerical designation of atomic positions covered;
- (BB) Ethylamine analog of phencyclidine, some trade or other names:
5814 N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine,
5815 N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;
5816
- (CC) Pyrrolidine analog of phencyclidine, some trade or other names:
5817 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;
5818
- (DD) Thiophene analog of phencyclidine, some trade or other names:
5819 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine,
5820 TPCP, TCP; and
5821
- (EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.
5822
- (iv) Unless specifically excepted or unless listed in another schedule, any material
5823 compound, mixture, or preparation [~~which~~ that] contains any quantity of the
5824 following substances having a depressant effect on the central nervous system,
5825 including its salts, isomers, and salts of isomers when the existence of the salts,
5826 isomers, and salts of isomers is possible within the specific chemical designation:
5827
- (A) Mecloqualone; and
5828
(B) Methaqualone.
5829
- (v) Any material, compound, mixture, or preparation containing any quantity of the
5830 following substances having a stimulant effect on the central nervous system,
5831 including their salts, isomers, and salts of isomers:
5832
- (A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
5833 or 4,5-dihydro-5-phenyl-2-oxazolamine;
5834
- (B) Cathinone, some trade or other names: 2-amino-1-phenyl-1-propanone,
5835 alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;
5836
- (C) Fenethylamine;
5837
- (D) Methcathinone, some other names: 2-(methylamino)-propionophenone;
5838 alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one;
5839 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone;
5840 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432,
5841

- 5842 its salts, optical isomers, and salts of optical isomers;
- 5843 (E) (\pm)cis-4-methylaminorex ((\pm)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 5844 (F) N-ethylamphetamine; and
- 5845 (G) N,N-dimethylamphetamine, also known as
- 5846 N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.
- 5847 (vi) Any material, compound, mixture, or preparation [~~which~~] that contains any
- 5848 quantity of the following substances, including their optical isomers, salts, and
- 5849 salts of isomers, subject to temporary emergency scheduling:
- 5850 (A) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl); and
- 5851 (B) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl).
- 5852 (vii) Unless specifically excepted or unless listed in another schedule, any material,
- 5853 compound, mixture, or preparation [~~which~~] that contains any quantity of gamma
- 5854 hydroxy butyrate (gamma hydrobutyric acid), including its salts, isomers, and
- 5855 salts of isomers.
- 5856 (b) Schedule II:
- 5857 (i) Unless specifically excepted or unless listed in another schedule, any of the
- 5858 following substances whether produced directly or indirectly by extraction from
- 5859 substances of vegetable origin, or independently by means of chemical synthesis,
- 5860 or by a combination of extraction and chemical synthesis:
- 5861 (A) Opium and opiate, and any salt, compound, derivative, or preparation of
- 5862 opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmeferne,
- 5863 naloxone, and naltrexone, and their respective salts, but including:
- 5864 (I) Raw opium;
- 5865 (II) Opium extracts;
- 5866 (III) Opium fluid;
- 5867 (IV) Powdered opium;
- 5868 (V) Granulated opium;
- 5869 (VI) Tincture of opium;
- 5870 (VII) Codeine;
- 5871 (VIII) Ethylmorphine;
- 5872 (IX) Etorphine hydrochloride;
- 5873 (X) Hydrocodone;
- 5874 (XI) Hydromorphone;
- 5875 (XII) Metopon;

- 5876 (XIII) Morphine;
- 5877 (XIV) Oxycodone;
- 5878 (XV) Oxymorphone; and
- 5879 (XVI) Thebaine;
- 5880 (B) Any salt, compound, derivative, or preparation [~~which~~] that is chemically
- 5881 equivalent or identical with any of the substances referred to in Subsection
- 5882 (2)(b)(i)(A), except that these substances may not include the isoquinoline
- 5883 alkaloids of opium;
- 5884 (C) Opium poppy and poppy straw;
- 5885 (D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves,
- 5886 and any salt, compound, derivative, or preparation [~~which~~] that is chemically
- 5887 equivalent or identical with any of these substances, and includes cocaine and
- 5888 ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives,
- 5889 whether derived from the coca plant or synthetically produced, except the
- 5890 substances may not include decocainized coca leaves or extraction of coca
- 5891 leaves, which extractions do not contain cocaine or ecgonine; and
- 5892 (E) Concentrate of poppy straw, which means the crude extract of poppy straw in
- 5893 either liquid, solid, or powder form [~~which~~] that contains the phenanthrene
- 5894 alkaloids of the opium poppy.
- 5895 (ii) Unless specifically excepted or unless listed in another schedule, any of the
- 5896 following opiates, including their isomers, esters, ethers, salts, and salts of
- 5897 isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and
- 5898 salts is possible within the specific chemical designation, except dextrorphan and
- 5899 levopropoxyphene:
- 5900 (A) Alfentanil;
- 5901 (B) Alphaprodine;
- 5902 (C) Anileridine;
- 5903 (D) Bezitramide;
- 5904 (E) Bulk dextropropoxyphene (nondosage forms);
- 5905 (F) Carfentanil;
- 5906 (G) Dihydrocodeine;
- 5907 (H) Diphenoxylate;
- 5908 (I) Fentanyl;
- 5909 (J) Isomethadone;

- 5910 (K) Levo-alpha-acetylmethadol, some other names: levo-alpha-acetylmethadol,
5911 levomethadyl acetate, or LAAM;
- 5912 (L) Levomethorphan;
- 5913 (M) Levorphanol;
- 5914 (N) Metazocine;
- 5915 (O) Methadone;
- 5916 (P) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- 5917 (Q) Moramide-Intermediate, 2-methyl-3-morpholino-1,
5918 1-diphenylpropane-carboxylic acid;
- 5919 (R) Pethidine (meperidine);
- 5920 (S) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 5921 (T) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 5922 (U) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 5923 (V) Phenazocine;
- 5924 (W) Piminodine;
- 5925 (X) Racemethorphan;
- 5926 (Y) Racemorphan;
- 5927 (Z) Remifentanil; and
- 5928 (AA) Sufentanil.
- 5929 (iii) Unless specifically excepted or unless listed in another schedule, any material,
5930 compound, mixture, or preparation [~~which~~] that contains any quantity of the
5931 following substances having a stimulant effect on the central nervous system:
- 5932 (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 5933 (B) Methamphetamine, its salts, isomers, and salts of its isomers;
- 5934 (C) Phenmetrazine and its salts; and
- 5935 (D) Methylphenidate.
- 5936 (iv) Unless specifically excepted or unless listed in another schedule, any material,
5937 compound, mixture, or preparation [~~which~~] that contains any quantity of the
5938 following substances having a depressant effect on the central nervous system,
5939 including its salts, isomers, and salts of isomers when the existence of the salts,
5940 isomers, and salts of isomers is possible within the specific chemical designation:
- 5941 (A) Amobarbital;
- 5942 (B) Glutethimide;
- 5943 (C) Pentobarbital;

- 5944 (D) Phencyclidine;
- 5945 (E) Phencyclidine immediate precursors: 1-phenylcyclohexylamine and
- 5946 1-piperidinocyclohexanecarbonitrile (PCC); and
- 5947 (F) Secobarbital.
- 5948 (v)(A) Unless specifically excepted or unless listed in another schedule, any
- 5949 material, compound, mixture, or preparation [~~which~~] that contains any quantity
- 5950 of Phenylacetone.
- 5951 (B) Some of these substances may be known by trade or other names:
- 5952 phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone.
- 5953 (vi) Nabilone, another name for nabilone: (\pm
- 5954 α -trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,
- 5955 6-dimethyl-9H-dibenzo[b,d]pyran-9-one.
- 5956 (vii) A drug product or preparation that contains any component of marijuana,
- 5957 including tetrahydrocannabinol, and is approved by the United States Food and
- 5958 Drug Administration and scheduled by the Drug Enforcement Administration in
- 5959 Schedule II of the federal Controlled Substances Act, Title II, P.L. 91-513.
- 5960 (c) Schedule III:
- 5961 (i) Unless specifically excepted or unless listed in another schedule, any material,
- 5962 compound, mixture, or preparation [~~which~~] that contains any quantity of the
- 5963 following substances having a stimulant effect on the central nervous system,
- 5964 including its salts, isomers whether optical, position, or geometric, and salts of the
- 5965 isomers when the existence of the salts, isomers, and salts of isomers is possible
- 5966 within the specific chemical designation:
- 5967 (A) [~~Those~~] those compounds, mixtures, or preparations in dosage unit form
- 5968 containing any stimulant substances listed in Schedule II, which compounds,
- 5969 mixtures, or preparations were listed on August 25, 1971, as excepted
- 5970 compounds under Section 1308.32 of Title 21 of the Code of Federal
- 5971 Regulations, and any other drug of the quantitative composition shown in that
- 5972 list for those drugs or [~~which~~] that is the same except that it contains a lesser
- 5973 quantity of controlled substances;
- 5974 (B) Benzphetamine;
- 5975 (C) Chlorphentermine;
- 5976 (D) Clortermine; and
- 5977 (E) Phendimetrazine.

- 5978 (ii) Unless specifically excepted or unless listed in another schedule, any material,
 5979 compound, mixture, or preparation [~~which~~] that contains any quantity of the
 5980 following substances having a depressant effect on the central nervous system:
 5981 (A) [~~Any~~] any compound, mixture, or preparation containing amobarbital,
 5982 secobarbital, pentobarbital, or any salt of any of them, and one or more other
 5983 active medicinal ingredients [~~which~~] that are not listed in any schedule;
 5984 (B) [~~Any~~] any suppository dosage form containing amobarbital, secobarbital, or
 5985 pentobarbital, or any salt of any of these drugs [~~which~~] that is approved by the
 5986 United States Food and Drug Administration for marketing only as a
 5987 suppository;
 5988 (C) [~~Any~~] any substance [~~which~~] that contains any quantity of a derivative of
 5989 barbituric acid or any salt of any of them;
 5990 (D) Chlorhexadol;
 5991 (E) Buprenorphine;
 5992 (F) [~~Any~~] any drug product containing gamma hydroxybutyric acid, including its
 5993 salts, isomers, and salts of isomers, for which an application is approved under
 5994 the federal Food, Drug, and Cosmetic Act, Section 505;
 5995 (G) Ketamine, its salts, isomers, and salts of isomers, some other names for
 5996 ketamine: \pm -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;
 5997 (H) Lysergic acid;
 5998 (I) Lysergic acid amide;
 5999 (J) Methyprylon;
 6000 (K) Sulfondiethylmethane;
 6001 (L) Sulfonethylmethane;
 6002 (M) Sulfonmethane; and
 6003 (N) Tiletamine and zolazepam or any of their salts, some trade or other names for
 6004 a tiletamine-zolazepam combination product: Telazol, some trade or other
 6005 names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, some trade
 6006 or other names for zolazepam:
 6007 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]
 6008 [1,4]-diazepin-7(1H)-one, fluprazapon.
 6009 (iii) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in
 6010 a U.S. Food and Drug Administration approved drug product, some other names
 6011 for dronabinol:

6012 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol,
6013 or (-)-delta-9-(trans)-tetrahydrocannabinol.

6014 (iv) Nalorphine.

6015 (v) Unless specifically excepted or unless listed in another schedule, any material,
6016 compound, mixture, or preparation containing limited quantities of any of the
6017 following narcotic drugs, or their salts calculated as the free anhydrous base or
6018 alkaloid:

6019 (A) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90
6020 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline
6021 alkaloid of opium;

6022 (B) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90
6023 milligrams per dosage unit, with one or more active non-narcotic ingredients in
6024 recognized therapeutic amounts;

6025 (C) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not
6026 more than 15 milligrams per dosage unit, with a fourfold or greater quantity of
6027 an isoquinoline alkaloid of opium;

6028 (D) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not
6029 more than 15 milligrams per dosage unit, with one or more active, non-narcotic
6030 ingredients in recognized therapeutic amounts;

6031 (E) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more
6032 than 90 milligrams per dosage unit, with one or more active non-narcotic
6033 ingredients in recognized therapeutic amounts;

6034 (F) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more
6035 than 15 milligrams per dosage unit, with one or more active, non-narcotic
6036 ingredients in recognized therapeutic amounts;

6037 (G) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams,
6038 or not more than 25 milligrams per dosage unit, with one or more active,
6039 non-narcotic ingredients in recognized therapeutic amounts; and

6040 (H) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams
6041 with one or more active, non-narcotic ingredients in recognized therapeutic
6042 amounts.

6043 (vi) Unless specifically excepted or unless listed in another schedule, anabolic
6044 steroids including any of the following or any isomer, ester, salt, or derivative of
6045 the following that promotes muscle growth:

- 6046 (A) Boldenone;
- 6047 (B) Chlorotestosterone (4-chlortestosterone);
- 6048 (C) Clostebol;
- 6049 (D) Dehydrochlormethyltestosterone;
- 6050 (E) Dihydrotestosterone (4-dihydrotestosterone);
- 6051 (F) Drostanolone;
- 6052 (G) Ethylestrenol;
- 6053 (H) Fluoxymesterone;
- 6054 (I) Formebolone (formebolone);
- 6055 (J) Mesterolone;
- 6056 (K) Methandienone;
- 6057 (L) Methandranone;
- 6058 (M) Methandriol;
- 6059 (N) Methandrostenolone;
- 6060 (O) Methenolone;
- 6061 (P) Methyltestosterone;
- 6062 (Q) Mibolerone;
- 6063 (R) Nandrolone;
- 6064 (S) Norethandrolone;
- 6065 (T) Oxandrolone;
- 6066 (U) Oxymesterone;
- 6067 (V) Oxymetholone;
- 6068 (W) Stanolone;
- 6069 (X) Stanozolol;
- 6070 (Y) Testolactone;
- 6071 (Z) Testosterone; and
- 6072 (AA) Trenbolone.
- 6073 (vii) Anabolic steroids expressly intended for administration through implants to
- 6074 cattle or other nonhuman species, and approved by the Secretary of Health and
- 6075 Human Services for use, may not be classified as a controlled substance.
- 6076 (viii) A drug product or preparation that contains any component of marijuana,
- 6077 including tetrahydrocannabinol, and is approved by the United States Food and
- 6078 Drug Administration and scheduled by the Drug Enforcement Administration in
- 6079 Schedule III of the federal Controlled Substances Act, Title II, P.L. 91-513.

- 6080 (ix) Nabiximols.
- 6081 (d) Schedule IV:
- 6082 (i) Unless specifically excepted or unless listed in another schedule, any material,
- 6083 compound, mixture, or preparation containing not more than 1 milligram of
- 6084 difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or
- 6085 any salts of any of them.
- 6086 (ii) Unless specifically excepted or unless listed in another schedule, any material,
- 6087 compound, mixture, or preparation [~~which~~] that contains any quantity of the
- 6088 following substances, including its salts, isomers, and salts of isomers when the
- 6089 existence of the salts, isomers, and salts of isomers is possible within the specific
- 6090 chemical designation:
- 6091 (A) Alprazolam;
- 6092 (B) Barbitol;
- 6093 (C) Bromazepam;
- 6094 (D) Butorphanol;
- 6095 (E) Camazepam;
- 6096 (F) Carisoprodol;
- 6097 (G) Chloral betaine;
- 6098 (H) Chloral hydrate;
- 6099 (I) Chlordiazepoxide;
- 6100 (J) Clobazam;
- 6101 (K) Clonazepam;
- 6102 (L) Clorazepate;
- 6103 (M) Clotiazepam;
- 6104 (N) Cloxazolam;
- 6105 (O) Delorazepam;
- 6106 (P) Diazepam;
- 6107 (Q) Dichloralphenazone;
- 6108 (R) Estazolam;
- 6109 (S) Ethchlorvynol;
- 6110 (T) Ethinamate;
- 6111 (U) Ethyl loflazepate;
- 6112 (V) Fludiazepam;
- 6113 (W) Flunitrazepam;

- 6114 (X) Flurazepam;
- 6115 (Y) Halazepam;
- 6116 (Z) Haloxazolam;
- 6117 (AA) Ketazolam;
- 6118 (BB) Loprazolam;
- 6119 (CC) Lorazepam;
- 6120 (DD) Lormetazepam;
- 6121 (EE) Mebutamate;
- 6122 (FF) Medazepam;
- 6123 (GG) Meprobamate;
- 6124 (HH) Methohexital;
- 6125 (II) Methylphenobarbital (mephobarbital);
- 6126 (JJ) Midazolam;
- 6127 (KK) Nimetazepam;
- 6128 (LL) Nitrazepam;
- 6129 (MM) Nordiazepam;
- 6130 (NN) Oxazepam;
- 6131 (OO) Oxazolam;
- 6132 (PP) Paraldehyde;
- 6133 (QQ) Pentazocine;
- 6134 (RR) Petrichloral;
- 6135 (SS) Phenobarbital;
- 6136 (TT) Pinazepam;
- 6137 (UU) Prazepam;
- 6138 (VV) Quazepam;
- 6139 (WW) Temazepam;
- 6140 (XX) Tetrazepam;
- 6141 (YY) Tramadol;
- 6142 (ZZ) Triazolam;
- 6143 (AAA) Zaleplon; and
- 6144 (BBB) Zolpidem.

6145 (iii) Any material, compound, mixture, or preparation of fenfluramine [~~which~~] that
6146 contains any quantity of the following substances, including its salts, isomers
6147 whether optical, position, or geometric, and salts of the isomers when the

- 6148 existence of the salts, isomers, and salts of isomers is possible.
- 6149 (iv) Unless specifically excepted or unless listed in another schedule, any material,
6150 compound, mixture, or preparation [~~which~~] that contains any quantity of the
6151 following substances having a stimulant effect on the central nervous system,
6152 including its salts, isomers whether optical, position, or geometric isomers, and
6153 salts of the isomers when the existence of the salts, isomers, and salts of isomers is
6154 possible within the specific chemical designation:
- 6155 (A) Cathine ((+)-norpseudoephedrine);
6156 (B) Diethylpropion;
6157 (C) Fencamfamine;
6158 (D) Fenproporex;
6159 (E) Mazindol;
6160 (F) Mefenorex;
6161 (G) Modafinil;
6162 (H) Pemoline, including organometallic complexes and chelates thereof;
6163 (I) Phentermine;
6164 (J) Pipradrol;
6165 (K) Sibutramine; and
6166 (L) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 6167 (v) Unless specifically excepted or unless listed in another schedule, any material,
6168 compound, mixture, or preparation [~~which~~] that contains any quantity of
6169 dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
6170 2-diphenyl-3-methyl-2-propionoxybutane), including its salts.
- 6171 (vi) A drug product or preparation that contains any component of marijuana and is
6172 approved by the United States Food and Drug Administration and scheduled by
6173 the Drug Enforcement Administration in Schedule IV of the federal Controlled
6174 Substances Act, Title II, P.L. 91-513.
- 6175 (e) Schedule V:
- 6176 (i) Any compound, mixture, or preparation containing any of the following limited
6177 quantities of narcotic drugs, or their salts calculated as the free anhydrous base or
6178 alkaloid, which includes one or more non-narcotic active medicinal ingredients in
6179 sufficient proportion to confer upon the compound, mixture, or preparation
6180 valuable medicinal qualities other than those possessed by the narcotic drug alone:
6181 (A) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

- 6182 (B) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100
 6183 grams;
- 6184 (C) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100
 6185 grams;
- 6186 (D) not more than 2.5 milligrams of diphenoxylate and not less than 25
 6187 micrograms of atropine sulfate per dosage unit;
- 6188 (E) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- 6189 (F) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of
 6190 atropine sulfate per dosage unit; and
- 6191 (G) unless specifically exempted or excluded or unless listed in another schedule,
 6192 any material, compound, mixture, or preparation [~~which~~] that contains
 6193 Pyrovalerone having a stimulant effect on the central nervous system,
 6194 including its salts, isomers, and salts of isomers.
- 6195 (ii) A drug product or preparation that contains any component of marijuana,
 6196 including cannabidiol, and is approved by the United States Food and Drug
 6197 Administration and scheduled by the Drug Enforcement Administration in
 6198 Schedule V of the federal Controlled Substances Act, Title II, P.L. 91-513.
- 6199 (iii) Gabapentin.

6200 Section 69. Section **58-37-109**, which is renumbered from Section 58-37-4.2 is renumbered
 6201 and amended to read:

6202 **[58-37-4.2] 58-37-109 (Effective 05/06/26). Listed controlled substances.**

6203 The following substances, their analogs, homologs, and synthetic equivalents, are listed
 6204 controlled substances:

- 6205 (1) AB-001;
- 6206 (2) AB-PINACA;
 6207 N-[1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide;
- 6208 (3) AB-FUBINACA; N-[1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)
 6209 methyl]-1H-indazole-3-carboxamide;
- 6210 (4) AB-CHMINACA
 6211 (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
- 6212 (5) ADB-CHMINACA (N-[(2S)-1-amino-3,3-dimethyl-1-oxobutan-2-yl]-1-
 6213 (cyclohexylmethyl)indazole-3-carboxamide);
- 6214 (6) ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
 6215 (4-fluorobenzyl)-1H-indazole-3-carboxamide);

- 6216 (7) AKB48;
- 6217 (8) alpha-Pyrrolidinohexanophenone (alpha-PHP)
6218 (1-Phenyl-2-(pyrrolidin-1-yl)hexan-1-one);
- 6219 (9) alpha-Pyrrolidinovalerophenone (alpha-PVP);
- 6220 (10) AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone);
- 6221 (11) AM-1248;
- 6222 (12) AM-2201 (1-(5-fluoropentyl)-3-(1-naphthoyl)indole);
- 6223 (13) AM-2233;
- 6224 (14) AM-679;
- 6225 (15) A796,260;
- 6226 (16) Butylone;
- 6227 (17) CP 47,497 and its C6, C8, and C9 homologs (2-[(1R,3S)-3-hydroxycyclohexyl]
6228 -5-(2-methyloctan-2-yl)phenol);
- 6229 (18) Diisopropyltryptamine (DiPT);
- 6230 (19) Ethylone;
- 6231 (20) Ethylphenidate;
- 6232 (21) Fluoroisocathinone;
- 6233 (22) Fluoromethamphetamine;
- 6234 (23) Fluoromethcathinone;
- 6235 (24) FUB-AMB; methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)valinate;
- 6236 (25) HU-210; (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
6237 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 6238 (26) HU-211; Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
6239 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 6240 (27) JWH-015; (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;
- 6241 (28) JWH-018; Naphthalen-1-yl-(pentylindol-3-yl)methanone { also known as
6242 1-Pentyl-3-(1-naphthoyl)indole };
- 6243 (29) JWH-019; 1-hexyl-3-(1-naphthoyl)indole;
- 6244 (30) JWH-073; Naphthalen-1-yl(1-butylindol-3-yl)methanone { also known as
6245 1-Butyl-3-(1-naphthoyl)indole };
- 6246 (31) JWH-081; 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone;
- 6247 (32) JWH-122; CAS#619294-47-2; (1-Pentyl-3-(4-methyl-1-naphthoyl)indole);
- 6248 (33) JWH-200; 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
- 6249 (34) JWH-203; 1-pentyl-3-(2-chlorophenylacetyl)indole;

- 6250 (35) JWH-210; 4-ethyl-1-naphthalenyl(1-pentyl-1H-indol-3-yl)-methanone;
- 6251 (36) JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 6252 (37) JWH-251; 2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone;
- 6253 (38) JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
- 6254 (39) MAM-2201;
- 6255 (40) MAM-2201; (1-(5-fluoropentyl)-1H-indol-3-yl)(4-ethyl-1-naphthalenyl)-methanone;
- 6256 (41) Methoxetamine;
- 6257 (42) Naphyrone;
- 6258 (43) PB-22; 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester;
- 6259 (44) Pentedrone;
- 6260 (45) Pentylone;
- 6261 (46) RCS-4; 1-pentyl-3-(4-methoxybenzoyl)indole;
- 6262 (47) RCS-8; 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole {also known as
- 6263 BTW-8 and SR-18};
- 6264 (48) STS-135;
- 6265 (49) UR-144;
- 6266 (50) UR-144 N-(5-chloropentyl) analog;
- 6267 (51) XLR11;
- 6268 (52) 2C-C;
- 6269 (53) 2C-D;
- 6270 (54) 2C-E;
- 6271 (55) 2C-H;
- 6272 (56) 2C-I;
- 6273 (57) 2C-N;
- 6274 (58) 2C-P;
- 6275 (59) 2C-T-2;
- 6276 (60) 2C-T-4;
- 6277 (61) 2NE1;
- 6278 (62) 25I-NBOMe;
- 6279 (63) 2,5-Dimethoxy-4-chloroamphetamine (DOC);
- 6280 (64) 4-Fluoro MDMB-BUTINACA (Methyl
- 6281 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate);
- 6282 (65) 4-methylmethcathinone {also known as mephedrone};
- 6283 (66) 3,4-methylenedioxyprovalerone {also known as MDPV};

- 6284 (67) 3,4-Methylenedioxymethcathinone {also known as methylone};
- 6285 (68) 4-methoxymethcathinone;
- 6286 (69) 4-Methyl-alpha-pyrrolidinopropiophenone;
- 6287 (70) 4-Methylethcathinone;
- 6288 (71) 5F-AKB48; 1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-
- 6289 carboxamide;
- 6290 (72) 5-Fluoro ADB (Methyl
- 6291 N-[[1-(5-fluoropentyl)-1H-indazol-3-yl]carbonyl]-3-methyl-valinate);
- 6292 (73) 5-Fluoro AMB (Methyl N-[[1-(5-fluoropentyl)-1H-indazol-3-yl]carbonyl]valinate);
- 6293 (74) 5-fluoro-PB-22; 1-(5-fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester;
- 6294 (75) 5-Iodo-2-aminoindane (5-IAI);
- 6295 (76) 5-MeO-DALT;
- 6296 (77) 25B-NBOMe; 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
- 6297 methyl]ethanamine;
- 6298 (78) 25C-NBOMe; 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
- 6299 methyl]ethanamine; and
- 6300 (79) 25H-NBOMe; 2-(2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine.
- 6301 Section 70. Section **58-37-110**, which is renumbered from Section 58-37-5.5 is renumbered
- 6302 and amended to read:
- 6303 **[58-37-5.5] 58-37-110 (Effective 05/06/26). Recognized controlled substance**
- 6304 **analogs.**
- 6305 (1) A substance listed under Subsection (2) is an analog, as defined in Subsection [
- 6306 58-37-2(1)(g)] 58-37-101(1)(f), if the substance, in any quantity, and in any material,
- 6307 compound, mixture, or preparation, is present in:
- 6308 (a) any product manufactured, distributed, or possessed for the purpose of human
- 6309 consumption; or
- 6310 (b) any product, the use or administration of which results in human consumption.
- 6311 (2) Substances referred to in Subsection (1) include, but are not limited to:
- 6312 (a) gamma butyrolactone (GBL);
- 6313 (b) butyrolactone;
- 6314 (c) 1,2 butanolide;
- 6315 (d) 2-oxanolone;
- 6316 (e) tetrahydro-2-furanone;
- 6317 (f) dihydro-2 (3H)-furanone;

6318 (g) tetramethylene glycol;

6319 (h) 1,4 butanediol; and

6320 (i) gamma valerolactone.

6321 Section 71. Section **58-37-111**, which is renumbered from Section 58-37-2.5 is renumbered
6322 and amended to read:

6323 **[58-37-2.5] 58-37-111 (Effective 05/06/26). Exceptions to applicability for certain**
6324 **herbs and food supplements.**

6325 This chapter~~[-does]~~ and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
6326 Substances, do not restrict the sale and use of herbs, herbal products, or food supplements that
6327 are not scheduled in this chapter as controlled substances.

6328 Section 72. Section **58-37-112**, which is renumbered from Section 58-37-7 is renumbered
6329 and amended to read:

6330 **[58-37-7] 58-37-112 (Effective 05/06/26). Labeling and packaging controlled**
6331 **substance -- Informational pamphlet for opiates -- Naloxone education and offer to**
6332 **dispense.**

6333 (1) A person licensed ~~[pursuant to this act]~~ under this chapter may not distribute a controlled
6334 substance unless [it] the controlled substance is packaged and labeled in compliance with
6335 the requirements of Section 305 of the ~~[Federal]~~ federal Comprehensive Drug Abuse
6336 Prevention and Control Act of 1970.

6337 (2) No person, except a pharmacist for the purpose of filling a prescription~~[-shall]~~, may
6338 alter, deface, or remove any label affixed by the manufacturer.

6339 (3) Whenever a pharmacy sells or dispenses any controlled substance on a prescription
6340 issued by a practitioner, the pharmacy shall affix to the container in which the substance
6341 is sold or dispensed:

6342 (a) a label showing the:

6343 (i) pharmacy name and address;

6344 (ii) serial number; and

6345 (iii) date of initial filling;

6346 (b) the prescription number, the name of the patient, or if the patient is an animal, the
6347 name of the owner of the animal and the species of the animal;

6348 (c) the name of the practitioner by whom the prescription was written;

6349 (d) any directions stated on the prescription; and

6350 (e) any directions required by rules and regulations promulgated by the department.

6351 (4) Whenever a pharmacy sells or dispenses a Schedule II or Schedule III controlled

- 6352 substance that is an opiate, the pharmacy shall:
- 6353 (a) affix a warning to the container or the lid for the container in which the substance is
- 6354 sold or dispensed that contains the following text:
- 6355 (i) "Caution: Opioid. Risk of overdose and addiction"; or
- 6356 (ii) any other language that is approved by the Department of Health and Human
- 6357 Services;
- 6358 (b) beginning January 1, 2024:
- 6359 (i) offer to counsel the patient or the patient's representative on the use and
- 6360 availability of an opiate antagonist as defined in Section 26B-4-501; and
- 6361 (ii) offer to dispense an opiate antagonist as defined in Section 26B-4-501 to the
- 6362 patient or the patient's representative, under a prescription from a practitioner or
- 6363 under Section 26B-4-510, if the patient:
- 6364 (A) receives a single prescription for 50 morphine milligram equivalents or more
- 6365 per day, calculated in accordance with guidelines developed by the United
- 6366 States Centers for Disease Control and Prevention;
- 6367 (B) is being dispensed an opioid and the pharmacy dispensed a benzodiazepine to
- 6368 the patient in the previous ~~[30-day]~~ 30-day period; or
- 6369 (C) is being dispensed a benzodiazepine and the pharmacy dispensed an opioid to
- 6370 the patient in the previous ~~[30-day]~~ 30-day period.
- 6371 (5)(a) A pharmacy who sells or dispenses a Schedule II or Schedule III controlled
- 6372 substance that is an opiate shall, if available from the Department of Health and
- 6373 Human Services, prominently display at the point of sale the informational pamphlet
- 6374 developed by the Department of Health and Human Services under Section
- 6375 26B-4-514.
- 6376 (b) The board and the Department of Health and Human Services shall encourage
- 6377 pharmacies to use the informational pamphlet to engage in patient counseling
- 6378 regarding the risks associated with taking opiates.
- 6379 (c) The requirement in Subsection (5)(a) does not apply to a pharmacy if the pharmacy
- 6380 is unable to obtain the informational pamphlet from the Department of Health and
- 6381 Human Services for any reason.
- 6382 ~~[(6) A person may not alter the face or remove any label so long as any of the original~~
- 6383 ~~contents remain.]~~
- 6384 ~~[(7)(a) An individual to whom or for whose use any controlled substance has been~~
- 6385 ~~prescribed, sold, or dispensed by a practitioner and the owner of any animal for~~

6386 which any controlled substance has been prescribed, sold, or dispensed by a
 6387 veterinarian may lawfully possess it only in the container in which it was delivered to
 6388 the individual by the person selling or dispensing it.]

6389 [(b) It is a defense to a prosecution under this subsection that the person being
 6390 prosecuted produces in court a valid prescription for the controlled substance or the
 6391 original container with the label attached.]

6392 Section 73. Section **58-37-113** is enacted to read:

6393 **58-37-113 (Effective 05/06/26). Medical research use of controlled substances --**

6394 **Penalties for violation.**

6395 (1) A person holding a valid license under this chapter who is engaged in medical research
 6396 may produce, possess, administer, prescribe, or dispense a controlled substance for
 6397 research purposes as licensed under Subsection 58-37-105(2) but may not otherwise
 6398 prescribe or dispense a controlled substance listed in Section 58-37-109.

6399 (2)(a)(i) A person licensed under this chapter who is found by the division to have
 6400 violated Subsection (1) is subject to a penalty not to exceed \$5,000.

6401 (ii) The division shall determine the procedure for adjudication of a violation in
 6402 accordance with Sections 58-1-106 and 58-1-108.

6403 (b) The division shall deposit all penalties collected under Subsection (2)(a)(i) into the
 6404 General Fund as a dedicated credit to be used by the division under Subsection
 6405 58-37f-502(1).

6406 (c) The director may collect a penalty that is not paid by:

6407 (i) referring the matter to a collection agency; or

6408 (ii) bringing an action in the district court of the county where the person against
 6409 whom the penalty is imposed resides or in the county where the office of the
 6410 director is located.

6411 (d) A county attorney or the attorney general of the state shall provide legal assistance
 6412 and advice to the director in an action to collect a penalty.

6413 (e) A court shall award reasonable attorney fees and costs to the prevailing party in an
 6414 action brought by the division to collect a penalty.

6415 (3) Any person who knowingly and intentionally violates Subsection (1) is:

6416 (a) upon a first conviction, guilty of a class B misdemeanor;

6417 (b) upon a second conviction, guilty of a class A misdemeanor; or

6418 (c) on a third or subsequent conviction, guilty of a third degree felony.

6419 (4) A previous conviction used for a penalty enhancement under this section includes a

6420 conviction for an offense described in a statute previously in effect in this state that is
 6421 the same or substantially similar to a violation of this section.

6422 Section 74. Section **58-37-114**, which is renumbered from Section 58-37-15 is renumbered
 6423 and amended to read:

6424 **[58-37-15] 58-37-114 (Effective 05/06/26). Burden of proof in proceedings on**
 6425 **violations.**

6426 (1) It is not necessary for the state to negate any exemption or exception set forth in this [aet]
 6427 chapter or in Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances,
 6428 in any complaint, information, indictment or other pleading or trial, hearing, or other
 6429 proceeding under this [aet] chapter or in Title 76, Chapter 18, Part 2, Offenses
 6430 Concerning Controlled Substances, and the burden of proof of any exemption or
 6431 exception is upon the person claiming [its] the benefit of the exemption or exception.

6432 (2) In absence of proof that a person is the duly authorized holder of an appropriate license,
 6433 registration, order form, or prescription issued under this [aet] chapter, a person shall be
 6434 presumed not to be the holder of a license, registration, order form, or prescription, and
 6435 the burden of proof is upon the person to rebut the presumption.

6436 ~~[(3) No liability shall be imposed upon any duly authorized state or federal officer engaged~~
 6437 ~~in the enforcement of this act who is engaged in the enforcement of any law, municipal~~
 6438 ~~ordinance, or regulation relating to controlled substances.]~~

6439 Section 75. Section **58-37-115** is enacted to read:

6440 **58-37-115 (Effective 05/06/26). Restrictions on liability for law enforcement.**

6441 No liability shall be imposed upon any authorized state or federal officer engaged in the
 6442 enforcement of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 6443 Substances, who is engaged in the enforcement of any law, municipal ordinance, or regulation
 6444 relating to controlled substances.

6445 Section 76. Section **58-37-201** is enacted to read:

6446 **Part 2. Enforcement, Proceedings, and Penalties**

6447 **58-37-201 (Effective 05/06/26). Definitions.**

6448 Reserved.

6449 Section 77. Section **58-37-202**, which is renumbered from Section 58-37-8.5 is renumbered
 6450 and amended to read:

6451 **[58-37-8.5] 58-37-202 (Effective 05/06/26). Applicability of Title 76 to**
 6452 **prosecutions.**

6453 Unless specifically excluded in or inconsistent with the provisions of this chapter or

6454 Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, the following
 6455 provisions of [Title 76, Chapter 1, General Provisions,] Title 76, Utah Criminal Code, are
 6456 applicable to a prosecution under this chapter or under Title 76, Chapter 18, Part 2, Offenses
 6457 Concerning Controlled Substances:

- 6458 (1) Title 76, Chapter 2, Principles of Criminal Responsibility[-] ;
 6459 (2) Title 76, Chapter 3, Punishments[-] ; and
 6460 (3) Title 76, Chapter 4, Inchoate Offenses[-, are fully applicable to prosecutions under this
 6461 chapter].

6462 Section 78. Section **58-37-203**, which is renumbered from Section 58-37-12 is renumbered
 6463 and amended to read:

6464 **[58-37-12] 58-37-203 (Effective 05/06/26). Enforcement -- Coordination and**
 6465 **cooperation of federal and state agencies -- Powers.**

6466 (1) The department and all law enforcement agencies charged with enforcing this [aet]
 6467 chapter, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances,
 6468 shall cooperate with federal and other state agencies in discharging their responsibilities
 6469 concerning traffic in controlled substances and in suppressing the abuse of controlled
 6470 substances.[-To this end, they]

6471 (2) In accordance with Subsection (1), the department and law enforcement agencies
 6472 charged with enforcing this chapter, or Title 76, Chapter 18, Part 2, Offenses
 6473 Concerning Controlled Substances, are authorized to:

6474 [(1)] (a) [Arrange-] arrange for the exchange of information between governmental
 6475 officials concerning the use and abuse of dangerous substances[-] ;

6476 [(2)] (b) [Coordinate-] coordinate and cooperate in training programs in controlled
 6477 substance law enforcement at the local and state levels[-] ;

6478 [(3)] (c) [Cooperate-] cooperate with the United States Department of Justice and the Utah
 6479 Department of Public Safety by establishing a centralized unit [which] that will
 6480 receive, catalog, file, and collect statistics, including records of drug-dependent [
 6481 persons] individuals and other controlled substance law offenders within the state, and
 6482 make the information available for federal, state, and local law enforcement purposes[-]
 6483 ; and

6484 [(4)] (d) [Conduct-] conduct programs of eradication aimed at destroying the wild or illicit
 6485 growth of plant species from which controlled substances may be extracted.

6486 Section 79. Section **58-37-204**, which is renumbered from Section 58-37-9 is renumbered
 6487 and amended to read:

6488 **[58-37-9] 58-37-204 (Effective 05/06/26). Investigators -- Status of peace officers.**

6489 Investigators for the Department of[-] Commerce shall, for the purpose of enforcing the
6490 provisions of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
6491 Substances, have the status of peace officers.

6492 *The following section is affected by a coordination clause at the end of this bill.*

6493 Section 80. Section **58-37-205**, which is renumbered from Section 58-37-10 is renumbered
6494 and amended to read:

6495 **[58-37-10] 58-37-205 (Effective 05/06/26). Search warrants -- Administrative**
6496 **inspection warrants -- Inspections and seizures of property without warrant.**

6497 (1) Search warrants relating to offenses involving controlled substances may be authorized [
6498 pursuant to] in accordance with the Utah Rules of Criminal Procedure.

6499 (2) Issuance and execution of administrative inspection warrants shall be as follows:

6500 (a)(i) Any judge or magistrate of this state within [his] the judge's or magistrate's
6501 jurisdiction upon proper oath or affirmation showing probable cause, may issue
6502 warrants for the purpose of conducting administrative inspections authorized by
6503 this [aet] chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
6504 Substances, or regulations thereunder and seizures of property appropriate to such
6505 inspections.

6506 (ii) Probable cause for purposes of this [aet] chapter or Title 76, Chapter 18, Part 2,
6507 Offenses Concerning Controlled Substances, exists upon showing a valid public
6508 interest in the effective enforcement of the [aet] chapter or Title 76, Chapter 18,
6509 Part 2, Offenses Concerning Controlled Substances, or rules promulgated
6510 thereunder sufficient to justify administrative inspection of the area, premises,
6511 building, or conveyance in the circumstances specified in the application for the
6512 warrant.

6513 (b)(i) A warrant shall issue only upon an affidavit of an officer or employee duly
6514 designated and having knowledge of the facts alleged sworn to before a judge or
6515 magistrate [which] that establish the grounds for issuing the warrant.

6516 (ii) If the judge or magistrate is satisfied that grounds for the application exist or that
6517 there is probable cause to believe they exist, [he] the judge or magistrate shall issue
6518 a warrant identifying the area, premises, building, or conveyance to be inspected,
6519 the purpose of the inspection, and if appropriate, the type of property to be
6520 inspected, if any.

6521 (iii) The warrant shall:

6522 [(i)] (A) state the grounds for [its] the warrant's issuance and the name of each
 6523 person whose affidavit has been taken to support it;

6524 [(ii)] (B) be directed to a person authorized by Section [58-37-9] 58-37-204 of this [
 6525 aet] chapter to execute it;

6526 [(iii)] (C) command the person to whom [it] the warrant is directed to inspect the
 6527 area, premises, building, or conveyance identified for the purpose specified and
 6528 if appropriate, direct the seizure of the property specified;

6529 [(iv)] (D) identify the item or types of property to be seized, if any; and

6530 [(v)] (E) direct that [it] the warrant be served during normal business hours and
 6531 designate the judge or magistrate to whom it shall be returned.

6532 (c)(i) A warrant issued pursuant to this section must be executed and returned within
 6533 10 days after [~~its date~~] the date of the warrant unless, upon a showing of a need for
 6534 additional time, the court instructs otherwise in the warrant.

6535 (ii) If property is seized pursuant to a warrant, the person executing the warrant shall
 6536 give to the person from whom or from whose premises the property was taken a
 6537 copy of the warrant and a receipt for the property taken, or leave the copy and
 6538 receipt at the place where the property was taken.

6539 (iii) Return of the warrant shall be made promptly and be accompanied by a written
 6540 inventory of any property taken.

6541 (iv) The inventory shall be made in the presence of the person executing the warrant
 6542 and of the person from whose possession or premises the property was taken, if
 6543 they are present, or in the presence of at least one credible person other than the
 6544 person executing the warrant.

6545 (v) A copy of the inventory shall be delivered to the person from whom or from
 6546 whose premises the property was taken and to the applicant for the warrant.

6547 (d) The judge or magistrate who issued the warrant under this section shall attach a copy
 6548 of the return and all other papers to the warrant and file them with the court.

6549 (3) The department is authorized to make administrative inspections of controlled premises
 6550 in accordance with the following provisions:

6551 (a) For purposes of this section only, "controlled premises" means:

6552 (i) [~~Places~~] places where persons licensed or exempted from licensing requirements
 6553 under this [aet] chapter are required to keep records[-] ; or

6554 (ii) [~~Places-~~] places including factories, warehouses, establishments, and conveyances
 6555 where persons licensed or exempted from licensing requirements are permitted to

- 6556 possess, manufacture, compound, process, sell, deliver, or otherwise dispose of
6557 any controlled substance.
- 6558 (b) When authorized by an administrative inspection warrant, a law enforcement officer
6559 or employee designated in Section ~~[58-37-9]~~ 58-37-204, upon presenting the warrant
6560 and appropriate credentials to the owner, operator, or agent in charge, has the right to
6561 enter controlled premises for the purpose of conducting an administrative inspection.
- 6562 (c) When authorized by an administrative inspection warrant, a law enforcement officer
6563 or employee designated in Section ~~[58-37-9]~~ 58-37-204 has the right:
- 6564 (i) ~~[To]~~ to inspect and copy records required by this chapter~~[-]~~ ;
- 6565 (ii) ~~[To]~~ to inspect within reasonable limits and a reasonable manner, the controlled
6566 premises and all pertinent equipment, finished and unfinished material, containers,
6567 and labeling found, and except as provided in Subsection (3)(e), all other things
6568 including records, files, papers, processes, controls, and facilities subject to
6569 regulation and control by this chapter or by rules promulgated by the department~~[-]~~ ;
6570 and
- 6571 (iii) ~~[To]~~ to inventory and take stock of any controlled substance and obtain samples
6572 of any substance.
- 6573 (d) This section shall not be construed to prevent the inspection of books and records
6574 without a warrant pursuant to an administrative subpoena issued by a court or the
6575 department, nor shall it be construed to prevent entries and administrative inspections
6576 including seizures of property without a warrant:
- 6577 (i) with the consent of the owner, operator, or agent in charge of the controlled
6578 premises;
- 6579 (ii) in situations presenting imminent danger to health or safety;
- 6580 (iii) in situations involving inspection of conveyances where there is reasonable cause
6581 to believe that the mobility of the conveyance makes it impracticable to obtain a
6582 warrant;
- 6583 (iv) in any other exceptional or emergency circumstance where time or opportunity to
6584 apply for a warrant is lacking; and
- 6585 (v) in all other situations where a warrant is not constitutionally required.
- 6586 (e) No inspection authorized by this section shall extend to financial data, sales data,
6587 other than shipment data, or pricing data unless the owner, operator, or agent in
6588 charge of the controlled premises consents in writing.
- 6589 Section 81. Section **58-37-206**, which is renumbered from Section 58-37-11 is renumbered

6590 and amended to read:

6591 **[58-37-11] 58-37-206 (Effective 05/06/26). Court action to enjoin a violation --**

6592 **Jury trial.**

6593 (1) A court may enjoin ~~[violations of this act]~~ a violation of this chapter or Title 76, Chapter
6594 18, Part 2, Offenses Concerning Controlled Substances.

6595 (2) If an alleged violation of an injunction or restraining order issued under this section
6596 occurs, the accused may demand a jury trial in accordance with the Utah Rules of Civil
6597 Procedure.

6598 Section 82. Section **58-37-207**, which is renumbered from Section 58-37-14 is renumbered
6599 and amended to read:

6600 **[58-37-14] 58-37-207 (Effective 05/06/26). Resort for illegal use or possession of**
6601 **controlled substances deemed common nuisance -- District court power to suppress and**
6602 **enjoin.**

6603 (1)(a) Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or
6604 other place to which users or possessors of any controlled substances, listed in
6605 schedules I through V, resort or where use or possession of any substances violates
6606 this ~~[act]~~ chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
6607 Substances, or which is used for illegal keeping, storing, or selling any substances
6608 listed as controlled substances in schedules I through V, shall be deemed a common
6609 nuisance.

6610 (b) No person shall open, keep, or maintain ~~[any such place]~~ a place described in
6611 Subsection (1)(a).

6612 (2) The district court has the power to make any order necessary or reasonable to suppress
6613 any nuisance and to enjoin any person or persons from doing any act calculated to cause,
6614 or permit the continuation of a nuisance.

6615 Section 83. Section **58-37-208** is enacted to read:

6616 **58-37-208 (Effective 05/06/26). Prima facie evidence.**

6617 In any prosecution for a violation of this chapter or Title 76, Chapter 18, Part 2,
6618 Offenses Concerning Controlled Substances, evidence or proof that shows a person or persons
6619 produced, manufactured, possessed, distributed, or dispensed a controlled substance or
6620 substances, is prima facie evidence that the person or persons did so with knowledge of the
6621 character of the substance or substances.

6622 Section 84. Section **58-37-209** is enacted to read:

6623 **58-37-209 (Effective 05/06/26). Privileged communication.**

6624 Any information communicated to a licensed practitioner in an attempt to unlawfully
 6625 procure, or to procure the administration of, a controlled substance is not considered to be a
 6626 privileged communication.

6627 Section 85. Section **58-37-210** is enacted to read:

6628 **58-37-210 (Effective 05/06/26). Penalties -- Bar to state prosecution.**

6629 (1) A violation of this chapter for which no penalty is specified is a class B misdemeanor.

6630 (2) When a violation of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning
 6631 Controlled Substances, violates a federal law or the law of another state, conviction or
 6632 acquittal under federal law or the law of another state for the same act is a bar to
 6633 prosecution in this state.

6634 Section 86. Section **58-37-301** is enacted to read:

6635 **Part 3. Specific Provisions Regarding Prescriptions and Orders**

6636 **58-37-301 (Effective 05/06/26). Definitions.**

6637 Reserved.

6638 Section 87. Section **58-37-302**, which is renumbered from Section 58-37-22 is renumbered
 6639 and amended to read:

6640 **[58-37-22] 58-37-302 (Effective 05/06/26). Electronic prescriptions for controlled**
 6641 **substances.**

6642 (1) Beginning January 1, 2022, each prescription issued for a controlled substance shall be
 6643 transmitted electronically as an electronic prescription, unless the prescription is:

6644 (a) for a patient residing in an assisted living facility as that term is defined in Section
 6645 26B-2-201, a long-term care facility as that term is defined in Section 58-31b-102, or
 6646 a correctional facility as that term is defined in Section 64-13-1;

6647 (b) issued by a veterinarian licensed under Chapter 28, Veterinary Practice Act;

6648 (c) dispensed by a Department of Veterans Affairs pharmacy;

6649 (d) issued during a temporary technical or electronic failure at the practitioner's or
 6650 pharmacy's location; or

6651 (e) issued in an emergency situation.

6652 (2) The division, in collaboration with the appropriate boards that govern the licensure of
 6653 the licensees who are authorized by the division to prescribe or to dispense controlled
 6654 substances, shall make rules in accordance with Title 63G, Chapter 3, Utah
 6655 Administrative Rulemaking Act, to:

6656 (a) require that controlled substances prescribed or dispensed under Subsection (1)(d)
 6657 indicate on the prescription that the prescribing practitioner or the pharmacy is

- 6658 experiencing a technical difficulty or an electronic failure;
- 6659 (b) define an emergency situation for purposes of Subsection (1)(e);
- 6660 (c) establish additional exemptions to the electronic prescription requirements
- 6661 established in this section;
- 6662 (d) establish guidelines under which a prescribing practitioner or a pharmacy may obtain
- 6663 an extension of up to two additional years to comply with Subsection (1);
- 6664 (e) establish a protocol to follow if the pharmacy that receives the electronic prescription
- 6665 is not able to fill the prescription; and
- 6666 (f) establish requirements that comply with federal laws and regulations for software
- 6667 used to issue and dispense electronic prescriptions.
- 6668 (3) Beginning July 1, 2024, a pharmacy software program for receiving an electronic
- 6669 prescription for a controlled substance shall be capable of electronically transferring a
- 6670 prescription to a different pharmacy:
- 6671 (a) upon the request of the patient or the practitioner;
- 6672 (b) with the approval of a pharmacist at the originating pharmacy; and
- 6673 (c) if the prescription is unfilled.

6674 Section 88. Section **58-37-303**, which is renumbered from Section 58-37-6.5 is renumbered

6675 and amended to read:

6676 **[58-37-6.5] 58-37-303 (Effective 05/06/26). Continuing education for controlled**

6677 **substance prescribers.**

- 6678 (1) For the purposes of this section:
- 6679 (a) "Controlled substance prescriber" means an individual, other than a veterinarian,
- 6680 who:
- 6681 (i) is licensed to prescribe a controlled substance under this chapter; and
- 6682 (ii) possesses the authority, in accordance with the individual's scope of practice, to
- 6683 prescribe schedule II controlled substances and schedule III controlled substances
- 6684 that are applicable to opioid narcotics, hypnotic depressants, or psychostimulants.
- 6685 (b) "D.O." means an osteopathic physician and surgeon licensed under Chapter 68, Utah
- 6686 Osteopathic Medical Practice Act.
- 6687 (c) "FDA" means the United States Food and Drug Administration.
- 6688 (d) "M.D." means a physician and surgeon licensed under Chapter 67, Utah Medical
- 6689 Practice Act.
- 6690 (e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment
- 6691 approach used by the federal Substance Abuse and Mental Health Services

6692 Administration or defined by the division, in consultation with the Office of
6693 Substance Use and Mental Health, by administrative rule, in accordance with Title
6694 63G, Chapter 3, Utah Administrative Rulemaking Act.

6695 (2)(a) Beginning with the licensing period that begins after January 1, 2014, as a
6696 condition precedent for license renewal, each controlled substance prescriber shall
6697 complete at least 3.5 continuing education hours per licensing period that satisfy the
6698 requirements of Subsection (3).

6699 (b)(i) Beginning with the licensing period that begins after January 1, 2024, as a
6700 condition precedent for license renewal, each controlled substance prescriber shall
6701 complete at least 3.5 continuing education hours in an SBIRT-training class that
6702 satisfies the requirements of Subsection (4).

6703 (ii) Completion of the SBIRT-training class, in compliance with Subsection (2)(b)(i),
6704 fulfills the continuing education hours requirement in Subsection (3) for the
6705 licensing period in which the class was completed.

6706 (iii) A controlled substance prescriber:

6707 (A) need only take the SBIRT-training class once during the controlled substance
6708 prescriber's licensure in the state; and

6709 (B) shall provide a completion record of the SBIRT-training class in order to be
6710 reimbursed for SBIRT services to patients, in accordance with Sections
6711 26B-3-131 and 49-20-416.

6712 (3) A controlled substance prescriber shall complete at least 3.5 hours of continuing
6713 education in one or more controlled substance prescribing classes, except dentists, who
6714 shall complete at least two hours, that satisfy the requirements of Subsections (4) and (6).

6715 (4) A controlled substance prescribing class shall:

6716 (a) satisfy the division's requirements for the continuing education required for the
6717 renewal of the controlled substance prescriber's respective license type;

6718 (b) be delivered by an accredited or approved continuing education provider recognized
6719 by the division as offering continuing education appropriate for the controlled
6720 substance prescriber's respective license type; and

6721 (c) include a postcourse knowledge assessment.

6722 (5) An M.D. or D.O. completing continuing professional education hours under Subsection
6723 (4) shall complete those hours in classes that qualify for the American Medical
6724 Association Physician's Recognition Award Category 1 Credit.

6725 (6) The 3.5 hours of the controlled substance prescribing classes under Subsection (4) shall

- 6726 include educational content covering the following:
- 6727 (a) the scope of the controlled substance abuse problem in Utah and the nation;
- 6728 (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's
- 6729 Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and
- 6730 Mitigation Strategy, as published July 9, 2012, or as it may be subsequently revised;
- 6731 (c) the national and Utah-specific resources available to prescribers to assist in
- 6732 appropriate controlled substance and opioid prescribing;
- 6733 (d) patient record documentation for controlled substance and opioid prescribing;
- 6734 (e) office policies, procedures, and implementation; and
- 6735 (f) some training regarding medical cannabis, as that term is defined in Section
- 6736 26B-4-201.
- 6737 (7)(a) The division, in consultation with the Utah Medical Association Foundation, shall
- 6738 determine whether a particular controlled substance prescribing class satisfies the
- 6739 educational content requirements of Subsections (4) and (6) for an M.D. or D.O.
- 6740 (b) The division, in consultation with the applicable professional licensing boards, shall
- 6741 determine whether a particular controlled substance prescribing class satisfies the
- 6742 educational content requirements of Subsections (4) and (6) for a controlled
- 6743 substance prescriber other than an M.D. or D.O.
- 6744 (c) The division may by rule establish a committee that may audit compliance with the
- 6745 Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming
- 6746 Project grant, that satisfies the educational content requirements of Subsections (4)
- 6747 and (6) for a controlled substance prescriber.
- 6748 (d) The division shall consult with the Department of Health and Human Services
- 6749 regarding the medical cannabis training described in Subsection (6)(f).
- 6750 (8) A controlled substance prescribing class required under this section:
- 6751 (a) may be held:
- 6752 (i) in conjunction with other continuing professional education programs; and
- 6753 (ii) online; and
- 6754 (b) does not increase the total number of state-required continuing professional
- 6755 education hours required for prescriber licensing.
- 6756 (9) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah
- 6757 Administrative Rulemaking Act, to implement this section.
- 6758 (10) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver to
- 6759 treat opioid dependency with narcotic medications, in accordance with the Drug

6760 Addiction Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to
6761 satisfy the 3.5 hours of the continuing education requirement under Subsection (3) for
6762 two consecutive licensing periods.

6763 Section 89. Section **58-37-304** is enacted to read:

6764 **58-37-304 (Effective 05/06/26). Prescription requirements -- Penalties.**

6765 (1) An individual may not write or authorize a prescription for a controlled substance unless
6766 the individual is:

6767 (a) a practitioner authorized to prescribe drugs and medicine under the laws of this state
6768 or under the laws of another state having similar standards; and

6769 (b) licensed under this chapter or under the laws of another state having similar
6770 standards.

6771 (2) An individual other than a pharmacist licensed under the laws of this state, or the
6772 pharmacist's licensed intern, as required by Sections 58-17b-303 and 58-17b-304, may
6773 not dispense a controlled substance.

6774 (3)(a) A controlled substance may not be dispensed without the written prescription of a
6775 practitioner, if the written prescription is required by the federal Controlled
6776 Substances Act.

6777 (b) A written prescription described in Subsection (3)(a) shall be made in accordance
6778 with Subsection (1) and in conformity with Subsection (4).

6779 (c) In emergency situations, as defined by division rule, controlled substances may be
6780 dispensed upon oral prescription of a practitioner, if reduced promptly to writing on
6781 forms designated by the division and filed by the pharmacy.

6782 (d) Prescriptions reduced to writing by a pharmacist shall be in conformity with
6783 Subsection (4).

6784 (4) Except for emergency situations designated by the division, an individual may not issue,
6785 fill, compound, or dispense a prescription for a controlled substance unless the
6786 prescription is signed by the prescriber in ink or indelible pencil or is signed with an
6787 electronic signature of the prescriber as authorized by division rule, and contains the
6788 following information:

6789 (a) the name, address, and registry number of the prescriber;

6790 (b) the name, address, and age of the person to whom or for whom the prescription is
6791 issued;

6792 (c) the date of issuance of the prescription; and

6793 (d) the name, quantity, and specific directions for use by the ultimate user of the

- 6794 controlled substance.
- 6795 (5) A prescription may not be written, issued, filled, or dispensed for a Schedule I
- 6796 controlled substance unless:
- 6797 (a) the individual who writes the prescription is licensed under Subsection 58-37-105(2);
- 6798 and
- 6799 (b) the prescribed controlled substance is to be used in research.
- 6800 (6)(a) Except when administered directly to an ultimate user by a licensed practitioner,
- 6801 controlled substances are subject to the restrictions of this Subsection (6).
- 6802 (b) A prescription for a Schedule II substance may not be refilled.
- 6803 (c) A Schedule II controlled substance may not be filled in a quantity to exceed a
- 6804 one-month's supply, as directed on the daily dosage rate of the prescriptions.
- 6805 (d)(i) A prescription for a Schedule II or Schedule III controlled substance that is an
- 6806 opiate and that is issued for an acute condition shall be completely or partially
- 6807 filled in a quantity not to exceed a seven-day supply as directed on the daily
- 6808 dosage rate of the prescription.
- 6809 (ii) Subsection (6)(d)(i) does not apply to prescriptions issued for complex or chronic
- 6810 conditions that are documented as being complex or chronic in the medical record.
- 6811 (iii) A pharmacist is not required to verify that a prescription is in compliance with
- 6812 this Subsection (6)(d).
- 6813 (e) A Schedule III or IV controlled substance may be filled only within six months of
- 6814 issuance, and may not be refilled more than six months after the date of the original
- 6815 issuance or be refilled more than five times after the date of the prescription unless
- 6816 renewed by the practitioner.
- 6817 (f) All other controlled substances in Schedule V may be refilled as the prescriber's
- 6818 prescription directs, but they may not be refilled one year after the date the
- 6819 prescription was issued unless renewed by the practitioner.
- 6820 (g) Any prescription for a Schedule II substance may not be dispensed if it is not
- 6821 presented to a pharmacist for dispensing by a pharmacist or a pharmacy intern within
- 6822 30 days after the date the prescription was issued, or 30 days after the dispensing
- 6823 date, if that date is specified separately from the date of issue.
- 6824 (h) A practitioner may issue more than one prescription at the same time for the same
- 6825 Schedule II controlled substance, but only under the following conditions:
- 6826 (i) no more than three prescriptions for the same Schedule II controlled substance
- 6827 may be issued at the same time;

6828 (ii) no one prescription may exceed a 30-day supply; and
6829 (iii) a second or third prescription shall include the date of issuance and the date for
6830 dispensing.

6831 (7) An order for a controlled substance in Schedules II through V for use by an inpatient or
6832 an outpatient of a licensed hospital is exempt from all requirements of this section if the
6833 order is:

6834 (a) issued or made by a prescribing practitioner who holds an unrestricted registration
6835 with the federal Drug Enforcement Administration, and an active Utah controlled
6836 substance license in good standing issued by the division under Section 58-37-105, or
6837 a medical resident who is exempted from licensure under Subsection 58-1-307(1)(c);

6838 (b) authorized by the prescribing practitioner treating the patient and the prescribing
6839 practitioner designates the quantity ordered;

6840 (c) entered upon the record of the patient, the record is signed by the prescriber
6841 affirming the prescriber's authorization of the order within 48 hours after filling or
6842 administering the order, and the patient's record reflects the quantity actually
6843 administered; and

6844 (d) filled and dispensed by a pharmacist practicing the pharmacist's profession within the
6845 physical structure of the hospital, or the order is taken from a supply lawfully
6846 maintained by the hospital and the amount taken from the supply is administered
6847 directly to the patient authorized to receive it.

6848 (8)(a) For purposes of Subsection (8)(b):

6849 (i) "Child" means the same as that term is defined in Section 80-1-102.

6850 (ii) "Emergency" means any physical condition requiring the administration of a
6851 controlled substance for immediate relief of pain or suffering.

6852 (b) A practitioner licensed under this chapter may not prescribe, administer, or dispense
6853 a controlled substance to a child, without first obtaining the consent required in
6854 Section 78B-3-406 of a parent, guardian, or person standing in loco parentis of the
6855 child, except in cases of an emergency.

6856 (9) A practitioner licensed under this chapter may not prescribe or administer dosages of a
6857 controlled substance in excess of medically recognized quantities necessary to treat the
6858 ailment, malady, or condition of the ultimate user.

6859 (10) A practitioner licensed under this chapter may not prescribe, administer, or dispense
6860 any controlled substance to another person knowing that the other person is using a false
6861 name, address, or other personal information for the purpose of securing the controlled

- 6862 substance.
- 6863 (11) A person who is licensed under this chapter to manufacture, distribute, or dispense a
6864 controlled substance may not manufacture, distribute, or dispense a controlled substance
6865 to another licensee or any other authorized person not authorized by this license.
- 6866 (12) A person licensed under this chapter may not omit, remove, alter, or obliterate a
6867 symbol required by this chapter or by a rule issued under this chapter.
- 6868 (13) A person licensed under this chapter may not refuse or fail to make, keep, or furnish
6869 any record notification, order form, statement, invoice, or information required under
6870 this chapter.
- 6871 (14) A person licensed under this chapter may not refuse entry into any premises for
6872 inspection as authorized by this chapter.
- 6873 (15) A person licensed under this chapter may not furnish false or fraudulent material
6874 information in any application, report, or other document required to be kept by this
6875 chapter or willfully make any false statement in any prescription, order, report, or record
6876 required by this chapter.
- 6877 (16)(a)(i) A person licensed under this chapter who is found by the division to have
6878 violated any of the provisions of Subsection (11), (12), (13), (14), or (15) is
6879 subject to a penalty not to exceed \$5,000.
- 6880 (ii) The division shall determine the procedure for adjudication of any violations in
6881 accordance with Sections 58-1-106 and 58-1-108.
- 6882 (b) The division shall deposit all penalties collected under Subsection (16)(a)(i) into the
6883 General Fund as a dedicated credit to be used by the division under Subsection
6884 58-37f-502(1).
- 6885 (c) The director may collect a penalty that is not paid by:
- 6886 (i) referring the matter to a collection agency; or
- 6887 (ii) bringing an action in the district court of the county where the person against
6888 whom the penalty is imposed resides or in the county where the office of the
6889 director is located.
- 6890 (d) A county attorney or the attorney general of the state shall provide legal assistance
6891 and advice to the director in an action to collect a penalty.
- 6892 (e) A court shall award reasonable attorney fees and costs to the prevailing party in an
6893 action brought by the division to collect a penalty.
- 6894 (17)(a) A person who knowingly and intentionally violates Subsection (8), (9), or (10) is:
6895 (i) upon first conviction, guilty of a class B misdemeanor;

- 6896 (ii) upon second conviction, guilty of a class A misdemeanor; and
 6897 (iii) upon third or subsequent conviction, guilty of a third degree felony.
 6898 (b) A person who knowingly and intentionally violates Subsection (11), (12), (13), (14),
 6899 or (15) is guilty of a third degree felony.

6900 (18) A previous conviction used for a penalty enhancement under this section includes a
 6901 conviction for an offense described in a statute previously in effect in this state that is
 6902 the same or substantially similar to a violation of this section.

6903 Section 90. Section **58-37-305** is enacted to read:

6904 **58-37-305 (Effective 05/06/26). High risk prescriptions.**

6905 (1) As used in this section:

- 6906 (a) "Database" means the controlled substance database created in Section 58-37f-201.
 6907 (b) "High risk prescription" means a prescription for an opiate or a benzodiazepine that
 6908 is written to continue for longer than 30 consecutive days.

6909 (2) A practitioner who issues a high risk prescription to a patient shall, before issuing the
 6910 high risk prescription to the patient, verify in the database that the patient does not have
 6911 a high risk prescription from a different practitioner that is currently active.

6912 (3) If the database shows that the patient has received a high risk prescription that is
 6913 currently active from a different practitioner, the practitioner may not issue a high risk
 6914 prescription to the patient unless the practitioner:

- 6915 (a) contacts and consults with each practitioner who issued a high risk prescription that
 6916 is currently active to the patient;
 6917 (b) documents in the patient's medical record that the practitioner made contact with
 6918 each practitioner in accordance with Subsection (3)(a); and
 6919 (c) documents in the patient's medical record the reason why the practitioner believes
 6920 that the patient needs multiple high risk prescriptions from different practitioners.

6921 (4) A practitioner shall satisfy the requirement described in Subsection (3) in a timely
 6922 manner, which may be after the practitioner issues the high risk prescription to the
 6923 patient.

6924 Section 91. Section **58-37-306**, which is renumbered from Section 58-37-19 is renumbered
 6925 and amended to read:

6926 **[58-37-19] 58-37-306 (Effective 05/06/26). Opiate prescription consultation --**
 6927 **Prescription for opiate antagonist required.**

6928 (1) As used in this section:

- 6929 (a) "Initial opiate prescription" means a prescription for an opiate to a patient who:

- 6930 (i) has never previously been issued a prescription for an opiate; or
6931 (ii) was previously issued a prescription for an opiate, but the date on which the
6932 current prescription is being issued is more than one year after the date on which
6933 an opiate was previously prescribed or administered to the patient.
- 6934 (b) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.
6935 (c) "Prescriber" means an individual who is authorized to prescribe a controlled
6936 substance under this chapter.
- 6937 (2) Except as provided in Subsection (3), a prescriber may not issue an initial opiate
6938 prescription without discussing with the patient, or the patient's parent or guardian if the
6939 patient is under 18 years old and is not an emancipated minor:
- 6940 (a) the risks of addiction and overdose associated with opiate drugs;
6941 (b) the dangers of taking opiates with alcohol, benzodiazepines, and other central
6942 nervous system depressants;
6943 (c) the reasons why the prescription is necessary;
6944 (d) alternative treatments that may be available; and
6945 (e) other risks associated with the use of the drugs being prescribed.
- 6946 (3) Subsection (2) does not apply to a prescription for:
6947 (a) a patient who is currently in active treatment for cancer;
6948 (b) a patient who is receiving hospice care from a licensed hospice as defined in Section
6949 26B-2-201; or
6950 (c) a medication that is being prescribed to a patient for the treatment of the patient's
6951 substance abuse or opiate dependence.
- 6952 (4)(a) Beginning January 1, 2024, a prescriber shall offer to prescribe or dispense an
6953 opiate antagonist to a patient if the patient receives an initial opiate prescription for:
6954 (i) 50 morphine milligram equivalents or more per day, calculated in accordance with
6955 guidelines developed by the United States Centers for Disease Control and
6956 Prevention; or
6957 (ii) any opiate if the practitioner is also prescribing a benzodiazepine to the patient.
- 6958 (b) Subsection (4)(a) does not apply if the initial opiate prescription:
6959 (i) is administered directly to an ultimate user by a licensed practitioner; or
6960 (ii) is for a three-day supply or less.
- 6961 (c) This Subsection (4) does not require a patient to purchase or obtain an opiate
6962 antagonist as a condition of receiving the patient's initial opiate prescription.
- 6963 Section 92. Section **58-37-307**, which is renumbered from Section 58-37-23 is renumbered

6964 and amended to read:

6965 **[58-37-23] 58-37-307 (Effective 05/06/26). Methadone orders authorized.**

6966 (1) As used in this section:

6967 (a) "Emergency medical order" means a medical order as defined in Section 58-17b-102
6968 for up to a 72-hour supply of methadone.

6969 (b) "General acute hospital" means the same as that term is defined in Section 26B-2-201.

6970 (c) "Qualified pharmacy" means a pharmacy that is located on the premises of a general
6971 acute hospital that is licensed as a:

6972 (i) class A pharmacy as defined in Section 58-17b-102; or

6973 (ii) class B pharmacy as defined in Section 58-17b-102.

6974 (d) "Qualified practitioner" means a practitioner who is:

6975 (i) [~~is~~]registered with the United States Drug Enforcement Administration to issue an
6976 emergency medical order; and

6977 (ii) [~~is~~]working at a general acute hospital.

6978 (2) A qualified practitioner may issue an emergency medical order to a qualified pharmacy
6979 to dispense up to a 72-hour supply of methadone on behalf of the qualified practitioner:

6980 (a) to relieve acute withdrawal symptoms while the qualified practitioner makes
6981 arrangements to refer the patient for substance use disorder treatment; and

6982 (b) in accordance with 21 C.F.R. Sec. 1306.07 and applicable regulation or guidance
6983 issued by the United States Drug Enforcement Administration regarding an
6984 emergency medical order.

6985 Section 93. Section **58-37-308**, which is renumbered from Section 58-37-6.1 is renumbered
6986 and amended to read:

6987 **[58-37-6.1] 58-37-308 (Effective 05/06/26). Veterinary exemption for gabapentin.**

6988 A veterinarian licensed under Chapter 28, Veterinary Practice Act, who is prescribing,
6989 administering, or dispensing gabapentin within the veterinarian's scope of practice, is exempt
6990 from the requirements of this chapter and Title 76, Chapter 18, Part 2, Offenses Concerning
6991 Controlled Substances.

6992 Section 94. Section **58-37-309**, which is renumbered from Section 58-37-3.5 is renumbered
6993 and amended to read:

6994 **[58-37-3.5] 58-37-309 (Effective 05/06/26) (Repealed 07/01/27). Drugs for**
6995 **behavioral health treatment.**

6996 (1) As used in this section:

6997 (a) "Drug" means any form of psilocybin or methylenedioxymethamphetamine that is in

6998 federal Food and Drug Administration Phase 3 testing for an investigational drug
 6999 described in 21 C.F.R. Part 312.
 7000 (b) "Healthcare system" means:
 7001 (i) a privately-owned, non-profit, vertically-integrated healthcare system that operates
 7002 at least 15 licensed hospitals in the state; or
 7003 (ii) a health care system closely affiliated with an institution of higher education
 7004 listed in Section 53H-1-102.

7005 (2) A healthcare system may develop a behavioral health treatment program that includes a
 7006 treatment based on a drug that the healthcare system determines is supported by a broad
 7007 collection of scientific and medical research.

7008 (3) A healthcare system described in Subsection (2):
 7009 (a) shall ensure that a drug used under the exclusive authority of this section is used by a
 7010 patient only under the direct supervision and control of the healthcare system and the
 7011 healthcare system's health care providers who are licensed under this title; and
 7012 (b) may not provide treatments that are authorized exclusively under this section to an
 7013 individual who is not at least 18 years old.

7014 (4) Before July 1, 2026, a healthcare system that creates a behavioral health treatment
 7015 program under this section shall provide a written report to the Health and Human
 7016 Services Interim Committee regarding:
 7017 (a) drugs used;
 7018 (b) health outcomes of patients;
 7019 (c) side effects of any drugs used; and
 7020 (d) any other information necessary for the Legislature to evaluate the medicinal value
 7021 of any drugs.

7022 (5) An individual or entity that complies with this section when using, distributing,
 7023 possessing, administering, or supervising the use of, a drug is not guilty of a violation of
 7024 this title.

7025 Section 95. Section **58-37-401** is enacted to read:

7026 **Part 4. Specific Provisions Relating to Cannabis, Cannabinoid Products, and Hemp**

7027 **58-37-401 (Effective 05/06/26). Definitions.**

7028 Reserved.

7029 Section 96. Section **58-37-402**, which is renumbered from Section 58-37-3.9 is renumbered
 7030 and amended to read:

7031 **[~~58-37-3.9~~] 58-37-402 (Effective 05/06/26). Exemption for possession or use of**

7032 **cannabis to treat a qualifying illness -- Penalties.**

7033 (1) As used in this section:

7034 (a) "Cannabis" means marijuana.

7035 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

7036 (c) "Drug paraphernalia" means the same as that term is defined in Section [58-37a-3]
7037 76-18-301.7038 (d) "Medical cannabis cardholder" means the same as that term is defined in Section
7039 26B-4-201.7040 (e) "Medical cannabis device" means the same as that term is defined in Section
7041 26B-4-201.

7042 (f) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.

7043 (g) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
7044 description as described in Subsection [58-37-4(2)(a)(iii)(AA)]
7045 58-37-108(2)(a)(iii)(AA).

7046 (2) Notwithstanding any other provision of law, except as otherwise provided in this section:

7047 (a) an individual is not guilty of a violation of this title or Title 76, Chapter 18, Drug
7048 Offenses, for the following conduct if the individual engages in the conduct in
7049 accordance with Title 4, Chapter 41a, Cannabis Production Establishments and
7050 Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
7051 Cannabis:7052 (i) possessing, ingesting, inhaling, producing, manufacturing, dispensing,
7053 distributing, selling, or offering to sell cannabis or a cannabis product; or7054 (ii) possessing cannabis or a cannabis product with the intent to engage in the
7055 conduct described in Subsection (2)(a)(i); and7056 (b) an individual is not guilty of a violation of this title or Title 76, Chapter 18, Drug
7057 Offenses, regarding drug paraphernalia if the individual, in accordance with Title 4,
7058 Chapter 41a, Cannabis Production Establishments and Pharmacies, and Title 26B,
7059 Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis:7060 (i) possesses, manufactures, distributes, sells, or offers to sell a medical cannabis
7061 device; or7062 (ii) possesses a medical cannabis device with the intent to engage in any of the
7063 conduct described in Subsection (2)(b)(i).7064 (3)(a) As used in this Subsection (3), "smoking" does not include the vaporization or
7065 heating of medical cannabis.

- 7066 (b) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, does not
 7067 authorize a medical cannabis cardholder to smoke or combust cannabis or to use a
 7068 device to facilitate the smoking or combustion of cannabis.
- 7069 (c) A medical cannabis cardholder or a nonresident patient who smokes cannabis or
 7070 engages in any other conduct described in Subsection (3)(b):
- 7071 (i) does not possess the cannabis in accordance with Title 26B, Chapter 4, Part 2,
 7072 Cannabinoid Research and Medical Cannabis; and
- 7073 (ii) is, for the use or possession of marijuana, tetrahydrocannabinol, or marijuana
 7074 drug paraphernalia for the conduct described in Subsection (3)(b):
- 7075 (A) for the first offense, guilty of an infraction and subject to a fine of up to \$100;
 7076 and
- 7077 (B) for a second or subsequent offense, subject to charges under this chapter or
 7078 Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.
- 7079 (4) An individual who is assessed a penalty or convicted of a crime under Title 4, Chapter
 7080 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part
 7081 2, Cannabinoid Research and Medical Cannabis, is not, based on the conduct underlying
 7082 that penalty or conviction, subject to a penalty described in this chapter or Title 76,
 7083 Chapter 18, Part 2, Offenses Concerning Controlled Substances, for:
- 7084 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis product;
 7085 or
- 7086 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.
- 7087 (5)(a) Nothing in this section prohibits a person, either within the state or outside the
 7088 state, from selling a medical cannabis device within the state.
- 7089 (b) A person is not required to hold a license under Title 4, Chapter 41a, Cannabis
 7090 Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2,
 7091 Cannabinoid Research and Medical Cannabis, to qualify for the protections of this
 7092 section to sell a medical cannabis device.
- 7093 (6) A previous conviction used for a penalty enhancement under this section includes a
 7094 conviction for an offense described in a statute previously in effect in this state that is
 7095 the same or substantially similar to a violation of this section.

7096 Section 97. Section **58-37-403**, which is renumbered from Section 58-37-3.6 is renumbered
 7097 and amended to read:

7098 **[58-37-3.6] 58-37-403 (Effective 05/06/26). Exemption for possession or**
 7099 **distribution of a cannabinoid product, expanded cannabinoid product, or transportable**

7100 **industrial hemp concentrate.**

7101 (1) As used in this section:

7102 (a) "Cannabinoid product" means a product intended for human ingestion that:

7103 (i) contains an extract or concentrate that is obtained from cannabis; and

7104 (ii) contains at least 10 units of cannabidiol for every one unit of
7105 tetrahydrocannabinol.

7106 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

7107 (c) "Expanded cannabinoid product" means a product intended for human ingestion that:

7108 (i) contains an extract or concentrate that is obtained from cannabis; and

7109 (ii) contains less than 10 units of cannabidiol for every one unit of
7110 tetrahydrocannabinol.7111 (d) "Transportable industrial hemp concentrate" means any amount of a natural
7112 cannabinoid in a purified state that:7113 (i) is the product of any chemical or physical process applied to naturally occurring
7114 biomass that concentrates or isolates the cannabinoids contained in the biomass;7115 (ii) is derived from a cannabis plant that, based on sampling that was collected no
7116 more than 30 days before the day on which the cannabis plant was harvested,
7117 contains a combined concentration of total THC and any THC analog of less than
7118 0.3% on a dry weight basis; and7119 (iii) has a THC and THC analog concentration total less than 20% when concentrated
7120 from the cannabis plant to the purified state.7121 (e) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
7122 description in Subsection ~~[58-37-4(2)(a)(iii)(AA)]~~ 58-37-108(2)(a)(iii)(AA).7123 (2) Notwithstanding any other provision of this chapter or Title 76, Chapter 18, Part 2,
7124 Offenses Concerning Controlled Substances, an individual who possesses or distributes
7125 a cannabinoid product or an expanded cannabinoid product is not subject to the penalties
7126 described in this title or Title 76, Chapter 18, Drug Offenses, for the possession or
7127 distribution of marijuana or tetrahydrocannabinol to the extent that the individual's
7128 possession or distribution of the cannabinoid product or expanded cannabinoid product
7129 complies with Section 26B-4-212.7130 (3) Notwithstanding any other provision of this chapter or Title 76, Chapter 18, Part 2,
7131 Offenses Concerning Controlled Substances, a person who possesses and distributes
7132 transportable industrial hemp concentrate is not subject to the penalties described in this
7133 chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for

7134 the possession or distribution of transportable industrial hemp concentrate if the
 7135 transportable industrial hemp concentrate is handled in accordance with the rules
 7136 established under Subsection 4-41-103.1(1)(e) or is destroyed.

7137 Section 98. Section **58-37-404**, which is renumbered from Section 58-37-3.7 is renumbered
 7138 and amended to read:

7139 **[58-37-3.7] 58-37-404 (Effective 05/06/26). Medical cannabis decriminalization.**

7140 (1) As used in this section:

7141 (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.

7142 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

7143 (c) "Legal dosage limit" means the same as that term is defined in Section 26B-4-201.

7144 (d) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.

7145 (e) "Medical cannabis device" means the same as that term is defined in Section

7146 26B-4-201.

7147 (f) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.

7148 (g) "Nonresident patient" means the same as that term is defined in Section 26B-4-201.

7149 (h) "Qualifying condition" means the same as that term is defined in Section 26B-4-201.

7150 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section [58-37-3.9]

7151 58-37-402.

7152 (2) Before July 1, 2021, including during the period between January 1, 2021, and March

7153 17, 2021, an individual is not guilty under this chapter or Title 76, Chapter 18, Part 2,

7154 Offenses Concerning Controlled Substances, for the use or possession of marijuana,

7155 tetrahydrocannabinol, or marijuana drug paraphernalia if:

7156 (a) at the time of the arrest or citation, the individual:

7157 (i) for possession, was a medical cannabis cardholder; or

7158 (ii) for use, was a medical cannabis patient cardholder or a minor with a provisional

7159 patient card under the supervision of a medical cannabis guardian cardholder; and

7160 (b)(i) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or

7161 tetrahydrocannabinol is one of the following in an amount that does not exceed

7162 the legal dosage limit:

7163 (A) unprocessed cannabis in a medicinal dosage form; or

7164 (B) a cannabis product in a medicinal dosage form; and

7165 (ii) for use or possession of marijuana drug paraphernalia, the paraphernalia is a

7166 medical cannabis device.

7167 (3) A nonresident patient is not guilty under this chapter or Title 76, Chapter 18, Part 2,

- 7168 Offenses Concerning Controlled Substances, for the use or possession of marijuana,
 7169 tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter or Title 76,
 7170 Chapter 18, Part 2, Offenses Concerning Controlled Substances, if:
- 7171 (a) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or
 7172 tetrahydrocannabinol is one of the following in an amount that does not exceed the
 7173 legal dosage limit:
- 7174 (i) unprocessed cannabis in a medicinal dosage form; or
 7175 (ii) a cannabis product in a medicinal dosage form; and
- 7176 (b) for use or possession of marijuana drug paraphernalia, the paraphernalia is a medical
 7177 cannabis device.
- 7178 (4)(a) There is a rebuttable presumption against an allegation of use or possession of
 7179 marijuana or tetrahydrocannabinol if:
- 7180 (i) an individual fails a drug test based on the presence of tetrahydrocannabinol in the
 7181 sample; and
- 7182 (ii) the individual provides evidence that the individual possessed or used cannabidiol
 7183 or a cannabidiol product.
- 7184 (b) The presumption described in Subsection (4)(a) may be rebutted with evidence that
 7185 the individual purchased or possessed marijuana or tetrahydrocannabinol that is not
 7186 authorized under:
- 7187 (i) Section 4-41-402; or
 7188 (ii) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
- 7189 (5)(a) An individual is not guilty under this chapter or Title 76, Chapter 18, Part 2,
 7190 Offenses Concerning Controlled Substances, for the use or possession of marijuana
 7191 drug paraphernalia if the drug paraphernalia is a medical cannabis device.
- 7192 (b) Nothing in this section prohibits a person, either within the state or outside the state,
 7193 from selling a medical cannabis device within the state.
- 7194 (c) A person is not required to hold a license under Title 4, Chapter 41a, Cannabis
 7195 Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2,
 7196 Cannabinoid Research and Medical Cannabis, to qualify for the protections of this
 7197 section to sell a medical cannabis device.
- 7198 Section 99. Section **58-37-405**, which is renumbered from Section 58-37-3.8 is renumbered
 7199 and amended to read:
- 7200 **[58-37-3.8] 58-37-405 (Effective 05/06/26). Enforcement.**
- 7201 (1) A law enforcement officer, as that term is defined in Section 53-13-103, except for an

7202 officially designated drug enforcement task force regarding conduct that is not in
 7203 accordance with Title 4, Chapter 41a, Cannabis Production Establishments and
 7204 Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
 7205 Cannabis, may not expend any state or local resources, including the law enforcement
 7206 officer's time, to:

7207 (a) effect any arrest or seizure of cannabis, as that term is defined in Section 26B-4-201,
 7208 or conduct any investigation, on the sole basis of activity the law enforcement officer
 7209 believes to constitute a violation of federal law if the law enforcement officer has
 7210 reason to believe that the activity is in compliance with the state medical cannabis
 7211 laws;

7212 (b) enforce a law that restricts an individual's right to acquire, own, or possess a firearm
 7213 based solely on the individual's possession or use of cannabis in accordance with
 7214 state medical cannabis laws; or

7215 (c) provide any information or logistical support related to an activity described in
 7216 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

7217 (2) An agency or political subdivision of the state may not take an adverse action against a
 7218 person for providing a professional service to a medical cannabis pharmacy, as that term
 7219 is defined in Section 28B-4-201, the state central patient portal, as that term is defined in
 7220 Section 26B-4-201, or a cannabis production establishment, as that term is defined in
 7221 Section 4-41a-102, on the sole basis that the service is a violation of federal law.

7222 Section 100. Section **58-37c-101**, which is renumbered from Section 58-37c-3 is renumbered
 7223 and amended to read:

7224 **CHAPTER 37c. Controlled Substance Precursors**

7225 **Part 1. General Provisions**

7226 **[58-37e-3] 58-37c-101 (Effective 05/06/26). Definitions.**

7227 In addition to the definitions in Section 58-1-102, as used in this chapter:

7228 (1) "Controlled substance precursor" includes a chemical reagent and means any of the
 7229 following:

- 7230 (a) Phenyl-2-propanone;
- 7231 (b) Methylamine;
- 7232 (c) Ethylamine;
- 7233 (d) D-lysergic acid;
- 7234 (e) Ergotamine and its salts;

- 7235 (f) Diethyl malonate;
- 7236 (g) Malonic acid;
- 7237 (h) Ethyl malonate;
- 7238 (i) Barbituric acid;
- 7239 (j) Piperidine and its salts;
- 7240 (k) N-acetylanthranilic acid and its salts;
- 7241 (l) Pyrrolidine;
- 7242 (m) Phenylacetic acid and its salts;
- 7243 (n) Anthranilic acid and its salts;
- 7244 (o) Morpholine;
- 7245 (p) Ephedrine;
- 7246 (q) Pseudoephedrine;
- 7247 (r) Norpseudoephedrine;
- 7248 (s) Phenylpropanolamine;
- 7249 (t) Benzyl cyanide;
- 7250 (u) Ergonovine and its salts;
- 7251 (v) 3,4-Methylenedioxyphenyl-2-propanone;
- 7252 (w) propionic anhydride;
- 7253 (x) Insosafrole;
- 7254 (y) Safrole;
- 7255 (z) Piperonal;
- 7256 (aa) N-Methylephedrine;
- 7257 (bb) N-ethylephedrine;
- 7258 (cc) N-methylpseudoephedrine;
- 7259 (dd) N-ethylpseudoephedrine;
- 7260 (ee) Hydriotic acid;
- 7261 (ff) gamma butyrolactone (GBL), including butyrolactone, 1,2 butanolide, 2-oxanolone,
- 7262 tetrahydro-2-furanone, dihydro-2(3H)-furanone, and tetramethylene glycol, but not
- 7263 including gamma aminobutric acid (GABA);
- 7264 (gg) 1,4 butanediol;
- 7265 (hh) any salt, isomer, or salt of an isomer of the chemicals listed in Subsections (1)(a)
- 7266 through (gg);
- 7267 (ii) Crystal iodine;
- 7268 (jj) Iodine at concentrations greater than 1.5% by weight in a solution or matrix;

- 7269 (kk) Red phosphorous, except as provided in Section [~~58-37e-19.7~~] 58-37c-205;
- 7270 (ll) anhydrous ammonia, except as provided in Section [~~58-37e-19.9~~] 58-37c-206;
- 7271 (mm) any controlled substance precursor listed under the provisions of the Federal
- 7272 Controlled Substances Act which is designated by the director under the emergency
- 7273 listing provisions set forth in Section [~~58-37e-14~~] 58-37c-110; and
- 7274 (nn) any chemical which is designated by the director under the emergency listing
- 7275 provisions set forth in Section [~~58-37e-14~~] 58-37c-110.
- 7276 (2) "Deliver," "delivery," "transfer," or "furnish" means the actual, constructive, or
- 7277 attempted transfer of a controlled substance precursor.
- 7278 (3) "Matrix" means something, as a substance, in which something else originates,
- 7279 develops, or is contained.
- 7280 (4) "Person" means [~~any~~] an individual, group of individuals, proprietorship, partnership,
- 7281 joint venture, corporation, or organization of any type or kind.
- 7282 (5) "Practitioner" means a physician, physician assistant, dentist, podiatric physician,
- 7283 veterinarian, pharmacist, scientific investigator, pharmacy, hospital, pharmaceutical
- 7284 manufacturer, or other person licensed, registered, or otherwise permitted to distribute,
- 7285 dispense, conduct research with respect to, administer, or use in teaching or chemical
- 7286 analysis, a controlled substance in the course of professional practice or research in this
- 7287 state.
- 7288 (6)(a) "Regulated distributor" means a person within the state who provides, sells,
- 7289 furnishes, transfers, or otherwise supplies a listed controlled substance precursor
- 7290 chemical in a regulated transaction.
- 7291 (b) "Regulated distributor" does not include [~~any~~] a person excluded from regulation
- 7292 under this chapter.
- 7293 (7)(a) "Regulated purchaser" means [~~any~~] a person within the state who receives a listed
- 7294 controlled substance precursor chemical in a regulated transaction.
- 7295 (b) "Regulated purchaser" does not include [~~any~~] a person excluded from regulation
- 7296 under this chapter.
- 7297 (8) "Regulated transaction" means [~~any~~] an actual, constructive, or attempted:
- 7298 (a) transfer, distribution, delivery, or furnishing by a person within the state to another
- 7299 person within or outside of the state of a threshold amount of a listed precursor
- 7300 chemical; or
- 7301 (b) purchase or acquisition by any means by a person within the state from another
- 7302 person within or outside the state of a threshold amount of a listed precursor chemical.

- 7303 (9) "Retail distributor" means a grocery store, general merchandise store, drug store, or
7304 other entity or person whose activities as a distributor are limited almost exclusively to
7305 sales for personal use:
- 7306 (a) in both number of sales and volume of sales; and
 - 7307 (b) either directly to walk-in customers or in face-to-face transactions by direct sales.
- 7308 (10) "Threshold amount of a listed precursor chemical" means any amount of a controlled
7309 substance precursor or a specified amount of a controlled substance precursor in a
7310 matrix; however, the division may exempt from the provisions of this chapter a specific
7311 controlled substance precursor in a specific amount and in certain types of transactions,
7312 which provisions for exemption shall be defined by the division by rule adopted
7313 pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 7314 (11) "Unlawful conduct" as defined in Section 58-1-501 includes knowingly and
7315 intentionally:
- 7316 (a) engaging in a regulated transaction without first being appropriately licensed or
7317 exempted from licensure under this chapter;
 - 7318 (b) acting as a regulated distributor and selling, transferring, or in any other way
7319 conveying a controlled substance precursor to a person within the state who is not
7320 appropriately licensed or exempted from licensure as a regulated purchaser, or
7321 selling, transferring, or otherwise conveying a controlled substance precursor to a
7322 person outside of the state and failing to report the transaction as required;
 - 7323 (c) acting as a regulated purchaser and purchasing or in any other way obtaining a
7324 controlled substance precursor from a person within the state who is not a licensed
7325 regulated distributor, or purchasing or otherwise obtaining a controlled substance
7326 precursor from a person outside of the state and failing to report the transaction as
7327 required;
 - 7328 (d) engaging in a regulated transaction and failing to submit reports and keep required
7329 records of inventories required under the provisions of this chapter or rules adopted
7330 pursuant to this chapter;
 - 7331 (e) making any false statement in any application for license, in any record to be kept, or
7332 on any report submitted as required under this chapter;
 - 7333 (f) with the intent of causing the evasion of the recordkeeping or reporting requirements
7334 of this chapter and rules related to this chapter, receiving or distributing any listed
7335 controlled substance precursor chemical in any manner designed so that the making
7336 of records or filing of reports required under this chapter is not required;

- 7337 (g) failing to take immediate steps to comply with licensure, reporting, or recordkeeping
 7338 requirements of this chapter because of lack of knowledge of those requirements,
 7339 upon becoming informed of the requirements;
- 7340 (h) presenting false or fraudulent identification where or when receiving or purchasing a
 7341 listed controlled substance precursor chemical;
- 7342 (i) creating a chemical mixture for the purpose of evading any licensure, reporting or
 7343 recordkeeping requirement of this chapter or rules related to this chapter, or receiving
 7344 a chemical mixture created for that purpose;
- 7345 (j) if the [person] individual is at least 18 years [of age] old, employing, hiring, using,
 7346 persuading, inducing, enticing, or coercing another [person] individual under 18 years [
 7347 of age] old to violate any provision of this chapter, or assisting in avoiding detection
 7348 or apprehension for any violation of this chapter by any federal, state, or local law
 7349 enforcement official; and
- 7350 (k) obtaining or attempting to obtain or to possess any controlled substance precursor or
 7351 any combination of controlled substance precursors knowing or having a reasonable
 7352 cause to believe that the controlled substance precursor is intended to be used in the
 7353 unlawful manufacture of any controlled substance.

7354 (12) "Unprofessional conduct" as defined in Section 58-1-102 and as may be further
 7355 defined by rule includes the following:

- 7356 (a) violation of any provision of this chapter, the Controlled Substance Act of this state
 7357 or any other state, or the [Federal] federal Controlled Substance Act; and
- 7358 (b) refusing to allow agents or representatives of the division or authorized law
 7359 enforcement personnel to inspect inventories or controlled substance precursors or
 7360 records or reports relating to purchases and sales or distribution of controlled
 7361 substance precursors as such records and reports are required under this chapter.

7362 Section 101. Section **58-37c-102**, which is renumbered from Section 58-37c-5 is renumbered
 7363 and amended to read:

7364 **[58-37c-5] 58-37c-102 (Effective 05/06/26). Responsibility of Department of**
 7365 **Commerce -- Delegation to the Division of Professional Licensing -- Rulemaking**
 7366 **authority of the division.**

- 7367 (1) [Responsibility] The Department of Commerce is responsible for the enforcement of the
 7368 licensing and reporting provisions of this chapter[~~shall be with the Department of~~
 7369 ~~Commeree~~].
- 7370 (2) The executive director shall delegate specific responsibility within the department to the

7371 Division of Professional Licensing.

7372 (3) The division shall make, adopt, amend, and repeal rules necessary for the proper
7373 administration and enforcement of this chapter.

7374 Section 102. Section **58-37c-103**, which is renumbered from Section 58-37c-6 is renumbered
7375 and amended to read:

7376 **[58-37c-6] 58-37c-103 (Effective 05/06/26). Division duties.**

7377 (1) The division ~~[shall be]~~ is responsible for the licensing and reporting provisions of
7378 this chapter.

7379 (2) ~~[and those duties shall]~~ The duties described in Subsection (1) include:

7380 ~~[(1)]~~ (a) providing for a system of licensure of regulated distributors and regulated
7381 purchasers;

7382 ~~[(2)]~~ (b) refusing to renew a license or ~~revoking~~, suspending, restricting, placing on
7383 probation, issuing a private or public letter of censure or reprimand, or imposing
7384 other appropriate action against a license;

7385 ~~[(3)]~~ (c) with respect to the licensure and reporting provisions of this chapter,
7386 investigating or causing to be investigated any violation of this chapter by any person
7387 and to cause, when necessary, appropriate administrative action with respect to the
7388 license of that person;

7389 ~~[(4)]~~ (d) presenting evidence obtained from ~~[investigations]~~ an investigation conducted by
7390 an appropriate county ~~[attorneys]~~ attorney and the Office of the Attorney General for
7391 civil or criminal prosecution or for administrative action against a licensee;

7392 ~~[(5)]~~ (e) conducting hearings for the purpose of revoking, suspending, placing on
7393 probation, or imposing other appropriate administrative action against the license of a
7394 regulated ~~[distributors]~~ distributor or regulated ~~[purchasers]~~ purchaser in accordance
7395 with the provisions of Title 58, Chapter 1, Division of Professional Licensing Act,
7396 and Title 63G, Chapter 4, Administrative Procedures Act;

7397 ~~[(6)]~~ (f) assisting all other law enforcement agencies of the state in enforcing all laws
7398 regarding controlled substance precursors;

7399 ~~[(7)]~~ (g) specifying reports, frequency of reports, and conditions under which reports are
7400 to be submitted and to whom reports are to be submitted by regulated distributors and
7401 regulated purchasers with respect to transactions involving threshold amounts of
7402 controlled substance precursors; and

7403 ~~[(8)]~~ (h) performing all other functions necessary to fulfill division duties and
7404 responsibilities as outlined under this chapter or rules adopted pursuant to this

7405 chapter.

7406 Section 103. Section **58-37c-104**, which is renumbered from Section 58-37c-7 is renumbered
7407 and amended to read:

7408 **[58-37c-7] 58-37c-104 (Effective 05/06/26). Controlled substance precursor**
7409 **license.**

7410 (1) The division shall issue to persons qualified under the provisions of this chapter and
7411 rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a
7412 controlled substance precursor license.

7413 (2) It is unlawful for a person to engage in the distribution, sale, or transfer, or in the
7414 purchase or obtaining of a controlled substance precursor in a regulated transaction
7415 without being licensed or excepted from licensure under this chapter.

7416 Section 104. Section **58-37c-105**, which is renumbered from Section 58-37c-8 is renumbered
7417 and amended to read:

7418 **[58-37c-8] 58-37c-105 (Effective 05/06/26). License -- Exceptions from licensure**
7419 **or regulation.**

7420 (1) A person engaged in a regulated transaction under this chapter shall hold a controlled
7421 substance precursor license issued under Section [58-37c-7] 58-37c-104, unless excepted
7422 from licensure under this chapter.

7423 (2) The division shall:

7424 (a) establish the form of application for a license, the requirements for licensure, and
7425 fees for initial licensure and renewal; and

7426 (b) identify required information to be contained in the application as a condition of
7427 licensure.

7428 (3) A practitioner who holds a Utah Controlled Substance License and a Controlled
7429 Substance Registration issued by the Drug Enforcement Administration of the U.S.
7430 Government is excepted from licensure under this chapter.

7431 (4) The purchase, sale, transfer, furnishing, or receipt of a drug intended for lawful use in
7432 the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other
7433 animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or
7434 phenylpropanolamine, if the drug is lawfully purchased, sold, transferred, or furnished
7435 as an over-the-counter medication without prescription pursuant to the federal Food,
7436 Drug and Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations adopted under that act,
7437 are excepted from licensure, reporting, and recordkeeping under this chapter, except that
7438 products containing ephedrine, pseudoephedrine, or phenylpropanolamine are subject to

7439 Section ~~[58-37e-20.5]~~ 58-37c-208.

7440 (5) The purchase, sale, transfer, receipt, or manufacture of dietary supplements, vitamins,
7441 minerals, herbs, or other similar substances, including concentrates or extracts, which
7442 are not otherwise prohibited by law, and which may contain naturally occurring amounts
7443 of chemicals or substances listed in this chapter, or in rules adopted pursuant to Title
7444 63G, Chapter 3, Utah Administrative Rulemaking Act, are exempt from licensure under
7445 this chapter.

7446 (6) A purchaser of two ounces or less of crystal iodine in a single transaction is not required
7447 to be licensed as a regulated purchaser if the transaction complies with Section [
7448 ~~58-37e-18]~~ 58-37c-202.

7449 (7) The purchase, sale, transfer, receipt, or manufacture of a product that contains a
7450 precursor chemical listed in Subsection [~~58-37e-3(1)(ff) or (gg)]~~ 58-37c-101(1)(ff) or (gg)
7451 and that is not intended for human consumption is exempt from licensure or regulation
7452 and is not subject to criminal penalties under this chapter.

7453 Section 105. Section **58-37c-106**, which is renumbered from Section 58-37c-9 is renumbered
7454 and amended to read:

7455 ~~[58-37e-9]~~ **58-37c-106** (Effective 05/06/26). **Term of license -- Expiration --**
7456 **Renewal.**

7457 (1)(a) Each license issued under this chapter shall be issued in accordance with a
7458 two-year renewal cycle established by rule.

7459 (b) A renewal period may be extended or shortened by as much as one year to maintain
7460 established renewal cycles or to change an established renewal cycle.

7461 (2) Each license automatically expires on the expiration date shown on the license unless
7462 renewed by the licensee in accordance with Section 58-1-308.

7463 Section 106. Section **58-37c-107**, which is renumbered from Section 58-37c-10 is renumbered
7464 and amended to read:

7465 ~~[58-37e-10]~~ **58-37c-107** (Effective 05/06/26). **Reporting and recordkeeping --**
7466 **Penalty.**

7467 (1) Any person who engages in a regulated transaction, unless excepted under the
7468 provisions of Subsections [~~58-37e-8(3) and (4)]~~ 58-37c-105(3) and (4), shall submit a
7469 report with respect to such transaction and shall maintain records of inventories in
7470 accordance with rules adopted by the division.

7471 (2) The division shall provide reporting forms upon which regulated transactions shall be
7472 reported.

- 7473 (3) The division shall furnish copies of reports of transactions under this section to
7474 appropriate law enforcement agencies.
- 7475 (4) The division shall adopt rules regulating:
- 7476 (a) records [~~which~~] that shall be maintained and reports [~~which~~] that shall be submitted by
7477 regulated distributors and regulated purchasers with respect to listed controlled
7478 substance precursors obtained, distributed, and held in inventory;
- 7479 (b) records [~~which~~] that shall be maintained and reports [~~which~~] that shall be submitted by
7480 regulated distributors and regulated purchasers with respect to extraordinary or
7481 unusual regulated transactions and a requirement that in such cases the report must be
7482 received at least three working days [~~prior to~~] before transfer of the listed controlled
7483 substance precursor;
- 7484 (c) identification [~~which~~] that must be presented by a purchaser of any listed controlled
7485 substance precursor before the sale or transfer can be completed and recordkeeping
7486 requirements related to such identification presented;
- 7487 (d) filing by each licensee the identification of all locations where any listed controlled
7488 substance precursor is held in inventory or stored and amending such filing when any
7489 change in location is made;
- 7490 (e) reports and actions [~~which~~] that must be taken by a regulated distributor or regulated
7491 purchaser in the event of any theft, loss, or shortage of a listed controlled substance
7492 precursor;
- 7493 (f) reports and actions [~~which~~] that must be taken by a regulated distributor relating to a
7494 regulated transaction with an out-of-state purchaser;
- 7495 (g) reports and actions [~~which~~] that must be taken by a regulated purchaser relating to a
7496 regulated transaction with an out-of-state distributor; and
- 7497 (h) regulated transactions to the extent such regulation is reasonable and necessary to
7498 protect the public health, safety, or welfare.
- 7499 (5) A person who engages in a regulated transaction may not accept a driving privilege card
7500 issued in accordance with Section 53-3-207 as proof of identification as required under
7501 Subsection (4)(c).
- 7502 (6) Any person who is a regulated distributor or a regulated purchaser who acts in violation
7503 of the provisions of this section, in addition to any criminal penalties, shall be subject to
7504 a civil penalty of not more than \$25,000 for each offense.

7505 Section 107. Section **58-37c-108**, which is renumbered from Section 58-37c-12 is renumbered
7506 and amended to read:

7507 **[58-37e-12] 58-37c-108 (Effective 05/06/26). Grounds for denial of license --**
 7508 **Disciplinary proceedings.**

7509 Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a
 7510 licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a
 7511 public or private reprimand to a licensee, and to issue cease and desist orders shall be in
 7512 accordance with Section 58-1-401.

7513 Section 108. Section **58-37c-109**, which is renumbered from Section 58-37c-13 is renumbered
 7514 and amended to read:

7515 **[58-37e-13] 58-37c-109 (Effective 05/06/26). License does not authorize**
 7516 **possession of controlled substances.**

7517 Nothing in the provisions of this chapter shall authorize [~~persons~~] a person not licensed
 7518 under provisions of [~~Title 58, Chapter 37, Utah Controlled Substances Act,~~] Chapter 37,
 7519 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
 7520 Substances, to distribute, possess, dispense, administer, or otherwise deal in controlled
 7521 substances as defined in [~~the Utah Controlled Substance Act~~] Chapter 37, Controlled
 7522 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

7523 Section 109. Section **58-37c-110**, which is renumbered from Section 58-37c-14 is renumbered
 7524 and amended to read:

7525 **[58-37e-14] 58-37c-110 (Effective 05/06/26). Emergency listing provision.**

7526 (1) Upon a written finding of cause by the director that the listing of a chemical as a
 7527 controlled substance precursor is necessary to protect the public health, safety, or
 7528 welfare, the director may make an emergency listing of that chemical as a controlled
 7529 substance precursor by adopting a rule pursuant to the provisions of Title 63G, Chapter
 7530 3, Utah Administrative Rulemaking Act.

7531 (2)(a) [~~Such listing-~~] A listing of a chemical described in Subsection (1) shall have effect
 7532 until the close of the next immediately succeeding regular session of the Legislature.

7533 (b) In the event the Legislature adopts the chemical as a controlled precursor by
 7534 amendment to this chapter, the chemical shall remain listed under emergency
 7535 provisions until the effective date of the amendment.

7536 (3) Any violation of this chapter dealing with a controlled substance precursor listed under
 7537 the emergency listing provisions of this section shall constitute a violation subject only
 7538 to civil or administrative penalties.

7539 Section 110. Section **58-37c-111**, which is renumbered from Section 58-37c-15 is renumbered
 7540 and amended to read:

7541 **~~[58-37c-15]~~ 58-37c-111 (Effective 05/06/26). Civil forfeiture.**

7542 The following shall be subject to forfeiture in accordance with the procedures and
7543 substantive protections of Title 77, Chapter 11b, Forfeiture of Seized Property:

- 7544 (1) all listed controlled substance precursor chemicals regulated under the provisions of this
7545 chapter ~~[which]~~ that have been distributed, possessed, or are intended to be distributed or
7546 otherwise transferred in violation of any felony provision of this chapter; and
7547 (2) all property used by any person to facilitate, aid, or otherwise cause the unlawful
7548 distribution, transfer, possession, or intent to distribute, transfer, or possess a listed
7549 controlled substance precursor chemical in violation of any felony provision of this
7550 chapter.

7551 Section 111. Section **58-37c-112**, which is renumbered from Section 58-37c-17 is renumbered
7552 and amended to read:

7553 **~~[58-37c-17]~~ 58-37c-112 (Effective 05/06/26). Inspection authority.**

7554 For the purpose of inspecting, copying, and auditing records and reports required under
7555 this chapter and rules adopted ~~[pursuant thereto]~~ under this chapter, and for the purpose of
7556 inspecting and auditing inventories of listed controlled substance precursors, the director, or [
-7557 ~~his]~~ the director's authorized agent, and law enforcement personnel of any federal, state, or
7558 local law enforcement agency~~[-is]~~ , are authorized to enter the premises of a regulated [
-7559 ~~distributors and]~~ distributor or regulated ~~[purchasers]~~ purchaser during normal business hours to
7560 conduct an administrative ~~[inspections]~~ inspection.

7561 Section 112. Section **58-37c-113**, which is renumbered from Section 58-37c-21 is renumbered
7562 and amended to read:

7563 **~~[58-37c-21]~~ 58-37c-113 (Effective 05/06/26). Department of Public Safety**
7564 **enforcement authority.**

7565 (1) As used in this section, "division" means the Criminal Investigations and Technical
7566 Services Division of the Department of Public Safety, created in Section 53-10-103.

7567 (2)(a) The division has authority to enforce this chapter.

7568 (b) To carry out ~~[this purpose]~~ enforcement of this chapter, the division may:

7569 ~~[(a)]~~ (i) inspect, copy, and audit records, inventories of controlled substance
7570 precursors, and reports required under this chapter and rules adopted under this
7571 chapter;

7572 ~~[(b)]~~ (ii) enter the premises of regulated distributors and regulated purchasers during
7573 normal business hours to conduct administrative inspections;

7574 ~~[(c)]~~ (iii) assist the law enforcement agencies of the state in enforcing this chapter;

7575 ~~[(d)]~~ (iv) conduct investigations to enforce this chapter;
 7576 ~~[(e)]~~ (v) present evidence obtained from investigations conducted in conjunction with
 7577 appropriate county and district attorneys and the Office of the Attorney General
 7578 for civil or criminal prosecution or for administrative action against a licensee; and
 7579 ~~[(f)]~~ (vi) work in cooperation with the Division of Professional Licensing, created
 7580 under Section 58-1-103, to accomplish the purposes of this section.

7581 Section 113. Section **58-37c-114**, which is renumbered from Section 58-37c-11 is renumbered
 7582 and amended to read:

7583 **58-37e-11 58-37c-114 (Effective 05/06/26). Penalty for unlawful conduct.**

7584 (1) ~~[A person who violates the]~~ A violation of an unlawful conduct provision defined in
 7585 Subsections ~~[58-37e-3(11)(a) through (j)]~~ 58-37c-101(11)(a) through (j) is ~~[guilty of]~~ a
 7586 class A misdemeanor.

7587 (2) ~~[A person who violates]~~ A violation of the unlawful conduct ~~[provisions]~~ provision
 7588 defined in Subsection ~~[58-37e-3(11)(k)]~~ 58-37c-101(11)(k) is ~~[guilty of]~~ a second degree
 7589 felony.

7590 Section 114. Section **58-37c-201** is enacted to read:

7591 **Part 2. Provisions Concerning Specific Precursors**

7592 **58-37c-201 (Effective 05/06/26). Definitions.**

7593 Reserved.

7594 Section 115. Section **58-37c-202**, which is renumbered from Section 58-37c-18 is renumbered
 7595 and amended to read:

7596 **58-37e-18 58-37c-202 (Effective 05/06/26). Recordkeeping requirements for**
 7597 **sale of crystal iodine -- Penalty.**

7598 (1) ~~[Any]~~ A person licensed to engage in a regulated transaction and who sells crystal iodine
 7599 to another person shall:

7600 (a) comply with the recordkeeping requirements of Section ~~[58-37e-10]~~ 58-37c-107;

7601 (b) require photo identification of the purchaser;

7602 (c) obtain from the purchaser a signature on a certificate of identification provided by
 7603 the seller; and

7604 (d) obtain from the purchaser a legible fingerprint, preferably of the right thumb, which
 7605 shall be placed on the certificate next to the purchaser's signature.

7606 (2) Any failure to comply with Subsection (1) is a class B misdemeanor.

7607 Section 116. Section **58-37c-203**, which is renumbered from Section 58-37c-19 is renumbered
 7608 and amended to read:

7609 **[58-37e-19] 58-37c-203 (Effective 05/06/26). Possession or sale of crystal iodine --**
 7610 **Penalty.**

- 7611 (1) A person licensed to engage in a regulated transaction is guilty of a class B
 7612 misdemeanor [whø] if, under circumstances not amounting to a violation of Subsection [
 7613 ~~58-37d-4(1)(e)] 76-18-506(2)(c), the person offers to sell, sells, or distributes more than~~
 7614 two ounces of crystal iodine to another person who is:
 7615 (a) not licensed as a regulated purchaser of crystal iodine;
 7616 (b) not excepted from licensure; or
 7617 (c) not excepted under Subsection (3).
 7618 (2) A person who is not licensed to engage in regulated transactions and not excepted from
 7619 licensure is guilty of a class A misdemeanor [whø] if, under circumstances not
 7620 amounting to a violation of Subsection [~~58-37e-3(1)(k)] 58-37c-101(11)(k) or~~
 7621 Subsection [~~58-37d-4(1)(a)] 76-18-506(2)(a), the person:~~
 7622 (a) possesses more than two ounces of crystal iodine; or
 7623 (b) offers to sell, sells, or distributes crystal iodine to another person.
 7624 (3) Subsection (2)(a) does not apply to:
 7625 (a) a chemistry laboratory maintained by:
 7626 (i) a public or private regularly established secondary school; or
 7627 (ii) a public or private institution of higher education that is accredited by a regional
 7628 or national accrediting agency recognized by the United States Department of
 7629 Education;
 7630 (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice Act;
 7631 or
 7632 (c) a general acute hospital.

7633 Section 117. Section **58-37c-204**, which is renumbered from Section 58-37c-19.5 is renumbered
 7634 and amended to read:

7635 **[58-37e-19.5] 58-37c-204 (Effective 05/06/26). Iodine solution greater than 1.5%**
 7636 **-- Prescription or permit required -- Penalties.**

- 7637 (1) As used in this section, "iodine matrix" means iodine at concentrations greater than
 7638 1.5% by weight in a matrix or solution.
 7639 (2) A person may offer to sell, sell, or distribute an iodine matrix only:
 7640 (a) as a prescription drug, pursuant to a prescription issued by a veterinarian or physician
 7641 licensed within the state; or
 7642 (b) to a person who is actively engaged in the legal practice of animal husbandry of

- 7643 livestock, as defined in Section 4-1-109.
- 7644 (3) Prescriptions issued under this section:
- 7645 (a) shall provide for a specified number of refills;
- 7646 (b) may be issued by electronic means, in accordance with Title 58, Chapter 17b,
7647 Pharmacy Practice Act; and
- 7648 (c) may be filled by a person other than the veterinarian or physician issuing the
7649 prescription.
- 7650 (4) A retailer offering iodine matrix for sale:
- 7651 (a) shall store the iodine matrix so that the public does not have access to the iodine
7652 matrix without the direct assistance or intervention of a retail employee;
- 7653 (b) shall keep a record, which may consist of sales receipts, of each person purchasing
7654 iodine matrix; and
- 7655 (c) may, if necessary to ascertain the identity of the purchaser, ask for proof of
7656 identification from the purchaser.
- 7657 (5) A person engaging in a regulated transaction under Subsection (2) is guilty of a class B
7658 misdemeanor if the person, under circumstances not amounting to a violation of
7659 Subsection [~~58-37d-4(1)(c)~~] 76-18-506(2)(c), offers to sell, sells, or distributes an iodine
7660 matrix to a person who:
- 7661 (a) does not present a prescription or is not engaged in animal husbandry, as required
7662 under Subsection (2); or
- 7663 (b) is not excepted under Subsection (7).
- 7664 (6) A person is guilty of a class A misdemeanor [~~who~~] if, under circumstances not
7665 amounting to a violation of Subsection [~~58-37c-3(11)(k) or 58-37d-4(1)(a)~~]
7666 58-37c-101(11)(k) or 76-18-506(2)(a), the person:
- 7667 (a) possesses an iodine matrix without proof of obtaining the solution in compliance
7668 with Subsection (2); or
- 7669 (b) offers to sell, sells, or distributes an iodine matrix in violation of Subsection (2).
- 7670 (7) Subsection (6)(a) does not apply to:
- 7671 (a) a chemistry or chemistry-related laboratory maintained by:
- 7672 (i) a public or private regularly established secondary school; or
- 7673 (ii) a public or private institution of higher education that is accredited by a regional
7674 or national accrediting agency recognized by the United States Department of
7675 Education;
- 7676 (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice Act;

7677 (c) a general acute hospital; or

7678 (d) a veterinarian, physician, pharmacist, retail distributor, wholesaler, manufacturer,
7679 warehouseman, or common carrier, or an agent of any of these persons who
7680 possesses an iodine matrix in the regular course of lawful business activities.

7681 Section 118. Section **58-37c-205**, which is renumbered from Section 58-37c-19.7 is renumbered
7682 and amended to read:

7683 **[58-37e-19.7] 58-37c-205 (Effective 05/06/26). Red phosphorus is a precursor --**
7684 **Penalty -- Affirmative defense.**

7685 (1) A person [~~is guilty of a class A misdemeanor~~] who is not licensed to engage in a
7686 regulated transaction and is not excepted from licensure [~~who~~] is guilty of a class A
7687 misdemeanor if, under circumstances not amounting to a violation of Subsection [
7688 ~~58-37e-3(11)(k) or 58-37d-4(1)(a)] 58-37c-101(11)(k) or 76-18-506(2)(a)~~, possesses any
7689 amount of red phosphorus.

7690 (2) It is an affirmative defense to a charge under Subsection (1) that the person in
7691 possession of red phosphorus:

7692 (a) is conducting a licensed business that involves red phosphorus in the manufacture of
7693 any of the following:

7694 (i) the striking surface used for lighting matches, which is sometimes referred to as
7695 the striker plate;

7696 (ii) flame retardant in polymers; or

7697 (iii) fireworks, for which the person or entity possesses a federal license to
7698 manufacture explosives as required under 27 CFR Chapter II, Part 555,
7699 Commerce in Explosives; or

7700 (b)(i) is a wholesaler, manufacturer, warehouseman, or common carrier handling red
7701 phosphorus, or is an agent of any of these persons; and

7702 (ii) possesses the substances in the regular course of lawful business activities.

7703 (3)(a)(i) A defendant shall provide written notice of intent to claim an affirmative
7704 defense under this section as soon as practicable, but not later than 10 days prior
7705 to trial.

7706 (ii) The court may waive the notice requirement in the interest of justice for good
7707 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely
7708 notice.

7709 (b) The notice described in Subsection (3)(a)(i) shall include the specifics of the
7710 affirmative defense.

7711 (c)(i) The defendant shall establish the affirmative defense by a preponderance of the
7712 evidence.

7713 (ii) If the defense is established, it is a complete defense to the charges.

7714 (4) Subsection (1) does not apply to:

7715 (a) a chemistry or chemistry-related laboratory maintained by:

7716 (i) a public or private regularly established secondary school; or

7717 (ii) a public or private institution of higher education that is accredited by a regional
7718 or national accrediting agency recognized by the United States Department of
7719 Education; or

7720 (b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or
7721 an agent of any of these persons who possesses red phosphorus in the regular course
7722 of lawful business activities.

7723 Section 119. Section **58-37c-206**, which is renumbered from Section 58-37c-19.9 is renumbered
7724 and amended to read:

7725 **[58-37e-19.9] 58-37c-206 (Effective 05/06/26). Anhydrous ammonia is a**
7726 **precursor -- Penalty -- Requirements regarding purposes and containers.**

7727 (1) A person [~~is guilty of a class A misdemeanor~~] who is not licensed to engage in a
7728 regulated transaction and is not excepted from licensure or exempted under Subsection

7729 (2), and who possesses any amount of anhydrous ammonia under circumstances not
7730 amounting to a violation of Subsection [~~58-37c-3(11)(k) or 58-37d-4(1)(a)]~~

7731 58-37c-101(11)(k) or 76-18-506(2)(a), is guilty of a class A misdemeanor.

7732 (2) A person who possesses anhydrous ammonia has an affirmative defense to a charge
7733 under Subsection (1) if the person is:

7734 (a) directly involved in or actively operating land in agricultural use as defined in
7735 Section 59-2-502;

7736 (b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or
7737 an agent of any of these persons, who possesses anhydrous ammonia in the regular
7738 course of lawful business activities;

7739 (c) directly involved in or actively operating a business or other lawful activity
7740 providing or using anhydrous ammonia for refrigeration applications; or

7741 (d) directly involved in or actively operating a lawful business enterprise, including an
7742 industrial enterprise, that uses anhydrous ammonia in the regular course of [~~its~~] the
7743 lawful business enterprise's business activities.

7744 Section 120. Section **58-37c-207**, which is renumbered from Section 58-37c-20 is renumbered

7745 and amended to read:

7746 **[~~58-37e-20~~ 58-37c-207 (Effective 05/06/26). Possession of ephedrine,**
7747 **pseudoephedrine, or phenylpropanolamine -- Penalties -- Affirmative defense.**

7748 (1) A person is guilty of a class A misdemeanor if the person:

7749 (a) [~~who~~]is not licensed to engage in regulated transactions and is not excepted from
7750 licensure; and

7751 (b) [~~who~~]under circumstances not amounting to a violation of Subsection [
7752 ~~58-37e-3(11)(k) or Subsection 58-37d-4(1)(a)~~ 58-37c-101(11)(k) or 76-18-506(2)(a),
7753 possesses more than 9 grams of ephedrine, pseudoephedrine, or
7754 phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of
7755 any of these substances.

7756 (2) It is an affirmative defense to a charge under Subsection (1) that the person in
7757 possession of ephedrine, pseudoephedrine, phenylpropanolamine, or a combination of
7758 these [~~two~~]substances:

7759 (a)(i) is a physician, pharmacist, retail distributor, wholesaler, manufacturer,
7760 warehouseman, or common carrier, or an agent of any of these persons; and

7761 (ii) possesses the substances in the regular course of lawful business activities; or

7762 (b) possesses the substance pursuant to a valid prescription as defined in Section [
7763 ~~58-37-2~~] 58-37-101.

7764 (3)(a)(i) A defendant shall provide written notice of intent to claim an affirmative
7765 defense under this section as soon as practicable, but not later than 10 days prior
7766 to trial.

7767 (ii) The court may waive the notice requirement in the interest of justice for good
7768 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely
7769 notice.

7770 (b) The notice described in Subsection (3)(a)(i) shall include the specifics of the asserted
7771 defense.

7772 (c)(i) The defendant shall establish the affirmative defense by a preponderance of the
7773 evidence.

7774 (ii) If the defense is established, it is a complete defense to the charges.

7775 (4) This section does not apply to dietary supplements, herbs, or other natural products,
7776 including concentrates or extracts, which:

7777 (a) are not otherwise prohibited by law; and

7778 (b) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine,

- 7779 or their salts, isomers, or salts of isomers, or a combination of these substances, that:
- 7780 (i) are contained in a matrix of organic material; and
- 7781 (ii) do not exceed 15% of the total weight of the natural product.

7782 Section 121. Section **58-37c-208**, which is renumbered from Section 58-37c-20.5 is renumbered
7783 and amended to read:

7784 **[58-37c-20.5] 58-37c-208 (Effective 05/06/26). Pseudoephedrine products --**
7785 **Limitations on retail sale -- Penalty.**

7786 (1) As used in this section:

7787 (a) "Mobile retail vendor" means a person or entity that sells product at retail from a
7788 stand that is intended to be temporary, or that is capable of being moved from one
7789 location to another, whether the stand is located within or on the premises of a fixed
7790 facility or is located on unimproved real estate[; and] .

7791 (b) "Product" means any product, mixture, or preparation, or any combination of
7792 products that contain ephedrine, pseudoephedrine, or phenylpropanolamine, their
7793 salts or isomers, or salts of optical isomers, or a combination of any of these
7794 substances.

7795 (2) A retail distributor or a mobile retail vendor may not distribute or sell any product that
7796 exceeds the threshold amount of 3.6 grams of ephedrine, pseudoephedrine, or
7797 phenylpropanolamine, or any combination of these, regardless of the number of
7798 transactions, during any 24-hour period.

7799 (3) A mobile retail vendor may not distribute or sell any product that exceeds the threshold
7800 amount of 7.5 grams of ephedrine, pseudoephedrine, or phenylpropanolamine,
7801 regardless of the number of transactions, during any 30-day period.

7802 (4) A retail distributor or a mobile retail vendor may not distribute or sell any product,
7803 unless the retail distributor or mobile retail vendor:

7804 (a) stores the product in an area not accessible to customers [~~prior to~~] before the sale,
7805 which area may include a locked cabinet to display the product in an area accessible
7806 to customers, if the locked cabinet may be opened only by the retail distributor or
7807 mobile retail vendor or [~~its~~] the employees of the retail distributor or mobile retail
7808 vendor;

7809 (b) stores all nonliquid scheduled listed chemical products in packaging containing
7810 blister packs, with each blister containing no more than two dosage units;

7811 (c) requires the purchaser of the product to provide photo identification issued by a
7812 governmental agency and that includes the purchaser's date of birth;

7813 (d) maintains a written or electronic log under Subsection (5) of the sales made under
7814 this section; and

7815 (e) provides a notice concerning federal penalties for making false statements or
7816 misrepresentations, as provided in Subsection (5)(d).

7817 (5)(a) Each retail distributor or mobile retail vendor shall maintain an electronic or
7818 written log that contains the following information regarding each person to whom
7819 product is distributed or sold under this section.

7820 (b) The log described in Subsection (5)(a) shall include:

7821 [~~(a)~~] (i) the following information, provided or written in the log by the purchaser:

7822 [(~~i~~)] (A) the purchaser's name, address, and date of birth, as demonstrated by a
7823 form of personal identification issued by the state or the federal government
7824 and that provides an identifying photograph of the person;

7825 [(~~ii~~)] (B) the date and time of the transaction; and

7826 [(~~iii~~)] (C) the purchaser's signature; and

7827 [~~(b)~~] (ii) the following information verified or written in by the retail distributor or the
7828 mobile retail vendor:

7829 [(~~i~~)] (A) verification of the identity of the purchaser as indicated by the form of
7830 identification presented by the purchaser;

7831 [(~~ii~~)] (B) verification that the date and time of the transaction as entered in the log
7832 is correct; and

7833 [(~~iii~~)] (C) entry of the brand name and the quantity of the product sold in the
7834 transaction.

7835 (c) The retail distributor or the mobile retail vendor shall maintain the information
7836 required to be recorded in a log under Subsections (5)(a) and (b) for not less than two
7837 years from the most recent date contained in the log.

7838 (d) In addition to the log information required under this Subsection (5), the log, or a
7839 prominently displayed sign, shall contain the following statement verbatim which shall be
7840 visible to purchasers of product:

7841 "WARNING: Section 1001 of Title 18, United States Code, states that whoever, with
7842 respect to the information to be provided in this log, knowingly and willfully falsifies,
7843 conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially
7844 false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or
7845 document, knowing the same to contain any materially false, fictitious, or fraudulent statement
7846 or entry, shall be fined not more than \$250,000 if an individual or \$500,000 if an organization,

- 7847 imprisoned for not more than five years, or both."
- 7848 (6)(a) A person may not knowingly and intentionally use, release, publish, or otherwise
7849 make available to any person or entity any information in or obtained from a log
7850 maintained by a retail distributor or a mobile retail vendor under this section for any
7851 purpose other than those specified in Subsection (6)(b).
- 7852 (b) The retail distributor or [its] the retail distributor's designee shall make information in
7853 the log available only to:
- 7854 (i) federal, state, and local law enforcement authorities engaged as a duty of their
7855 employment in enforcing laws regulating controlled substances; and
7856 (ii) an individual:
- 7857 (A) whose request is for records in the log of that individual's purchase or receipt
7858 of product; and
7859 (B) who has provided evidence satisfactory to the retail distributor that the
7860 individual is in fact the person regarding whom the requested log entry is made.
- 7861 (c) Any person who knowingly and intentionally releases or modifies any information in
7862 the log in violation of this Subsection (6) is guilty of a class B misdemeanor.
- 7863 (7)(a) A person may not purchase product that exceeds the threshold amount of 3.6
7864 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination
7865 of these, regardless of the number of transactions, during any 24-hour period.
- 7866 (b) A person may not purchase product that exceeds the threshold amount of 9 grams of
7867 ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination of these,
7868 regardless of the number of transactions, during any 30-day period.
- 7869 (c) A violation of this Subsection (7) is a class B misdemeanor.
- 7870 (8) This section does not apply to any quantity of product possessed by:
- 7871 (a) a physician, pharmacist, veterinarian, retail distributor, wholesaler, manufacturer,
7872 warehouseman, or common carrier, or any agent of these persons, who possess the
7873 product in the regular course of lawful business activities; or
7874 (b) a person who possesses the product pursuant to a valid prescription as defined in
7875 Section [~~58-37-2~~] 58-37-101.
- 7876 (9) This section does not apply to dietary supplements, herbs, or other natural products,
7877 including concentrates or extracts, which:
- 7878 (a) are not otherwise prohibited by law; and
7879 (b) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine,
7880 or their salts, isomers, or salts of isomers, or a combination of these substances, that:

- 7881 (i) are contained in a matrix of organic material; and
 7882 (ii) do not exceed 15% of the total weight of the natural product.
- 7883 (10) This section does not apply to an individual sales transaction in which the purchaser
 7884 purchases a single package containing no more than 60 mg of pseudoephedrine.
- 7885 (11)(a) A violation of this section is a class B misdemeanor, and a second or subsequent
 7886 violation of this section is a class A misdemeanor.
- 7887 (b) For purposes of this section, a plea of guilty or no contest to a violation of this
 7888 section ~~[which]~~ that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
 7889 is the equivalent of a conviction for a violation of this section, even if the charge has
 7890 been subsequently reduced or dismissed in accordance with a plea in abeyance
 7891 agreement.
- 7892 (c) A previous conviction used for a penalty enhancement under this section includes a
 7893 conviction for an offense described in a statute previously in effect in this state that is
 7894 the same or substantially similar to a violation of this section.

7895 Section 122. Section **58-37e-101**, which is renumbered from Section 58-37e-2 is renumbered
 7896 and amended to read:

7897 **CHAPTER 37e. Drug Dealer Liability**

7898 **[58-37e-2] 58-37e-101 (Effective 05/06/26). Definitions.**

7899 As used in this chapter:

- 7900 (1) "Illegal drug" means a drug or controlled substance whose distribution is a violation of
 7901 state law.
- 7902 (2) "Illegal drug market" means the support system of illegal drug-related operations, from
 7903 production to retail sales, through which an illegal drug reaches the user.
- 7904 (3) "Illegal drug market target community" is the area described in Section ~~[58-37e-7]~~
 7905 58-37e-106.
- 7906 (4) "Individual drug user" means the individual whose illegal drug use is the basis of an
 7907 action brought under this chapter.
- 7908 (5) "Level 1 offense" means:
- 7909 (a) possession of 16 ounces or more ~~[or distribution of four ounces or more]~~ of a mixture
 7910 containing a specified illegal drug;
- 7911 (b) distribution of four ounces or more of a mixture containing a specified illegal drug;
- 7912 (c) ~~[or]~~ possession of 16 pounds or more, or 100 plants or more, of marijuana; or
- 7913 (d) distribution of 10 pounds or more of marijuana.
- 7914 (6) "Level 2 offense" means:

- 7915 (a) possession of eight ounces or more, but less than 16 ounces, [~~or distribution of two~~
 7916 ounces or more, but less than four ounces,] of a mixture containing a specified illegal
 7917 drug;
- 7918 (b) [~~or~~] distribution of two ounces or more, but less than four ounces, of a mixture
 7919 containing a specified illegal drug;
- 7920 (c) possession of eight pounds or more, or 75 plants or more, but less than 16 pounds or
 7921 100 plants, of marijuana; or
- 7922 (d) distribution of more than five pounds, but less than 10 pounds, of marijuana.
- 7923 (7) "Level 3 offense" means:
- 7924 (a) possession of four ounces or more, but less than eight ounces, [~~or distribution of one~~
 7925 ounce or more, but less than two ounces,] of a mixture containing a specified illegal
 7926 drug[~~or~~] ;
- 7927 (b) distribution of one ounce or more, but less than two ounces, of a mixture containing
 7928 a specified illegal drug;
- 7929 (c) possession of four pounds or more, or 50 plants or more, but less than eight pounds
 7930 or 75 plants, of marijuana; or
- 7931 (d) distribution of more than one pound, but less than five pounds of marijuana.
- 7932 (8) "Level 4 offense" means:
- 7933 (a) possession of 1/4 ounce or more, but less than four ounces, [~~or distribution of less~~
 7934 than one ounce] of a mixture containing a specified illegal drug[~~or~~] ;
- 7935 (b) distribution of less than one ounce of a mixture containing a specified illegal drug;
- 7936 (c) possession of one pound or more, or 25 plants or more, but less than four pounds or
 7937 50 plants, of marijuana; or
- 7938 (d) distribution of less than one pound of marijuana.
- 7939 (9)(a) "Participate in the illegal drug market" means to distribute, possess with an intent
 7940 to distribute, commit an act intended to facilitate the marketing or distribution of, or
 7941 agree to distribute, possess with an intent to distribute, or commit an act intended to
 7942 facilitate the marketing and distribution of an illegal drug.
- 7943 (b) "Participate in the illegal drug market" does not include the purchase or receipt of an
 7944 illegal drug for personal use only.
- 7945 (10)(a) "Period of illegal drug use" means, in relation to the individual drug user, the
 7946 time of the individual's first use of an illegal drug to the accrual of the cause of the
 7947 action.
- 7948 (b) The period of illegal drug use is presumed to commence two years before the cause

7949 of action accrues unless the defendant proves otherwise by clear and convincing
7950 evidence.

7951 (11) "Person" means an individual, governmental entity, corporation, firm, trust,
7952 partnership, or incorporated or unincorporated association, existing under or authorized
7953 by the laws of this state, another state, or foreign country.

7954 (12) "Place of illegal drug activity" means, in relation to the individual drug user, each
7955 county in which the individual possesses or uses an illegal drug or in which the
7956 individual resides, attends school, or is employed during the period of the individual's
7957 illegal drug use, unless the defendant proves otherwise by clear and convincing evidence.

7958 (13) "Place of participation" means, in relation to a defendant in an action brought under
7959 this chapter, each county in which the person participates in the illegal drug market or in
7960 which the person resides, attends school, or is employed during the period of the
7961 person's participation in the illegal drug market.

7962 (14) "Specified illegal drug" means cocaine, heroin, or methamphetamine and any other
7963 controlled substance, the distribution of which is a violation of state law.

7964 Section 123. Section **58-37e-102**, which is renumbered from Section 58-37e-3 is renumbered
7965 and amended to read:

7966 **[58-37e-3] 58-37e-102 (Effective 05/06/26). Liability for participation in the**
7967 **illegal drug market -- Exemption.**

7968 (1)(a) A person who knowingly participates in the illegal drug market within this state is
7969 liable for civil damages as provided in this chapter.

7970 (b) A person may recover damages under this chapter for injury resulting from an
7971 individual's use of an illegal drug.

7972 (2) A law enforcement officer or agency, the state, or a person acting at the direction of a
7973 law enforcement officer or agency or the state, is not liable for participating in the illegal
7974 drug market, if the participation is in furtherance of an official investigation.

7975 Section 124. Section **58-37e-103**, which is renumbered from Section 58-37e-4 is renumbered
7976 and amended to read:

7977 **[58-37e-4] 58-37e-103 (Effective 05/06/26). Recovery of damages.**

7978 (1) One or more of the following persons may bring an action for damages caused by an
7979 individual's use of an illegal drug:

7980 (a) a parent, legal guardian, child, spouse, or sibling of the individual drug user;

7981 (b) an individual who was exposed to an illegal drug in utero;

7982 (c) an employer of the individual drug user;

7983 (d) a medical facility, insurer, governmental entity, employer, or other entity that funds a
 7984 drug treatment program or employee assistance program for the individual drug user
 7985 or that otherwise expended money on behalf of the individual drug user; or

7986 (e) a person injured as a result of the willful, reckless, or negligent actions of an
 7987 individual drug user.

7988 (2) A person entitled to bring an action under this section may seek damages from one or
 7989 more of the following:

7990 (a) a person who knowingly distributed, or knowingly participated in the chain of
 7991 distribution of, an illegal drug that was actually used by the individual drug user; and

7992 (b) a person who knowingly participated in the illegal drug market if:

7993 (i) the place of illegal drug activity by the individual drug user is within the illegal
 7994 drug market target community of the defendant;

7995 (ii) the defendant's participation in the illegal drug market was connected with the
 7996 same type of illegal drug used by the individual drug user; and

7997 (iii) the defendant participated in the illegal drug market at any time during the
 7998 individual drug user's period of illegal drug use.

7999 (3) A person entitled to bring an action under this section may recover all of the following
 8000 damages:

8001 (a) economic damages, including the cost of treatment and rehabilitation, medical
 8002 expenses, loss of economic or educational potential, loss of productivity,
 8003 absenteeism, support expenses, accidents or injury, and any other pecuniary loss
 8004 proximately caused by the illegal drug use;

8005 (b) noneconomic damages, including physical and emotional pain, suffering, physical
 8006 impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment,
 8007 loss of companionship, services and consortium, and other nonpecuniary losses
 8008 proximately caused by an individual's use of an illegal drug;

8009 (c) exemplary damages;

8010 (d) reasonable [attorney's] attorney fees; and

8011 (e) costs of suit, including reasonable expenses for expert testimony.

8012 Section 125. Section **58-37e-104**, which is renumbered from Section 58-37e-5 is renumbered
 8013 and amended to read:

8014 **[58-37e-5] 58-37e-104 (Effective 05/06/26). Limited recovery of damages by**
 8015 **individual drug user.**

8016 (1)(a) An individual drug user may not bring an action for damages caused by the use of

8017 an illegal drug, except as otherwise provided in this section.

8018 (b) An individual drug user may bring an action for damages caused by the use of an
8019 illegal drug only if all of the following conditions are met:

8020 ~~[(a)]~~ (i) the individual personally discloses to narcotics enforcement authorities, more
8021 than six months before filing the action, all of the information known to the
8022 individual regarding all that individual's sources of illegal drugs;

8023 ~~[(b)]~~ (ii) the individual has not used an illegal drug within the six months before filing
8024 the action; and

8025 ~~[(c)]~~ (iii) the individual continues to remain free of the use of an illegal drug
8026 throughout the pendency of the action.

8027 (2) ~~[A person]~~ An individual entitled to bring an action under this section may seek damages
8028 only from a person who distributed, or is in the chain of distribution of, an illegal drug
8029 that was actually used by the individual drug user.

8030 (3) ~~[A person]~~ An individual entitled to bring an action under this section may recover only
8031 the following damages:

8032 (a) economic damages, including the cost of treatment, rehabilitation, and medical
8033 expenses, loss of economic or educational potential, loss of productivity,
8034 absenteeism, accidents or injury, and any other pecuniary loss proximately caused by
8035 the ~~[person's]~~ individual's illegal drug use;

8036 (b) reasonable attorney's fees; and

8037 (c) costs of suit, including reasonable expenses for expert testimony.

8038 Section 126. Section **58-37e-105**, which is renumbered from Section 58-37e-6 is renumbered
8039 and amended to read:

8040 **58-37e-6 58-37e-105 (Effective 05/06/26). Third party cases.**

8041 A third party may not pay damages awarded under this chapter, or provide a defense or
8042 money for a defense, on behalf of an insured under a contract of insurance or indemnification.

8043 Section 127. Section **58-37e-106**, which is renumbered from Section 58-37e-7 is renumbered
8044 and amended to read:

8045 **58-37e-7 58-37e-106 (Effective 05/06/26). Illegal drug market target community.**

8046 A person whose participation in the illegal drug market constitutes the following level
8047 offense shall be considered to have the following illegal drug market target community:

8048 (1) Level 4: the county in which the defendant's place of participation is situated;

8049 (2) Level 3: the target community described in Subsection (1) plus all counties with a
8050 border contiguous to that target community;

8051 (3) Level 2: the target community described in Subsection (2) plus all counties with a
8052 border contiguous to that target community;

8053 (4) Level 1: the state.

8054 Section 128. Section **58-37e-107**, which is renumbered from Section 58-37e-8 is renumbered
8055 and amended to read:

8056 **[58-37e-8] 58-37e-107 (Effective 05/06/26). Joinder of parties.**

8057 (1) Two or more persons may join in one action under this chapter as plaintiffs if their
8058 respective actions have at least one place of illegal drug activity in common and if any
8059 portion of the period of illegal drug use overlaps with the period of illegal drug use for
8060 every other plaintiff.

8061 (2) Two or more persons may be joined in one action under this chapter as defendants if
8062 those persons are liable to at least one plaintiff.

8063 (3)(a) A plaintiff need not be interested in obtaining, and a defendant need not be
8064 interested in defending, against all the relief demanded.

8065 (b) Judgment may be given for one or more plaintiffs according to their respective rights
8066 to relief and against one or more defendants according to their respective liabilities.

8067 Section 129. Section **58-37e-108**, which is renumbered from Section 58-37e-9 is renumbered
8068 and amended to read:

8069 **[58-37e-9] 58-37e-108 (Effective 05/06/26). Comparative responsibility.**

8070 (1)(a) An action by an individual drug user is governed by the principles of comparative
8071 responsibility.

8072 (b) Comparative responsibility attributed to the plaintiff does not bar recovery but
8073 diminishes the award of compensatory damages proportionally, according to the
8074 measure of responsibility attributed to the plaintiff.

8075 (2) The burden of proving the comparative responsibility of the plaintiff is on the
8076 defendant, which shall be shown by clear and convincing evidence.

8077 (3) Comparative responsibility may not be applied in an action brought by a third party who
8078 was not an individual drug user.

8079 Section 130. Section **58-37e-109**, which is renumbered from Section 58-37e-10 is renumbered
8080 and amended to read:

8081 **[58-37e-10] 58-37e-109 (Effective 05/06/26). Contribution among and recovery**
8082 **from multiple defendants.**

8083 (1) A person subject to liability under this chapter has a right of action for contribution
8084 against another person subject to liability under this chapter.

8085 (2) Contribution may be enforced either in the original action or by a separate action
8086 brought for that purpose.

8087 (3) A plaintiff may seek recovery in accordance with this chapter and existing law against a
8088 person whom a defendant has asserted a right of contribution.

8089 Section 131. Section **58-37e-110**, which is renumbered from Section 58-37e-11 is renumbered
8090 and amended to read:

8091 **[58-37e-11] 58-37e-110 (Effective 05/06/26). Standard of proof -- Effect of**
8092 **criminal drug conviction.**

8093 (1)(a) Proof of participation in the illegal drug market in an action brought under this
8094 chapter shall be shown by clear and convincing evidence.

8095 (b) Except as otherwise provided in this chapter, other elements of the cause of action
8096 shall be shown by a preponderance of the evidence.

8097 (2)(a) A person against whom recovery is sought who has a criminal conviction pursuant
8098 to state drug laws or the Comprehensive Drug Abuse Prevention and Control Act of
8099 1970, Pub. L. 91-513, 84 Stat. 1236, codified at 21 U.S.C. Sec. 801 et seq., is
8100 estopped from denying participation in the illegal drug market.

8101 (b) A conviction is also prima facie evidence of the person's participation in the illegal
8102 drug market during the two years preceding the date of an act giving rise to a
8103 conviction.

8104 (3) The absence of a criminal drug conviction of a person against whom recovery is sought
8105 does not bar an action against that person.

8106 Section 132. Section **58-37e-111**, which is renumbered from Section 58-37e-12 is renumbered
8107 and amended to read:

8108 **[58-37e-12] 58-37e-111 (Effective 05/06/26). Prejudgment attachment and**
8109 **execution on judgments.**

8110 (1)(a) A plaintiff under this chapter, subject to Subsection (3), may request an ex parte
8111 prejudgment writ of attachment from the court pursuant to Utah Rules of Civil
8112 Procedure, Rule 64A, against all assets of a defendant sufficient to satisfy a potential
8113 award.

8114 (b) If attachment is instituted, a defendant is entitled to an immediate hearing.

8115 (c) Attachment may be lifted if the defendant:

8116 (i) demonstrates that the assets will be available for a potential award; or[~~if the~~
8117 ~~defendant~~]

8118 (ii) posts a bond sufficient to cover a potential award.

8119 (2) A person against whom a judgment has been rendered under this chapter is not eligible
 8120 to exempt any property, of whatever kind, from process to levy or process to execute on
 8121 the judgment, unless the property is exempt by operation of law.

8122 (3) Any assets sought to satisfy a judgment under this chapter that are named in a forfeiture
 8123 action or have been seized for forfeiture by any state or federal agency may not be used
 8124 to satisfy a judgment unless and until the assets have been released following the
 8125 conclusion of the forfeiture action or released by the agency that seized the assets.

8126 Section 133. Section **58-37e-112**, which is renumbered from Section 58-37e-13 is renumbered
 8127 and amended to read:

8128 **[58-37e-13] 58-37e-112 (Effective 05/06/26). Statute of limitations.**

8129 (1)(a) Except as otherwise provided in this section, a claim under this chapter may not
 8130 be brought more than two years after the cause of action accrues.

8131 (b) A cause of action accrues under this chapter when a person who may recover has
 8132 reason to know of the harm from illegal drug use that is the basis for the cause of
 8133 action and has reason to know that the illegal drug use is the cause of the harm.

8134 (2)(a) For a plaintiff, the statute of limitations under this section is tolled while the
 8135 individual potential plaintiff is incapacitated by the use of an illegal drug to the extent
 8136 that the individual cannot reasonably be expected to seek recovery under this chapter
 8137 or as otherwise provided by law.

8138 (b) For a defendant, the statute of limitations under this section is tolled until six months
 8139 after the individual potential defendant is convicted of a criminal drug offense or as
 8140 otherwise provided by law.

8141 (3) The statute of limitations under this chapter for a claim based on participation in the
 8142 illegal drug market that occurred [~~prior to the effective date of this chapter~~] before May
 8143 5, 1997, does not begin to run until [~~the effective date of this chapter~~] May 5, 1997.

8144 Section 134. Section **58-37e-113**, which is renumbered from Section 58-37e-14 is renumbered
 8145 and amended to read:

8146 **[58-37e-14] 58-37e-113 (Effective 05/06/26). Representation of governmental**
 8147 **entities -- Stay of action.**

8148 (1) A county attorney, district attorney, or city attorney may represent any political
 8149 subdivision of the state, and the attorney general may represent the state in an action
 8150 brought under this chapter.

8151 (2) On motion by a governmental agency involved in a drug investigation or prosecution,
 8152 an action brought under this chapter shall be stayed until the completion of the criminal

8153 investigation or prosecution that gave rise to the motion for a stay of the action.

8154 Section 135. Section **58-37f-102** is amended to read:

8155 **58-37f-102 (Effective 05/06/26). Definitions.**

8156 (1) The definitions in Section [~~58-37-2~~] 58-37-101 apply to this chapter.

8157 (2) As used in this chapter:

8158 (a) "Board" means the Utah State Board of Pharmacy created in Section 58-17b-201.

8159 (b) "Business associate" is as defined under the HIPAA privacy, security, and breach
8160 notification rules in 45 C.F.R. 164.502(a), 164.504(e), and 164.532(d) and (e).

8161 (c) "Database" means the controlled substance database created in Section 58-37f-201.

8162 (d) "De-identified" is as defined in 45 C.F.R. 164.502(d) and 164.514(a), (b), and (c).

8163 (e) "Health care facility" is as defined in Section 26B-2-201.

8164 (f) "Mental health therapist" is as defined in Section 58-60-102.

8165 (g) "Pharmacy" or "pharmaceutical facility" is as defined in Section 58-17b-102.

8166 (h) "Prospective patient" means an individual who:

8167 (i) is seeking medical advice, medical treatment, or medical services from a
8168 practitioner; and

8169 (ii) the practitioner described in Subsection (2)(h)(i) is considering accepting as a
8170 patient.

8171 (i) "Substance abuse treatment program" is as defined in Section 26B-2-101.

8172 Section 136. Section **58-37f-201** is amended to read:

8173 **58-37f-201 (Effective 05/06/26). Controlled substance database -- Creation --**

8174 **Purpose.**

8175 (1) There is created within the division a controlled substance database.

8176 (2) The division shall administer and direct the functioning of the database in accordance
8177 with this chapter.

8178 (3) The division may, under state procurement laws, contract with another state agency or a
8179 private entity to establish, operate, or maintain the database.

8180 (4) The division shall, in collaboration with the board, determine whether to operate the
8181 database within the division or contract with another entity to operate the database,
8182 based on an analysis of costs and benefits.

8183 (5) The purpose of the database is to contain:

8184 (a) the data described in Section 58-37f-203 regarding prescriptions for dispensed
8185 controlled substances;

8186 (b) data reported to the division under Section 26B-2-225 regarding poisoning or

- 8187 overdose;
- 8188 (c) data reported to the division under Subsection 41-6a-502(5) or 41-6a-502.5(5)(b)
- 8189 regarding convictions for driving under the influence of a prescribed controlled
- 8190 substance or impaired driving; and
- 8191 (d) data reported to the division under Subsection [~~58-37-8(1)(e) or 58-37-8(2)(g)~~]
- 8192 76-18-207(8), 76-18-208(8), 76-18-209(9), 76-18-210(9), 76-18-211(7), 76-18-212(6),
- 8193 or 76-18-213(6) regarding certain violations of [~~Chapter 37, Utah Controlled~~
- 8194 Substances Act] Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2,
- 8195 Offenses Concerning Controlled Substances.
- 8196 (6) The division shall maintain the database in an electronic file or by other means
- 8197 established by the division to facilitate use of the database for identification of:
- 8198 (a) prescribing practices and patterns of prescribing and dispensing controlled
- 8199 substances;
- 8200 (b) practitioners prescribing controlled substances in an unprofessional or unlawful
- 8201 manner;
- 8202 (c) individuals receiving prescriptions for controlled substances from licensed
- 8203 practitioners, and who subsequently obtain dispensed controlled substances from a
- 8204 drug outlet in quantities or with a frequency inconsistent with generally recognized
- 8205 standards of dosage for that controlled substance;
- 8206 (d) individuals presenting forged or otherwise false or altered prescriptions for
- 8207 controlled substances to a pharmacy;
- 8208 (e) individuals admitted to a general acute hospital for poisoning or overdose involving a
- 8209 prescribed controlled substance; and
- 8210 (f) individuals convicted for:
- 8211 (i) driving under the influence of a prescribed controlled substance that renders the
- 8212 individual incapable of safely operating a vehicle;
- 8213 (ii) driving while impaired, in whole or in part, by a prescribed controlled substance;
- 8214 or
- 8215 (iii) certain violations of [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
- 8216 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
- 8217 Controlled Substances, or a violation described in a statute previously in effect in
- 8218 this state that is the same or substantially similar to a violation described in
- 8219 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
- 8220 Concerning Controlled Substances.

8221 Section 137. Section **58-37f-301** is amended to read:

8222 **58-37f-301 (Effective 05/06/26). Access to database.**

8223 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
8224 Administrative Rulemaking Act, to:

8225 (a) effectively enforce the limitations on access to the database as described in this part;
8226 and

8227 (b) establish standards and procedures to ensure accurate identification of individuals
8228 requesting information or receiving information without request from the database.

8229 (2) The division shall make information in the database and information obtained from
8230 other state or federal prescription monitoring programs by means of the database
8231 available only to the following individuals, in accordance with the requirements of this
8232 chapter and division rules:

8233 (a)(i) personnel of the division specifically assigned to conduct investigations related
8234 to controlled substance laws under the jurisdiction of the division; and

8235 (ii) the following law enforcement officers, but the division may only provide
8236 nonidentifying information, limited to gender, year of birth, and postal ZIP code,
8237 regarding individuals for whom a controlled substance has been prescribed or to
8238 whom a controlled substance has been dispensed:

8239 (A) a law enforcement agency officer who is engaged in a joint investigation with
8240 the division; and

8241 (B) a law enforcement agency officer to whom the division has referred a
8242 suspected criminal violation of controlled substance laws;

8243 (b) authorized division personnel engaged in analysis of controlled substance
8244 prescription information as a part of the assigned duties and responsibilities of their
8245 employment;

8246 (c) a board member if:

8247 (i) the board member is assigned to monitor a licensee on probation; and

8248 (ii) the board member is limited to obtaining information from the database regarding
8249 the specific licensee on probation;

8250 (d) a person the division authorizes to obtain that information on behalf of the Utah
8251 Professionals Health Program established in Subsection 58-4a-103(1) if:

8252 (i) the person the division authorizes is limited to obtaining information from the
8253 database regarding the person whose conduct is the subject of the division's
8254 consideration; and

- 8255 (ii) the conduct that is the subject of the division's consideration includes a violation
8256 or a potential violation of [~~Chapter 37, Utah Controlled Substances Act~~] Chapter
8257 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
8258 Controlled Substances, or a violation described in a statute previously in effect in
8259 this state that is the same or substantially similar to a violation described in
8260 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
8261 Concerning Controlled Substances, or another relevant violation or potential
8262 violation under this title;
- 8263 (e) in accordance with a written agreement entered into with the department, employees
8264 of the Department of Health and Human Services:
- 8265 (i) whom the director of the Department of Health and Human Services assigns to
8266 conduct scientific studies regarding the use or abuse of controlled substances, if
8267 the identity of the individuals and pharmacies in the database are confidential and
8268 are not disclosed in any manner to any individual who is not directly involved in
8269 the scientific studies;
- 8270 (ii) when the information is requested by the Department of Health and Human
8271 Services in relation to a person or provider whom the Department of Health and
8272 Human Services suspects may be improperly obtaining or providing a controlled
8273 substance; or
- 8274 (iii) in the medical examiner's office;
- 8275 (f) in accordance with a written agreement entered into with the department, a designee
8276 of the director of the Department of Health and Human Services, who is not an
8277 employee of the Department of Health and Human Services, whom the director of the
8278 Department of Health and Human Services assigns to conduct scientific studies
8279 regarding the use or abuse of controlled substances pursuant to an application process
8280 established in rule by the Department of Health and Human Services, if:
- 8281 (i) the designee provides explicit information to the Department of Health and
8282 Human Services regarding the purpose of the scientific studies;
- 8283 (ii) the scientific studies to be conducted by the designee:
- 8284 (A) fit within the responsibilities of the Department of Health and Human
8285 Services for health and welfare;
- 8286 (B) are reviewed and approved by an Institutional Review Board that is approved
8287 for human subject research by the United States Department of Health and
8288 Human Services;

- 8289 (C) are not conducted for profit or commercial gain; and
- 8290 (D) are conducted in a research facility, as defined by division rule, that is
- 8291 associated with a university or college accredited by one or more regional or
- 8292 national accrediting agencies recognized by the United States Department of
- 8293 Education;
- 8294 (iii) the designee protects the information as a business associate of the Department
- 8295 of Health and Human Services; and
- 8296 (iv) the identity of the prescribers, patients, and pharmacies in the database are
- 8297 de-identified, confidential, and not disclosed in any manner to the designee or to
- 8298 any individual who is not directly involved in the scientific studies;
- 8299 (g) in accordance with a written agreement entered into with the department and the
- 8300 Department of Health and Human Services, authorized employees of a managed care
- 8301 organization, as defined in 42 C.F.R. Sec. 438, if:
- 8302 (i) the managed care organization contracts with the Department of Health and
- 8303 Human Services under the provisions of Section 26B-3-202 and the contract
- 8304 includes provisions that:
- 8305 (A) require a managed care organization employee who will have access to
- 8306 information from the database to submit to a criminal background check; and
- 8307 (B) limit the authorized employee of the managed care organization to requesting
- 8308 either the division or the Department of Health and Human Services to conduct
- 8309 a search of the database regarding a specific Medicaid enrollee and to report
- 8310 the results of the search to the authorized employee; and
- 8311 (ii) the information is requested by an authorized employee of the managed care
- 8312 organization in relation to a person who is enrolled in the Medicaid program with
- 8313 the managed care organization, and the managed care organization suspects the
- 8314 person may be improperly obtaining or providing a controlled substance;
- 8315 (h) a licensed practitioner having authority to prescribe controlled substances, to the
- 8316 extent the information:
- 8317 (i)(A) relates specifically to a current or prospective patient of the practitioner; and
- 8318 (B) is provided to or sought by the practitioner for the purpose of:
- 8319 (I) prescribing or considering prescribing any controlled substance to the
- 8320 current or prospective patient;
- 8321 (II) diagnosing the current or prospective patient;
- 8322 (III) providing medical treatment or medical advice to the current or

- 8323 prospective patient; or
- 8324 (IV) determining whether the current or prospective patient:
- 8325 (Aa) is attempting to fraudulently obtain a controlled substance from the
- 8326 practitioner; or
- 8327 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a
- 8328 controlled substance from the practitioner;
- 8329 (ii)(A) relates specifically to a former patient of the practitioner; and
- 8330 (B) is provided to or sought by the practitioner for the purpose of determining
- 8331 whether the former patient has fraudulently obtained, or has attempted to
- 8332 fraudulently obtain, a controlled substance from the practitioner;
- 8333 (iii) relates specifically to an individual who has access to the practitioner's Drug
- 8334 Enforcement Administration identification number, and the practitioner suspects
- 8335 that the individual may have used the practitioner's Drug Enforcement
- 8336 Administration identification number to fraudulently acquire or prescribe a
- 8337 controlled substance;
- 8338 (iv) relates to the practitioner's own prescribing practices, except when specifically
- 8339 prohibited by the division by administrative rule;
- 8340 (v) relates to the use of the controlled substance database by an employee of the
- 8341 practitioner, described in Subsection (2)(i); or
- 8342 (vi) relates to any use of the practitioner's Drug Enforcement Administration
- 8343 identification number to obtain, attempt to obtain, prescribe, or attempt to
- 8344 prescribe, a controlled substance;
- 8345 (i) in accordance with Subsection (3)(a), an employee of a practitioner described in
- 8346 Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:
- 8347 (i) the employee is designated by the practitioner as an individual authorized to
- 8348 access the information on behalf of the practitioner;
- 8349 (ii) the practitioner provides written notice to the division of the identity of the
- 8350 employee; and
- 8351 (iii) the division:
- 8352 (A) grants the employee access to the database; and
- 8353 (B) provides the employee with a password that is unique to that employee to
- 8354 access the database in order to permit the division to comply with the
- 8355 requirements of Subsection 58-37f-203(7) with respect to the employee;
- 8356 (j) an employee of the same business that employs a licensed practitioner under

- 8357 Subsection (2)(h) if:
- 8358 (i) the employee is designated by the practitioner as an individual authorized to
- 8359 access the information on behalf of the practitioner;
- 8360 (ii) the practitioner and the employing business provide written notice to the division
- 8361 of the identity of the designated employee; and
- 8362 (iii) the division:
- 8363 (A) grants the employee access to the database; and
- 8364 (B) provides the employee with a password that is unique to that employee to
- 8365 access the database in order to permit the division to comply with the
- 8366 requirements of Subsection 58-37f-203(7) with respect to the employee;
- 8367 (k) a licensed pharmacist having authority to dispense a controlled substance, or a
- 8368 licensed pharmacy intern or pharmacy technician working under the general
- 8369 supervision of a licensed pharmacist, to the extent the information is provided or
- 8370 sought for the purpose of:
- 8371 (i) dispensing or considering dispensing any controlled substance;
- 8372 (ii) determining whether a person:
- 8373 (A) is attempting to fraudulently obtain a controlled substance from the pharmacy,
- 8374 practitioner, or health care facility; or
- 8375 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled
- 8376 substance from the pharmacy, practitioner, or health care facility;
- 8377 (iii) reporting to the controlled substance database; or
- 8378 (iv) verifying the accuracy of the data submitted to the controlled substance database
- 8379 on behalf of a pharmacy where the licensed pharmacist, pharmacy intern, or
- 8380 pharmacy technician is employed;
- 8381 (l) pursuant to a valid search warrant, federal, state, and local law enforcement officers
- 8382 and state and local prosecutors who are engaged in an investigation related to:
- 8383 (i) one or more controlled substances; and
- 8384 (ii) a specific person who is a subject of the investigation;
- 8385 (m) subject to Subsection (7), a probation or parole officer, employed by the Division of
- 8386 Adult Probation and Parole created in Section 64-14-202 or by a political
- 8387 subdivision, to gain access to database information necessary for the officer's
- 8388 supervision of a specific probationer or parolee who is under the officer's direct
- 8389 supervision;
- 8390 (n) employees of the Office of Internal Audit within the Department of Health and

- 8391 Human Services who are engaged in their specified duty of ensuring Medicaid
8392 program integrity under Section 26B-3-104;
- 8393 (o) a mental health therapist, if:
- 8394 (i) the information relates to a patient who is:
- 8395 (A) enrolled in a licensed substance abuse treatment program; and
- 8396 (B) receiving treatment from, or under the direction of, the mental health therapist
8397 as part of the patient's participation in the licensed substance abuse treatment
8398 program described in Subsection (2)(o)(i)(A);
- 8399 (ii) the information is sought for the purpose of determining whether the patient is
8400 using a controlled substance while the patient is enrolled in the licensed substance
8401 abuse treatment program described in Subsection (2)(o)(i)(A); and
- 8402 (iii) the licensed substance abuse treatment program described in Subsection
8403 (2)(o)(i)(A) is associated with a practitioner who:
- 8404 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
8405 pharmacist; and
- 8406 (B) is available to consult with the mental health therapist regarding the
8407 information obtained by the mental health therapist, under this Subsection
8408 (2)(o), from the database;
- 8409 (p) an individual who is the recipient of a controlled substance prescription entered into
8410 the database, upon providing evidence satisfactory to the division that the individual
8411 requesting the information is in fact the individual about whom the data entry was
8412 made;
- 8413 (q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the
8414 persons and entities that have requested or received any information from the
8415 database regarding the individual, except if the individual's record is subject to a
8416 pending or current investigation as authorized under this Subsection (2);
- 8417 (r) the inspector general, or a designee of the inspector general, of the Office of
8418 Inspector General of Medicaid Services, for the purpose of fulfilling the duties
8419 described in Title 63A, Chapter 13, Part 2, Office and Powers;
- 8420 (s) the following licensed physicians for the purpose of reviewing and offering an
8421 opinion on an individual's request for workers' compensation benefits under Title
8422 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah
8423 Occupational Disease Act:
- 8424 (i) a member of the medical panel described in Section 34A-2-601;

- 8425 (ii) a physician employed as medical director for a licensed workers' compensation
8426 insurer or an approved self-insured employer; or
- 8427 (iii) a physician offering a second opinion regarding treatment;
- 8428 (t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a
8429 specific fatality due to opioid use and recommending policies to reduce the frequency
8430 of opioid use fatalities;
- 8431 (u) a licensed pharmacist who is authorized by a managed care organization as defined
8432 in Section 31A-1-301 to access the information on behalf of the managed care
8433 organization, if:
- 8434 (i) the managed care organization believes that an enrollee of the managed care
8435 organization has obtained or provided a controlled substance in violation of a
8436 medication management program contract between the enrollee and the managed
8437 care organization; and
- 8438 (ii) the managed care organization included a description of the medication
8439 management program in the enrollee's outline of coverage described in Subsection
8440 31A-22-605(7); and
- 8441 (v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose
8442 of investigating active cases, in exercising the unit's authority to investigate and
8443 prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec.
8444 1396b(q).
- 8445 (3)(a) A practitioner described in Subsection (2)(h) may designate one or more
8446 employees to access information from the database under Subsection (2)(i), (2)(j), or
8447 (4)(c).
- 8448 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
8449 Administrative Rulemaking Act, to:
- 8450 (i) establish background check procedures to determine whether an employee
8451 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the
8452 database;
- 8453 (ii) establish the information to be provided by an emergency department employee
8454 under Subsection (4); and
- 8455 (iii) facilitate providing controlled substance prescription information to a third party
8456 under Subsection (5).
- 8457 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or
8458 (4)(c) access to the database, unless the division determines, based on a background

8459 check, that the employee poses a security risk to the information contained in the
8460 database.

8461 (4)(a) An individual who is employed in the emergency department of a hospital may
8462 exercise access to the database under this Subsection (4) on behalf of a licensed
8463 practitioner if the individual is designated under Subsection (4)(c) and the licensed
8464 practitioner:

8465 (i) is employed or privileged to work in the emergency department;
8466 (ii) is treating an emergency department patient for an emergency medical condition;
8467 and
8468 (iii) requests that an individual employed in the emergency department and
8469 designated under Subsection (4)(c) obtain information regarding the patient from
8470 the database as needed in the course of treatment.

8471 (b) The emergency department employee obtaining information from the database shall,
8472 when gaining access to the database, provide to the database the name and any
8473 additional identifiers regarding the requesting practitioner as required by division
8474 administrative rule established under Subsection (3)(b).

8475 (c) An individual employed in the emergency department under this Subsection (4) may
8476 obtain information from the database as provided in Subsection (4)(a) if:

8477 (i) the employee is designated by the hospital as an individual authorized to access
8478 the information on behalf of the emergency department practitioner;
8479 (ii) the hospital operating the emergency department provide written notice to the
8480 division of the identity of the designated employee; and
8481 (iii) the division:

8482 (A) grants the employee access to the database; and
8483 (B) provides the employee with a password that is unique to that employee to
8484 access the database.

8485 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a
8486 practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to
8487 pay for the costs incurred by the division to conduct the background check and make
8488 the determination described in Subsection (3)(b).

8489 (5)(a)(i) An individual may request that the division provide the information under
8490 Subsection (5)(b) to a third party who is designated by the individual each time a
8491 controlled substance prescription for the individual is dispensed.

8492 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise

8493 the individual in writing that the individual may direct the division to discontinue
8494 providing the information to a third party and that notice of the individual's
8495 direction to discontinue will be provided to the third party.

8496 (b) The information the division shall provide under Subsection (5)(a) is:

8497 (i) the fact a controlled substance has been dispensed to the individual, but without
8498 identifying the controlled substance; and

8499 (ii) the date the controlled substance was dispensed.

8500 (c)(i) An individual who has made a request under Subsection (5)(a) may direct that
8501 the division discontinue providing information to the third party.

8502 (ii) The division shall:

8503 (A) notify the third party that the individual has directed the division to no longer
8504 provide information to the third party; and

8505 (B) discontinue providing information to the third party.

8506 (6)(a) An individual who is granted access to the database based on the fact that the
8507 individual is a licensed practitioner or a mental health therapist shall be denied access
8508 to the database when the individual is no longer licensed.

8509 (b) An individual who is granted access to the database based on the fact that the
8510 individual is a designated employee of a licensed practitioner shall be denied access
8511 to the database when the practitioner is no longer licensed.

8512 (7) A probation or parole officer is not required to obtain a search warrant to access the
8513 database in accordance with Subsection (2)(m).

8514 (8) The division shall review and adjust the database programming which automatically
8515 logs off an individual who is granted access to the database under Subsections (2)(h),
8516 (2)(i), (2)(j), and (4)(c) to maximize the following objectives:

8517 (a) to protect patient privacy;

8518 (b) to reduce inappropriate access; and

8519 (c) to make the database more useful and helpful to a person accessing the database
8520 under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations
8521 such as an emergency department.

8522 (9) Any person who knowingly and intentionally accesses the database without express
8523 authorization under this section is guilty of a class A misdemeanor.

8524 Section 138. Section **58-37f-303** is amended to read:

8525 **58-37f-303 (Effective 05/06/26). Access to opioid prescription information via an**
8526 **electronic data system.**

- 8527 (1) As used in this section:
- 8528 (a) "Dispense" means the same as that term is defined in Section 58-17b-102.
- 8529 (b) "EDS user":
- 8530 (i) means:
- 8531 (A) a prescriber;
- 8532 (B) a pharmacist;
- 8533 (C) a pharmacy intern;
- 8534 (D) a pharmacy technician; or
- 8535 (E) an individual granted access to the database under Subsection 58-37f-301(3)(c);
- 8536 and
- 8537 (ii) does not mean an individual whose access to the database has been revoked by
- 8538 the division pursuant to Subsection 58-37f-301(5)(c).
- 8539 (c) "Electronic data system" means a software product or an electronic service used by:
- 8540 (i) a prescriber to manage electronic health records; or
- 8541 (ii) a pharmacist, pharmacy intern, or pharmacy technician working under the general
- 8542 supervision of a licensed pharmacist, for the purpose of:
- 8543 (A) managing the dispensing of prescription drugs; or
- 8544 (B) providing pharmaceutical care as defined in Section 58-17b-102 to a patient.
- 8545 (d) "Opioid" means any substance listed in Subsection [~~58-37-4(2)(b)(i)~~]
- 8546 58-37-108(2)(b)(i) or (2)(b)(ii).
- 8547 (e) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 8548 (f) "Prescriber" means a practitioner, as that term is defined in Section [~~58-37-2]~~
- 8549 58-37-101, who is licensed under Section [~~58-37-6]~~ 58-37-105 to prescribe an opioid.
- 8550 (g) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
- 8551 (2) Subject to Subsections (3) through (6), no later than January 1, 2017, the division shall
- 8552 make opioid prescription information in the database available to an EDS user via the
- 8553 user's electronic data system.
- 8554 (3) An electronic data system may be used to make opioid prescription information in the
- 8555 database available to an EDS user only if the electronic data system complies with rules
- 8556 established by the division under Subsection (4).
- 8557 (4)(a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 8558 Administrative Rulemaking Act, specifying:
- 8559 (i) an electronic data system's:
- 8560 (A) allowable access to and use of opioid prescription information in the database;

- 8561 and
- 8562 (B) minimum actions that must be taken to ensure that opioid prescription
- 8563 information accessed from the database is protected from inappropriate
- 8564 disclosure or use; and
- 8565 (ii) an EDS user's:
- 8566 (A) allowable access to opioid prescription information in the database via an
- 8567 electronic data system; and
- 8568 (B) allowable use of the information.
- 8569 (b) The rules shall establish:
- 8570 (i) minimum user identification requirements that in substance are the same as the
- 8571 database identification requirements in Section 58-37f-301;
- 8572 (ii) user access restrictions that in substance are the same as the database
- 8573 identification requirements in Section 58-37f-301; and
- 8574 (iii) any other requirements necessary to ensure that in substance the provisions of
- 8575 Sections 58-37f-301 and 58-37f-302 apply to opioid prescription information in
- 8576 the database that has been made available to an EDS user via an electronic data
- 8577 system.
- 8578 (5) The division may not make opioid prescription information in the database available to
- 8579 an EDS user via the user's electronic data system if:
- 8580 (a) the electronic data system does not comply with the rules established by the division
- 8581 under Subsection (4); or
- 8582 (b) the EDS user does not comply with the rules established by the division under
- 8583 Subsection (4).
- 8584 (6)(a) The division shall periodically audit the use of opioid prescription information
- 8585 made available to an EDS user via the user's electronic data system.
- 8586 (b) The audit shall review compliance by:
- 8587 (i) the electronic data system with rules established by the division under Subsection
- 8588 (4); and
- 8589 (ii) the EDS user with rules established by the division under Subsection (4).
- 8590 (c)(i) If the division determines by audit or other means that an electronic data system
- 8591 is not in compliance with rules established by the division under Subsection (4),
- 8592 the division shall immediately suspend or revoke the electronic data system's
- 8593 access to opioid prescription information in the database.
- 8594 (ii) If the division determines by audit or other means that an EDS user is not in

8595 compliance with rules established by the division under Subsection (4), the
 8596 division shall immediately suspend or revoke the EDS user's access to opioid
 8597 prescription information in the database via an electronic data system.

8598 (iii) If the division suspends or revokes access to opioid prescription information in
 8599 the database under Subsection (6)(c)(i) or (6)(c)(ii), the division shall also take
 8600 any other appropriate corrective or disciplinary action authorized by this chapter
 8601 or title.

8602 Section 139. Section **58-37f-304** is amended to read:

8603 **58-37f-304 (Effective 05/06/26). Database utilization.**

8604 (1) As used in this section:

8605 (a) "Dispenser" means a licensed pharmacist, as described in Section 58-17b-303, the
 8606 pharmacist's licensed intern, as described in Section 58-17b-304, or licensed
 8607 pharmacy technician, as described in Section 58-17b-305, working under the
 8608 supervision of a licensed pharmacist who is also licensed to dispense a controlled
 8609 substance under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
 8610 Controlled Substances.

8611 (b) "Outpatient" means a setting in which an individual visits a licensed healthcare
 8612 facility or a healthcare provider's office for a diagnosis or treatment but is not
 8613 admitted to a licensed healthcare facility for an overnight stay.

8614 (c) "Prescriber" means an individual authorized to prescribe a controlled substance under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled
 8615 Substances.

8617 (d) "Schedule II opioid" means those substances listed in Subsection [~~58-37-4(2)(b)(i)~~]
 8618 58-37-108(2)(b)(i) or (2)(b)(ii).

8619 (e) "Schedule III opioid" means those substances listed in Subsection [~~58-37-4(2)(e)~~]
 8620 58-37-108(2)(c) that are opioids.

8621 (2)(a) A prescriber shall check the database for information about a patient before the
 8622 first time the prescriber gives a prescription to a patient for a Schedule II opioid or a
 8623 Schedule III opioid.

8624 (b) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid to
 8625 a patient, the prescriber shall periodically review information about the patient in:

8626 (i) the database; or

8627 (ii) other similar records of controlled substances the patient has filled.

8628 (c) A prescriber may assign the access and review required under Subsection (2)(a) to

- 8629 one or more employees in accordance with Subsections 58-37f-301(2)(i) and (j).
- 8630 (d)(i) A prescriber may comply with the requirements in Subsections (2)(a) and (b)
- 8631 by checking an electronic health record system if the electronic health record
- 8632 system:
- 8633 (A) is connected to the database through a connection that has been approved by
- 8634 the division; and
- 8635 (B) displays the information from the database in a prominent manner for the
- 8636 prescriber.
- 8637 (ii) The division may not approve a connection to the database if the connection does
- 8638 not satisfy the requirements established by the division under Section 58-37f-301.
- 8639 (e) A prescriber is not in violation of the requirements of Subsection (2)(a) or (b) if the
- 8640 failure to comply with Subsection (2)(a) or (b):
- 8641 (i) is necessary due to an emergency situation;
- 8642 (ii) is caused by a suspension or disruption in the operation of the database; or
- 8643 (iii) is caused by a failure in the operation or availability of the Internet.
- 8644 (f) The division may not take action against the license of a prescriber for failure to
- 8645 comply with this Subsection (2) unless the failure occurs after the earlier of:
- 8646 (i) December 31, 2018; or
- 8647 (ii) the date that the division has the capability to establish a connection that meets
- 8648 the requirements established by the division under Section 58-37f-301 between
- 8649 the database and an electronic health record system.
- 8650 (3) The division shall, in collaboration with the licensing boards for prescribers and
- 8651 dispensers:
- 8652 (a) develop a system that gathers and reports to prescribers and dispensers the progress
- 8653 and results of the prescriber's and dispenser's individual access and review of the
- 8654 database, as provided in this section; and
- 8655 (b) reduce or waive the division's continuing education requirements regarding opioid
- 8656 prescriptions, described in Section ~~[58-37-6.5]~~ 58-37-303, including the online
- 8657 tutorial and test relating to the database, for prescribers and dispensers whose
- 8658 individual utilization of the database, as determined by the division, demonstrates
- 8659 substantial compliance with this section.
- 8660 (4) If the dispenser's access and review of the database suggest that the individual seeking
- 8661 an opioid may be obtaining opioids in quantities or frequencies inconsistent with
- 8662 generally recognized standards as provided in this section and Section 58-37f-201, the

8663 dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's
8664 informed, current, and professional decision regarding whether the prescribed opioid is
8665 medically justified, notwithstanding the results of the database search.

8666 (5)(a) The division shall review the database to identify any prescriber who has a pattern
8667 of prescribing opioids not in accordance with the recommendations of:

8668 (i) the CDC Guideline for Prescribing Opioids for Chronic Pain, published by the
8669 Centers for Disease Control and Prevention;

8670 (ii) the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain,
8671 published by the Department of Health and Human Services; or

8672 (iii) other publications describing best practices related to prescribing opioids as
8673 identified by division rule in accordance with Title 63G, Chapter 3, Utah
8674 Administrative Rulemaking Act, and in consultation with the Medical Licensing
8675 Board.

8676 (b) The division shall offer education to a prescriber identified under this Subsection (5)
8677 regarding best practices in the prescribing of opioids.

8678 (c) A decision by a prescriber to accept or not accept the education offered by the
8679 division under this Subsection (5) is voluntary.

8680 (d) The division may not use an identification the division has made under this
8681 Subsection (5) or the decision by a prescriber to accept or not accept education
8682 offered by the division under this Subsection (5) in a licensing investigation or action
8683 by the division.

8684 (e) Any record created by the division as a result of this Subsection (5) is a protected
8685 record under Section 63G-2-305.

8686 (6) The division may consult with a prescriber or health care system to assist the prescriber
8687 or health care system in following evidence-based guidelines regarding the prescribing
8688 of controlled substances, including the recommendations listed in Subsection (5)(a).

8689 Section 140. Section **58-37f-401** is amended to read:

8690 **58-37f-401 (Effective 05/06/26). Database registration required -- Penalties for**
8691 **failure to register.**

8692 (1) Each individual, other than a veterinarian, who, on June 30, 2010, has a license to
8693 prescribe a controlled substance under [~~Chapter 37, Utah Controlled Substances Act~~]
8694 Chapter 37, Controlled Substances, but is not registered with the division to use the
8695 database shall, on or before September 30, 2010, register with the division to use the
8696 database.

- 8697 (2)(a) An individual who is not a veterinarian, who obtains a new license to prescribe a
 8698 controlled substance under [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
 8699 Controlled Substances, shall, within 30 days after the day on which the individual
 8700 obtains a license to prescribe a controlled substance from the Drug Enforcement
 8701 Administration, register with the division to use the database.
- 8702 (b) An individual who is not a veterinarian may not renew a license to prescribe a
 8703 controlled substance under [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
 8704 Controlled Substances, unless the individual registers with the division to use the
 8705 database.
- 8706 (3) Beginning on November 2, 2012, in order to register to use the database, the individual
 8707 registering must participate in the online tutorial and pass the online test described in
 8708 Section 58-37f-402.
- 8709 (4) Failure by an individual to comply with the requirements of this section is grounds for
 8710 the division to take the following actions in accordance with Section 58-1-401:
 8711 (a) refuse to issue a license to the individual;
 8712 (b) refuse to renew the individual's license; or
 8713 (c) revoke, suspend, restrict, or place on probation the license.
- 8714 (5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
 8715 impose an annual database registration fee on an individual who registers to use the
 8716 database, to pay the startup and ongoing costs of the division for complying with the
 8717 requirements of this section.
- 8718 Section 141. Section **58-37f-502** is amended to read:
 8719 **58-37f-502 (Effective 05/06/26). Use of dedicated credits -- Controlled Substance**
 8720 **Database -- Collection of penalties.**
- 8721 (1) The director may use the money deposited in the General Fund as a dedicated credit
 8722 under Subsections [~~58-37-6(8)(a)~~] 58-37-304(16), 58-37f-601(3)(d), and 58-37f-602(2)
 8723 for the following purposes:
 8724 (a) maintenance and replacement of the database equipment, including hardware and
 8725 software;
 8726 (b) training of staff; and
 8727 (c) pursuit of external grants and matching funds.
- 8728 (2) The director of the division may collect any penalty imposed under Subsections [
 8729 ~~58-37-6(8)(a)~~] 58-37-304(16), 58-37f-601(3)(d), and 58-37f-602(2) and which is not paid
 8730 by:

- 8731 (a) referring the matter to the Office of State Debt Collection or a collection agency; or
 8732 (b) bringing an action in the district court of the county in which the person owing the
 8733 debt resides or in the county where the office of the director is located.
- 8734 (3) The director may seek legal assistance from the attorney general or the county or district
 8735 attorney of the district in which the action is brought to collect the fine.
- 8736 (4) The court shall award reasonable attorney fees and costs to the division for successful
 8737 collection actions under Subsection (2)(b).

8738 Section 142. Section **58-37f-702** is amended to read:

8739 **58-37f-702 (Effective 05/06/26). Reporting prescribed controlled substance**
 8740 **poisoning or overdose to a practitioner.**

- 8741 (1)(a) The division shall take the actions described in Subsection (1)(b) if the division
 8742 receives a report from a general acute hospital under Section 26B-2-225 regarding
 8743 admission to a general acute hospital for poisoning or overdose involving a
 8744 prescribed controlled substance.
- 8745 (b) The division shall, within three business days after the day on which a report in
 8746 Subsection (1)(a) is received:
- 8747 (i) attempt to identify, through the database, each practitioner who may have
 8748 prescribed the controlled substance to the patient; and
- 8749 (ii) provide each practitioner identified under Subsection (1)(b)(i) with:
- 8750 (A) a copy of the report provided by the general acute hospital under Section
 8751 26B-2-225; and
- 8752 (B) the information obtained from the database that led the division to determine
 8753 that the practitioner receiving the information may have prescribed the
 8754 controlled substance to the person named in the report.
- 8755 (2)(a) When the division receives a report from the medical examiner under Section
 8756 26B-8-210 regarding a death caused by poisoning or overdose involving a prescribed
 8757 controlled substance, for each practitioner identified by the medical examiner under
 8758 Subsection 26B-8-210(1)(c), the division:
- 8759 (i) shall, within five business days after the day on which the division receives the
 8760 report, provide the practitioner with a copy of the report; and
- 8761 (ii) may offer the practitioner an educational visit to review the report.
- 8762 (b) A practitioner may decline an educational visit described in Subsection (2)(a)(ii).
- 8763 (c) The division may not use, in a licensing investigation or action by the division:
- 8764 (i) information from an educational visit described in Subsection (2)(a)(ii); or

8765 (ii) a practitioner's decision to decline an educational visit described in Subsection
8766 (2)(a)(ii).

8767 (3) It is the intent of the Legislature that the information provided under Subsection (1) or
8768 (2) is provided for the purpose of assisting the practitioner in:

8769 (a) discussing with the patient or others issues relating to the poisoning or overdose;

8770 (b) advising the patient or others of measures that may be taken to avoid a future
8771 poisoning or overdose; and

8772 (c) making decisions regarding future prescriptions written for the patient or others.

8773 (4) Any record created by the division as a result of an educational visit described in
8774 Subsection (2)(a)(ii) is a protected record for purposes of Title 63G, Chapter 2,
8775 Government Records Access and Management Act.

8776 (5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
8777 increase the licensing fee described in Subsection [~~58-37-6(1)(b)~~] 58-37-105(1)(b) to pay
8778 the startup and ongoing costs of the division for complying with the requirements of this
8779 section.

8780 Section 143. Section **58-37f-703** is amended to read:

8781 **58-37f-703 (Effective 05/06/26). Entering certain convictions into the database**
8782 **and reporting them to practitioners.**

8783 (1) When the division receives a report from a court under Subsection 41-6a-502(5) or
8784 41-6a-502.5(5)(b) relating to a conviction for driving under the influence of, or while
8785 impaired by, a prescribed controlled substance, the division shall:

8786 (a) daily enter into the database the information supplied in the report, including the date
8787 on which the person was convicted;

8788 (b) attempt to identify, through the database, each practitioner who may have prescribed
8789 the controlled substance to the convicted person; and

8790 (c) provide each practitioner identified under Subsection (1)(b) with:

8791 (i) a copy of the information provided by the court; and

8792 (ii) the information obtained from the database that led the division to determine that
8793 the practitioner receiving the information may have prescribed the controlled
8794 substance to the convicted person.

8795 (2) It is the intent of the Legislature that the information provided under Subsection (1)(b)
8796 is provided for the purpose of assisting the practitioner in:

8797 (a) discussing the manner in which the controlled substance may impact the convicted
8798 person's driving;

- 8799 (b) advising the convicted person on measures that may be taken to avoid adverse
 8800 impacts of the controlled substance on future driving; and
 8801 (c) making decisions regarding future prescriptions written for the convicted person.
 8802 (3) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
 8803 increase the licensing fee described in Subsection [~~58-37-6(1)(b)~~] 58-37-105(1)(b) to pay
 8804 the startup and ongoing costs of the division for complying with the requirements of this
 8805 section.

8806 Section 144. Section **58-37f-704** is amended to read:

8807 **58-37f-704 (Effective 05/06/26). Entering certain convictions into the database.**

8808 Beginning October 1, 2016, if the division receives a report from a court under
 8809 Subsection [~~58-37-8(1)(e) or 58-37-8(2)(g)~~] 76-18-207(8), 76-18-208(8), 76-18-209(9),
 8810 76-18-210(9), 76-18-211(7), 76-18-212(6), or 76-18-213(6), the division shall daily enter into
 8811 the database the information supplied in the report.

8812 Section 145. Section **58-38a-102** is amended to read:

8813 **58-38a-102 (Effective 05/06/26). Definitions.**

- 8814 (1) "Committee" means the Controlled Substances Advisory Committee created in this
 8815 chapter.
 8816 (2) "Controlled substance schedule" or "schedule" means a schedule as defined under
 8817 Section [~~58-37-4~~] 58-37-108.

8818 Section 146. Section **58-38a-203** is amended to read:

8819 **58-38a-203 (Effective 05/06/26). Duties of the committee.**

- 8820 (1) The committee serves as a consultative and advisory body to the Legislature regarding:
 8821 (a) the movement of a controlled substance from one schedule or list to another;
 8822 (b) the removal of a controlled substance from any schedule or list; and
 8823 (c) the designation of a substance as a controlled substance and the placement of the
 8824 substance in a designated schedule or list.
 8825 (2) On or before September 30 of each year, the committee shall submit to the Health and
 8826 Human Services Interim Committee a written report:
 8827 (a) describing any substances recommended by the committee for scheduling,
 8828 rescheduling, listing, or deletion from the schedules or list by the Legislature; and
 8829 (b) stating the reasons for the recommendation.
 8830 (3) In advising the Legislature regarding the need to add, delete, relist, or reschedule a
 8831 substance, the committee shall consider:
 8832 (a) the actual or probable abuse of the substance, including:

- 8833 (i) the history and current pattern of abuse both in Utah and in other states;
- 8834 (ii) the scope, duration, and significance of abuse;
- 8835 (iii) the degree of actual or probable detriment to public health which may result from
- 8836 abuse of the substance; and
- 8837 (iv) the probable physical and social impact of widespread abuse of the substance;
- 8838 (b) the biomedical hazard of the substance, including:
- 8839 (i) its pharmacology, including the effects and modifiers of the effects of the
- 8840 substance;
- 8841 (ii) its toxicology, acute and chronic toxicity, interaction with other substances,
- 8842 whether controlled or not, and the degree to which it may cause psychological or
- 8843 physiological dependence; and
- 8844 (iii) the risk to public health and the particular susceptibility of segments of the
- 8845 population;
- 8846 (c) whether the substance is an immediate precursor, as defined in Section [58-37-2]
- 8847 58-37-101, of a substance that is currently a controlled substance;
- 8848 (d) the current state of scientific knowledge regarding the substance, including whether
- 8849 there is any acceptable means to safely use the substance under medical supervision;
- 8850 (e) the relationship between the use of the substance and criminal activity, including
- 8851 whether:
- 8852 (i) persons engaged in illicit trafficking of the substance are also engaged in other
- 8853 criminal activity;
- 8854 (ii) the nature and relative profitability of manufacturing or delivering the substance
- 8855 encourages illicit trafficking in the substance;
- 8856 (iii) the commission of other crimes is one of the recognized effects of abuse of the
- 8857 substance; and
- 8858 (iv) addiction to the substance relates to the commission of crimes to facilitate the
- 8859 continued use of the substance;
- 8860 (f) whether the substance has been scheduled by other states; and
- 8861 (g) whether the substance has any accepted medical use in treatment in the United States.
- 8862 (4) The committee's duties under this chapter do not include tobacco products as defined in
- 8863 Section 59-14-102 or alcoholic beverages as defined in Section 32B-1-102.
- 8864 Section 147. Section **58-38a-204** is amended to read:
- 8865 **58-38a-204 (Effective 05/06/26). Guidelines for scheduling or listing drugs.**
- 8866 (1)(a) The committee shall recommend placement of a substance in Schedule I if it finds:

- 8867 (i) that the substance has high potential for abuse; and
8868 (ii) that an accepted standard has not been established for safe use in treatment for
8869 medical purposes.
- 8870 (b) The committee may recommend placement of a substance in Schedule I under
8871 Section [~~58-37-4~~] 58-37-108 if it finds that the substance is classified as a controlled
8872 substance in Schedule I under federal law.
- 8873 (2)(a) The committee shall recommend placement of a substance in Schedule II if it
8874 finds that:
- 8875 (i) the substance has high potential for abuse;
8876 (ii) the substance has a currently accepted medical use in treatment in the United
8877 States, or a currently accepted medical use subject to severe restrictions; and
8878 (iii) the abuse of the substance may lead to severe psychological or physiological
8879 dependence.
- 8880 (b) The committee may recommend placement of a substance in Schedule II if it finds
8881 that the substance is classified as a controlled substance in Schedule II under federal
8882 law.
- 8883 (3)(a) The committee shall recommend placement of a substance in Schedule III if it
8884 finds that:
- 8885 (i) the substance has a potential for abuse that is less than the potential for substances
8886 listed in Schedules I and II;
8887 (ii) the substance has a currently accepted medical use in treatment in the United
8888 States; and
8889 (iii) abuse of the substance may lead to moderate or low physiological dependence or
8890 high psychological dependence.
- 8891 (b) The committee may recommend placement of a substance in Schedule III if it finds
8892 that the substance is classified as a controlled substance in Schedule III under federal
8893 law.
- 8894 (4)(a) The committee shall recommend placement of a substance in Schedule IV if it
8895 finds that:
- 8896 (i) the substance has a low potential for abuse relative to substances in Schedule III;
8897 (ii) the substance has currently accepted medical use in treatment in the United
8898 States; and
8899 (iii) abuse of the substance may lead to limited physiological dependence or
8900 psychological dependence relative to the substances in Schedule III.

8901 (b) The committee may recommend placement of a substance in Schedule IV if it finds
 8902 that the substance is classified as a controlled substance in Schedule IV under federal
 8903 law.

8904 (5)(a) The committee shall recommend placement of a substance in Schedule V if it
 8905 finds that:

8906 (i) the substance has low potential for abuse relative to the controlled substances
 8907 listed in Schedule IV;

8908 (ii) the substance has currently accepted medical use in treatment in the United
 8909 States; and

8910 (iii) the substance has limited physiological dependence or psychological dependence
 8911 liability relative to the controlled substances listed in Schedule IV.

8912 (b) The committee may recommend placement of a substance in Schedule V under this
 8913 chapter if it finds that the substance is classified as a controlled substance in Schedule
 8914 V under federal law.

8915 (6) The committee may recommend placement of a substance on a controlled substance list
 8916 if it finds that the substance has a potential for abuse and that an accepted standard has
 8917 not been established for safe use in treatment for medical purposes.

8918 Section 148. Section **58-67-503** is amended to read:

8919 **58-67-503 (Effective 05/06/26). Penalties and administrative actions for unlawful**
 8920 **and unprofessional conduct.**

8921 (1) Any person that violates the unlawful conduct provisions of Section 58-67-501 or
 8922 Section 58-1-501 is guilty of a third degree felony.

8923 (2)(a) Subject to Subsection (4), the division may punish unprofessional or unlawful
 8924 conduct by:

8925 (i) assessing administrative penalties; or

8926 (ii) taking other appropriate administrative action.

8927 (b) The division shall deposit a monetary administrative penalty imposed under this
 8928 section into the Physician Education and Enforcement Fund created in Section
 8929 58-67a-1.

8930 (3) If a licensee is convicted of unlawful conduct, described in Section 58-67-501, before
 8931 an administrative proceeding regarding the same conduct, the division may not assess an
 8932 additional administrative fine under this chapter for the same conduct.

8933 (4)(a) If the division concludes that an individual has violated provisions of Section
 8934 58-67-501, Section 58-67-502, Chapter 1, Division of Professional Licensing Act, [

- 8935 ~~Chapter 37, Utah Controlled Substances Act]~~ Chapter 37, Controlled Substances, or
 8936 Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a
 8937 provision described in a statute previously in effect in this state that is the same or
 8938 substantially similar to a provision described in Section 58-67-501, Section
 8939 58-67-502, Chapter 1, Division of Professional Licensing Act, Chapter 37,
 8940 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
 8941 Controlled Substances, or any rule or order issued with respect to these provisions,
 8942 and disciplinary action is appropriate, the director or director's designee shall:
- 8943 (i) issue a citation to the individual;
 - 8944 (ii) attempt to negotiate a stipulated settlement; or
 - 8945 (iii)(A) notify the individual that the division will commence an adjudicative
 8946 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures
 8947 Act; and
 - 8948 (B) invite the individual to appear.
- 8949 (b) The division may take the following action against an individual who is in violation
 8950 of a provision described in Subsection (4)(a), as evidenced by an uncontested
 8951 citation, a stipulated settlement, or a finding of violation in an adjudicative
 8952 proceeding:
- 8953 (i) assess a fine of up to \$10,000 per single violation or up to \$2,000 per day of
 8954 ongoing violation, whichever is greater, in accordance with a fine schedule
 8955 established by rule; or
 - 8956 (ii) order to cease and desist from the behavior that constitutes a violation of the
 8957 provisions described in Subsection (4)(a).
- 8958 (c) The division may not suspend or revoke an individual's license through a citation.
- 8959 (d) Each citation issued under this section shall:
- 8960 (i) be in writing;
 - 8961 (ii) clearly describe or explain:
 - 8962 (A) the nature of the violation, including a reference to the provision of the
 8963 chapter, rule, or order alleged to have been violated;
 - 8964 (B) that the recipient must notify the division in writing within 20 calendar days
 8965 from the day on which the citation is served if the recipient wishes to contest
 8966 the citation at a hearing conducted under Title 63G, Chapter 4, Administrative
 8967 Procedures Act; and
 - 8968 (C) the consequences of failure to timely contest the citation or pay the fine

- 8969 assessed by the citation within the time specified in the citation; and
- 8970 (iii) be served in accordance with the Utah Rules of Civil Procedure.
- 8971 (e)(i) If the individual to whom the division issues the citation fails to request a
- 8972 hearing to contest the citation within 20 calendar days from the day on which the
- 8973 division serves the citation , the citation:
- 8974 (A) becomes the final order of the division; and
- 8975 (B) is not subject to further agency review.
- 8976 (ii) The division may extend the period to contest the citation for cause.
- 8977 (f) The division may refuse to issue or renew or suspend, revoke, or place on probation
- 8978 the license of an individual who fails to comply with a citation after the citation
- 8979 becomes final.
- 8980 (g) The failure of an applicant for licensure to comply with a citation after the citation
- 8981 becomes final is grounds for denial of license.
- 8982 (h) The division may not issue a citation under this section after the expiration of one
- 8983 year following the date on which the division receives the report of the violation that
- 8984 is the subject of the citation.
- 8985 (5)(a) The director may collect a penalty imposed under this section that is not paid by:
- 8986 (i) referring the matter to a collection agency; or
- 8987 (ii) bringing an action in the district court of the county where the person against
- 8988 whom the penalty is imposed resides or in the county where the office of the
- 8989 director is located.
- 8990 (b) A county attorney or the attorney general of the state shall provide legal assistance
- 8991 and advice to the director in an action to collect a penalty.
- 8992 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
- 8993 action brought by the division to collect a penalty.
- 8994 Section 149. Section **58-67a-1** is amended to read:
- 8995 **58-67a-1 (Effective 05/06/26). Physicians Education and Enforcement Fund.**
- 8996 (1) There is created an expendable special revenue fund known as the "Physicians
- 8997 Education and Enforcement Fund."
- 8998 (2) The division shall deposit penalties ordered and collected under this section into the
- 8999 Physicians Education and Enforcement Fund.
- 9000 (3) The Physicians Education and Enforcement Fund shall earn interest, and the division
- 9001 shall deposit all interest earned on account money into the account.
- 9002 (4) The director, with the concurrence of the board, may make distributions from the fund

9003 for the following purposes:

9004 (a) education and training:

9005 (i) that covers:

9006 (A) the requirements of this title;

9007 (B) division rules related to this title;

9008 (C) the requirements of [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37,
9009 Controlled Substances, and Title 76, Chapter 18, Part 2, Offenses Concerning
9010 Controlled Substances; and

9011 (D) any division rules related to [~~Chapter 37, Utah Controlled Substances Act~~]
9012 Chapter 37, Controlled Substances, and Title 76, Chapter 18, Part 2, Offenses
9013 Concerning Controlled Substances; and

9014 (ii) that the division makes available for:

9015 (A) physicians and surgeons;

9016 (B) osteopathic physicians and surgeons;

9017 (C) naturopathic physicians;

9018 (D) division staff; and

9019 (E) members of the board; and

9020 (b) enforcement of Chapter 67, Utah Medical Practice Act, Chapter 68, Utah
9021 Osteopathic Medical Practice Act, and Chapter 71, Naturopathic Physician Practice
9022 Act, by:

9023 (i) investigating unprofessional or unlawful conduct;

9024 (ii) obtaining legal representation for the division to bring an action against a person
9025 engaging in unprofessional or unlawful conduct; and

9026 (iii) monitoring compliance of renewal requirements.

9027 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the division
9028 shall transfer any amount that exceeds \$100,000 to the General Fund.

9029 (6) The division shall report on the fund annually to the appropriate appropriations
9030 subcommittee of the Legislature.

9031 Section 150. Section **58-68-503** is amended to read:

9032 **58-68-503 (Effective 05/06/26). Penalties and administrative actions for unlawful**
9033 **and unprofessional conduct.**

9034 (1) Any person that violates the unlawful conduct provisions of Section 58-68-501 or
9035 Section 58-1-501 is guilty of a third degree felony.

9036 (2)(a) Subject to Subsection (4), the division may punish unprofessional or unlawful

- 9037 conduct by:
- 9038 (i) assessing administrative penalties; or
- 9039 (ii) taking any other appropriate administrative action.
- 9040 (b) The division shall deposit a monetary administrative penalty imposed under this
- 9041 section into the Physician Education and Enforcement Fund created in Section
- 9042 58-67a-1.
- 9043 (3) If a licensee is convicted of unlawful conduct, described in Section 58-68-501, before
- 9044 an administrative proceeding regarding the same conduct, the division may not assess an
- 9045 additional administrative fine under this chapter for the same conduct.
- 9046 (4)(a) If the division concludes that an individual has violated the provisions of Section
- 9047 58-68-501, Section 58-68-502, Chapter 1, Division of Professional Licensing Act, [
9048 ~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, or
9049 Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a
9050 provision described in a statute previously in effect in this state that is the same or
9051 substantially similar to a provision described in Section 58-68-501, Section 58-68-502,
9052 Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled
9053 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
9054 Substances, or any rule or order issued with respect to these provisions, and
9055 disciplinary action is appropriate, the director or director's designee shall:
- 9056 (i) issue a citation to the individual;
- 9057 (ii) attempt to negotiate a stipulated settlement; or
- 9058 (iii)(A) notify the individual that the division will commence an adjudicative
- 9059 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures
- 9060 Act; and
- 9061 (B) invite the individual to appear.
- 9062 (b) The division may take the following action against an individual who violates a
- 9063 provision described in Subsection (4)(a), as evidenced by an uncontested citation, a
- 9064 stipulated settlement, or a finding of violation in an adjudicative proceeding:
- 9065 (i) assess a fine of up to \$10,000 per single violation or \$2,000 per day of ongoing
- 9066 violation, whichever is greater, in accordance with a fine schedule established by
- 9067 rule; or
- 9068 (ii) order to cease and desist from the behavior that constitutes a violation of
- 9069 provisions described in Subsection (4)(a).
- 9070 (c) Except for an administrative fine and a cease and desist order, the division may not

- 9071 assess the licensure sanctions cited in Section 58-1-401 through a citation.
- 9072 (d) Each citation issued under this section shall:
- 9073 (i) be in writing;
- 9074 (ii) clearly describe or explain:
- 9075 (A) the nature of the violation, including a reference to the provision of the
- 9076 chapter, rule, or order alleged to have been violated;
- 9077 (B) that the recipient must notify the division in writing within 20 calendar days
- 9078 from the day on which the citation is served if the recipient wishes to contest
- 9079 the citation at a hearing conducted under Title 63G, Chapter 4, Administrative
- 9080 Procedures Act; and
- 9081 (C) the consequences of failure to timely contest the citation or pay the fine
- 9082 assessed by the citation within the time specified in the citation; and
- 9083 (iii) be served in accordance with the requirements of the Utah Rules of Civil
- 9084 Procedure.
- 9085 (e)(i) If the individual to whom the division issues the citation fails to request a
- 9086 hearing to contest the citation within 20 calendar days from the day on which the
- 9087 citation is served, the citation becomes the final order of the division and is not
- 9088 subject to further agency review.
- 9089 (ii) The division may extend the period to contest the citation for cause.
- 9090 (f) The division may refuse to issue or renew or suspend, revoke, or place on probation
- 9091 the license of an individual who fails to comply with a citation after the citation
- 9092 becomes final.
- 9093 (g) The failure of an applicant for licensure to comply with a citation after the citation
- 9094 becomes final is grounds for denial of a license.
- 9095 (h) The division may not issue a citation under this section after the expiration of one
- 9096 year following the date on which the division receives the report of the violation that
- 9097 is the subject of the citation.
- 9098 (5)(a) The director may collect a penalty imposed under this section that is not paid by:
- 9099 (i) referring the matter to a collection agency; or
- 9100 (ii) bringing an action in the district court of the county where the person against
- 9101 whom the penalty is imposed resides or in the county where the office of the
- 9102 director is located.
- 9103 (b) A county attorney or the attorney general of the state shall provide legal assistance
- 9104 and advice to the director in an action to collect a penalty.

9105 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
9106 action brought by the division to collect a penalty.

9107 Section 151. Section **58-71-102** is amended to read:

9108 **58-71-102 (Effective 05/06/26). Definitions.**

9109 In addition to the definitions in Section 58-1-102, as used in this chapter:

9110 (1) "Acupuncture" means the practice of acupuncture as defined in Section 58-72-102.

9111 (2) "Administrative penalty" means a monetary fine imposed by the division for acts or
9112 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
9113 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,
9114 Administrative Procedures Act.

9115 (3) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]
9116 58-37-101.

9117 (4) "Diagnose" means:

9118 (a) to examine in any manner another individual, parts of an individual's body,
9119 substances, fluids, or materials excreted, taken, or removed from an individual's
9120 body, or produced by an individual's body, to determine the source, nature, kind, or
9121 extent of a disease or other physical or mental condition;

9122 (b) to attempt to conduct an examination or determination described under Subsection
9123 (4)(a);

9124 (c) to hold oneself out as making or to represent that one is making an examination or
9125 determination as described in Subsection (4)(a); or

9126 (d) to make an examination or determination as described in Subsection (4)(a) upon or
9127 from information supplied directly or indirectly by another individual, whether or not
9128 in the presence of the individual the examination or determination concerns.

9129 (5) "Local anesthesia" means an agent, whether a natural medicine or nonscheduled
9130 prescription drug, which:

9131 (a) is applied topically or by injection associated with the performance of minor office
9132 procedures;

9133 (b) has the ability to produce loss of sensation to a targeted area of an individual's body;

9134 (c) does not cause loss of consciousness or produce general sedation; and

9135 (d) is part of the competent practice of naturopathic medicine during minor office
9136 procedures.

9137 (6) "Medical naturopathic assistant" means an unlicensed individual working under the
9138 direct and immediate supervision of a licensed naturopathic physician and engaged in

- 9139 specific tasks assigned by the licensed naturopathic physician in accordance with the
9140 standards and ethics of the profession.
- 9141 (7)(a) "Minor office procedures" means:
- 9142 (i) the use of operative, electrical, or other methods for repair and care of superficial
9143 lacerations, abrasions, and benign lesions;
- 9144 (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or
9145 ear;
- 9146 (iii) the use of antiseptics and local anesthetics in connection with minor office
9147 surgical procedures; and
- 9148 (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:
9149 (A) local anesthesia or a prescription drug described in Subsection (8)(d); or
9150 (B) natural substances.
- 9151 (b) "Minor office procedures" does not include:
- 9152 (i) general or spinal anesthesia;
- 9153 (ii) office procedures more complicated or extensive than those set forth in
9154 Subsection (7)(a);
- 9155 (iii) procedures involving the eye; and
- 9156 (iv) any office procedure involving nerves, veins, or arteries.
- 9157 (8) "Natural medicine" means any:
- 9158 (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and
9159 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance
9160 that is not designated a prescription drug or controlled substance;
- 9161 (b) over-the-counter medication;
- 9162 (c) other nonprescription substance, the prescription or administration of which is not
9163 otherwise prohibited or restricted under federal or state law; or
- 9164 (d) prescription drug:
- 9165 (i) the prescription of which is consistent with the competent practice of naturopathic
9166 medicine;
- 9167 (ii) that is not a controlled substance except for testosterone; and
- 9168 (iii) that is not any of the following as determined by the federal Food and Drug
9169 Administration's general drug category list:
- 9170 (A) an anticoagulant for the management of a bleeding disorder;
- 9171 (B) an anticonvulsant;
- 9172 (C) an antineoplastic;

- 9173 (D) an antipsychotic;
9174 (E) a barbiturate;
9175 (F) a cytotoxic;
9176 (G) a sedative;
9177 (H) a sleeping drug;
9178 (I) a tranquilizer; or
9179 (J) any drug category added after April 1, 2022, unless the division determines the
9180 drug category to be consistent with the practice of naturopathic medicine under
9181 Section 58-71-203.

9182 (9)(a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted by a
9183 naturopathic physician.

9184 (b) "Naturopathic childbirth" includes the use of:

- 9185 (i) natural medicines; and
9186 (ii) uncomplicated episiotomy.

9187 (c) "Naturopathic childbirth" does not include the use of:

- 9188 (i) forceps delivery;
9189 (ii) general or spinal anesthesia;
9190 (iii) caesarean section delivery; or
9191 (iv) induced labor or abortion.

9192 (10)(a) "Naturopathic mobilization therapy" means manually administering mechanical
9193 treatment of body structures or tissues for the purpose of restoring normal
9194 physiological function to the body by normalizing and balancing the musculoskeletal
9195 system of the body.

9196 (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of
9197 the joints of the human body beyond the elastic barrier.

9198 (c) "Naturopathic mobilization therapy" does not include manipulation as used in
9199 Chapter 73, Chiropractic Physician Practice Act.

9200 (11)(a) "Naturopathic physical medicine" means the use of the physical agents of air,
9201 water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the
9202 physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light,
9203 ultrasound, hydrotherapy, naturopathic mobilization therapy, and exercise.

9204 (b) "Naturopathic physical medicine" does not include the practice of physical therapy
9205 or physical rehabilitation.

9206 (12) "Naturopathic physician" means an individual licensed under this chapter to engage in

- 9207 the practice of naturopathic medicine.
- 9208 (13) "Practice of naturopathic medicine" means:
- 9209 (a) a system of primary health care for the prevention, diagnosis, and treatment of
- 9210 human health conditions, injuries, and diseases that uses education, natural
- 9211 medicines, and natural therapies, to support and stimulate the patient's intrinsic
- 9212 self-healing processes by:
- 9213 (i) using naturopathic childbirth, but only if:
- 9214 (A) the licensee meets standards of the American College of Naturopathic
- 9215 Obstetricians (ACNO) or ACNO's successor as determined by the division in
- 9216 collaboration with the board; and
- 9217 (B) the licensee follows a written plan for naturopathic physicians practicing
- 9218 naturopathic childbirth approved by the division in collaboration with the
- 9219 board, which includes entering into an agreement with a consulting physician
- 9220 and surgeon or osteopathic physician, in cases where the scope of practice of
- 9221 naturopathic childbirth may be exceeded and specialty care and delivery is
- 9222 indicated, detailing the guidelines by which the naturopathic physician will:
- 9223 (I) refer patients to the consulting physician; and
- 9224 (II) consult with the consulting physician;
- 9225 (ii) using naturopathic mobilization therapy;
- 9226 (iii) using naturopathic physical medicine;
- 9227 (iv) using minor office procedures;
- 9228 (v) prescribing or administering natural medicine;
- 9229 (vi) prescribing medical equipment and devices, diagnosing by the use of medical
- 9230 equipment and devices, and administering therapy or treatment by the use of
- 9231 medical devices necessary and consistent with the competent practice of
- 9232 naturopathic medicine;
- 9233 (vii) prescribing barrier devices for contraception;
- 9234 (viii) using dietary therapy;
- 9235 (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and
- 9236 physiological function tests;
- 9237 (x) taking of body fluids for clinical laboratory tests and using the results of the tests
- 9238 in diagnosis;
- 9239 (xi) taking of a history from and conducting of a physical examination upon a human
- 9240 patient; and

- 9241 (xii) administering local anesthesia during the performance of a minor office
 9242 procedure;
- 9243 (b) to maintain an office or place of business for the purpose of doing any of the acts
 9244 described in Subsection (13)(a), whether or not for compensation; or
- 9245 (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or
 9246 treatment of human diseases or conditions, in any printed material, stationery,
 9247 letterhead, envelopes, signs, or advertisements, the designation "naturopathic
 9248 physician," "naturopathic doctor," "naturopath," "doctor of naturopathic medicine,"
 9249 "doctor of naturopathy," "naturopathic medical doctor," "naturopathic medicine,"
 9250 "naturopathic health care," "naturopathy," "N.D.," "N.M.D.," or any combination of
 9251 these designations in any manner that might cause a reasonable person to believe the
 9252 individual using the designation is a licensed naturopathic physician.
- 9253 (14) "Prescribe" means to issue a prescription:
- 9254 (a) orally or in writing; or
- 9255 (b) by telephone, facsimile transmission, computer, or other electronic means of
 9256 communication as defined by division rule.
- 9257 (15) "Prescription device" means an instrument, apparatus, implement, machine,
 9258 contrivance, implant, in vitro reagent, or other similar or related article, and any
 9259 component part or accessory, which is required under federal or state law to be
 9260 prescribed by a practitioner and dispensed by or through a person licensed under this
 9261 chapter or exempt from licensure under this chapter.
- 9262 (16) "Prescription drug" means a drug that is required by federal or state law or rule to be
 9263 dispensed only by prescription or is restricted to administration only by practitioners.
- 9264 (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
 9265 58-71-501.
- 9266 (18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
 9267 and 58-71-502, and as may be further defined by division rule.
- 9268 Section 152. Section **58-73-601** is amended to read:
- 9269 **58-73-601 (Effective 05/06/26). Scope of practice for a chiropractic physician.**
- 9270 (1) A chiropractic physician licensed under this chapter may engage in the practice of
 9271 chiropractic as defined in Section 58-73-102 in accordance with the following standards.
- 9272 (2) A chiropractic physician may:
- 9273 (a) examine, diagnose, and treat only within the scope of chiropractic as described in this
 9274 Subsection (2);

- 9275 (b)(i) use x-ray for diagnostic purposes only; and
9276 (ii) order, for diagnostic purposes only:
9277 (A) ultrasound;
9278 (B) magnetic resonance imaging; and
9279 (C) computerized tomography;
- 9280 (c) administer:
9281 (i) physical agents, including light, heat, cold, water, air, sound, compression,
9282 electricity, and electromagnetic radiation except gamma radiation; and
9283 (ii) physical activities and devices, including:
9284 (A) exercise with and without devices;
9285 (B) joint mobilization;
9286 (C) mechanical stimulation;
9287 (D) postural drainage;
9288 (E) traction;
9289 (F) positioning;
9290 (G) wound debridement, cleansing, and dressing changes;
9291 (H) splinting;
9292 (I) training in locomotion and other functional activities with and without
9293 assistance devices; and
9294 (J) correction of posture, body mechanics, and gait;
- 9295 (d) administer the following topically applied medicinal agents, including steroids,
9296 anesthetics, coolants, and analgesics for wound care and for musculoskeletal
9297 treatment, including their use by iontophoresis or phonophoresis;
- 9298 (e) treat pain incident to major or minor surgery, cancer, obstetrics, or x-ray therapy;
9299 (f) utilize immobilizing appliances, casts, and supports for support purposes, but may
9300 not set displaced bone fractures;
- 9301 (g) inform the patient of possible side effects of medication and recommend referral to
9302 the prescribing practitioner;
- 9303 (h) provide instruction in the use of physical measures, activities, and devices for
9304 preventive and therapeutic purposes;
- 9305 (i) provide consulting, educational, and other advisory services for the purposes of
9306 reducing the incidence and severity of physical disability, movement dysfunctions,
9307 bodily malfunction, and pain;
- 9308 (j) treat a human being to assess, prevent, correct, alleviate, and limit physical disability,

- 9309 movement dysfunction, bodily malfunction, and pain resulting from disorders,
 9310 congenital and aging conditions, injury, and disease; and
 9311 (k) administer, interpret, and evaluate tests.
- 9312 (3) A chiropractic physician may not:
- 9313 (a) perform incisive surgery;
- 9314 (b) administer drugs or medicines for which an authorized prescription is required by
 9315 law except as provided in Subsection (2)(d);
- 9316 (c) treat cancer;
- 9317 (d) practice obstetrics;
- 9318 (e) prescribe or administer x-ray therapy; or
- 9319 (f) set displaced fractures.
- 9320 (4) A chiropractic physician shall assume responsibility for his examinations, diagnoses,
 9321 and treatment.
- 9322 (5) Nothing in this section authorizes a chiropractic physician to prescribe, possess for
 9323 dispensing, dispense, purchase without a prescription written by a licensed and
 9324 authorized practitioner, or administer, except under Subsection (2)(d), a drug requiring a
 9325 prescription to dispense, under [~~Title 58, Chapter 37, Utah Controlled Substances Act, or~~
 9326 ~~Title 58, Chapter 17b, Pharmacy Practice Act~~] Chapter 17b, Pharmacy Practice Act, or
 9327 Chapter 37, Controlled Substances.
- 9328 (6) Only primary health care providers licensed under this title as osteopathic physicians,
 9329 physicians and surgeons, naturopaths, and chiropractic physicians, may diagnose, adjust,
 9330 manipulate, or therapeutically position the articulation of the spinal column to the extent
 9331 permitted by their scopes of practice.

9332 Section 153. Section **58-88-202** is amended to read:

9333 **58-88-202 (Effective 05/06/26). Dispensing practice -- Drugs that may be**
 9334 **dispensed -- Limitations and exceptions.**

- 9335 (1) Notwithstanding Section 58-17b-302, a dispensing practitioner may dispense a drug at a
 9336 licensed dispensing practice if the drug is:
- 9337 (a) packaged in a fixed quantity per package by:
- 9338 (i) the drug manufacturer;
- 9339 (ii) a pharmaceutical wholesaler or distributor; or
- 9340 (iii) a pharmacy licensed under Chapter 17b, Pharmacy Practice Act;
- 9341 (b) dispensed:
- 9342 (i) at a licensed dispensing practice at which the dispensing practitioner regularly

- 9343 practices; and
- 9344 (ii) under a prescription issued by the dispensing practitioner to the dispensing
9345 practitioner's patient;
- 9346 (c) except as provided in Subsection (6), for a condition that is not expected to last
9347 longer than 30 days; and
- 9348 (d) for a condition for which the patient has been evaluated by the dispensing
9349 practitioner on the same day on which the dispensing practitioner dispenses the drug.
- 9350 (2) A dispensing practitioner may not dispense:
- 9351 (a) a controlled substance as defined in Section [58-37-2] 58-37-101;
- 9352 (b) a drug or class of drugs that is designated by the division under Subsection
9353 58-88-205(2); or
- 9354 (c) a supply of a drug under this part that exceeds a 30-day supply.
- 9355 (3) A dispensing practitioner may not make a claim against workers' compensation or
9356 automobile insurance for a drug dispensed under this part for outpatient use unless the
9357 dispensing practitioner is contracted with a pharmacy network established by the claim
9358 payor.
- 9359 (4) When a dispensing practitioner dispenses a drug to the patient under this part, a
9360 dispensing practitioner shall:
- 9361 (a) disclose to the patient verbally and in writing that the patient is not required to fill the
9362 prescription through the licensed dispensing practice and that the patient has a right
9363 to fill the prescription through a pharmacy; and
- 9364 (b) if the patient will be responsible to pay cash for the drug, disclose:
- 9365 (i) that the patient will be responsible to pay cash for the drug; and
- 9366 (ii) the amount that the patient will be charged by the licensed dispensing practice for
9367 the drug.
- 9368 (5) This part does not:
- 9369 (a) require a dispensing practitioner to dispense a drug under this part;
- 9370 (b) limit a health care prescriber from dispensing under Chapter 17b, Part 8, Dispensing
9371 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy; or
- 9372 (c) apply to a physician who dispenses:
- 9373 (i) a drug sample, as defined in Section 58-17b-102, to a patient in accordance with
9374 Section 58-1-501.3 or Section 58-17b-610; or
- 9375 (ii) a drug in an emergency situation as defined by the division in rule under Chapter
9376 17b, Pharmacy Practice Act.

9377 (6) A dispensing practitioner that is a dentist may dispense prescription fluoride medication
9378 regardless of whether the condition the fluoride is treating will last longer than 30 days.

9379 Section 154. Section **63A-17-102** is amended to read:

9380 **63A-17-102 (Effective 05/06/26). Definitions.**

9381 As used in this chapter:

9382 (1) "Agency" means any department or unit of Utah state government with authority to
9383 employ personnel.

9384 (2) "Career service" means positions under schedule B as defined in Section 63A-17-301.

9385 (3) "Career service employee" means an employee who has successfully completed a
9386 probationary period of service in a position covered by the career service.

9387 (4) "Career service status" means status granted to employees who successfully complete
9388 probationary periods for competitive career service positions.

9389 (5) "Classified service" means those positions subject to the classification and
9390 compensation provisions of Section 63A-17-307.

9391 (6) "Controlled substance" means controlled substance as defined in Section [58-37-2]
9392 58-37-101.

9393 (7)(a) "Demotion" means a disciplinary action resulting in a reduction of an employee's
9394 current actual wage.

9395 (b) "Demotion" does not mean:

9396 (i) a nondisciplinary movement of an employee to another position without a
9397 reduction in the current actual wage; or

9398 (ii) a reclassification of an employee's position under the provisions of Subsection
9399 63A-17-307(3) and rules made by the department.

9400 (8) "Director" means the director of the division.

9401 (9) "Disability" means a physical or mental disability as defined and protected under the
9402 Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.

9403 (10) "Division" means the Division of Human Resource Management, created in Section
9404 63A-17-105.

9405 (11) "Employee" means any individual in a paid status covered by the career service or
9406 classified service provisions of this chapter.

9407 (12) "Examining instruments" means written or other types of proficiency tests.

9408 (13) "Human resource function" means those duties and responsibilities specified:

9409 (a) under Section 63A-17-106;

9410 (b) under rules of the division; and

- 9411 (c) under other state or federal statute.
- 9412 (14) "Market comparability adjustment" means a salary range adjustment determined
9413 necessary through a market survey of salary data and other relevant information.
- 9414 (15) "Probationary employee" means an employee serving a probationary period in a career
9415 service position but who does not have career service status.
- 9416 (16) "Probationary period" means that period of time determined by the division that an
9417 employee serves in a career service position as part of the hiring process before career
9418 service status is granted to the employee.
- 9419 (17) "Probationary status" means the status of an employee between the employee's hiring
9420 and the granting of career service status.
- 9421 (18) "Structure adjustment" means a division modification of salary ranges.
- 9422 (19) "Temporary employee" means a career service exempt employee described in
9423 Subsection 63A-17-301(1)(r).
- 9424 (20) "Total compensation" means salaries and wages, bonuses, paid leave, group insurance
9425 plans, retirement, and all other benefits offered to state employees as inducements to
9426 work for the state.

9427 Section 155. Section **63G-7-202** is amended to read:

9428 **63G-7-202 (Effective 05/06/26). Act provisions not construed as admission or**
9429 **denial of liability -- Effect of waiver of immunity -- Exclusive remedy -- Joinder of**
9430 **employee -- Limitations on personal liability -- Public duty does not create specific duty.**

- 9431 (1)(a) Nothing contained in this chapter, unless specifically provided, may be construed
9432 as an admission or denial of liability or responsibility by or for a governmental entity
9433 or its employees.
- 9434 (b) If immunity from suit is waived by this chapter, consent to be sued is granted, and
9435 liability of the entity shall be determined as if the entity were a private person.
- 9436 (c) No cause of action or basis of liability is created by any waiver of immunity in this
9437 chapter, nor may any provision of this chapter be construed as imposing strict
9438 liability or absolute liability.
- 9439 (2) Nothing in this chapter may be construed as adversely affecting any immunity from suit
9440 that a governmental entity or employee may otherwise assert under state or federal law.
- 9441 (3)(a) Except as provided in Subsection (3)(c), an action under this chapter against a
9442 governmental entity for an injury caused by an act or omission that occurs during the
9443 performance of an employee's duties, within the scope of employment, or under color
9444 of authority is a plaintiff's exclusive remedy.

- 9445 (b) Judgment under this chapter against a governmental entity is a complete bar to any
9446 action by the claimant, based upon the same subject matter, against the employee
9447 whose act or omission gave rise to the claim.
- 9448 (c) A plaintiff may not bring or pursue any civil action or proceeding based upon the
9449 same subject matter against the employee or the estate of the employee whose act or
9450 omission gave rise to the claim, unless:
- 9451 (i) the employee acted or failed to act through fraud or willful misconduct;
- 9452 (ii) the injury or damage resulted from the employee driving a vehicle, or being in
9453 actual physical control of a vehicle:
- 9454 (A) with a blood alcohol content equal to or greater by weight than the established
9455 legal limit;
- 9456 (B) while under the influence of alcohol or any drug to a degree that rendered the
9457 person incapable of safely driving the vehicle; or
- 9458 (C) while under the combined influence of alcohol and any drug to a degree that
9459 rendered the person incapable of safely driving the vehicle;
- 9460 (iii) injury or damage resulted from the employee being physically or mentally
9461 impaired so as to be unable to reasonably perform the employee's job function
9462 because of:
- 9463 (A) the use of alcohol;
- 9464 (B) the nonprescribed use of a controlled substance as defined in Section ~~[58-37-4]~~
9465 58-37-108; or
- 9466 (C) the combined influence of alcohol and a nonprescribed controlled substance as
9467 defined by Section ~~[58-37-4]~~ 58-37-108;
- 9468 (iv) in a judicial or administrative proceeding, the employee intentionally or
9469 knowingly gave, upon a lawful oath or in any form allowed by law as a substitute
9470 for an oath, false testimony material to the issue or matter of inquiry under this
9471 section; or
- 9472 (v) the employee intentionally or knowingly:
- 9473 (A) fabricated evidence; or
- 9474 (B) except as provided in Subsection (3)(d), with a conscious disregard for the
9475 rights of others, failed to disclose evidence that:
- 9476 (I) was known to the employee; and
- 9477 (II)(Aa) was known by the employee to be relevant to a material issue or
9478 matter of inquiry in a pending judicial or administrative proceeding, if

9479 the employee knew of the pending judicial or administrative proceeding;
 9480 or

9481 (Bb) was known by the employee to be relevant to a material issue or matter
 9482 of inquiry in a judicial or administrative proceeding, if disclosure of the
 9483 evidence was requested of the employee by a party to the proceeding or
 9484 counsel for a party to the proceeding.

9485 (d) The exception, described in Subsection (3)(c)(v)(B), allowing a plaintiff to bring or
 9486 pursue a civil action or proceeding against an employee, does not apply if the
 9487 employee failed to disclose evidence described in Subsection (3)(c)(v)(B), because
 9488 the employee is prohibited by law from disclosing the evidence.

9489 (4) Except as permitted in Subsection (3)(c), no employee may be joined or held personally
 9490 liable for acts or omissions occurring:

9491 (a) during the performance of the employee's duties;

9492 (b) within the scope of employment; or

9493 (c) under color of authority.

9494 (5) A general duty that a governmental entity owes to the public does not create a specific
 9495 duty to an individual member of the public, unless there is a special relationship between
 9496 the governmental entity and the individual member of the public.

9497 Section 156. Section **63I-1-258** is amended to read:

9498 **63I-1-258 (Effective 05/06/26). Repeal dates: Title 58.**

9499 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed
 9500 July 1, 2026.

9501 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2035.

9502 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

9503 (4) Section [~~58-37-3.5~~] 58-37-309, Drugs for behavioral health treatment, is repealed July 1,
 9504 2027.

9505 (5) Subsection [~~58-37-6(7)(f)(iii)~~] 58-37-304(6)(d), regarding a seven-day opiate supply
 9506 restriction, is repealed July 1, 2032.

9507 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.

9508 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
 9509 repealed July 1, 2029.

9510 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,
 9511 2033.

9512 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.

- 9513 (10) Subsection 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.
- 9514 (11) Subsection 58-47b-102(9), defining massage assistant-in-training, is repealed July 1,
9515 2029.
- 9516 (12) Subsection 58-47b-302(1), regarding applicant for a massage assistant-in-training, is
9517 repealed July 1, 2029.
- 9518 (13) Subsection 58-47b-302(2), regarding applicant for a massage assistant, is repealed July
9519 1, 2029.
- 9520 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training
9521 license, is repealed July 1, 2029.
- 9522 (15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing
9523 Advisory Board, is repealed July 1, 2027.
- 9524 (16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.
9525 Section 157. Section **64-13-45** is amended to read:
- 9526 **64-13-45 (Effective 05/06/26). Department reporting requirements.**
- 9527 (1) As used in this section:
- 9528 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.
- 9529 (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the
9530 custody of the department.
- 9531 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
- 9532 (A) being transported for medical care; or
- 9533 (B) receiving medical care outside of a correctional facility, other than a county
9534 jail.
- 9535 (c) "Inmate" means an individual who is processed or booked into custody or housed in
9536 the department or a correctional facility other than a county jail.
- 9537 (d) "Opiate" means the same as that term is defined in Section [58-37-2] 58-37-101.
- 9538 (e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.
- 9539 (2) The department shall submit a report to the Commission on Criminal and Juvenile
9540 Justice created in Section 63M-7-201 before June 15 of each year that includes:
- 9541 (a) the number of in-custody deaths that occurred during the preceding calendar year,
9542 including:
- 9543 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors
9544 of each of the in-custody deaths described in this Subsection (2)(a); and
- 9545 (ii) the department's policy for notifying an inmate's next of kin after the inmate's
9546 in-custody death;

- 9547 (b) the department policies, procedures, and protocols:
- 9548 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
- 9549 including use of opiates;
- 9550 (ii) that relate to the department's provision, or lack of provision, of medications used
- 9551 to treat, mitigate, or address an inmate's symptoms of withdrawal, including
- 9552 methadone and all forms of buprenorphine and naltrexone; and
- 9553 (iii) that relate to screening, assessment, and treatment of an inmate for a substance
- 9554 use disorder or mental health disorder;
- 9555 (c) the number of inmates who gave birth and were restrained in accordance with
- 9556 Section 64-13-46, including:
- 9557 (i) the types of restraints used; and
- 9558 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
- 9559 inmate, medical or corrections staff, or the public;
- 9560 (d) the number of transgender inmates that are assigned to a living area with inmates
- 9561 whose biological sex at birth do not correspond with the transgender inmate's
- 9562 biological sex at birth in accordance with Section 64-13-7, including:
- 9563 (i) the results of the individualized security analysis conducted for each transgender
- 9564 inmate in accordance with Subsection 64-13-7(5)(a); and
- 9565 (ii) a detailed explanation regarding how the security conditions described in
- 9566 Subsection 64-13-7(5)(b) are met for each transgender inmate;
- 9567 (e) the number of transgender inmates that were:
- 9568 (i) assigned to a living area with inmates whose biological sex at birth do not
- 9569 correspond with the transgender inmate's biological sex at birth; and
- 9570 (ii) removed and assigned to a living area with inmates whose biological sex at birth
- 9571 corresponds with the transgender inmate's biological sex at birth in accordance
- 9572 with Subsection 64-13-7(6); and
- 9573 (f) any report the department provides or is required to provide under federal law or
- 9574 regulation relating to inmate deaths.
- 9575 (3) The Commission on Criminal and Juvenile Justice shall:
- 9576 (a) compile the information from the reports described in Subsection (2);
- 9577 (b) omit or redact any identifying information of an inmate in the compilation to the
- 9578 extent omission or redaction is necessary to comply with state and federal law[-]; and
- 9579 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
- 9580 Committee and the Utah Substance Use and Mental Health Advisory Committee

9581 before November 1 of each year.

9582 (4) The Commission on Criminal and Juvenile Justice may not provide access to or use the
9583 department's policies, procedures, or protocols submitted under this section in a manner
9584 or for a purpose not described in this section.

9585 Section 158. Section **64-14-204** is amended to read:

9586 **64-14-204 (Effective 05/06/26). Supervision of sentenced offenders placed in**
9587 **community -- Rulemaking -- POST certified parole or probation officers and peace**
9588 **officers -- Duties -- Supervision fee -- Coordination with local mental health authority.**

9589 (1)(a) The division, except as otherwise provided by law, shall supervise a sentenced
9590 offender placed in the community if the offender:

9591 (i)(A) is placed on probation by a court;

9592 (B) is released on parole by the Board of Pardons and Parole; or

9593 (C) is accepted for supervision under the terms of the Interstate Compact for the
9594 Supervision of Parolees and Probationers; and

9595 (ii) has been convicted of:

9596 (A) a felony;

9597 (B) a class A misdemeanor when an element of the offense is the use or attempted
9598 use of physical force against an individual or property; or

9599 (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the
9600 division is ordered by a court to supervise the offender under Section 77-18-105.

9601 (b) If a sentenced offender participates in substance use treatment or a residential
9602 vocational or life skills program, as defined in Section 13-53-102, while under
9603 supervision on probation or parole, the division shall monitor the offender's
9604 compliance with and completion of the treatment or program.

9605 (c) The department shall establish standards for:

9606 (i) the supervision of offenders in accordance with the adult sentencing and
9607 supervision length guidelines, as defined in Section 63M-7-401.1, giving priority,
9608 based on available resources, to felony offenders and offenders sentenced under
9609 Subsection [58-37-8(2)(b)(ii)] 76-18-207(3)(b)(i) or (3)(c)(i), or sentenced under
9610 an offense described in a statute previously in effect in this state that is the same
9611 or substantially similar to a violation of an offense described in Subsection
9612 76-18-207(3)(b)(i) or (3)(c)(i); and

9613 (ii) the monitoring described in Subsection (1)(b).

9614 (2) The division shall apply the graduated and evidence-based responses established in the

- 9615 adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1,
9616 to facilitate a prompt and appropriate response to an individual's violation of the terms of
9617 probation or parole, including:
- 9618 (a) sanctions to be used in response to a violation of the terms of probation or parole; and
 - 9619 (b) requesting approval from the court or Board of Pardons and Parole to impose a
9620 sanction for an individual's violation of the terms of probation or parole, for a period
9621 of incarceration of not more than three consecutive days and not more than a total of
9622 six days within a period of 30 days.
- 9623 (3) The division shall implement a program of graduated incentives as established in the
9624 adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1
9625 to facilitate the department's prompt and appropriate response to an offender's:
- 9626 (a) compliance with the terms of probation or parole; or
 - 9627 (b) positive conduct that exceeds those terms.
- 9628 (4)(a) The department shall, in collaboration with the State Commission on Criminal and
9629 Juvenile Justice and the Division of Substance Use and Mental Health, create
9630 standards and procedures for the collection of information, including cost savings
9631 related to recidivism reduction and the reduction in the number of inmates, related to
9632 the use of the graduated and evidence-based responses and graduated incentives, and
9633 offenders' outcomes.
- 9634 (b) The collected information shall be provided to the State Commission on Criminal
9635 and Juvenile Justice not less frequently than annually on or before August 31.
- 9636 (5) Employees of the division who are POST certified as law enforcement officers or
9637 correctional officers and who are designated as parole and probation officers by the
9638 executive director have the following duties:
- 9639 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
9640 with the conditions of the parole or probation agreement;
 - 9641 (b) investigating or apprehending any offender who has escaped from the custody of the
9642 department or absconded from supervision by the division;
 - 9643 (c) supervising any offender during transportation; or
 - 9644 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- 9645 (6)(a)(i) A monthly supervision fee of \$30 shall be collected from each offender on
9646 probation or parole.
- 9647 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the
9648 division upon a showing by the offender that imposition would create a substantial

- 9649 hardship or if the offender owes restitution to a victim.
- 9650 (b)(i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
9651 Administrative Rulemaking Act, specifying the criteria for suspension or waiver
9652 of the supervision fee and the circumstances under which an offender may request
9653 a hearing.
- 9654 (ii) In determining whether the imposition of the supervision fee would constitute a
9655 substantial hardship, the division shall consider the financial resources of the
9656 offender and the burden that the fee would impose, with regard to the offender's
9657 other obligations.
- 9658 (c) The division shall deposit money received from the monthly supervision fee
9659 established in this Subsection (6) into the General Fund as a parole and probation
9660 dedicated credit to be used to cover costs incurred in the collection of the fee and in
9661 the development of offender supervision programs.
- 9662 (7)(a) For offenders placed on probation under Section 77-18-105 or parole under
9663 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019,
9664 the division shall establish a program allowing an offender to earn a reduction credit
9665 of 30 days from the offender's period of probation or parole for each month the
9666 offender complies with the terms of the offender's probation or parole agreement,
9667 including the case action plan.
- 9668 (b)(i) For offenders placed on probation under Section 77-18-105 or parole under
9669 Section 76-3-202 on or after July 1, 2026, the division shall establish a program,
9670 consistent with the adult sentencing and supervision length guidelines, as defined
9671 in Section 63M-7-401.1, to provide incentives for an offender that maintains
9672 eligible employment, as defined in Section 64-13g-101.
- 9673 (ii) The program under Subsection (7)(b)(i) may include a credit towards the
9674 reduction of the length of supervision for an offender at a rate of up to 30 days for
9675 each month that the offender maintains eligible employment, as defined in Section
9676 64-13g-101.
- 9677 (iii) A court, or the Board of Pardons and Parole, is not required to grant a request for
9678 termination of supervision under the program described in this Subsection (7)(b) if
9679 the court, or the Board of Pardons and Parole, finds that:
- 9680 (A) the offender presents a substantial risk to public safety;
- 9681 (B) termination would prevent the offender from completing risk reduction
9682 programming or treatment; or

9683 (C) the eligibility criteria for termination of supervision, as established in the adult
9684 sentencing and supervision length guidelines, as defined in Section
9685 63M-7-401.1, have not been met.

9686 (iv) This Subsection (7)(b) does not prohibit the division, or another supervision
9687 services provider, from requesting termination of supervision based on the
9688 eligibility criteria in the adult sentencing and supervision length guidelines, as
9689 defined in Section 63M-7-401.1.

9690 (c) The division shall:

9691 (i) maintain a record of credits earned by an offender under this Subsection (7); and

9692 (ii) request from the court or the Board of Pardons and Parole the termination of
9693 probation or parole not fewer than 30 days prior to the termination date that
9694 reflects the credits earned under this Subsection (7).

9695 (d) This Subsection (7) does not prohibit the division from requesting a termination date
9696 earlier than the termination date established by earned credits under Subsection (7)(c).

9697 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation
9698 or parole upon completion of the period of probation or parole accrued by time
9699 served and credits earned under this Subsection (7) unless the court or the Board of
9700 Pardons and Parole finds that termination would interrupt the completion of a
9701 necessary treatment program, in which case the termination of probation or parole
9702 shall occur when the treatment program is completed.

9703 (f) The department shall report annually to the State Commission on Criminal and
9704 Juvenile Justice on or before August 31:

9705 (i) the number of offenders who have earned probation or parole credits under this
9706 Subsection (7) in one or more months of the preceding fiscal year and the
9707 percentage of the offenders on probation or parole during that time that this
9708 number represents;

9709 (ii) the average number of credits earned by those offenders who earned credits;

9710 (iii) the number of offenders who earned credits by county of residence while on
9711 probation or parole;

9712 (iv) the cost savings associated with sentencing reform programs and practices; and

9713 (v) a description of how the savings will be invested in treatment and

9714 early-intervention programs and practices at the county and state levels.

9715 (8)(a) The department shall coordinate with a local mental health authority to complete
9716 the requirements of this Subsection (8) for an offender who:

- 9717 (i) is a habitual offender as that term is defined in Section 77-18-102;
- 9718 (ii) has a mental illness as that term is defined in Section 26B-5-301; and
- 9719 (iii) based on a risk and needs assessment:
- 9720 (A) is at a high risk of reoffending; and
- 9721 (B) has risk factors that may be addressed by available community-based services.
- 9722 (b) For an offender described in Subsection (8)(a), at any time clinically appropriate or
- 9723 at least three months before termination of an offender's parole or expiration of an
- 9724 offender's sentence, the department shall coordinate with the Department of Health
- 9725 and Human Services and the relevant local mental health authority to provide
- 9726 applicable clinical assessments and transitional treatment planning and services for
- 9727 the offender so that the offender may receive appropriate treatment and support
- 9728 services after the termination of parole or expiration of sentence.
- 9729 (c) The local mental health authority may determine whether the offender:
- 9730 (i) meets the criteria for civil commitment;
- 9731 (ii) meets the criteria for assisted outpatient treatment; or
- 9732 (iii) would benefit from assignment to an assertive community treatment team or
- 9733 available community-based services.
- 9734 (d) Based on the local mental health authority's determination under Subsection (8)(c),
- 9735 the local mental health authority shall, as appropriate:
- 9736 (i) initiate an involuntary commitment court proceeding;
- 9737 (ii) file a written application for assisted outpatient treatment; or
- 9738 (iii) seek to have the offender assigned to an assertive community treatment team or
- 9739 available community-based services.
- 9740 (e) On or before November 1, 2025, the department shall provide a report to the Law
- 9741 Enforcement and Criminal Justice Interim Committee regarding any proposed
- 9742 changes to the requirements in this Subsection (8), including whether the
- 9743 requirements of this Subsection (8) should also apply to any other category of
- 9744 offenders.

9745 Section 159. Section **67-5-36** is amended to read:

9746 **67-5-36 (Effective 05/06/26). Drug Disposal Program.**

- 9747 (1) As used in the section:
- 9748 (a) "Controlled substance" means the same as that term is defined in Section ~~58-37-2~~
- 9749 58-37-101.
- 9750 (b) "Department" means the Department of Environmental Quality.

- 9751 (c) "Environmentally friendly" means a controlled substance that is rendered:
9752 (i) non-retrievable, as determined by the attorney general in consultation with the
9753 department;
9754 (ii) non-hazardous, as determined by the department; and
9755 (iii) permissible to dispose in a landfill in a manner that does not violate state or
9756 federal law relating to surface water or groundwater.
- 9757 (d) "Home controlled substance disposal receptacle" means a receptacle provided by the
9758 program that can be used by an individual to render a small amount of controlled
9759 substances at an individual's residence non-retrievable and environmentally friendly.
- 9760 (e) "Non-retrievable" means the same as that term is defined in 21 C.F.R. 1300.05.
- 9761 (f) "Program" means the Drug Disposal Program described in this section.
- 9762 (g) "Repository" means a controlled substance disposal repository described in
9763 Subsection (3).
- 9764 (2) The attorney general may, in coordination with the department and within funds
9765 available for this purpose, administer a program, known as the Drug Disposal Program,
9766 to provide for the safe, secure, and environmentally friendly disposal of controlled
9767 substances in the state.
- 9768 (3) The attorney general and the department, in developing and implementing the program:
9769 (a) may work with law enforcement agencies, pharmacies, hospitals, and other entities to
9770 ensure that one or more repositories are present in each county in the state;
9771 (b) shall ensure that each repository:
9772 (i) renders a controlled substance placed in the repository non-retrievable and
9773 environmentally friendly, onsite; and
9774 (ii) is secure from tampering or unauthorized removal;
- 9775 (c) may require verification that:
9776 (i) a repository complies with Subsection (3)(b); and
9777 (ii) a home controlled substance disposal receptacle renders a controlled substance
9778 non-retrievable and environmentally friendly;
- 9779 (d) shall ensure that the program operates in accordance with Drug Enforcement
9780 Administration rules; and
- 9781 (e) may publish, on the websites of the attorney general's office and the department:
9782 (i) a list of the location of each repository in the state; and
9783 (ii) if home controlled substance disposal receptacles are used as part of the program,
9784 information on how to obtain a home controlled substance disposal receptacle.

- 9785 (4) The attorney general may, instead of, or in addition to, establishing a repository in a
 9786 county, establish a process for residents of the county to obtain a home controlled
 9787 substance disposal receptacle.
- 9788 (5) A state or local government entity, other than the attorney general's office, the
 9789 department, or a designee of the department, may not:
- 9790 (a) regulate the disposal of a controlled substance rendered non-retrievable in a
 9791 repository or home controlled substance disposal receptacle differently, or more
 9792 strictly, than disposal of non-hazardous household waste;
- 9793 (b) regulate or restrict the location of a repository or the distribution of a home
 9794 controlled substance disposal receptacle; or
- 9795 (c) otherwise take action to regulate or interfere with administration of the program.
- 9796 (6) This section does not prohibit the disposal of a controlled substance:
- 9797 (a) in a receptacle that does not qualify as a repository if:
- 9798 (i) the receptacle is located on the premises of an entity authorized by Drug
 9799 Enforcement Administration rules to accept a controlled substance for subsequent
 9800 disposal; and
- 9801 (ii) the entity described in Subsection (6)(a)(i) ensures that the controlled substance is
 9802 managed in a manner permitted by Drug Enforcement Administration rule; or
- 9803 (b) disposed at a facility that has received the approval required under Section 19-6-108.
- 9804 (7) Unless otherwise agreed by the attorney general, an entity described in Subsection (3)(a)
 9805 that permits the placement of a repository on property owned or controlled by the entity
 9806 will dispose of a controlled substance placed in the repository after the controlled
 9807 substance is rendered environmentally friendly.
- 9808 Section 160. Section **76-3-203.11** is amended to read:
- 9809 **76-3-203.11 (Effective 05/06/26). Reporting an overdose -- Mitigating factor.**
- 9810 (1) As used in this section, "good faith" does not include seeking medical assistance under
 9811 this section during the course of a law enforcement agency's execution of a search
 9812 warrant, execution of an arrest warrant, or other lawful search.
- 9813 (2) It is a mitigating factor in sentencing for an offense under [~~Title 58, Chapter 37,~~
 9814 ~~Utah Controlled Substances Act,~~] Chapter 18, Part 2, Offenses Concerning Controlled
 9815 Substances, or Title 58, Chapter 37, Controlled Substances, that the person or bystander:
 9816 [(+) (a) reasonably believes that the person or another person is experiencing an
 9817 overdose event due to the ingestion, injection, inhalation, or other introduction into
 9818 the human body of a controlled substance or other substance;

- 9819 [(2)] (b) reports, or assists a person who reports, in good faith the overdose event to a
 9820 medical provider, an emergency medical service provider as defined in Section
 9821 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency
 9822 dispatch system, or the person is the subject of a report made under this section;
 9823 [(3)] (c) provides in the report under Subsection [(2)] (2)(b) a functional description of the
 9824 location of the actual overdose event that facilitates responding to the person
 9825 experiencing the overdose event;
- 9826 [(4)] (d) remains at the location of the person experiencing the overdose event until a
 9827 responding law enforcement officer or emergency medical service provider arrives,
 9828 or remains at the medical care facility where the person experiencing an overdose
 9829 event is located until a responding law enforcement officer arrives;
- 9830 [(5)] (e) cooperates with the responding medical provider, emergency medical service
 9831 provider, and law enforcement officer, including providing information regarding the
 9832 person experiencing the overdose event and any substances the person may have
 9833 injected, inhaled, or otherwise introduced into the person's body; and
- 9834 [(6)] (f) committed the offense in the same course of events from which the reported
 9835 overdose arose.

9836 Section 161. Section **76-5-102.1** is amended to read:

9837 **76-5-102.1 (Effective 05/06/26). Negligently operating a vehicle resulting in**
 9838 **injury.**

9839 (1)(a) As used in this section:

- 9840 (i) "Controlled substance" means the same as that term is defined in Section [58-37-2]
 9841 58-37-101.
- 9842 (ii) "Drug" means the same as that term is defined in Section 76-5-207.
- 9843 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
 9844 76-5-207.
- 9845 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.

9846 (b) Terms defined in Section 76-1-101.5 apply to this section.

9847 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:

- 9848 (a)(i) operates a vehicle in a negligent manner causing bodily injury to another; and
 9849 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
 9850 test shows that the actor has a blood or breath alcohol concentration of .05
 9851 grams or greater at the time of the test;
 9852 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol

- 9853 and a drug to a degree that renders the actor incapable of safely operating a
 9854 vehicle; or
- 9855 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
 9856 of operation; or
- 9857 (b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to
 9858 another; and
- 9859 (ii) has in the actor's body any measurable amount of a controlled substance.
- 9860 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:
- 9861 (a)(i) a class A misdemeanor; or
- 9862 (ii) a third degree felony if the actor has two or more driving under the influence
 9863 related convictions under Subsection 41-6a-501(2)(a), each of which is within 10
 9864 years of:
- 9865 (A) the current conviction; or
- 9866 (B) the commission of the offense upon which the current conviction is based;
- 9867 (iii) a third degree felony, if the current conviction is at any time after the conviction
 9868 of:
- 9869 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2),
 9870 that is a felony; or
- 9871 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of
 9872 conviction is reduced under Section 76-3-402; or
- 9873 (iv) a third degree felony if the bodily injury is serious bodily injury; and
- 9874 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
 9875 violation of this section, regardless of whether the injuries arise from the same
 9876 episode of driving.
- 9877 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
 9878 Subsection (2)(b) if:
- 9879 (a) the controlled substance was obtained under a valid prescription or order, directly
 9880 from a practitioner while acting in the course of the practitioner's professional
 9881 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 9882 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 9883 (c) the actor possessed, in the actor's body, a controlled substance listed in Section [
 9884 ~~58-37-4.2~~ 58-37-109 if:
- 9885 (i) the actor is the subject of medical research conducted by a holder of a valid license
 9886 to possess controlled substances under Section [~~58-37-6~~ 58-37-105 or 58-37-113;

- 9887 and
- 9888 (ii) the substance was administered to the actor by the medical researcher.
- 9889 (5)(a) A judge imposing a sentence under this section may consider:
- 9890 (i) the adult sentencing and supervision length guidelines, as defined in Section
- 9891 63M-7-401.1;
- 9892 (ii) the defendant's history;
- 9893 (iii) the facts of the case;
- 9894 (iv) aggravating and mitigating factors; or
- 9895 (v) any other relevant fact.
- 9896 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 9897 based on the defendant's history under Section 41-6a-505.
- 9898 (c) The standards for chemical breath analysis under Section 41-6a-515 and the
- 9899 provisions for the admissibility of chemical test results under Section 41-6a-516
- 9900 apply to determination and proof of blood alcohol content under this section.
- 9901 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 9902 made in accordance with Subsection 41-6a-502(3).
- 9903 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
- 9904 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 9905 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
- 9906 admissible except if prohibited by the Utah Rules of Evidence, the United States
- 9907 Constitution, or the Utah Constitution.
- 9908 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
- 9909 described in this section may not be held in abeyance.
- 9910 (6)(a) A judge imposing a sentence under this section shall designate the defendant as an
- 9911 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
- 9912 not to exceed the probationary period, unless the court finds good cause to order a
- 9913 shorter or longer time.
- 9914 (b) If a court designates a person as an interdicted person as provided in Subsection
- 9915 (6)(a), the court shall:
- 9916 (i) require the person to surrender the person's identification card or driver license;
- 9917 (ii) notify the Driver License Division that the person is an interdicted person; and
- 9918 (iii) provide the person's identification card or driver license to the Driver License
- 9919 Division.
- 9920 (7) If a minor who is under 18 years old is found by a court to have violated Subsection

9921 (2)(b), the court may order the minor to complete:

9922 (a) a screening as defined in Section 41-6a-501;

9923 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 9924 Subsection (7)(a) indicates that an assessment is appropriate; and

9925 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 9926 treatment as indicated by an assessment described in Subsection (7)(b).

9927 Section 162. Section **76-5-112.5** is amended to read:

9928 **76-5-112.5 (Effective 05/06/26). Endangerment of a child or vulnerable adult.**

9929 (1)(a) As used in this section:

9930 (i)(A) "Chemical substance" means:

9931 (I) a substance intended to be used as a precursor in the manufacture of a
 9932 controlled substance;

9933 (II) a substance intended to be used in the manufacture of a controlled
 9934 substance; or

9935 (III) any fumes or by-product resulting from the manufacture of a controlled
 9936 substance.

9937 (B) Intent under this Subsection (1)(a)(i) may be demonstrated by:

9938 (I) the use, quantity, or manner of storage of the substance; or

9939 (II) the proximity of the substance to other precursors or to manufacturing
 9940 equipment.

9941 (ii) "Child" means an individual who is under 18 years old.

9942 (iii) "Controlled substance" means the same as that term is defined in Section [
 9943 ~~58-37-2~~] 58-37-101.

9944 (iv) "Drug paraphernalia" means the same as that term is defined in Section [~~58-37a-3~~]
 9945 76-18-301.

9946 (v) "Exposed to" means that the child or vulnerable adult:

9947 (A) is able to access an unlawfully possessed:

9948 (I) controlled substance; or

9949 (II) chemical substance;

9950 (B) has the reasonable capacity to access drug paraphernalia; or

9951 (C) is able to smell an odor produced during, or as a result of, the manufacture or
 9952 production of a controlled substance.

9953 (vi) "Prescription" means the same as that term is defined in Section [~~58-37-2~~]
 9954 58-37-101.

- 9955 (vii) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.
- 9956 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 9957 (2) An actor commits endangerment of a child or vulnerable adult if the actor knowingly or
- 9958 intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale,
- 9959 ingest, or have contact with a controlled substance, chemical substance, or drug
- 9960 paraphernalia.
- 9961 (3)(a) A violation of Subsection (2) is a third degree felony.
- 9962 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree
- 9963 felony if:
- 9964 (i) the actor engages in the conduct described in Subsection (2); and
- 9965 (ii) as a result of the conduct described in Subsection (2), the child or the vulnerable
- 9966 adult suffers bodily injury, substantial bodily injury, or serious bodily injury.
- 9967 (c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first
- 9968 degree felony if:
- 9969 (i) the actor engages in the conduct described in Subsection (2); and
- 9970 (ii) as a result of the conduct described in Subsection (2), the child or the vulnerable
- 9971 adult dies.
- 9972 (4)(a) Notwithstanding Subsection (3), a child may not be subjected to delinquency
- 9973 proceedings for a violation of Subsection (2) unless:
- 9974 (i) the child is 15 years old or older; and
- 9975 (ii) the other child who is exposed to or inhales, ingests, or has contact with the
- 9976 controlled substance, chemical substance, or drug paraphernalia, is under 12 years
- 9977 old.
- 9978 (b) It is an affirmative defense to a violation of this section that the controlled substance:
- 9979 (i) was obtained by lawful prescription or in accordance with Title 26B, Chapter 4,
- 9980 Part 2, Cannabinoid Research and Medical Cannabis; and
- 9981 (ii) is used or possessed by the individual to whom the controlled substance was
- 9982 lawfully prescribed or recommended to under Title 26B, Chapter 4, Part 2,
- 9983 Cannabinoid Research and Medical Cannabis.
- 9984 (5) The penalties described in this section are separate from, and in addition to, the
- 9985 penalties and enhancements described in Title 58, Occupations and Professions.
- 9986 (6) If an offense committed under this section amounts to an offense subject to a greater
- 9987 penalty under another provision of state law, this section does not prohibit prosecution
- 9988 and sentencing for the more serious offense.

9989 Section 163. Section **76-5-113** is amended to read:

9990 **76-5-113 (Effective 05/06/26). Surreptitious administration of certain substances**

9991 **-- Definitions -- Penalties -- Defenses.**

9992 (1)(a) As used in this section:

9993 (i) "Administer" means the introduction of a substance into the body by injection,
9994 inhalation, ingestion, or by any other means.

9995 (ii) "Alcoholic beverage" means the same as that term is defined in Section 32B-1-102.

9996 (iii) "Controlled substance" means the same as that term is defined in Section [
9997 ~~58-37-2~~] 58-37-101.

9998 (iv) "Deleterious substance" means a substance which, if administered, would likely
9999 cause bodily injury.

10000 (v) "Health care provider" means the same as that term is defined in Section
10001 78B-3-403.

10002 (vi) "Poisonous" means a substance which, if administered, would likely cause
10003 serious bodily injury or death.

10004 (vii) "Prescription drug" means the same as that term is defined in Section 58-17b-102.

10005 (viii) "Serious bodily injury" means the same as that term is defined in Section
10006 19-2-115.

10007 (ix) "Substance" means a controlled substance, poisonous substance, or deleterious
10008 substance.

10009 (b) Terms defined in Section 76-1-101.5 apply to this section.

10010 (2) An actor commits surreptitious administration of a certain substance if the actor,
10011 surreptitiously or by means of fraud, deception, or misrepresentation, causes an
10012 individual to unknowingly consume or receive the administration of:

10013 (a) any poisonous, deleterious, or controlled substance; or

10014 (b) any alcoholic beverage.

10015 (3) A violation of Subsection (2) is:

10016 (a) a second degree felony if the substance is a poisonous substance, regardless of
10017 whether the substance is a controlled substance or a prescription drug;

10018 (b) a third degree felony if the substance is not within the scope of Subsection (3)(a),
10019 and is a controlled substance or a prescription drug; or

10020 (c) a class A misdemeanor if the substance is a deleterious substance or an alcoholic
10021 beverage.

10022 (4)(a) It is an affirmative defense to a prosecution under Subsection (2) that the actor:

- 10023 (i) provided the appropriate administration of a prescription drug; and
- 10024 (ii) acted on the reasonable belief that the actor's conduct was in the best interest of
- 10025 the well-being of the individual to whom the prescription drug was administered.
- 10026 (b)(i) The defendant shall file and serve on the prosecuting attorney a notice in
- 10027 writing of the defendant's intention to claim a defense under Subsection (4)(a) not
- 10028 fewer than 20 days before the trial.
- 10029 (ii) The notice shall specifically identify the factual basis for the defense and the
- 10030 names and addresses of the witnesses the defendant proposes to examine to
- 10031 establish the defense.
- 10032 (c)(i) The prosecuting attorney shall file and serve the defendant with a notice
- 10033 containing the names and addresses of the witnesses the prosecutor proposes to
- 10034 examine in order to contradict or rebut the defendant's claim of an affirmative
- 10035 defense under Subsection (4)(a).
- 10036 (ii) This notice shall be filed or served not more than 10 days after receipt of the
- 10037 defendant's notice under Subsection (4)(b), or at another time as the court may
- 10038 direct.
- 10039 (d)(i) Failure of a party to comply with the requirements of Subsection (4)(b) or (4)(c)
- 10040 entitles the opposing party to a continuance to allow for preparation.
- 10041 (ii) If the court finds that a party's failure to comply is the result of bad faith, it may
- 10042 impose appropriate sanctions.
- 10043 (5)(a) This section does not diminish the scope of authorized health care by a health care
- 10044 provider.
- 10045 (b) Conduct in violation of Subsection (2) may also constitute a separate offense.
- 10046 Section 164. Section **76-5-203** is amended to read:
- 10047 **76-5-203 (Effective 05/06/26). Murder -- Penalties-- Affirmative defense and**
- 10048 **special mitigation -- Separate offenses.**
- 10049 (1)(a) As used in this section, "predicate offense" means:
- 10050 (i) a clandestine drug lab violation under Section [~~58-37d-4 or 58-37d-5~~] 76-18-506;
- 10051 (ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused
- 10052 individual is younger than 18 years old;
- 10053 (iii) child torture under Section 76-5-109.4;
- 10054 (iv) kidnapping under Section 76-5-301;
- 10055 (v) child kidnapping under Section 76-5-301.1;
- 10056 (vi) aggravated kidnapping under Section 76-5-302;

- 10057 (vii) rape under Section 76-5-402;
- 10058 (viii) rape of a child under Section 76-5-402.1;
- 10059 (ix) object rape under Section 76-5-402.2;
- 10060 (x) object rape of a child under Section 76-5-402.3;
- 10061 (xi) forcible sodomy under Section 76-5-403;
- 10062 (xii) sodomy upon a child under Section 76-5-403.1;
- 10063 (xiii) forcible sexual abuse under Section 76-5-404;
- 10064 (xiv) sexual abuse of a child under Section 76-5-404.1;
- 10065 (xv) aggravated sexual abuse of a child under Section 76-5-404.3;
- 10066 (xvi) aggravated sexual assault under Section 76-5-405;
- 10067 (xvii) arson under Section 76-6-102;
- 10068 (xviii) aggravated arson under Section 76-6-103;
- 10069 (xix) burglary under Section 76-6-202;
- 10070 (xx) aggravated burglary under Section 76-6-203;
- 10071 (xxi) robbery under Section 76-6-301;
- 10072 (xxii) aggravated robbery under Section 76-6-302;
- 10073 (xxiii) escape under Section 76-8-309;
- 10074 (xxiv) aggravated escape under Section 76-8-309.3; or
- 10075 (xxv) a violation of Section 76-11-209 or 76-11-210 regarding discharge of a firearm
- 10076 or dangerous weapon.
- 10077 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10078 (2) An actor commits murder if:
- 10079 (a) the actor intentionally or knowingly causes the death of another individual;
- 10080 (b) intending to cause serious bodily injury to another individual, the actor commits an
- 10081 act clearly dangerous to human life that causes the death of the other individual;
- 10082 (c) acting under circumstances evidencing a depraved indifference to human life, the
- 10083 actor knowingly engages in conduct that creates a grave risk of death to another
- 10084 individual and thereby causes the death of the other individual;
- 10085 (d)(i) the actor is engaged in the commission, attempted commission, or immediate
- 10086 flight from the commission or attempted commission of any predicate offense, or
- 10087 is a party to the predicate offense;
- 10088 (ii) an individual other than a party described in Section 76-2-202 is killed in the
- 10089 course of the commission, attempted commission, or immediate flight from the
- 10090 commission or attempted commission of any predicate offense; and

- 10091 (iii) the actor acted with the intent required as an element of the predicate offense;
- 10092 (e) the actor recklessly causes the death of a peace officer or military service member in
- 10093 uniform while in the commission or attempted commission of:
- 10094 (i) an assault against a peace officer under Section 76-5-102.4;
- 10095 (ii) interference with a peace officer while making a lawful arrest under Section
- 10096 76-8-305 if the actor uses force against the peace officer; or
- 10097 (iii) an assault against a military service member in uniform under Section 76-5-102.4;
- 10098 or
- 10099 (f) the actor commits a homicide that would be aggravated murder, but the offense is
- 10100 reduced in accordance with Subsection 76-5-202(4).
- 10101 (3)(a)(i) A violation of Subsection (2) is a first degree felony.
- 10102 (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for
- 10103 an indeterminate term of not less than 15 years and which may be for life.
- 10104 (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,
- 10105 or alternatively, attempted murder, as described in this section are proved beyond a
- 10106 reasonable doubt, and also finds that the existence of special mitigation is established
- 10107 by a preponderance of the evidence and in accordance with Section 76-5-205.5, the
- 10108 court shall enter a judgment of conviction as follows:
- 10109 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
- 10110 judgment of conviction for manslaughter; or
- 10111 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall,
- 10112 notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c), enter a judgment of
- 10113 conviction for attempted manslaughter.
- 10114 (4)(a) It is an affirmative defense to a charge of murder or attempted murder that the
- 10115 defendant caused the death of another individual or attempted to cause the death of
- 10116 another individual under a reasonable belief that the circumstances provided a legal
- 10117 justification or excuse for the conduct although the conduct was not legally justifiable
- 10118 or excusable under the existing circumstances.
- 10119 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from
- 10120 the viewpoint of a reasonable person under the then existing circumstances.
- 10121 (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or
- 10122 alternatively, attempted murder, as described in this section are proved beyond a
- 10123 reasonable doubt, and also finds the affirmative defense described in this Subsection
- 10124 (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of

conviction as follows:

(i) if the trier of fact finds the defendant guilty of murder, the court shall enter a judgment of conviction for manslaughter; or

(ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall enter a judgment of conviction for attempted manslaughter.

(5)(a) Any predicate offense that constitutes a separate offense does not merge with the crime of murder.

(b) An actor who is convicted of murder, based on a predicate offense that constitutes a separate offense, may also be convicted of, and punished for, the separate offense.

Section 165. Section **76-5-207** is amended to read:

76-5-207 (Effective 05/06/26). Automobile homicide -- Penalties -- Evidence.

(1)(a) As used in this section:

(i) "Controlled substance" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.

(ii) "Criminally negligent" means the same as that term is described in Subsection 76-2-103(4).

(iii) "Drug" means:

(A) a controlled substance;

(B) a drug as defined in Section ~~[58-37-2]~~ 58-37-101; or

(C) a substance that, when knowingly, intentionally, or recklessly taken into the human body, can impair the ability of an individual to safely operate a vehicle.

(iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that degree of care that reasonable and prudent persons exercise under like or similar circumstances.

(v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits automobile homicide if the actor:

(a)(i) operates a vehicle in a negligent or criminally negligent manner causing the death of another individual; and

(ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical test shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;

(B) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the actor incapable of safely

- 10159 operating a vehicle; or
- 10160 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 10161 of operation; or
- 10162 (b)(i) operates a vehicle in a criminally negligent manner causing death to another;
- 10163 and
- 10164 (ii) has in the actor's body any measurable amount of a controlled substance.
- 10165 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 10166 (a) a second degree felony, punishable by a term of imprisonment of not less than five
- 10167 years nor more than 15 years; and
- 10168 (b) a separate offense for each victim suffering death as a result of the actor's violation
- 10169 of this section, regardless of whether the deaths arise from the same episode of
- 10170 driving.
- 10171 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
- 10172 (a) the controlled substance was obtained under a valid prescription or order, directly
- 10173 from a practitioner while acting in the course of the practitioner's professional
- 10174 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 10175 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 10176 (c) the actor possessed, in the actor's body, a controlled substance listed in Section [
- 10177 ~~58-37-4.2~~] 58-37-109 if:
- 10178 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 10179 to possess controlled substances under Section [~~58-37-6~~] 58-37-105 or 58-37-113;
- 10180 and
- 10181 (ii) the substance was administered to the actor by the medical researcher.
- 10182 (5)(a) A judge imposing a sentence under this section may consider:
- 10183 (i) the adult sentencing and supervision length guidelines, as defined in Section
- 10184 63M-7-401.1;
- 10185 (ii) the defendant's history;
- 10186 (iii) the facts of the case;
- 10187 (iv) aggravating and mitigating factors; or
- 10188 (v) any other relevant fact.
- 10189 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 10190 based on the defendant's history under Section 41-6a-505.
- 10191 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the
- 10192 provisions for the admissibility of chemical test results as provided by Section

- 10193 41-6a-516 apply to determination and proof of blood alcohol content under this
10194 section.
- 10195 (d) A calculation of blood or breath alcohol concentration under this section shall be
10196 made in accordance with Subsection 41-6a-502(3).
- 10197 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
10198 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 10199 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
10200 admissible except when prohibited by the Utah Rules of Evidence, the United States
10201 Constitution, or the Utah Constitution.
- 10202 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
10203 described in this section may not be held in abeyance.
- 10204 (6) If, when imposing a sentence under this section, the court finds that it is in the interest
10205 of justice to suspend the imposition of prison, the court shall detail the finding on the
10206 record, including why a suspended prison sentence is in the interest of justice.
- 10207 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than
10208 three years nor more than 15 years if the court details on the record why it is in the
10209 interest of justice.
- 10210 (8)(a) A judge imposing a sentence under this section shall designate the defendant as an
10211 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
10212 not to exceed the probationary period, unless the court finds good cause to order a
10213 shorter or longer time.
- 10214 (b) If a court designates a person as an interdicted person as provided in Subsection
10215 (8)(a), the court shall:
- 10216 (i) require the person to surrender the person's identification card or driver license;
10217 (ii) notify the Driver License Division that the person is an interdicted person; and
10218 (iii) provide the person's identification card or driver license to the Driver License
10219 Division.
- 10220 (9) If a minor who is under 18 years old is found by a court to have violated Subsection
10221 (2)(b), the court may order the minor to complete:
- 10222 (a) a screening as defined in Section 41-6a-501;
10223 (b) an assessment as defined in Section 41-6a-501 if the screening described in
10224 Subsection (9)(a) indicates that an assessment is appropriate; and
10225 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
10226 treatment as indicated by an assessment described in Subsection (9)(b).

10227 Section 166. Section **76-8-311.3** is amended to read:

10228 **76-8-311.3 (Effective 05/06/26). Establishment of prohibited item policy in a**
 10229 **correctional or mental health facility -- Reference to penalty provisions -- Exceptions --**
 10230 **Rulemaking.**

10231 (1)(a) As used in this section:

- 10232 (i) "Communication device" means a device designed to receive or transmit an
 10233 image, text message, email, video, location information, or voice communication,
 10234 or another device that can be used to communicate electronically.
- 10235 (ii) "Controlled substance" means a substance defined as a controlled substance under [
 10236 ~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
 10237 Controlled Substances.
- 10238 (iii) "Correctional facility" means:
 10239 (A) a facility operated by or contracting with the Department of Corrections to
 10240 house an offender in either a secure or nonsecure setting;
 10241 (B) a facility operated by a municipality or a county to house or detain an offender;
 10242 (C) a juvenile detention facility; or
 10243 (D) a building or grounds appurtenant to a facility or land granted to the state,
 10244 municipality, or county for use as a correctional facility.
- 10245 (iv) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- 10246 (v) "Electronic cigarette product" means the same as that term is defined in Section
 10247 76-9-1101.
- 10248 (vi) "Firearm" means the same as that term is defined in Section 76-11-101.
- 10249 (vii) "Medicine" means a prescription drug as defined in Title 58, Chapter 17b,
 10250 Pharmacy Practice Act, but does not include a controlled substance as defined in [
 10251 ~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
 10252 Controlled Substances.
- 10253 (viii) "Mental health facility" means the same as that term is defined in Section
 10254 26B-5-301.
- 10255 (ix) "Nicotine product" means the same as that term is defined in Section 76-9-1101.
- 10256 (x) "Offender" means an individual in custody at a correctional facility.
- 10257 (xi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
- 10258 (xii) "Tobacco product" means the same as that term is defined in Section 76-9-1101.

10259 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

10260 (2)(a) Notwithstanding Section 53-5a-102, a correctional facility or mental health

10261 facility may prohibit a firearm, ammunition, a dangerous weapon, an implement of
 10262 escape, an explosive, a controlled substance, spirituous or fermented liquor,
 10263 medicine, or poison from being:

10264 (i) transported to or within a correctional facility or mental health facility;

10265 (ii) sold or given away to an offender at a correctional facility or mental health
 10266 facility; or

10267 (iii) possessed by an offender or another individual at a correctional facility or mental
 10268 health facility.

10269 (b) A correctional facility may prohibit a communication device from being:

10270 (i) transported within the correctional facility for the purpose of being sold to an
 10271 offender in the correctional facility;

10272 (ii) sold or given away to an offender in the correctional facility; or

10273 (iii) possessed by an offender or another individual at the correctional facility.

10274 (3) It is a defense to a prosecution related to this section that the actor, in committing the act
 10275 made criminal by this section with respect to:

10276 (a) a correctional facility operated by the Department of Corrections, acted in conformity
 10277 with departmental rule or policy;

10278 (b) a correctional facility operated by a municipality, acted in conformity with the policy
 10279 of the municipality;

10280 (c) a correctional facility operated by a county, acted in conformity with the policy of
 10281 the county; or

10282 (d) a mental health facility, acted in conformity with the policy of the mental health
 10283 facility.

10284 (4)(a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged under
 10285 Section 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, 76-8-311.9, 76-8-311.10, or
 10286 76-8-311.11 for a violation of a policy or rule created under this section.

10287 (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an
 10288 explosive in a correctional facility or a mental health facility may be punished under
 10289 Section 76-15-210 or 76-15-211.

10290 (c) The possession, distribution, or use of a controlled substance at a correctional facility
 10291 or in a secure area of a mental health facility shall be charged under [~~Title 58,~~
 10292 ~~Chapter 37, Utah Controlled Substances Act~~] Chapter 18, Part 2, Offenses Concerning
 10293 Controlled Substances, or Title 58, Chapter 37, Controlled Substances.

10294 (5) Exemptions to a policy or rule created under this section may be granted for worship of

10295 Native American inmates in accordance with Section 64-13-40.

10296 Section 167. Section **76-8-311.10** is amended to read:

10297 **76-8-311.10 (Effective 05/06/26). Possession of contraband in a correctional**
 10298 **facility.**

10299 (1)(a) As used in this section:

10300 (i) "Contraband" means an item not specifically prohibited for possession by an
 10301 offender under this section or Section 76-8-311.3, 76-8-311.4, 76-8-311.6,
 10302 76-8-311.7, 76-8-311.8, or 76-8-311.9.

10303 (ii) "Correctional facility" means the same as that term is defined in Section
 10304 76-8-311.3.

10305 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

10306 (2) An actor commits possession of contraband in a correctional facility if the actor, without
 10307 the permission of the authority operating a correctional facility, knowingly engages in an
 10308 activity that would facilitate the possession of contraband by an offender in the
 10309 correctional facility.

10310 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B
 10311 misdemeanor.

10312 (4)(a) The possession, distribution, or use of a controlled substance at a correctional
 10313 facility shall be prosecuted in accordance with [~~Title 58, Chapter 37, Utah Controlled~~
 10314 ~~Substances Act~~] Chapter 18, Part 2, Offenses Concerning Controlled Substances.

10315 (b) The provisions of Section 76-8-311.9 take precedence over this section.

10316 (c) The defenses provided in Section 76-8-311.3 apply to this section.

10317 Section 168. Section **76-9-1110** is amended to read:

10318 **76-9-1110 (Effective 05/06/26). Abuse of psychotoxic chemical solvent.**

10319 (1)(a) As used in this section, "psychotoxic chemical solvent" includes any glue, cement,
 10320 or other substance containing one or more of the following chemical compounds:

10321 (i) acetone and acetate;

10322 (ii) amyl nitrite or amyl nitrate or their isomers;

10323 (iii) benzene, butyl alcohol, butyl nitrite, butyl nitrate, or their isomers;

10324 (iv) ethyl alcohol, ethyl nitrite, or ethyl nitrate;

10325 (v) ethylene dichloride;

10326 (vi) isobutyl alcohol;

10327 (vii) methyl alcohol;

10328 (viii) methyl ethyl ketone;

- 10329 (ix) n-propyl alcohol;
- 10330 (x) pentachlorophenol;
- 10331 (xi) petroleum ether;
- 10332 (xii) propyl nitrite or propyl nitrate or their isomers;
- 10333 (xiii) toluene;
- 10334 (xiv) xylene; or
- 10335 (xv) another chemical substance capable of causing a condition of intoxication,
- 10336 inebriation, excitement, stupefaction, or the dulling of the brain or nervous system
- 10337 as a result of the inhalation of the fumes or vapors of such chemical substance.
- 10338 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
- 10339 (2) Except as provided in Subsection (4), an actor commits abuse of psychotoxic chemical
- 10340 solvent if:
- 10341 (a) for the purpose of causing a condition of intoxication, inebriation, excitement,
- 10342 stupefaction, or the dulling of the actor's brain or nervous system, the actor
- 10343 intentionally:
- 10344 (i) smells or inhales the fumes of a psychotoxic chemical solvent; or
- 10345 (ii) possesses, purchases, or attempts to possess or purchase a psychotoxic chemical
- 10346 solvent; or
- 10347 (b) the actor offers, sells, or provides a psychotoxic chemical solvent to another person,
- 10348 knowing that other person or a third party intends to possess or use that psychotoxic
- 10349 chemical solvent in violation of Subsection (2)(a).
- 10350 (3) A violation of Subsection (2) is a class B misdemeanor.
- 10351 (4) This section does not apply to:
- 10352 (a) the prescribed use, distribution, or sale of a psychotoxic chemical solvent for a
- 10353 medical or dental purpose; or
- 10354 (b) a controlled substance regulated by the provisions of [~~Title 58, Chapter 37, Utah~~
- 10355 ~~Controlled Substances Act~~] Chapter 18, Part 2, Offenses Concerning Controlled
- 10356 Substances, or Title 58, Chapter 37, Controlled Substances.
- 10357 Section 169. Section **76-9-1301** is amended to read:
- 10358 **76-9-1301 (Effective 05/06/26). Definitions.**
- 10359 As used in this part:
- 10360 (1) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~
- 10361 58-37-101.
- 10362 (2) "Nuisance" means an item, thing, manner, or condition that:

- 10363 (a) is dangerous to human life or health; or
- 10364 (b) renders soil, air, water, or food impure or unwholesome.
- 10365 (3)(a) "Public nuisance" means unlawfully committing an act or omitting to perform a
- 10366 duty, which act or duty:
- 10367 (i) annoys, injures, or endangers the comfort, repose, health, or safety of three or
- 10368 more persons, regardless of the extent to which the annoyance, injury, or
- 10369 endangerment inflicted on the persons is unequal;
- 10370 (ii) offends public decency;
- 10371 (iii) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous
- 10372 for passage, a lake, stream, canal, or basin, or a public park, square, street, or
- 10373 highway;
- 10374 (iv) is a nuisance as described in Section 78B-6-1107, Nuisance -- Drug houses and
- 10375 drug dealing -- Gambling -- Group criminal activity -- Party house -- Prostitution
- 10376 -- Weapons -- Abatement by eviction; or
- 10377 (v) renders three or more persons insecure in life or the use of property, regardless of
- 10378 the extent to which the effect inflicted on the persons is unequal.
- 10379 (b) "Public nuisance" is presumed to not include:
- 10380 (i) activities conducted in the normal and ordinary course of agricultural operations,
- 10381 as defined in Section 4-44-102, and conducted in accordance with sound
- 10382 agricultural practices, with the presumption that agricultural operations
- 10383 undertaken in conformity with federal, state, and local laws and regulations,
- 10384 including zoning ordinances, are operating within sound agricultural practices; or
- 10385 (ii) activities conducted in the normal and ordinary course of critical infrastructure
- 10386 materials operations, as defined in Section 78B-6-1101, and conducted in
- 10387 accordance with sound critical infrastructure materials practices, with the
- 10388 presumption that critical infrastructure materials operations undertaken in
- 10389 conformity with federal, state, and local laws and regulations, including zoning
- 10390 ordinances, are operating within sound critical infrastructure materials operations.
- 10391 (4)(a) "Supervised drug consumption site" means a facility or premises operated or
- 10392 intended to provide an environment for the unlawful use of a controlled substance.
- 10393 (b) "Supervised drug consumption site" does not include a facility or premises that
- 10394 provides or facilitates:
- 10395 (i) an opioid treatment program, as that term is defined in Section 58-17b-309.7; or
- 10396 (ii) the use of medication pursuant to a medication assisted treatment plan, as that

10397 term is defined in Section 64-13-25.1.

10398 Section 170. Section **76-9-1505** is amended to read:

10399 **76-9-1505 (Effective 05/06/26). Unlawful conduct while on a bus.**

10400 (1)(a) As used in this section, "controlled substance" means the same as that term is
10401 defined in Section [~~58-37-2~~] 58-37-101.

10402 (b) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

10403 (2) An actor commits unlawful conduct while on a bus if the actor:

10404 (a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar
10405 language on a bus;

10406 (b) is in or upon any bus while unlawfully under the influence of a controlled substance;

10407 (c) fails to obey a reasonable request or order of a bus driver, bus company
10408 representative, a nondrinking designee other than the driver as provided in
10409 Subsection 32B-4-415(4)(c)(ii), or other person in charge or control of a bus or
10410 terminal;

10411 (d) ingests a controlled substance, unless prescribed by a physician or a medical facility,
10412 in or upon any bus, or drinks intoxicating liquor in or upon a bus, except a chartered
10413 bus as defined and provided in Sections 32B-1-102 and 41-6a-526; or

10414 (e) smokes tobacco or other products in or upon a bus, except a chartered bus.

10415 (3) A violation of Subsection (2) is a class C misdemeanor.

10416 (4)(a) If an actor violates Subsection (2), the driver of the bus or individual in charge
10417 thereof may stop at the place where the offense is committed or at the next regular or
10418 convenient stopping place and remove the actor, using only such force as may be
10419 necessary to accomplish the removal, and the driver or individual in charge may
10420 request the assistance of passengers to assist in removing the actor.

10421 (b) The driver or individual in charge may cause the removed actor to be detained and
10422 delivered to the proper authorities.

10423 Section 171. Section **76-11-217** is amended to read:

10424 **76-11-217 (Effective 05/06/26). Carrying a dangerous weapon while under the
10425 influence of alcohol or drugs.**

10426 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

10427 (2) An actor commits carrying a dangerous weapon while under the influence of alcohol or
10428 drugs if the actor:

10429 (a) carries a dangerous weapon that is readily accessible by the actor for immediate use;
10430 and

- 10431 (b) is under the influence of:
- 10432 (i) alcohol as determined by the actor's blood or breath alcohol concentration in
- 10433 accordance with Subsections 41-6a-502(1)(a) through (c); or
- 10434 (ii) a controlled substance as defined in Section ~~58-37-2~~ 58-37-101.
- 10435 (3) A violation of Subsection (2) is a class B misdemeanor.
- 10436 (4) This section does not apply to:
- 10437 (a) an actor who uses or threatens to use force in compliance with Section 76-2-402;
- 10438 (b) an actor carrying a dangerous weapon in the actor's residence or the residence of
- 10439 another individual with the consent of the individual who is lawfully in possession of
- 10440 the residence;
- 10441 (c) an actor under the influence of cannabis or a cannabis product, as those terms are
- 10442 defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis product
- 10443 complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
- 10444 Cannabis; or
- 10445 (d) an actor who:
- 10446 (i) has a valid prescription for a controlled substance;
- 10447 (ii) takes the controlled substance described in Subsection (4)(d)(i) as prescribed; and
- 10448 (iii) after taking the controlled substance, the actor:
- 10449 (A) is not a danger to the actor or another individual; or
- 10450 (B) is capable of safely handling a dangerous weapon.
- 10451 (5) It is not a defense to prosecution under this section that the actor:
- 10452 (a) is licensed in the pursuit of wildlife of any kind;
- 10453 (b) has a concealed carry permit as described in Section 53-5a-303;
- 10454 (c) has a provisional concealed carry permit as described in Section 53-5a-304;
- 10455 (d) has a temporary concealed carry permit issued under Section 53-5a-305;
- 10456 (e) has a concealed carry permit lawfully issued by or in another state; or
- 10457 (f) is 21 years old or older and may otherwise lawfully possess a concealed loaded
- 10458 firearm without a concealed carry permit as described in Section 53-5a-101.5.
- 10459 Section 172. Section **76-11-301** is amended to read:
- 10460 **76-11-301 (Effective 05/06/26). Definitions.**
- 10461 As used in this part:
- 10462 (1) "Adjudicated" means a judgment has been entered against a minor for an offense by a
- 10463 juvenile court under Section 80-6-701.
- 10464 (2) "Category I restricted person" means an individual described in Section 76-11-302.

- 10465 (3) "Category II restricted person" means an individual described in Section 76-11-303.
- 10466 (4) "Carry" means for an individual to have an item under the individual's custody or
10467 control.
- 10468 (5) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]
10469 58-37-101.
- 10470 (6)(a) "Dating relationship" means a romantic or intimate relationship between
10471 individuals.
- 10472 (b) "Dating relationship" does not include a casual acquaintanceship or ordinary
10473 fraternization in a business or social context.
- 10474 (7) "Dealer" means a person who is:
- 10475 (a) licensed under 18 U.S.C. Sec. 923; and
- 10476 (b) engaged in the business of selling, leasing, or otherwise transferring a firearm,
10477 whether the person is a retail or wholesale dealer, pawnbroker, or other type of
10478 merchant or seller.
- 10479 (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 10480 (9) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- 10481 (10) "Schedule I controlled substance" means a substance listed as a schedule I controlled
10482 substance in Section [~~58-37-4~~] 58-37-108.
- 10483 (11) "Schedule II controlled substance" means a substance listed as a schedule II controlled
10484 substance in Section [~~58-37-4~~] 58-37-108.
- 10485 (12) "Secure care" means the same as that term is defined in Section 80-1-102.
- 10486 (13) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
10487 Section 173. Section **76-11-302** is amended to read:
- 10488 **76-11-302 (Effective 05/06/26). Category I restricted person established.**
- 10489 Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to
10490 restricted person categories, an individual is categorized as a category I restricted person and
10491 subject to the restrictions and penalties described in Section 76-11-305:
- 10492 (1) if the individual has been convicted of a violent felony;
- 10493 (2) if the individual is on probation or parole for a felony;
- 10494 (3) if the individual is on parole from secure care;
- 10495 (4) for 10 years after the day on which the individual was adjudicated for an offense which
10496 if committed by an adult would have been a violent felony;
- 10497 (5) if the individual is an alien who is illegally or unlawfully in the United States, including
10498 an alien who has:

- 10499 (a) submitted an asylum application in accordance with 8 U.S.C. Sec. 1158 and is
10500 waiting for a disposition on the application; or
- 10501 (b) submitted a temporary protected status application in accordance with 8 U.S.C. Sec.
10502 1254a and is waiting for a disposition on the application; or
- 10503 (6) if the individual is on probation for a conviction of possessing:
- 10504 (a) a substance classified in Section [~~58-37-4~~] 58-37-108 as a Schedule I or II controlled
10505 substance;
- 10506 (b) a controlled substance analog; or
- 10507 (c) a substance listed in Section [~~58-37-4.2~~] 58-37-109.

10508 Section 174. Section **76-17-401** is amended to read:

10509 **76-17-401 (Effective 05/06/26). Definitions.**

10510 As used in this part:

- 10511 (1)(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation,
10512 business trust, association, or other legal entity, and a union or group of individuals
10513 associated in fact although not a legal entity.
- 10514 (b) "Enterprise" includes illicit as well as licit entities.
- 10515 (2) "Pattern of unlawful activity" means engaging in conduct that constitutes the
10516 commission of at least three episodes of unlawful activity, which episodes are not
10517 isolated, but have the same or similar purposes, results, participants, victims, or methods
10518 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
10519 together, the episodes shall demonstrate continuing unlawful conduct and be related
10520 either to each other or to the enterprise. At least one of the episodes comprising a
10521 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act
10522 constituting part of a pattern of unlawful activity as defined by this part shall have
10523 occurred within five years of the commission of the next preceding act alleged as part of
10524 the pattern.
- 10525 (3) "Person" includes an individual or entity capable of holding a legal or beneficial interest
10526 in property, including state, county, and local governmental entities.
- 10527 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,
10528 encourage, or intentionally aid another person to engage in conduct that would constitute
10529 an offense described by the following crimes or categories of crimes, or to attempt or
10530 conspire to engage in an act that would constitute any of those offenses, regardless of
10531 whether the act is in fact charged or indicted by an authority or is classified as a
10532 misdemeanor or a felony:

- 10533 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized
10534 Recording Practices Act;
- 10535 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality
10536 Code, Sections 19-1-101 through 19-7-109;
- 10537 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose
10538 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or
10539 Section 23A-5-311;
- 10540 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,
10541 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- 10542 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal
10543 Offenses and Procedure Act;
- 10544 (f) unlawful marking of pistol or revolver under Section 53-5a-105;
- 10545 (g) alteration of number or mark on pistol or revolver under Section 53-5a-106;
- 10546 (h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah
10547 Uniform Land Sales Practices Act;
- 10548 (i) an act prohibited by the criminal provisions under [~~Title 58, Chapter 37, Utah~~
10549 ~~Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances~~
10550 ~~Act, Title 58, Chapter 37e, Utah Controlled Substance Precursor Act, or Title 58,~~
10551 ~~Chapter 37d, Clandestine Drug Lab Act]~~ Chapter 18, Part 2, Offenses Concerning
10552 Controlled Substances, Part 4, Offenses Concerning Imitation Controlled Substances,
10553 Part 5, Clandestine Drug Labs, Title 58, Chapter 37, Controlled Substances, or Title
10554 58, Chapter 37c, Controlled Substance Precursors;
- 10555 (j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
10556 Securities Act;
- 10557 (k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah
10558 Procurement Code;
- 10559 (l) assault under Section 76-5-102;
- 10560 (m) aggravated assault under Section 76-5-103;
- 10561 (n) a threat of terrorism under Section 76-5-107.3;
- 10562 (o) a criminal homicide offense under Section 76-5-201;
- 10563 (p) kidnapping under Section 76-5-301;
- 10564 (q) aggravated kidnapping under Section 76-5-302;
- 10565 (r) human trafficking for labor under Section 76-5-308;
- 10566 (s) human trafficking for sexual exploitation under Section 76-5-308.1;

- 10567 (t) human smuggling under Section 76-5-308.3;
- 10568 (u) human trafficking of a child under Section 76-5-308.5;
- 10569 (v) benefiting from trafficking and human smuggling under Section 76-5-309;
- 10570 (w) aggravated human trafficking under Section 76-5-310;
- 10571 (x) sexual exploitation of a minor under Section 76-5b-201;
- 10572 (y) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 10573 (z) sexual extortion under Section 76-5b-204;
- 10574 (aa) arson under Section 76-6-102;
- 10575 (bb) aggravated arson under Section 76-6-103;
- 10576 (cc) causing a catastrophe under Section 76-6-105;
- 10577 (dd) burglary under Section 76-6-202;
- 10578 (ee) aggravated burglary under Section 76-6-203;
- 10579 (ff) burglary of a vehicle under Section 76-6-204;
- 10580 (gg) manufacture or possession of an instrument for burglary or theft under Section
- 10581 76-6-205;
- 10582 (hh) robbery under Section 76-6-301;
- 10583 (ii) aggravated robbery under Section 76-6-302;
- 10584 (jj) theft under Section 76-6-404;
- 10585 (kk) theft by deception under Section 76-6-405;
- 10586 (ll) theft by extortion under Section 76-6-406;
- 10587 (mm) receiving stolen property under Section 76-6-408;
- 10588 (nn) theft of services under Section 76-6-409;
- 10589 (oo) forgery under Section 76-6-501;
- 10590 (pp) unlawful use of financial transaction card under Section 76-6-506.2;
- 10591 (qq) unlawful acquisition, possession, or transfer of financial transaction card under
- 10592 Section 76-6-506.3;
- 10593 (rr) financial transaction card offenses under Section 76-6-506.6;
- 10594 (ss) deceptive business practices under Section 76-6-507;
- 10595 (tt) bribery or receiving bribe by person in the business of selection, appraisal, or
- 10596 criticism of goods under Section 76-6-508;
- 10597 (uu) bribery of a labor official under Section 76-6-509;
- 10598 (vv) defrauding creditors under Section 76-6-511;
- 10599 (ww) acceptance of deposit by insolvent financial institution under Section 76-6-512;
- 10600 (xx) unlawful dealing with property by fiduciary under Section 76-6-513;

- 10601 (yy) unlawful influence of a contest under Section 76-6-514;
- 10602 (zz) making a false credit report under Section 76-6-517;
- 10603 (aaa) criminal simulation under Section 76-6-518;
- 10604 (bbb) criminal usury under Section 76-6-520;
- 10605 (ccc) insurance fraud under Section 76-6-521;
- 10606 (ddd) retail theft under Section 76-6-602;
- 10607 (eee) computer crimes under Section 76-6-703;
- 10608 (fff) identity fraud under Section 76-6-1102;
- 10609 (ggg) mortgage fraud under Section 76-6-1203;
- 10610 (hhh) sale of a child under Section 76-7-203;
- 10611 (iii) bribery or offering a bribe under Section 76-8-103;
- 10612 (jjj) threat to influence official or political action under Section 76-8-104;
- 10613 (kkk) receiving bribe or bribery by public servant under Section 76-8-105;
- 10614 (lll) receiving bribe for endorsement of person as a public servant under Section
- 10615 76-8-106;
- 10616 (mmm) bribery for endorsement of person as public servant under Section 76-8-106.1;
- 10617 (nnn) official misconduct based on unauthorized act or failure of duty under Section
- 10618 76-8-201;
- 10619 (ooo) official misconduct concerning inside information under Section 76-8-202;
- 10620 (ppp) obstruction of justice in a criminal investigation or proceeding under Section
- 10621 76-8-306;
- 10622 (qqq) acceptance of bribe or bribery to prevent criminal prosecution under Section
- 10623 76-8-308;
- 10624 (rrr) harboring or concealing offender who has escaped from official custody under
- 10625 Section 76-8-309.2;
- 10626 (sss) making a false or inconsistent material statement under Section 76-8-502;
- 10627 (ttt) making a false or inconsistent statement under Section 76-8-503;
- 10628 (uuu) making a written false statement under Section 76-8-504;
- 10629 (vvv) tampering with a witness under Section 76-8-508;
- 10630 (www) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 10631 (xxx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 10632 (yyy) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 10633 (zzz) tampering with evidence under Section 76-8-510.5;
- 10634 (aaaa) falsification or alteration of a government record under Section 76-8-511, if the

10635 record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,
10636 Lobbyist Disclosure and Regulation Act;

10637 (bbbb) public assistance fraud by an applicant for public assistance under Section
10638 76-8-1203.1;

10639 (cccc) public assistance fraud by a recipient of public assistance under Section
10640 76-8-1203.3;

10641 (dddd) public assistance fraud by a provider under Section 76-8-1203.5;

10642 (eeee) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;

10643 (ffff) false statement to obtain or increase unemployment compensation under Section
10644 76-8-1301;

10645 (gggg) false statement to prevent or reduce unemployment compensation or liability
10646 under Section 76-8-1302;

10647 (hhhh) unlawful failure to comply with Employment Security Act requirements under
10648 Section 76-8-1303;

10649 (iiii) unlawful use or disclosure of employment information under Section 76-8-1304;

10650 (jjjj) intentionally or knowingly causing one animal to fight with another under
10651 Subsection 76-13-202(2)(d) or (3), or Section 76-13-205 or 76-13-206 concerning
10652 dog fighting;

10653 (kkkk) soliciting, recruiting, enticing, or intimidating a minor to join a criminal street
10654 gang under Section 76-9-803;

10655 (llll) aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal
10656 street gang under Section 76-9-803.1;

10657 (mmmm) intimidating a minor to remain in a criminal street gang under Section
10658 76-9-803.2;

10659 (nnnn) aggravated intimidating a minor to remain in a criminal street gang under Section
10660 76-9-803.3;

10661 (oooo) unlawful conduct involving an explosive, chemical, or incendiary device under
10662 Section 76-15-210;

10663 (pppp) unlawful conduct involving an explosive, chemical, or incendiary part under
10664 Section 76-15-211;

10665 (qqqq) unlawful delivery or mailing of an explosive, chemical, or incendiary device
10666 under Section 76-15-209;

10667 (rrrr) forging or counterfeiting trademarks, trade name, or trade device under Section
10668 76-16-302;

10669 (ssss) selling goods under counterfeited trademark, trade name, or trade devices under
10670 Section 76-16-303;
10671 (tttt) sales in containers bearing registered trademark of substituted articles under
10672 Section 76-16-304;
10673 (uuuu) selling or dealing with article bearing registered trademark or service mark with
10674 intent to defraud under Section 76-16-306;
10675 (vvvv) participating in gambling under Section 76-9-1402;
10676 (wwww) permitting gambling under Section 76-9-1403;
10677 (xxxx) online gambling prohibition under Section 76-9-1404;
10678 (yyyy) gambling promotion under Section 76-9-1405;
10679 (zzzz) gambling fraud under Section 76-9-1406;
10680 (aaaaa) possessing a gambling device or record under Section 76-9-1407;
10681 (bbbbb) obtaining a benefit from a confidence game under Section 76-9-1410;
10682 (cccc) distributing pornographic material under Section 76-5c-202;
10683 (dddd) aiding or abetting a minor in distributing pornographic material under Section
10684 76-5c-203;
10685 (eeee) inducing acceptance of pornographic material under Section 76-5c-204;
10686 (ffff) distributing material harmful to minors under Section 76-5c-205;
10687 (ggggg) aiding or abetting a minor in distributing material harmful to minors under
10688 Section 76-5c-206;
10689 (hhhhh) distribution of a pornographic file for exhibition under Section 76-5c-305;
10690 (iiii) indecent public display in the presence of a minor under Section 76-5c-207;
10691 (jjjj) engaging in prostitution under Section 76-5d-202;
10692 (kkkkk) aiding prostitution under Section 76-5d-206;
10693 (llll) exploiting prostitution under Section 76-5d-207;
10694 (mmmmm) aggravated exploitation of prostitution under Section 76-5d-208;
10695 (nnnnn) communications fraud under Section 76-6-525;
10696 (oooo) possession of a dangerous weapon with criminal intent under Section 76-11-208;
10697 (ppppp) an act prohibited by the criminal provisions of Chapter 9, Part 16, Money
10698 Laundering and Currency Transaction Reporting;
10699 (qqqqq) vehicle compartment for contraband under Section 76-9-1902 or 76-9-1903;
10700 (rrrrr) an act prohibited by the criminal provisions of the laws governing taxation in this
10701 state; or
10702 (sssss) an act illegal under the laws of the United States and enumerated in 18 U.S.C.

10703 Secs. 1961(1)(B), (C), and (D).

10704 Section 175. Section **76-18-101** is enacted to read:

10705 **CHAPTER 18. Drug Offenses**

10706 **Part 1. General Provisions**

10707 **76-18-101 (Effective 05/06/26). Definitions.**

10708 Reserved.

10709 Section 176. Section **76-18-102** is enacted to read:

10710 **76-18-102 (Effective 05/06/26). Applicable provisions to chapter from other titles.**

10711 Sections 58-37-309 and 58-37-402 are applicable to this chapter.

10712 Section 177. Section **76-18-201** is enacted to read:

10713 **Part 2. Offenses Concerning Controlled Substances**

10714 **76-18-201 (Effective 05/06/26). Definitions.**

10715 (1) As used in this part:

10716 (a) "Continuing criminal enterprise" means any individual, sole proprietorship,
 10717 partnership, corporation, business trust, association, other legal entity, or any union
 10718 or groups of individuals associated in fact although not a legal entity, and includes
 10719 illicit as well as licit entities created or maintained for the purpose of engaging in
 10720 conduct that constitutes the commission of episodes of activity made unlawful by this
 10721 part, Part 3, Offenses Concerning Drug Paraphernalia, Part 4, Offenses Concerning
 10722 Imitation Controlled Substances, Part 5, Clandestine Drug Labs, or Title 58, Chapter
 10723 37, Controlled Substances, or Title 58, Chapter 37c, Controlled Substance Precursors,
 10724 which episodes:

10725 (i) are not isolated, but have the same or similar purposes, results, participants,
 10726 victims, methods of commission, or otherwise are interrelated by distinguishing
 10727 characteristics; and

10728 (ii) taken together, demonstrate continuing unlawful conduct and are related either to
 10729 each other or to the enterprise.

10730 (b) "Indian" means a member of an Indian tribe.

10731 (c) "Indian religion" means a religion:

10732 (i) the origin and interpretation of which is from within a traditional Indian culture or
 10733 community; and

10734 (ii) that is practiced by Indians.

10735 (d) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or

community of Indians, including any Alaska Native village, that is legally recognized as eligible for and is consistent with the special programs, services, and entitlements provided by the United States to Indians because of the Indians' status as Indians.

(2) Terms defined in Sections 58-37-101, 76-1-101.5, and 76-18-101 apply to this part.

Section 178. Section **76-18-202** is enacted to read:

76-18-202 (Effective 05/06/26). Applicable provisions to part from other titles.

The following sections from Title 58, Chapter 37, Controlled Substances, apply to this part:

(1) Section 58-37-101, Definitions;

(2) Section 58-37-102, Applicability of chapter -- Uniform construction;

(3) Section 58-37-104, Severability;

(4) Section 58-37-105, Division responsibilities -- Licensing -- Records required;

(5) Section 58-37-107, Controlled substances;

(6) Section 58-37-108, Schedules of controlled substances -- Schedules I through V --

Findings required -- Specific substances included in schedules;

(7) Section 58-37-109, Listed controlled substances;

(8) Section 58-37-110, Recognized controlled substance analogs;

(9) Section 58-37-111, Exceptions to applicability for certain herbs and food supplements;

(10) Section 58-37-114, Burden of proof in proceedings on violations;

(11) Section 58-37-115, Restrictions on liability for law enforcement;

(12) Section 58-37-202, Applicability of Title 76 to prosecutions;

(13) Section 58-37-203, Enforcement -- Coordination and cooperation of federal and state agencies -- Powers;

(14) Section 58-37-204, Investigators -- Status of peace officers;

(15) Section 58-37-206, Court to enjoin a violation -- Jury trial;

(16) Section 58-37-208, Prima facie evidence;

(17) Section 58-37-210, Penalties -- Bar to state prosecution;

(18) Section 58-37-308, Veterinary exemption for gabapentin;

(19) Section 58-37-403, Exemption for possession or distribution of a cannabinoid product, expanded cannabinoid product, or transportable industrial hemp concentrate;

(20) Section 58-37-404, Medical cannabis decriminalization; and

(21) Section 58-37-405, Enforcement.

Section 179. Section **76-18-203** is enacted to read:

76-18-203 (Effective 05/06/26). Exemptions and affirmative defenses applicable

10770 **to certain drug crimes.**

10771 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
10772 this section.

10773 (2)(a) Civil or criminal liability may not be imposed under an offense listed in
10774 Subsection (2)(b) on any Indian who uses, possesses, or transports peyote for bona
10775 fide traditional ceremonial purposes in connection with the practice of a traditional
10776 Indian religion.

10777 (b) The offenses referred to in Subsection (2)(a) are:

10778 (i) unlawfully possessing or using a controlled substance or a controlled substance
10779 analog under Section 76-18-207;

10780 (ii) unlawfully producing, manufacturing, or dispensing a controlled substance or
10781 counterfeit substance under Section 76-18-208;

10782 (iii) unlawfully distributing or agreeing to distribute a controlled substance or
10783 counterfeit substance under Section 76-18-209;

10784 (iv) unlawfully possessing a controlled substance or counterfeit substance with intent
10785 to distribute under Section 76-18-210;

10786 (v) unlawfully engaging in a continuing criminal enterprise involving drugs under
10787 Section 76-18-211;

10788 (vi) unlawfully allowing possession, use, or distribution of a controlled substance on
10789 the premises under Section 76-18-212;

10790 (vii) unlawful possession of an altered or forged prescription or order for a controlled
10791 substance under Section 76-18-213;

10792 (viii) unlawful use of a license number in the course of manufacturing or distributing
10793 a controlled substance under Section 76-18-214;

10794 (ix) unlawful misrepresentation as an authorized person to obtain a controlled
10795 substance under Section 76-18-215;

10796 (x) unlawful conduct to obtain a controlled substance under Section 76-18-216;

10797 (xi) unlawfully prescribing or dispensing a controlled substance to a person known to
10798 be using unlawful means under Section 76-18-217;

10799 (xii) unlawfully making, forging, altering, or uttering a prescription or a written order
10800 under Section 76-18-218; and

10801 (xiii) unlawful materials to create a counterfeit controlled substance under Section
10802 76-18-219.

10803 (c)(i) In a prosecution alleging a violation of an offense listed in Subsection (2)(b)

10804 regarding peyote as defined in Section 58-37-108, it is an affirmative defense that
10805 the peyote was used, possessed, or transported by an Indian for bona fide
10806 traditional ceremonial purposes in connection with the practice of a traditional
10807 Indian religion.

10808 (ii)(A) A defendant shall provide written notice of intent to claim an affirmative
10809 defense under this Subsection (2) as soon as practicable, but not later than 10
10810 days before trial.

10811 (B) The notice shall include the specific claims of the affirmative defense.

10812 (C) The court may waive the notice requirement in the interest of justice for good
10813 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely
10814 notice.

10815 (iii)(A) A defendant shall establish the affirmative defense under this Subsection
10816 (2) by a preponderance of the evidence.

10817 (B) If the defense is established, it is a complete defense to the charges.

10818 (3) An offense listed in Subsection (2)(b) does not prohibit a veterinarian, in good faith and
10819 in the course of the veterinarian's professional practice only and not for humans, from
10820 prescribing, dispensing, or administering controlled substances, or from causing the
10821 substances to be administered by an assistant or orderly under the veterinarian's direction
10822 and supervision.

10823 (4) Civil or criminal liability may not be imposed under an offense listed in Subsection
10824 (2)(b) against:

10825 (a) a person registered under this chapter or Title 58, Chapter 37, Controlled Substances,
10826 who manufactures, distributes, or possesses an imitation controlled substance for use
10827 as a placebo or an investigational new drug by a registered practitioner in the
10828 ordinary course of professional practice or research;

10829 (b) a law enforcement officer acting in the course and legitimate scope of the law
10830 enforcement officer's employment; or

10831 (c) a healthcare facility, substance use harm reduction services program, or drug
10832 addiction treatment facility that temporarily possesses a controlled substance or
10833 counterfeit substance to conduct a test or analysis on the controlled substance or
10834 counterfeit substance to identify or analyze the strength, effectiveness, or purity of
10835 the substance for a public health or safety reason.

10836 (5)(a) It is an affirmative defense that a person produced, possessed, or administered a
10837 controlled substance listed in Section 58-37-109 if the person was:

- 10838 (i) engaged in medical research; and
- 10839 (ii) a holder of a valid license to possess controlled substances under Section
- 10840 58-37-105 or 58-37-113.
- 10841 (b) It is not a defense under Subsection (5)(a) that the person prescribed or dispensed a
- 10842 controlled substance listed in Section 58-37-109.
- 10843 (6) It is an affirmative defense that a person possessed, in the person's body, a controlled
- 10844 substance listed in Section 58-37-109 if:
- 10845 (a) the person was the subject of medical research conducted by a holder of a valid
- 10846 license to possess controlled substances under Section 58-37-105 or 58-37-113; and
- 10847 (b) the substance was administered to the person by the medical researcher.
- 10848 Section 180. Section **76-18-204** is enacted to read:
- 10849 **76-18-204 (Effective 05/06/26). Enhanced penalties and sentencing for certain**
- 10850 **drug offenses.**
- 10851 (1)(a) As used in this section, "correctional facility" means the same as that term is
- 10852 defined in Section 76-8-311.3.
- 10853 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
- 10854 to this section.
- 10855 (2)(a) An actor not authorized under this part or Title 58, Chapter 37, Controlled
- 10856 Substances, who commits any act that is unlawful under Subsection (2)(b) is, upon
- 10857 conviction, subject to the penalties and classifications under Subsection (3) if the trier
- 10858 of fact finds that the act is committed:
- 10859 (i) in a public or private elementary or secondary school or on the grounds of a public
- 10860 or private elementary or secondary school during the hours of 6 a.m. through 10
- 10861 p.m.;
- 10862 (ii) in a public or private vocational school or postsecondary institution or on the
- 10863 grounds of a public or private vocational school or postsecondary institution
- 10864 during the hours of 6 a.m. through 10 p.m.;
- 10865 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or
- 10866 child-care facility's hours of operation;
- 10867 (iv) in a public park, amusement park, arcade, or recreation center when the public or
- 10868 amusement park, arcade, or recreation center is open to the public;
- 10869 (v) in or on the grounds of a house of worship as defined in Section 76-11-201;
- 10870 (vi) in or on the grounds of a library when the library is open to the public;
- 10871 (vii) within an area that is within 100 feet of a structure, facility, or grounds included

- 10872 in Subsections (2)(a)(i) through (vi);
10873 (viii) in the presence of a person younger than 18 years old, regardless of where the
10874 act occurs; or
10875 (ix) for the purpose of facilitating, arranging, or causing the transport, delivery, or
10876 distribution of a substance in violation of an offense listed in Subsection (2)(b) to
10877 an inmate or on the grounds of a correctional facility.
- 10878 (b) The offenses described in Subsection (2)(a) are:
- 10879 (i) unlawfully producing, manufacturing, or dispensing a controlled substance or
10880 counterfeit substance under Section 76-18-208;
10881 (ii) unlawfully distributing or agreeing to distribute a controlled substance or
10882 counterfeit substance under Section 76-18-209;
10883 (iii) unlawfully possessing a controlled substance or counterfeit substance with intent
10884 to distribute under Section 76-18-210;
10885 (iv) unlawfully engaging in a continuing criminal enterprise involving drugs under
10886 Section 76-18-211;
10887 (v) unlawful manufacture of an imitation controlled substance under Section
10888 76-18-404; and
10889 (vi) unlawful distribution or possession with intent to distribute an imitation
10890 controlled substance under Section 76-18-405.
- 10891 (3)(a) Except as provided in Subsection (3)(b) or (c), an actor who is convicted of an
10892 enhancement under this section is guilty of one degree more than the maximum
10893 penalty prescribed for the offense described in Subsection (2)(b).
- 10894 (b)(i) The court shall sentence an actor who is convicted of a first degree felony
10895 under this section, who would have been convicted of a first degree felony under
10896 an offense listed in Subsection (2)(b) regardless of the application of this section,
10897 for a term of imprisonment of not less than five years.
- 10898 (ii) Imposition or execution of the sentence described in Subsection (3)(b)(i) may not
10899 be suspended, and the actor is not eligible for probation.
- 10900 (c) If the violation is of Subsection (2)(a)(ix):
- 10901 (i)(A) the actor may be sentenced to imprisonment for an indeterminate term as
10902 provided by law, and the court shall additionally sentence the actor for a term
10903 of one year to run consecutively and not concurrently; and
10904 (B) the court may additionally sentence the actor for an indeterminate term not to
10905 exceed five years to run consecutively and not concurrently; and

(ii) the penalties under Subsection (3)(c)(i) also apply to an actor who, acting with the mental state required for the commission of an offense, directly or indirectly solicits, requests, commands, coerces, encourages, or intentionally aids another person to commit a violation of Subsection (2)(a)(ix).

(4) It is not a defense to a sentencing enhancement under Subsection (3) that:

(a) if the enhancement is for a violation of Subsection (2)(a)(viii), the actor mistakenly believed the individual to be 18 years old or older at the time of the offense or was unaware of the individual's true age; or

(b) the actor mistakenly believed that the location where the act occurred was not as described in Subsection (2)(a) or was unaware that the location where the act occurred was as described in Subsection (2)(a).

Section 181. Section **76-18-205** is enacted to read:

76-18-205 (Effective 05/06/26). Unlawful alteration or removal of a controlled substance label.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) An actor commits unlawful alteration or removal of a controlled substance label if:

(a) the actor:

(i) alters the face of a label on a container containing a controlled substance; or

(ii) removes a label on a container containing a controlled substance; and

(b) any of the original contents of the container described in Subsection (2)(a) remain.

(3) A violation of Subsection (2) is a class B misdemeanor.

Section 182. Section **76-18-206** is enacted to read:

76-18-206 (Effective 05/06/26). Unlawful failure to use original controlled substance container.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) An actor commits unlawful failure to use original controlled substance container if the actor:

(a)(i) is an individual to whom, or for whose use, a controlled substance has been prescribed, sold, or dispensed by a practitioner; or

(ii) is the owner of an animal for which a controlled substance has been prescribed, sold, or dispensed by a veterinarian; and

(b) possesses the controlled substance in a manner other than in the container in which

10940 the controlled substance was delivered to the actor by the person selling or dispensing
10941 the controlled substance.

10942 (3) A violation of Subsection (2) is a class B misdemeanor.

10943 (4) It is a defense to a prosecution under this section if the actor produces in court a valid
10944 prescription for the controlled substance or the original container with the label attached.

10945 Section 183. Section **76-18-207** is enacted to read:

10946 **76-18-207 (Effective 05/06/26). Unlawfully possessing or using a controlled**
10947 **substance or controlled substance analog.**

10948 (1)(a) As used in this section:

10949 (i) "Correctional facility" means the same as that term is defined in Section 64-13-1.

10950 (ii) "Good faith" does not include seeking medical assistance under this section
10951 during the course of a law enforcement agency's execution of a search warrant,
10952 execution of an arrest warrant, or other lawful search.

10953 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
10954 to this section.

10955 (2) An actor commits unlawfully possessing or using a controlled substance or a controlled
10956 substance analog if the actor knowingly and intentionally possesses or uses a controlled
10957 substance or a controlled substance analog, unless the controlled substance or controlled
10958 substance analog was obtained:

10959 (a) under a valid prescription or order;

10960 (b) directly from a practitioner while acting in the course of the practitioner's
10961 professional practice; or

10962 (c) as otherwise authorized by this part or Title 58, Chapter 37, Controlled Substances.

10963 (3) Subject to Subsection (4), a violation of Subsection (2) is:

10964 (a) a second degree felony if the substance is marijuana and the amount is 100 pounds or
10965 more;

10966 (b) a third degree felony if:

10967 (i)(A) the substance is a substance classified in Schedule I or II or a controlled
10968 substance analog, not including marijuana; and

10969 (B) the actor's current violation results in the actor receiving at least a third

10970 conviction under this section and each of the actor's previous convictions were

10971 based on a violation committed within seven years before the date of the

10972 violation upon which the current conviction is based; or

10973 (ii) the violation would otherwise qualify under Subsection (3)(d), but the actor's

10974 current violation results in the actor receiving at least a fourth conviction under
10975 this section and each of the actor's previous convictions were based on a violation
10976 committed within seven years before the date of the violation upon which the
10977 current conviction is based;

10978 (c) a class A misdemeanor if:

10979 (i)(A) the substance is a substance classified in Schedule I or II or a controlled
10980 substance analog, not including marijuana; and

10981 (B) the current violation is the actor's first or second conviction under this section
10982 or does not qualify as a third degree felony under Subsection (3)(b); or

10983 (ii) the violation would otherwise qualify under Subsection (3)(d), but the actor's
10984 current violation results in the actor receiving at least a third conviction under this
10985 section and each of the actor's previous convictions were based on a violation
10986 committed within seven years before the date of the violation upon which the
10987 current conviction is based; or

10988 (d) if Subsection (3)(a), (b), or (c) does not apply, a class B misdemeanor, including a
10989 substance listed in Section 58-37-109 or marijuana.

10990 (4)(a) Except as provided in Subsection (4)(c) and subject to Subsection (5), upon an
10991 actor's conviction of a violation of this section, if the actor has previously been
10992 convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or 76-18-211,
10993 the court shall sentence the actor to a penalty that is one degree higher than the
10994 applicable penalty provided in Subsection (3).

10995 (b)(i) Except as provided in Subsection (4)(c) and subject to Subsection (5), the court
10996 shall sentence an actor convicted of violating this section to a penalty that is one
10997 degree higher than the applicable penalty provided in Subsection (3)(a), (3)(b)(i),
10998 or (3)(c)(i), if the violation of this section occurs while the actor is inside the
10999 exterior boundaries of property occupied by:

11000 (A) a correctional facility;

11001 (B) a public jail; or

11002 (C) another place of confinement.

11003 (ii) Except as provided in Subsection (4)(c) and subject to Subsection (5), if an actor
11004 is subject to an enhanced penalty under Subsection (4)(b)(i) and the violation of
11005 this section is based on a controlled substance listed in Subsection (3)(a) or
11006 (3)(b)(i), the actor may be sentenced to imprisonment for an indeterminate term as
11007 provided by law, and:

- 11008 (A) the court shall additionally sentence the actor to a term of one year to run
11009 consecutively and not concurrently; and
- 11010 (B) the court may additionally sentence the actor for an indeterminate term not to
11011 exceed five years to run consecutively and not concurrently.
- 11012 (iii) Except as provided in Subsection (4)(c) and subject to Subsection (5), if an actor
11013 is subject to an enhanced penalty under Subsection (4)(b)(i) and the violation of
11014 this section is based on a controlled substance that would qualify for punishment
11015 under Subsection (3)(d), the actor may be sentenced to imprisonment for an
11016 indeterminate term as provided by law and the court shall additionally sentence
11017 the actor to a term of six months to run consecutively and not concurrently.
- 11018 (5) The application of any increase in penalty under this section may not result in any
11019 greater penalty than a second degree felony.
- 11020 (6)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11021 violation or attempted violation of this section or a plea that is held in abeyance under
11022 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11023 charge has been subsequently reduced or dismissed in accordance with the plea in
11024 abeyance agreement.
- 11025 (b) A previous conviction used for a penalty enhancement under this section may only
11026 be a conviction that:
- 11027 (i) is from a separate criminal episode than the current conviction under this section;
11028 and
- 11029 (ii) has not already been used under a separate penalty enhancement provision to
11030 enhance the conviction under this section.
- 11031 (c) A previous conviction used for a penalty enhancement under this section includes a
11032 conviction for an offense described in a statute previously in effect in this state that is
11033 the same or substantially similar to a violation of this section.
- 11034 (7)(a) An actor may be charged and sentenced for a violation of this section,
11035 notwithstanding a charge and sentence for a violation of any other section of this part
11036 or Title 58, Chapter 37, Controlled Substances.
- 11037 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11038 civil or administrative penalty or sanction authorized by law.
- 11039 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 11040 (8) The Administrative Office of the Courts shall report to the Division of Professional
11041 Licensing the name, case number, date of conviction, and if known, the date of birth of

- 11042 each actor convicted of violating this section.
- 11043 (9) If a minor who is under 18 years old is found by a court to have violated this section, the
11044 court may order the minor to complete:
- 11045 (a) a screening as defined in Section 41-6a-501;
11046 (b) an assessment as defined in Section 41-6a-501 if the screening described in
11047 Subsection (9)(a) indicates that an assessment is appropriate; and
11048 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
11049 treatment as indicated by an assessment described in Subsection (9)(b).
- 11050 (10)(a) It is an affirmative defense to a violation of Subsection (2) if the circumstances
11051 listed in Subsection (10)(b) apply and the actor or bystander:
- 11052 (i) reasonably believes that the actor or another individual is experiencing an
11053 overdose event due to the ingestion, injection, inhalation, or other introduction
11054 into the human body of a controlled substance or other substance;
11055 (ii) reports, or assists an individual who reports, in good faith, the overdose event to a
11056 medical provider, an emergency medical service provider as defined in Section
11057 53-2d-101, a law enforcement officer, a 911 emergency call system, or an
11058 emergency dispatch system, or the actor is the subject of a report made under this
11059 section;
- 11060 (iii) provides, in the report described in Subsection (10)(a)(ii), a functional
11061 description of the actual location of the overdose event that facilitates responding
11062 to the individual experiencing the overdose event;
11063 (iv) remains at the location of the individual experiencing the overdose event until a
11064 responding law enforcement officer or emergency medical service provider
11065 arrives, or remains at the medical care facility where the individual experiencing
11066 an overdose event is located until a responding law enforcement officer arrives;
11067 (v) cooperates with the responding medical provider, emergency medical service
11068 provider, and law enforcement officer, including providing information regarding
11069 the individual experiencing the overdose event and any substances the individual
11070 may have injected, inhaled, or otherwise introduced into the individual's body; and
11071 (vi) is alleged to have committed the offense in the same course of events from which
11072 the reported overdose arose.
- 11073 (b) The circumstances referred to in Subsection (10)(a) are:
11074 (i) the possession or use of less than 16 ounces of marijuana; or
11075 (ii) the possession or use of a scheduled or listed controlled substance other than

- 11076 marijuana.
- 11077 Section 184. Section **76-18-208** is enacted to read:
- 11078 **76-18-208 (Effective 05/06/26). Unlawfully producing, manufacturing, or**
- 11079 **dispensing a controlled substance or counterfeit substance.**
- 11080 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
- 11081 this section.
- 11082 (2) Except as authorized by this part or Title 58, Chapter 37, Controlled Substances, and
- 11083 under circumstances not amounting to an offense described in Section 76-18-220,
- 11084 trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully
- 11085 producing, manufacturing, or dispensing a controlled substance or counterfeit substance
- 11086 if the actor knowingly and intentionally:
- 11087 (a) produces, manufactures, or dispenses a controlled substance or a counterfeit
- 11088 substance; or
- 11089 (b) possesses, with the intent to produce, manufacture, or dispense, a controlled
- 11090 substance or a counterfeit substance.
- 11091 (3)(a) Except as provided in Subsection (3)(b) and subject to Subsections (4) and (5), a
- 11092 violation of Subsection (2) is:
- 11093 (i) a second degree felony if the controlled substance or counterfeit substance is:
- 11094 (A) a substance or a counterfeit of a substance classified in Schedule I or II, not
- 11095 including marijuana;
- 11096 (B) a controlled substance analog; or
- 11097 (C) gammahydroxybutyric acid as listed in Schedule III;
- 11098 (ii) a third degree felony if the controlled substance or counterfeit substance is:
- 11099 (A) a substance or a counterfeit of a substance classified in Schedule III or IV;
- 11100 (B) marijuana; or
- 11101 (C) a substance listed in Section 58-37-109; or
- 11102 (iii) a class A misdemeanor if the controlled substance or counterfeit substance is a
- 11103 substance or counterfeit substance of a substance classified in Schedule V.
- 11104 (b) Subject to Subsections (4) and (5), a second or subsequent conviction under:
- 11105 (i) Subsection (3)(a)(i) is a first degree felony;
- 11106 (ii) Subsection (3)(a)(ii) is a second degree felony; or
- 11107 (iii) Subsection (3)(a)(iii) is a third degree felony.
- 11108 (4)(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not
- 11109 suspend any portion of the jail sentence or grant early release, if:

- 11110 (i) the court suspends the imposition of a prison sentence for a felony conviction
11111 under this section or sentences an actor for a misdemeanor violation of an offense
11112 under this section;
- 11113 (ii)(A) the violation is the actor's second or subsequent conviction for any level of
11114 offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or
11115 (B) the actor previously has been convicted of a criminal violation in another
11116 jurisdiction, including a state or federal court, that is substantially equivalent to
11117 the violation of an offense under this section, Section 76-18-209, 76-18-210, or
11118 76-18-211; and
- 11119 (iii) the actor previously has been convicted of reentry of a removed alien under 8
11120 U.S.C. Sec. 1326.
- 11121 (b)(i) Except as provided in Subsection (4)(b)(ii), an actor who is subject to a
11122 mandatory jail sentence under Subsection (4)(a) may not be released to the federal
11123 Immigration and Customs Enforcement Agency of the United States Department
11124 of Homeland Security for deportation until the actor has served the entire jail
11125 sentence described in Subsection (4)(a).
- 11126 (ii) An actor may be released to the federal Immigration and Customs Enforcement
11127 Agency of the United States Department of Homeland Security for deportation at
11128 any time during the 14-day period before the final day of the actor's jail sentence
11129 described in Subsection (4)(a).
- 11130 (5) Notwithstanding any other provision of this section, a violation of this section is subject
11131 to the penalties and classifications under Section 76-18-204, Enhanced penalties and
11132 sentencing for certain drug offenses, if the trier of fact finds the elements described
11133 under Section 76-18-204.
- 11134 (6)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11135 violation or attempted violation of this section or a plea that is held in abeyance under
11136 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11137 charge has been subsequently reduced or dismissed in accordance with the plea in
11138 abeyance agreement.
- 11139 (b) A previous conviction used for a penalty enhancement under this section includes a
11140 conviction for an offense described in a statute previously in effect in this state that is
11141 the same or substantially similar to a violation of this section.
- 11142 (7)(a) An actor may be charged and sentenced for a violation of this section,
11143 notwithstanding a charge and sentence for a violation of any other section of this part

11144 or Title 58, Chapter 37, Controlled Substances.

11145 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11146 civil or administrative penalty or sanction authorized by law.

11147 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11148 (8) The Administrative Office of the Courts shall report to the Division of Professional
11149 Licensing the name, case number, date of conviction, and if known, the date of birth of
11150 each actor convicted of violating this section.

11151 (9) If a minor who is under 18 years old is found by a court to have violated this section, the
11152 court may order the minor to complete:

11153 (a) a screening as defined in Section 41-6a-501;

11154 (b) an assessment as defined in Section 41-6a-501 if the screening described in
11155 Subsection (9)(a) indicates that an assessment is appropriate; and

11156 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
11157 treatment as indicated by an assessment described in Subsection (9)(b).

11158 Section 185. Section **76-18-209** is enacted to read:

11159 **76-18-209 (Effective 05/06/26). Unlawfully distributing or agreeing to distribute**
11160 **a controlled substance or counterfeit substance.**

11161 (1)(a) As used in this section:

11162 (i) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

11163 (ii) "Firearm" means the same as that term is defined in Section 76-11-101.

11164 (iii) "Readily accessible for immediate use" means the same as that term is defined in
11165 Section 76-11-201.

11166 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
11167 to this section.

11168 (2) Except as authorized by this chapter or Title 58, Chapter 37, Controlled Substances, and
11169 under circumstances not amounting to an offense described in Section 76-18-220,
11170 trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully
11171 distributing or agreeing to distribute a controlled substance or counterfeit substance if
11172 the actor knowingly and intentionally:

11173 (a) distributes a controlled substance or a counterfeit substance; or

11174 (b) agrees, consents, offers, or arranges to distribute a controlled substance or a
11175 counterfeit substance.

11176 (3)(a) Except as provided in Subsection (3)(b) and subject to Subsections (4), (5), and (6),
11177 a violation of Subsection (2) is:

- 11178 (i) a second degree felony if the controlled substance or counterfeit substance is:
- 11179 (A) a substance or a counterfeit of a substance classified in Schedule I or II, not
- 11180 including marijuana;
- 11181 (B) a controlled substance analog; or
- 11182 (C) gammahydroxybutyric acid as listed in Schedule III;
- 11183 (ii) a third degree felony if the controlled substance or counterfeit substance is:
- 11184 (A) a substance or a counterfeit of a substance classified in Schedule III or IV;
- 11185 (B) marijuana; or
- 11186 (C) a substance listed in Section 58-37-109; or
- 11187 (iii) a class A misdemeanor if the controlled substance or counterfeit substance is a
- 11188 substance or counterfeit substance of a substance classified in Schedule V.
- 11189 (b) Subject to Subsections (4), (5), and (6), a second or subsequent conviction under:
- 11190 (i) Subsection (3)(a)(i) is a first degree felony;
- 11191 (ii) Subsection (3)(a)(ii) is a second degree felony; or
- 11192 (iii) Subsection (3)(a)(iii) is a third degree felony.
- 11193 (4)(a) Except as provided under Subsection (4)(b) and subject to Subsection (6), the
- 11194 court shall impose an indeterminate prison term for an actor who has been convicted
- 11195 of a violation of this section that is a first degree felony or a second degree felony
- 11196 under Subsection (3)(a) or (3)(b) if the trier of fact finds beyond a reasonable doubt
- 11197 that, during the commission or furtherance of the violation of Subsection (2), the
- 11198 actor intentionally or knowingly:
- 11199 (i) used, drew, or exhibited a dangerous weapon that is not a firearm, in an angry,
- 11200 threatening, intimidating, or coercive manner;
- 11201 (ii) used a firearm or had a firearm readily accessible for immediate use; or
- 11202 (iii) distributed a firearm or possessed a firearm with intent to distribute the firearm.
- 11203 (b) Subject to Subsections (5) and (6), a court may suspend the indeterminate prison
- 11204 term for an actor convicted under Subsection (4)(a) if the court:
- 11205 (i) details on the record the reasons why it is in the interests of justice to not impose
- 11206 the indeterminate prison term;
- 11207 (ii) makes a finding on the record that the actor does not pose a significant safety risk
- 11208 to the public; and
- 11209 (iii) orders the person to complete the terms and conditions of supervised probation
- 11210 provided by the Division of Adult Probation and Parole created in Section
- 11211 64-14-202.

- 11212 (5)(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not
11213 suspend any portion of the jail sentence or grant early release, if:
- 11214 (i) the court suspends the imposition of a prison sentence for a felony conviction
11215 under this section or sentences an actor for a misdemeanor violation of an offense
11216 under this section;
- 11217 (ii)(A) the violation is the actor's second or subsequent conviction for any level of
11218 offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or
11219 (B) the actor previously has been convicted of a criminal violation in another
11220 jurisdiction, including a state or federal court, that is substantially equivalent to
11221 the violation of an offense under this section, Section 76-18-209, 76-18-210, or
11222 76-18-211; and
- 11223 (iii) the actor previously has been convicted of reentry of a removed alien under 8
11224 U.S.C. Sec. 1326.
- 11225 (b)(i) Except as provided in Subsection (5)(b)(ii), an actor who is subject to a
11226 mandatory jail sentence under Subsection (5)(a) may not be released to the federal
11227 Immigration and Customs Enforcement Agency of the United States Department
11228 of Homeland Security for deportation until the actor has served the entire jail
11229 sentence described in Subsection (5)(a).
- 11230 (ii) An actor may be released to the federal Immigration and Customs Enforcement
11231 Agency of the United States Department of Homeland Security for deportation at
11232 any time during the 14-day period before the final day of the actor's jail sentence
11233 described in Subsection (5)(a).
- 11234 (6) Notwithstanding any other provision of this section, a violation of this section is subject
11235 to the penalties and classifications under Section 76-18-204, Enhanced penalties and
11236 sentencing for certain drug offenses, if the trier of fact finds the elements described
11237 under Section 76-18-204.
- 11238 (7)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11239 violation or attempted violation of this section or a plea that is held in abeyance under
11240 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11241 charge has been subsequently reduced or dismissed in accordance with the plea in
11242 abeyance agreement.
- 11243 (b) A previous conviction used for a penalty enhancement under this section includes a
11244 conviction for an offense described in a statute previously in effect in this state that is
11245 the same or substantially similar to a violation of this section.

- 11246 (8)(a) An actor may be charged and sentenced for a violation of this section,
 11247 notwithstanding a charge and sentence for a violation of any other section of this part
 11248 or Title 58, Chapter 37, Controlled Substances.
 11249 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11250 civil or administrative penalty or sanction authorized by law.
 11251 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
 11252 (9) The Administrative Office of the Courts shall report to the Division of Professional
 11253 Licensing the name, case number, date of conviction, and if known, the date of birth of
 11254 each actor convicted of violating this section.

- 11255 (10) If a minor who is under 18 years old is found by a court to have violated this section,
 11256 the court may order the minor to complete:
 11257 (a) a screening as defined in Section 41-6a-501;
 11258 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11259 Subsection (10)(a) indicates that an assessment is appropriate; and
 11260 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11261 treatment as indicated by an assessment described in Subsection (10)(b).

11262 Section 186. Section **76-18-210** is enacted to read:

11263 **76-18-210 (Effective 05/06/26). Unlawfully possessing a controlled substance or**
 11264 **counterfeit substance with intent to distribute.**

- 11265 (1)(a) As used in this section:
 11266 (i) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
 11267 (ii) "Firearm" means the same as that term is defined in Section 76-11-101.
 11268 (iii) "Readily accessible for immediate use" means the same as that term is defined in
 11269 Section 76-11-201.
 11270 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
 11271 to this section.
 11272 (2) Except as authorized by this chapter or Title 58, Chapter 37, Controlled Substances, and
 11273 under circumstances not amounting to an offense described in Section 76-18-220,
 11274 trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully
 11275 possessing a controlled substance or counterfeit substance with intent to distribute if the
 11276 actor knowingly and intentionally possesses a controlled substance or counterfeit
 11277 substance with the intent to distribute.

- 11278 (3)(a) Except as provided in Subsection (3)(b) and subject to Sections (4), (5), and (6), a
 11279 violation of Subsection (2) is:

- 11280 (i) a second degree felony if the controlled substance or counterfeit substance is:
- 11281 (A) a substance or a counterfeit of a substance classified in Schedule I or II, not
- 11282 including marijuana;
- 11283 (B) a controlled substance analog; or
- 11284 (C) gammahydroxybutyric acid as listed in Schedule III;
- 11285 (ii) a third degree felony if the controlled substance or counterfeit substance is:
- 11286 (A) a substance or a counterfeit of a substance classified in Schedule III or IV;
- 11287 (B) marijuana; or
- 11288 (C) a substance listed in Section 58-37-109; or
- 11289 (iii) a class A misdemeanor if the controlled substance or counterfeit substance is a
- 11290 substance or counterfeit substance of a substance classified in Schedule V.
- 11291 (b) Subject to Subsections (4), (5), and (6), a second or subsequent conviction under:
- 11292 (i) Subsection (3)(a)(i) is a first degree felony;
- 11293 (ii) Subsection (3)(a)(ii) is a second degree felony; or
- 11294 (iii) Subsection (3)(a)(iii) is a third degree felony.
- 11295 (4)(a) Except as provided under Subsection (4)(b) and subject to Subsection (6), the
- 11296 court shall impose an indeterminate prison term for an actor who has been convicted
- 11297 of a violation of this section that is a first degree felony or a second degree felony
- 11298 under Subsection (3)(a) or (3)(b) if the trier of fact finds beyond a reasonable doubt
- 11299 that, during the commission or furtherance of the violation of Subsection (2), the
- 11300 actor intentionally or knowingly:
- 11301 (i) used, drew, or exhibited a dangerous weapon that is not a firearm, in an angry,
- 11302 threatening, intimidating, or coercive manner;
- 11303 (ii) used a firearm or had a firearm readily accessible for immediate use; or
- 11304 (iii) distributed a firearm or possessed a firearm with intent to distribute the firearm.
- 11305 (b) Subject to Subsections (5) and (6), a court may suspend the indeterminate prison
- 11306 term for an actor convicted under Subsection (4)(a) if the court:
- 11307 (i) details on the record the reasons why it is in the interests of justice to not impose
- 11308 the indeterminate prison term;
- 11309 (ii) makes a finding on the record that the actor does not pose a significant safety risk
- 11310 to the public; and
- 11311 (iii) orders the person to complete the terms and conditions of supervised probation
- 11312 provided by the Division of Adult Probation and Parole created in Section
- 11313 64-14-202.

- 11314 (5)(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not
11315 suspend any portion of the jail sentence or grant early release, if:
- 11316 (i) the court suspends the imposition of a prison sentence for a felony conviction
11317 under this section or sentences an actor for a misdemeanor violation of an offense
11318 under this section;
- 11319 (ii)(A) the violation is the actor's second or subsequent conviction for any level of
11320 offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or
- 11321 (B) the actor previously has been convicted of a criminal violation in another
11322 jurisdiction, including a state or federal court, that is substantially equivalent to
11323 the violation of an offense under this section, Section 76-18-209, 76-18-210, or
11324 76-18-211; and
- 11325 (iii) the actor previously has been convicted of reentry of a removed alien under 8
11326 U.S.C. Sec. 1326.
- 11327 (b)(i) Except as provided in Subsection (5)(b)(ii), an actor who is subject to a
11328 mandatory jail sentence under Subsection (5)(a) may not be released to the federal
11329 Immigration and Customs Enforcement Agency of the United States Department
11330 of Homeland Security for deportation until the actor has served the entire jail
11331 sentence described in Subsection (5)(a).
- 11332 (ii) An actor may be released to the federal Immigration and Customs Enforcement
11333 Agency of the United States Department of Homeland Security for deportation at
11334 any time during the 14-day period before the final day of the actor's jail sentence
11335 described in Subsection (5)(a).
- 11336 (6) Notwithstanding any other provision of this section, a violation of this section is subject
11337 to the penalties and classifications under Section 76-18-204, Enhanced penalties and
11338 sentencing for certain drug offenses, if the trier of fact finds the elements described
11339 under Section 76-18-204.
- 11340 (7)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11341 violation or attempted violation of this section or a plea that is held in abeyance under
11342 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11343 charge has been subsequently reduced or dismissed in accordance with the plea in
11344 abeyance agreement.
- 11345 (b) A previous conviction used for a penalty enhancement under this section includes a
11346 conviction for an offense described in a statute previously in effect in this state that is
11347 the same or substantially similar to a violation of this section.

- 11348 (8)(a) An actor may be charged and sentenced for a violation of this section,
 11349 notwithstanding a charge and sentence for a violation of any other section of this part
 11350 or Title 58, Chapter 37, Controlled Substances.
- 11351 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11352 civil or administrative penalty or sanction authorized by law.
- 11353 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 11354 (9) The Administrative Office of the Courts shall report to the Division of Professional
 11355 Licensing the name, case number, date of conviction, and if known, the date of birth of
 11356 each actor convicted of violating this section.
- 11357 (10) If a minor who is under 18 years old is found by a court to have violated this section,
 11358 the court may order the minor to complete:
- 11359 (a) a screening as defined in Section 41-6a-501;
- 11360 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11361 Subsection (10)(a) indicates that an assessment is appropriate; and
- 11362 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11363 treatment as indicated by an assessment described in Subsection (10)(b).
- 11364 Section 187. Section **76-18-211** is enacted to read:
- 11365 **76-18-211 (Effective 05/06/26). Unlawfully engaging in a continuing criminal**
 11366 **enterprise involving drugs.**
- 11367 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11368 this section.
- 11369 (2) Except as authorized under this chapter or Title 58, Chapter 37, Controlled Substances,
 11370 and under circumstances not amounting to an offense described in Section 76-18-220,
 11371 trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully
 11372 engaging in a continuing criminal enterprise involving drugs if the actor knowingly and
 11373 intentionally engages in a continuing criminal enterprise where:
- 11374 (a) the actor participates, directs, or engages in conduct that results in a felony violation
 11375 of an offense in:
- 11376 (i) this part;
- 11377 (ii) Part 3, Offenses Concerning Drug Paraphernalia;
- 11378 (iii) Part 4, Offenses Concerning Imitation Controlled Substances;
- 11379 (iv) Part 5, Clandestine Drug Labs;
- 11380 (v) Title 58, Chapter 37, Controlled Substances; or
- 11381 (vi) Title 58, Chapter 37c, Controlled Substance Precursors; and

- 11382 **(b)** the violation described in Subsection (2)(a) is part of a continuing series of two or
11383 more violations of an offense described in Subsection (2)(a)(i) through (vi), on
11384 separate occasions that are undertaken in concert with five or more persons, with
11385 respect to whom the actor occupies a position of organizer, supervisor, or any other
11386 position of management.
- 11387 **(3)(a)** Subject to Subsections (3)(b) and (4), a violation of Subsection (2) is a first degree
11388 felony punishable by imprisonment for an indeterminate term of not less than:
- 11389 **(i)** seven years and which may be for life; or
11390 **(ii)** 15 years and which may be for life, if the trier of fact determines that the actor
11391 knew, or reasonably should have known, that any subordinate described in
11392 Subsection (2)(b) was under 18 years old.
- 11393 **(b)(i)** Except as provided in Subsection (3)(b)(ii), imposition or execution of the
11394 sentence described in Subsection (3)(a) may not be suspended, and the actor is not
11395 eligible for probation.
- 11396 **(ii)** Subsection (3)(a)(ii) does not apply to an actor who, at the time of the offense,
11397 was under 18 years old.
- 11398 **(4)** Notwithstanding any other provision of this section, a violation of this section is subject
11399 to the penalties and classifications under Section 76-18-204, Enhanced penalties and
11400 sentencing for certain drug offenses, if the trier of fact finds the elements described
11401 under Section 76-18-204.
- 11402 **(5)(a)** For purposes of a penalty enhancement, a plea of guilty or no contest to a
11403 violation or attempted violation of this section or a plea that is held in abeyance under
11404 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11405 charge has been subsequently reduced or dismissed in accordance with the plea in
11406 abeyance agreement.
- 11407 **(b)** A previous conviction used for a penalty enhancement under this section includes a
11408 conviction for an offense described in a statute previously in effect in this state that is
11409 the same or substantially similar to a violation of this section.
- 11410 **(6)(a)** An actor may be charged and sentenced for a violation of this section,
11411 notwithstanding a charge and sentence for a violation of any other section of this part
11412 or Title 58, Chapter 37, Controlled Substances.
- 11413 **(b)** A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11414 civil or administrative penalty or sanction authorized by law.
- 11415 **(c)** Defenses and exemptions in Section 76-18-203 apply to this section.

- 11416 (7) The Administrative Office of the Courts shall report to the Division of Professional
 11417 Licensing the name, case number, date of conviction, and if known, the date of birth of
 11418 each actor convicted of violating this section.
- 11419 (8) If a minor who is under 18 years old is found by a court to have violated this section, the
 11420 court may order the minor to complete:
- 11421 (a) a screening as defined in Section 41-6a-501;
 11422 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11423 Subsection (8)(a) indicates that an assessment is appropriate; and
 11424 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11425 treatment as indicated by an assessment described in Subsection (8)(b).
- 11426 Section 188. Section **76-18-212** is enacted to read:
 11427 **76-18-212 (Effective 05/06/26). Unlawfully allowing possession, use, or**
 11428 **distribution of a controlled substance on the premises.**
- 11429 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11430 this section.
- 11431 (2) An actor commits unlawfully allowing possession, use, or distribution of a controlled
 11432 substance on the premises if the actor:
- 11433 (a) is an owner, tenant, licensee, or person in control of a building, room, tenement,
 11434 vehicle, boat, aircraft, or other place; and
 11435 (b) knowingly and intentionally permits a person to occupy the building, room,
 11436 tenement, vehicle, boat, aircraft, or other place while the person is unlawfully
 11437 manufacturing, possessing, using, or distributing a controlled substance at or in the
 11438 building, room, tenement, vehicle, boat, aircraft, or other place.
- 11439 (3)(a) Subject to Subsection (3)(b), a violation of Subsection (2) is:
- 11440 (i) a class B misdemeanor on a first conviction;
 11441 (ii) a class A misdemeanor on a second conviction; or
 11442 (iii) a third degree felony on a third or subsequent conviction.
- 11443 (b) Upon an actor's conviction of a violation of this section, if the actor has previously
 11444 been convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or
 11445 76-18-211, the court shall sentence the actor to a one degree greater penalty than
 11446 provided in Subsection (3)(a).
- 11447 (4)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
 11448 violation or attempted violation of this section or a plea that is held in abeyance under
 11449 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the

- 11450 charge has been subsequently reduced or dismissed in accordance with the plea in
11451 abeyance agreement.
- 11452 (b) A previous conviction used for a penalty enhancement under this section may only
11453 be a conviction that:
- 11454 (i) is from a separate criminal episode than the current conviction under this section;
11455 and
11456 (ii) has not already been used under a separate penalty enhancement provision to
11457 enhance the conviction under this section.
- 11458 (c) A previous conviction used for a penalty enhancement under this section includes a
11459 conviction for an offense described in a statute previously in effect in this state that is
11460 the same or substantially similar to a violation of this section.
- 11461 (5)(a) An actor may be charged and sentenced for a violation of this section,
11462 notwithstanding a charge and sentence for a violation of any other section of this part
11463 or Title 58, Chapter 37, Controlled Substances.
- 11464 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11465 civil or administrative penalty or sanction authorized by law.
- 11466 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 11467 (6) The Administrative Office of the Courts shall report to the Division of Professional
11468 Licensing the name, case number, date of conviction, and if known, the date of birth of
11469 each actor convicted of violating this section.
- 11470 (7) If a minor who is under 18 years old is found by a court to have violated this section, the
11471 court may order the minor to complete:
- 11472 (a) a screening as defined in Section 41-6a-501;
11473 (b) an assessment as defined in Section 41-6a-501 if the screening described in
11474 Subsection (7)(a) indicates that an assessment is appropriate; and
11475 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
11476 treatment as indicated by an assessment described in Subsection (7)(b).
- 11477 Section 189. Section **76-18-213** is enacted to read:
- 11478 **76-18-213 (Effective 05/06/26). Unlawful possession of an altered or forged**
11479 **prescription or order for a controlled substance.**
- 11480 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
11481 this section.
- 11482 (2) An actor commits unlawful possession of an altered or forged prescription or order for a
11483 controlled substance if the actor knowingly and intentionally possesses an altered or

11484 forged prescription or written order for a controlled substance.

11485 (3)(a) Subject to Subsection (3)(b), a violation of Subsection (2) is:

11486 (i) a class B misdemeanor on a first conviction;

11487 (ii) a class A misdemeanor on a second conviction; or

11488 (iii) a third degree felony on a third or subsequent conviction.

11489 (b) Upon an actor's conviction of a violation of this section, if the actor has previously
11490 been convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or
11491 76-18-211, the court shall sentence the actor to a one degree greater penalty than
11492 provided in Subsection (3)(a).

11493 (4)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a
11494 violation or attempted violation of this section or a plea that is held in abeyance under
11495 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the
11496 charge has been subsequently reduced or dismissed in accordance with the plea in
11497 abeyance agreement.

11498 (b) A previous conviction used for a penalty enhancement under this section may only
11499 be a conviction that:

11500 (i) is from a separate criminal episode than the current conviction under this section;
11501 and

11502 (ii) has not already been used under a separate penalty enhancement provision to
11503 enhance the conviction under this section.

11504 (c) A previous conviction used for a penalty enhancement under this section includes a
11505 conviction for an offense described in a statute previously in effect in this state that is
11506 the same or substantially similar to a violation of this section.

11507 (5)(a) An actor may be charged and sentenced for a violation of this section,
11508 notwithstanding a charge and sentence for a violation of any other section of this part
11509 or Title 58, Chapter 37, Controlled Substances.

11510 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11511 civil or administrative penalty or sanction authorized by law.

11512 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11513 (6) The Administrative Office of the Courts shall report to the Division of Professional
11514 Licensing the name, case number, date of conviction, and if known, the date of birth of
11515 each actor convicted of violating this section.

11516 (7) If a minor who is under 18 years old is found by a court to have violated this section, the
11517 court may order the minor to complete:

- 11518 (a) a screening as defined in Section 41-6a-501;
 11519 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11520 Subsection (7)(a) indicates that an assessment is appropriate; and
 11521 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11522 treatment as indicated by an assessment described in Subsection (7)(b).

11523 Section 190. Section **76-18-214** is enacted to read:

11524 **76-18-214 (Effective 05/06/26). Unlawful use of a license number in the course of**
 11525 **manufacturing or distributing a controlled substance.**

- 11526 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11527 this section.
 11528 (2) An actor commits unlawful use of a license number in the course of manufacturing or
 11529 distributing a controlled substance if the actor knowingly and intentionally uses, in the
 11530 course of the manufacture or distribution of a controlled substance, a license number that
 11531 is fictitious, revoked, suspended, or issued to another person.
 11532 (3) A violation of Subsection (2) is:
 11533 (a) a class A misdemeanor on a first or second conviction; or
 11534 (b) a third degree felony on a third or subsequent conviction.
 11535 (4)(a) An actor may be charged and sentenced for a violation of this section,
 11536 notwithstanding a charge and sentence for a violation of any other section of this part
 11537 or Title 58, Chapter 37, Controlled Substances.
 11538 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11539 civil or administrative penalty or sanction authorized by law.
 11540 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
 11541 (d) A previous conviction used for a penalty enhancement under this section includes a
 11542 conviction for an offense described in a statute previously in effect in this state that is
 11543 the same or substantially similar to a violation of this section.
 11544 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
 11545 court may order the minor to complete:
 11546 (a) a screening as defined in Section 41-6a-501;
 11547 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11548 Subsection (5)(a) indicates that an assessment is appropriate; and
 11549 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11550 treatment as indicated by an assessment described in Subsection (5)(b).

11551 Section 191. Section **76-18-215** is enacted to read:

11552 **76-18-215 (Effective 05/06/26). Unlawful misrepresentation as an authorized**
11553 **person to obtain a controlled substance.**

11554 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
11555 this section.

11556 (2) An actor commits unlawful misrepresentation as an authorized person to obtain a
11557 controlled substance if the actor knowingly and intentionally, for the purpose of
11558 obtaining a controlled substance, assumes the title of, or represents to be, a
11559 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other
11560 authorized person.

11561 (3) A violation of Subsection (2) is:

11562 (a) a class A misdemeanor on a first or second conviction; or

11563 (b) a third degree felony on a third or subsequent conviction.

11564 (4)(a) An actor may be charged and sentenced for a violation of this section,
11565 notwithstanding a charge and sentence for a violation of any other section of this part
11566 or Title 58, Chapter 37, Controlled Substances.

11567 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11568 civil or administrative penalty or sanction authorized by law.

11569 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11570 (d) A previous conviction used for a penalty enhancement under this section includes a
11571 conviction for an offense described in a statute previously in effect in this state that is
11572 the same or substantially similar to a violation of this section.

11573 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
11574 court may order the minor to complete:

11575 (a) a screening as defined in Section 41-6a-501;

11576 (b) an assessment as defined in Section 41-6a-501 if the screening described in
11577 Subsection (5)(a) indicates that an assessment is appropriate; and

11578 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
11579 treatment as indicated by an assessment described in Subsection (5)(b).

11580 Section 192. Section **76-18-216** is enacted to read:

11581 **76-18-216 (Effective 05/06/26). Unlawful conduct to obtain a controlled**
11582 **substance.**

11583 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
11584 this section.

11585 (2) An actor commits unlawful conduct to obtain a controlled substance if the actor

11586 knowingly and intentionally acquires, obtains possession of, procures or attempts to
11587 procure the administration of, or obtains a prescription for, a controlled substance by:

11588 (a) misrepresentation;

11589 (b) failure to disclose receiving a controlled substance from another source;

11590 (c) fraud;

11591 (d) forgery;

11592 (e) deception;

11593 (f) subterfuge;

11594 (g) alteration of a prescription or written order for a controlled substance; or

11595 (h) use of a false name or address.

11596 (3) A violation of Subsection (2) is:

11597 (a) a class A misdemeanor on a first or second conviction; or

11598 (b) a third degree felony on a third or subsequent conviction.

11599 (4)(a) An actor may be charged and sentenced for a violation of this section,

11600 notwithstanding a charge and sentence for a violation of any other section of this part
11601 or Title 58, Chapter 37, Controlled Substances.

11602 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11603 civil or administrative penalty or sanction authorized by law.

11604 (c) Defenses and exemptions in Section 76-18-203 apply to this section.

11605 (d) A previous conviction used for a penalty enhancement under this section includes a
11606 conviction for an offense described in a statute previously in effect in this state that is
11607 the same or substantially similar to a violation of this section.

11608 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
11609 court may order the minor to complete:

11610 (a) a screening as defined in Section 41-6a-501;

11611 (b) an assessment as defined in Section 41-6a-501 if the screening described in
11612 Subsection (5)(a) indicates that an assessment is appropriate; and

11613 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
11614 treatment as indicated by an assessment described in Subsection (5)(b).

11615 Section 193. Section **76-18-217** is enacted to read:

11616 **76-18-217 (Effective 05/06/26). Unlawfully prescribing or dispensing a controlled**
11617 **substance to a person known to be using unlawful means.**

11618 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
11619 this section.

- 11620 (2) An actor commits unlawfully prescribing or dispensing a controlled substance to a
11621 person known to be using unlawful means if the actor knowingly and intentionally
11622 prescribes or dispenses to a person known to be attempting to acquire or obtain
11623 possession of, or to procure the administration of, a controlled substance by:
11624 (a) misrepresentation;
11625 (b) failure by the person to disclose receiving a controlled substance from another source;
11626 (c) fraud;
11627 (d) forgery;
11628 (e) deception;
11629 (f) subterfuge;
11630 (g) alteration of a prescription or written order for a controlled substance; or
11631 (h) the use of a false name or address.
- 11632 (3) A violation of Subsection (2) is:
11633 (a) a class A misdemeanor on a first or second conviction; or
11634 (b) a third degree felony on a third or subsequent conviction.
- 11635 (4)(a) An actor may be charged and sentenced for a violation of this section,
11636 notwithstanding a charge and sentence for a violation of any other section of this part
11637 or Title 58, Chapter 37, Controlled Substances.
11638 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
11639 civil or administrative penalty or sanction authorized by law.
11640 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
11641 (d) A previous conviction used for a penalty enhancement under this section includes a
11642 conviction for an offense described in a statute previously in effect in this state that is
11643 the same or substantially similar to a violation of this section.
- 11644 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
11645 court may order the minor to complete:
11646 (a) a screening as defined in Section 41-6a-501;
11647 (b) an assessment as defined in Section 41-6a-501 if the screening described in
11648 Subsection (5)(a) indicates that an assessment is appropriate; and
11649 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
11650 treatment as indicated by an assessment described in Subsection (5)(b).
- 11651 Section 194. Section **76-18-218** is enacted to read:
11652 **76-18-218 (Effective 05/06/26). Unlawfully making, forging, altering, or uttering**
11653 **a prescription or a written order.**

- 11654 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11655 this section.
- 11656 (2) An actor commits unlawfully making, forging, altering, or uttering a prescription or a
 11657 written order if the actor knowingly and intentionally:
- 11658 (a) makes a false or forged prescription or written order for a controlled substance;
 11659 (b) utters a false or forged prescription or written order for a controlled substance; or
 11660 (c) alters a prescription or written order issued or written under the terms of this chapter
 11661 or Title 58, Chapter 37, Controlled Substances.
- 11662 (3) A violation of Subsection (2) is:
- 11663 (a) a class A misdemeanor on a first or second conviction; or
 11664 (b) a third degree felony on a third or subsequent conviction.
- 11665 (4)(a) An actor may be charged and sentenced for a violation of this section,
 11666 notwithstanding a charge and sentence for a violation of any other section of this part
 11667 or Title 58, Chapter 37, Controlled Substances.
- 11668 (b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a
 11669 civil or administrative penalty or sanction authorized by law.
- 11670 (c) Defenses and exemptions in Section 76-18-203 apply to this section.
- 11671 (d) A previous conviction used for a penalty enhancement under this section includes a
 11672 conviction for an offense described in a statute previously in effect in this state that is
 11673 the same or substantially similar to a violation of this section.
- 11674 (5) If a minor who is under 18 years old is found by a court to have violated this section, the
 11675 court may order the minor to complete:
- 11676 (a) a screening as defined in Section 41-6a-501;
 11677 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 11678 Subsection (5)(a) indicates that an assessment is appropriate; and
 11679 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 11680 treatment as indicated by an assessment described in Subsection (5)(b).
- 11681 Section 195. Section **76-18-219** is enacted to read:
- 11682 **76-18-219 (Effective 05/06/26). Unlawful materials to create a counterfeit**
 11683 **controlled substance.**
- 11684 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to
 11685 this section
- 11686 (2) An actor commits unlawful materials to create a counterfeit controlled substance if the
 11687 actor knowingly and intentionally makes, distributes, or possesses a punch, die, plate,

stone, or other thing designed to print, imprint, or reproduce:

(a) the trademark, trade name, or other identifying mark, imprint, or device of another upon any drug, container, or labeling, so as to render a drug a counterfeit controlled substance; or

(b) any likeness of a trademark, trade name, or other identifying mark, imprint, or device of another upon any drug, container, or labeling, so as to render a drug a counterfeit controlled substance.

(3) A violation of Subsection (2) is a third degree felony.

(4)(a) An actor may be charged and sentenced for a violation of this section,

notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.

(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.

(c) Defenses and exemptions in Section 76-18-203 apply to this section.

(5) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:

(a) a screening as defined in Section 41-6a-501;

(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; and

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Section 196. Section **76-18-220**, which is renumbered from Section 58-37-8.1 is renumbered and amended to read:

[58-37-8.1] 76-18-220 (Effective 05/06/26). Trafficking of fentanyl or a fentanyl-related substance.

(1)(a) As used in this section:

[(a)] (i) "Fentanyl-related substance" means a derivative or analog of fentanyl including:

[(i)] (A) carfentanil;

[(ii)] (B) sufentanil;

[(iii)] (C) alfentanil; or

[(iv)] (D) a fentanyl-related substance that is a controlled substance as described in Section [58-37-3] 58-37-107.

[(b)] (ii) "Trafficking amount of fentanyl or a fentanyl-related substance" means 100

- 11722 grams or more of any composition or mixture, including pills, that contains any
11723 quantity of fentanyl or a fentanyl-related substance.
- 11724 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
11725 to this section.
- 11726 (2) [~~A person~~] An actor commits trafficking of fentanyl or a fentanyl-related substance if
11727 the [~~person~~] actor intentionally:
- 11728 (a) produces, manufactures, or dispenses a trafficking amount of fentanyl or a
11729 fentanyl-related substance;
- 11730 (b) distributes a trafficking amount of fentanyl or a fentanyl-related substance;
- 11731 (c) agrees, consents, offers, or arranges to distribute a trafficking amount of fentanyl or a
11732 fentanyl-related substance; or
- 11733 (d) possesses a trafficking amount of fentanyl or a fentanyl-related substance with the
11734 intent to distribute the fentanyl or fentanyl-related substance.
- 11735 (3) A violation of Subsection (2) is a first degree felony.
- 11736 (4) Except as provided in Subsection (5) or (6), a court may not grant probation, suspend
11737 the execution or imposition of the sentence, order hospitalization, or enter a judgment
11738 for a lower category of offense under Section 76-3-402, if the effect of which would in
11739 any way shorten the [~~person's~~] actor's required indeterminate prison sentence, when:
- 11740 (a) sentencing [~~a person~~] an actor for a violation described in Subsection (3);
- 11741 (b) sentencing [~~a person~~] an actor for a conviction of an attempt to commit trafficking of
11742 fentanyl or a fentanyl-related substance in accordance with Section 76-4-102; or
- 11743 (c) sentencing [~~a person~~] an actor who has had the first degree felony classified in
11744 Subsection (3) reduced one degree by a prosecuting attorney in accordance with
11745 Section 77-2-2.3.
- 11746 (5) Except as provided by Subsection (7), a court may suspend the execution or imposition
11747 of a prison sentence under Subsection (4) if the court:
- 11748 (a) makes a finding on the record that:
- 11749 (i) details why it is in the interests of justice not to execute or impose the prison
11750 sentence; and
- 11751 (ii) the actor does not pose a significant safety risk to the general public; and
- 11752 (b) orders the actor to complete the terms and conditions of probation that is supervised
11753 by the Division of Adult Probation and Parole.
- 11754 (6) Subsection (4) does not apply if the sentencing court finds that the [~~person~~] actor:
- 11755 (a) was under 18 years old at the time of the offense; and

11756 (b) could have been adjudicated in the juvenile court but for the delayed reporting or
11757 delayed filing of the information.

11758 (7)(a) If a court seeks to suspend the execution or imposition of a prison sentence under
11759 Subsection (5), the court shall impose the mandatory jail sentence described in
11760 Subsection (7)(b), and may not suspend any portion of the jail sentence or grant early
11761 release, if:

11762 (i) the court suspends the imposition of a prison sentence for a conviction under
11763 Subsection (2);

11764 (ii)(A) the violation is the ~~[person's]~~ actor's second or subsequent conviction for an
11765 offense under Subsection (2); or

11766 (B) the ~~[person]~~ actor previously has been convicted of a criminal violation in
11767 another jurisdiction, including a state or federal court, that is substantially
11768 equivalent to the violation of an offense under Subsection (2); and

11769 (iii) the ~~[person]~~ actor previously has been convicted of reentry of a removed alien
11770 under 8 U.S.C. Sec. 1326.

11771 (b) The mandatory jail sentence referred to in Subsection (7)(a) is 360 days in jail.

11772 (c)(i) Except as provided in Subsection (7)(c)(ii), ~~[a person]~~ an actor who is subject to
11773 a mandatory jail sentence under Subsection (7)(a) may not be released to the
11774 federal Immigration and Customs Enforcement Agency of the United States
11775 Department of Homeland Security for deportation until the ~~[person]~~ actor has
11776 served the entire jail sentence described in Subsection (7)(b).

11777 (ii) ~~[A person-]~~ An actor may be released to the federal Immigration and Customs
11778 Enforcement Agency of the United States Department of Homeland Security for
11779 deportation at any time during the 14-day period before the final day of the [
11780 ~~person's]~~ actor's jail sentence described in Subsection (7)(b).

11781 (8) A previous conviction used for a penalty enhancement under this section includes a
11782 conviction for an offense described in a statute previously in effect in this state that is
11783 the same or substantially similar to a violation of this section.

11784 Section 197. Section **76-18-221**, which is renumbered from Section 58-37-8.2 is renumbered
11785 and amended to read:

11786 **[58-37-8.2] 76-18-221 (Effective 05/06/26). Unlawful failure to report a**
11787 **practitioner's diversion of drugs.**

11788 (1)(a) As used in this section:

11789 ~~[(a)]~~ (i) "Diversion" means a practitioner's transfer of a significant amount of drugs to

- 11790 another individual for an unlawful purpose.
- 11791 [(b)] (ii) "Drug" means a Schedule II or Schedule III controlled substance, as defined
- 11792 in Section ~~[58-37-4]~~ 58-37-108, that is an opiate.
- 11793 [(e)] (iii) "HIPAA" means the same as that term is defined in Section 26B-3-126.
- 11794 [(d)] (iv) "Opiate" means the same as that term is defined in Section ~~[58-37-2]~~
- 11795 58-37-101.
- 11796 [(e)] (v) "Practitioner" means an individual:
- 11797 [(i)] (A) licensed, registered, or otherwise authorized by the appropriate
- 11798 jurisdiction to administer, dispense, distribute, or prescribe a drug in the course
- 11799 of professional practice; or
- 11800 [(ii)] (B) employed by a person who is licensed, registered, or otherwise authorized
- 11801 by the appropriate jurisdiction to administer, dispense, distribute, or prescribe a
- 11802 drug in the course of professional practice or standard operations.
- 11803 [(f)] (vi) "Significant amount" means an aggregate amount equal to, or more than, 500
- 11804 morphine milligram equivalents calculated in accordance with guidelines
- 11805 developed by the Centers for Disease Control and Prevention.
- 11806 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
- 11807 to this section.
- 11808 (2) ~~[An individual is guilty of a class B misdemeanor if the individual]~~ An actor commits
- 11809 unlawful failure to report a practitioner's diversion of drugs if the actor:
- 11810 (a) knows that a practitioner is involved in diversion; and
- 11811 (b) knowingly fails to report the diversion described in Subsection (2)(a) to a peace
- 11812 officer or law enforcement agency.
- 11813 (3) A violation of Subsection (2) is a class B misdemeanor.
- 11814 [(3)] (4) Subsection (2) does not apply to the extent that ~~[an individual]~~ an actor is prohibited
- 11815 from reporting by 42 C.F.R. Part 2 or HIPAA.
- 11816 Section 198. Section **76-18-222**, which is renumbered from Section 58-37-8.3 is renumbered
- 11817 and amended to read:
- 11818 **[58-37-8.3] 76-18-222 (Effective 05/06/26). Possession, sale, or use of an**
- 11819 **adulterant or synthetic urine.**
- 11820 (1)(a) As used in this section, "adulterant" means a substance that may be added to
- 11821 human urine or another human bodily fluid to change, dilute, or interfere with the
- 11822 composition, chemical properties, physical appearance, or physical properties of the
- 11823 urine or other bodily fluid.

- 11824 (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply
 11825 to this section.
- 11826 (2) Under circumstances not amounting to a violation of Section 76-8-510.5, Tampering
 11827 with evidence, ~~[a person]~~ an actor commits possession, sale, or use of an adulterant or
 11828 synthetic urine if the ~~[person]~~ actor:
- 11829 (a) distributes, possesses, or sells synthetic urine;
- 11830 (b) distributes or sells an adulterant with:
- 11831 (i) intent that the adulterant be used to defeat or defraud an alcohol or drug screening
 11832 test; or
- 11833 (ii) knowledge that the recipient of the adulterant intends to use the adulterant to
 11834 defeat or defraud an alcohol or drug screening test;
- 11835 (c) possesses an adulterant with intent to use the adulterant to defeat or defraud an
 11836 alcohol or drug screening test; or
- 11837 (d) intentionally uses:
- 11838 (i) an adulterant to defeat or defraud an alcohol or drug screening test;
- 11839 (ii) the ~~[person's]~~ actor's urine or bodily fluid to defeat or defraud an alcohol or drug
 11840 screening test if the urine or bodily fluid was expelled or withdrawn before the
 11841 time at which the urine or bodily fluid is collected for the test; or
- 11842 (iii) the urine or bodily fluid of another ~~[person]~~ individual to defeat or defraud an
 11843 alcohol or drug screening test.
- 11844 (3) A violation of ~~[this section]~~ Subsection (2) is an infraction.
- 11845 (4) ~~[A person]~~ An actor does not commit a violation of Subsection (2) if the ~~[person]~~ actor is
 11846 engaging in conduct described in this section for the sole purpose of education or
 11847 medical or scientific research.
- 11848 (5) This section does not apply to persons currently under:
- 11849 (a) court-ordered supervision; or
- 11850 (b) the supervision of the Board of Pardons and Parole.
- 11851 (6) An entity that collects specimens for the purpose of testing and screening, and reports
 11852 the results back to an employer, shall report to the employer and the Department of
 11853 Public Safety if a report is received that indicates that adulterated or synthetic urine was
 11854 submitted for an alcohol or drug screening test.

11855 Section 199. Section **76-18-301**, which is renumbered from Section 58-37a-3 is renumbered
 11856 and amended to read:

11857 **Part 3. Offenses Concerning Drug Paraphernalia**

11858 **[58-37a-3] 76-18-301 (Effective 05/06/26). Definitions.**

11859 As used in this part:

11860 (1)(a) [~~As used in this chapter, "drug-~~] "Drug paraphernalia" means any equipment,
 11861 product, or material used, or intended for use, to plant, propagate, cultivate, grow,
 11862 harvest, manufacture, compound, convert, produce, process, prepare, test, analyze,
 11863 package, repackage, store, contain, conceal, inject, ingest, inhale, or to otherwise
 11864 introduce a controlled substance into the human body in violation of [~~Chapter 37,~~
 11865 Utah Controlled Substances Act] Part 2, Offenses Concerning Controlled Substances,
 11866 or Title 58, Chapter 37, Controlled Substances.

11867 [(2)] (b) "Drug paraphernalia" includes:

11868 [(a)] (i) [~~kits-~~] a kit used, or intended for use, in planting, propagating, cultivating,
 11869 growing, or harvesting any species of plant [~~which~~] that is a controlled substance
 11870 or from which a controlled substance can be derived;

11871 [(b)] (ii) [~~kits~~] a kit used, or intended for use, in manufacturing, compounding,
 11872 converting, producing, processing, or preparing a controlled substance;

11873 [(c)] (iii) an isomerization [~~deveies~~] device used, or intended for use, to increase the
 11874 potency of any species of plant [~~which~~] that is a controlled substance;

11875 [(d)] (iv) except as provided in Subsection [(3)] (1)(c), testing equipment used, or
 11876 intended for use, to identify or to analyze the strength, effectiveness, or purity of a
 11877 controlled substance;

11878 [(e)] (v) [~~scales and balanees-~~] a scale or balance used, or intended for use, in weighing
 11879 or measuring a controlled substance;

11880 [(f)] (vi) [~~diluents and adulterants~~] a diluent or adulterant, such as quinine
 11881 hydrochloride, mannitol, mannited, dextrose and lactose, used, or intended for use,
 11882 to cut a controlled substance;

11883 [(g)] (vii) [~~separation gins and sifters-~~] a separation gin or sifter used, or intended for
 11884 use, to remove twigs, seeds, or other impurities from marihuana;

11885 [(h)] (viii) [~~blenders, bowls, containers, spoons and mixing devices-~~] a blender, bowl,
 11886 container, spoon, or mixing device used, or intended for use, to compound a
 11887 controlled substance;

11888 [(i)] (ix) [~~capsules, balloons, envelopes, and other containers-~~] a capsule, balloon,
 11889 envelope, or other container used, or intended for use, to package a small [
 11890 quantities] quantity of a controlled substance;

11891 [(j)] (x) [~~containers and other objects~~] a container or other object used, or intended for

11892 use, to store or conceal a controlled substance;

11893 [(k)] (xi) [~~hypodermic syringes, needles, and other objects~~] a hypodermic syringe,

11894 needle, or other object used, or intended for use, to parenterally inject a controlled

11895 substance into the human body, except as provided in Section [~~58-37a-5~~] 76-18-304,

11896 76-18-305, or 76-18-306; and

11897 [(t)] (xii) [~~objects-~~] an object used, or intended for use, to ingest, inhale, or otherwise

11898 introduce a controlled substance into the human body, including[~~but not limited to~~]:

11899 [(i)] (A) a metal, wooden, acrylic, glass, stone, plastic, or ceramic [~~pipes~~] pipe, with

11900 or without [~~screens~~] a screen, permanent [~~screens~~] screen, hashish [~~heads~~] head,

11901 or punctured metal [~~bowls~~] bowl;

11902 [(ii)] (B) a water [~~pipes~~] pipe;

11903 [(iii)] (C) a carburetion [~~tubes and devices~~] tube or device;

11904 [(iv)] (D) a smoking [~~and~~] or carburetion [~~masks~~] mask;

11905 [(v)] (E) [~~roach clips: meaning objects-~~] an object used to hold burning material,

11906 such as a marijuana cigarette, that has become too small or too short to be held

11907 in the hand, sometimes referred to as a "roach clip";

11908 [(vi)] (F) a miniature cocaine [~~spoons and cocaine vials~~] spoon or cocaine vial;

11909 [(vii)] (G) a chamber [~~pipes~~] pipe;

11910 [(viii)] (H) a carburetor [~~pipes~~] pipe;

11911 [(ix)] (I) an electric [~~pipes~~] pipe;

11912 [(x)] (J) an air-driven [~~pipes~~] pipe;

11913 [(xi)] (K) [~~chillums~~] a chillum;

11914 [(xii)] (L) [~~bongs~~] a bong; and

11915 [(xiii)] (M) an ice [~~pipes or chillers~~] pipe or chiller.

11916 [(3)] (c) "Drug paraphernalia" does not include a testing product or equipment, including

11917 a fentanyl test strip, used or intended for use to determine whether a substance

11918 contains:

11919 [(a)] (i) a controlled substance that can cause physical harm or death; or

11920 [(b)] (ii) a chemical or compound that can cause physical harm or death.

11921 (2) "Minor" means an individual who is under 18 years old.

11922 Section 200. Section **76-18-302**, which is renumbered from Section 58-37a-4 is renumbered

11923 and amended to read:

11924 [~~58-37a-4~~] **76-18-302 (Effective 05/06/26). Considerations in determining**

11925 **whether an object is drug paraphernalia.**

- 11926 In determining whether an object is drug paraphernalia, the trier of fact, in addition to all
 11927 other logically relevant factors, should consider:
- 11928 (1) statements by an owner or by anyone in control of the object concerning [its] the object's
 11929 use;
 - 11930 (2) prior convictions, if any, of an owner, or of anyone in control of the object, under any
 11931 state or federal law relating to a controlled substance;
 - 11932 (3) the proximity of the object, in time and space, to a direct violation of this ~~[chapter]~~ part;
 - 11933 (4) the proximity of the object to a controlled substance;
 - 11934 (5) the existence of any residue of a controlled substance on the object;
 - 11935 (6) instructions, whether oral or written, provided with the object concerning [its] the object's
 11936 use;
 - 11937 (7) descriptive materials accompanying the object ~~[which]~~ that explain or depict [its] the
 11938 object's use;
 - 11939 (8) national and local advertising concerning [its] the object's use;
 - 11940 (9) the manner in which the object is displayed for sale;
 - 11941 (10) whether the owner or anyone in control of the object is a legitimate supplier of like or
 11942 related items to the community, such as a licensed distributor or dealer of tobacco
 11943 products;
 - 11944 (11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of
 11945 the business enterprise;
 - 11946 (12) the existence and scope of legitimate uses of the object in the community;
 - 11947 (13) whether the object is subject to Section ~~[58-37a-5]~~ 76-18-304, 76-18-305, or 76-18-306;
 11948 and
 - 11949 (14) expert testimony concerning [its] the object's use.

11950 Section 201. Section **76-18-303**, which is renumbered from Section 58-37a-6 is renumbered
 11951 and amended to read:

11952 **[58-37a-6] 76-18-303 (Effective 05/06/26). Seizure -- Forfeiture -- Property rights**
 11953 **-- Bystander defense.**

- 11954 (1) Drug paraphernalia is subject to seizure and forfeiture in accordance with the
 11955 procedures and substantive protections of[-] ;
 11956 (a) Title 77, Chapter 11a, Seizure of Property and Contraband[;] ; and
 11957 (b) Title 77, Chapter 11b, Forfeiture of Seized Property.
- 11958 (2) It is an affirmative defense to an allegation of the commission of an offense under this
 11959 part if the actor or bystander:

- 11960 (a) reasonably believes that the actor or another individual is experiencing an overdose
 11961 event due to the ingestion, injection, inhalation, or other introduction into the human
 11962 body of a controlled substance or other substance;
- 11963 (b) reports, or assists an individual who reports, in good faith, the overdose event to a
 11964 medical provider, an emergency medical service provider as defined in Section
 11965 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency
 11966 dispatch system, or the actor is the subject of a report made under this section;
- 11967 (c) provides, in the report described in Subsection (2)(b), a functional description of the
 11968 actual location of the overdose event that facilitates responding to the individual
 11969 experiencing the overdose event;
- 11970 (d) remains at the location of the individual experiencing the overdose event until a
 11971 responding law enforcement officer or emergency medical service provider arrives,
 11972 or remains at the medical care facility where the individual experiencing an overdose
 11973 event is located until a responding law enforcement officer arrives;
- 11974 (e) cooperates with the responding medical provider, emergency medical service
 11975 provider, and law enforcement officer, including providing information regarding the
 11976 individual experiencing the overdose event and any substances the individual may
 11977 have injected, inhaled, or otherwise introduced into the individual's body; and
- 11978 (f) is alleged to have committed the offense in the same course of events from which the
 11979 reported overdose arose.

11980 Section 202. Section **76-18-304**, which is renumbered from Section 58-37a-5 is renumbered
 11981 and amended to read:

11982 **[58-37a-5] 76-18-304 (Effective 05/06/26). Unlawful use of drug paraphernalia.**

11983 ~~[(1)(a)]~~

11984 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.

11985 (2) ~~[It is unlawful for a person to use, or to possess with intent to use,]~~ An actor commits
 11986 unlawful use of drug paraphernalia if the actor uses, or possesses with intent to use, drug
 11987 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound,
 11988 convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal,
 11989 inject, ingest, inhale or otherwise introduce a controlled substance into the human body
 11990 in violation of this [chapter] part.

11991 ~~[(b)] (3) [A person who violates Subsection (1)(a) is guilty of-]~~ A violation of Subsection (2)
 11992 is a class B misdemeanor.

11993 ~~[(2)(a) It is unlawful for a person to deliver, possess with intent to deliver, or~~

11994 manufacture with intent to deliver, any drug paraphernalia, knowing that the drug
 11995 paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture,
 11996 compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
 11997 contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance
 11998 into the human body in violation of this act.]

11999 [(b) A person who violates Subsection (2)(a) is guilty of a class A misdemeanor.]

12000 [(3) A person 18 years old or older who delivers drug paraphernalia to a person younger
 12001 than 18 years old and who is three years or more younger than the person making the
 12002 delivery is guilty of a third degree felony.]

12003 [(4)(a) It is unlawful for a person to place in this state in a newspaper, magazine,
 12004 handbill, or other publication an advertisement, knowing that the purpose of the
 12005 advertisement is to promote the sale of drug paraphernalia.]

12006 [(b) A person who violates Subsection (4)(a) is guilty of a class B misdemeanor.]

12007 [(5)(a) A person may not be charged with distribution of hypodermic syringes as drug
 12008 paraphernalia if at the time of sale or distribution the syringes are in a sealed sterile
 12009 package and are for a legitimate medical purpose, including:]

12010 [(i) injection of prescription medications as prescribed by a practitioner; or]

12011 [(ii) the prevention of disease transmission.]

12012 [(b) A person]

12013 (4) An actor may not be charged with possession of a hypodermic syringe as drug
 12014 paraphernalia if the syringe is unused and is in a sealed sterile package.

12015 [(6)] (5) In a prosecution under [~~Subsection (1)~~] this section for possession of a hypodermic
 12016 syringe or needle, the prosecutor or the court may dismiss the charge if the [~~person~~] actor
 12017 establishes, by a preponderance of the evidence, that:

12018 (a) at the time of the offense:

12019 (i) the hypodermic syringe or needle was stored in a sealed puncture-resistant
 12020 container, such as a medical sharps disposal container, that was clearly marked on
 12021 the outside of the container with a warning that identified the container as
 12022 containing medical waste; and

12023 (ii) the [~~person~~] actor was enrolled or participating in a syringe exchange program
 12024 under Section 26B-7-117; and

12025 (b) after the day of the offense, but before the day on which the case is adjudicated, the [~~person~~]
 12026 actor demonstrated an intent to engage with substance abuse treatment by
 12027 commencing, continuing, or completing a substance use disorder treatment program.

12028 ~~[(7)]~~ (6) ~~[A person]~~ An actor may be charged and sentenced for a violation of this section,
 12029 notwithstanding a charge and sentence for a violation of any other section of this [chapter]
 12030 part.

12031 (7) If a minor is found by a court to have violated this section, the court may order the
 12032 minor to complete:

12033 (a) a screening as defined in Section 41-6a-501;

12034 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12035 Subsection (7)(a) indicates that an assessment is appropriate; or

12036 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12037 treatment as indicated by an assessment described in Subsection (7)(b).

12038 Section 203. Section **76-18-305** is enacted to read:

12039 **76-18-305 (Effective 05/06/26). Unlawful delivery of drug paraphernalia.**

12040 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.

12041 (2) An actor commits unlawful delivery of drug paraphernalia if the actor delivers,
 12042 possesses with intent to deliver, or manufactures with intent to deliver, any drug
 12043 paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate,
 12044 cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare,
 12045 test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise
 12046 introduce a controlled substance into the human body in violation of this part.

12047 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A
 12048 misdemeanor.

12049 (b) A violation of Subsection (2) is a third degree felony if the actor:

12050 (i) is 18 years old or older;

12051 (ii) delivers drug paraphernalia to a minor; and

12052 (iii) is older than the minor by three or more years.

12053 (4) An actor may not be charged with distribution of hypodermic syringes as drug
 12054 paraphernalia if at the time of sale or distribution, the syringes are:

12055 (a) in a sealed sterile package; and

12056 (b) for a legitimate medical purpose, including:

12057 (i) injection of prescription medications as prescribed by a practitioner; or

12058 (ii) the prevention of disease transmission.

12059 (5) An actor may be charged and sentenced for a violation of this section, notwithstanding a
 12060 charge and sentence for a violation of any other section of this part.

12061 (6) If a minor is found by a court to have violated this section, the court may order the

12062 minor to complete:

12063 (a) a screening as defined in Section 41-6a-501;

12064 (b) an assessment as defined in Section 41-6a-501 if the screening described in

12065 Subsection (6)(a) indicates that an assessment is appropriate; or

12066 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
12067 treatment as indicated by an assessment described in Subsection (6)(b).

12068 Section 204. Section **76-18-306** is enacted to read:

12069 **76-18-306 (Effective 05/06/26). Unlawful advertisement of drug paraphernalia.**

12070 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.

12071 (2) An actor commits unlawful advertisement of drug paraphernalia if the actor:

12072 (a) places in this state in a newspaper, magazine, handbill, or other publication an
12073 advertisement; and

12074 (b) knows that the purpose of the advertisement described in Subsection (2)(a) is to
12075 promote the sale of drug paraphernalia.

12076 (3) A violation of Subsection (2) is a class B misdemeanor.

12077 (4) An actor may be charged and sentenced for a violation of this section, notwithstanding a
12078 charge and sentence for a violation of any other section of this part.

12079 (5) If a minor is found by a court to have violated this section, the court may order the
12080 minor to complete:

12081 (a) a screening as defined in Section 41-6a-501;

12082 (b) an assessment as defined in Section 41-6a-501 if the screening described in
12083 Subsection (5)(a) indicates that an assessment is appropriate; or

12084 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
12085 treatment as indicated by an assessment described in Subsection (5)(b).

12086 Section 205. Section **76-18-401**, which is renumbered from Section 58-37b-2 is renumbered
12087 and amended to read:

12088 **Part 4. Offenses Concerning Imitation Controlled Substances**

12089 **[58-37b-2] 76-18-401 (Effective 05/06/26). Definitions.**

12090 As used in this [chapter] part:

12091 (1) "Controlled substance" has the same meaning as provided in Section [58-37-2] 58-37-101.

12092 (2) "Distribute" means the actual, constructive, or attempted sale, transfer, delivery, or
12093 dispensing to another of an imitation controlled substance.

12094 (3)(a) "Imitation controlled substance" means a substance designed or packaged to
12095 substantially resemble any legally or illegally manufactured controlled substance[;

12096 ~~but that is not:] .~~

12097 ~~[(a)]~~ (b) "Imitation controlled substance" does not include:

12098 (i) a controlled substance; or

12099 ~~[(b)]~~ (ii) a substance represented to be any legally or illegally manufactured controlled
12100 substance under Subsection ~~[58-37-2(1)(i)(ii)] 58-37-101(1)(h)(ii).~~

12101 (4) "Manufacture" means the production, preparation, compounding, processing,
12102 encapsulating, tableting, packaging or repackaging, labeling or relabeling, of an
12103 imitation controlled substance.

12104 (5) "Minor" means an individual who is under 18 years old.

12105 Section 206. Section **76-18-402**, which is renumbered from Section 58-37b-8 is renumbered
12106 and amended to read:

12107 **[58-37b-8] 76-18-402 (Effective 05/06/26). Exemption of certain persons --**

12108 **Bystander defense.**

12109 (1) No civil or criminal liability shall be imposed by virtue of this ~~[aet]~~ part on:

12110 (a) any person registered under ~~[the]~~ Title 58, Chapter 37, Controlled Substances~~[-Aet]~~,
12111 who manufactures, distributes, or possesses an imitation controlled substance for use
12112 as a placebo or investigational new drug by a registered practitioner in the ordinary
12113 course of professional practice or research; or~~[-on any]~~

12114 (b) a law enforcement officer acting in the course and legitimate scope of ~~[that]~~ the law
12115 enforcement officer's employment.

12116 (2) It is an affirmative defense to an allegation of the commission of an offense under this
12117 part if the actor or bystander:

12118 (a) reasonably believes that the actor or another individual is experiencing an overdose
12119 event due to the ingestion, injection, inhalation, or other introduction into the human
12120 body of a controlled substance or other substance;

12121 (b) reports, or assists an individual who reports, in good faith, the overdose event to a
12122 medical provider, an emergency medical service provider as defined in Section
12123 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency
12124 dispatch system, or the actor is the subject of a report made under this section;

12125 (c) provides, in the report described in Subsection (2)(b), a functional description of the
12126 actual location of the overdose event that facilitates responding to the individual
12127 experiencing the overdose event;

12128 (d) remains at the location of the individual experiencing the overdose event until a
12129 responding law enforcement officer or emergency medical service provider arrives,

12130 or remains at the medical care facility where the individual experiencing an overdose
 12131 event is located until a responding law enforcement officer arrives;

12132 (e) cooperates with the responding medical provider, emergency medical service
 12133 provider, and law enforcement officer, including providing information regarding the
 12134 individual experiencing the overdose event and any substances the individual may
 12135 have injected, inhaled, or otherwise introduced into the individual's body; and
 12136 (f) is alleged to have committed the offense in the same course of events from which the
 12137 reported overdose arose.

12138 Section 207. Section **76-18-403**, which is renumbered from Section 58-37b-6 is renumbered
 12139 and amended to read:

12140 **[58-37b-6] 76-18-403 (Effective 05/06/26). Unlawful use of an imitation**
 12141 **controlled substance.**

12142 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

12143 (2) [It is unlawful for any person to use, or to possess] An actor commits unlawful use of
 12144 an imitation controlled substance if the actor uses, or possesses with the intent to use, an
 12145 imitation controlled substance. [~~Any person who violates this section is guilty of~~

12146 (3) A violation of Subsection (2) is a class C misdemeanor.

12147 (4) If a minor is found by a court to have violated this section, the court may order the
 12148 minor to complete:

12149 (a) a screening as defined in Section 41-6a-501;

12150 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12151 Subsection (4)(a) indicates that an assessment is appropriate; or

12152 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12153 treatment as indicated by an assessment described in Subsection (4)(b).

12154 Section 208. Section **76-18-404**, which is renumbered from Section 58-37b-4 is renumbered
 12155 and amended to read:

12156 **[58-37b-4] 76-18-404 (Effective 05/06/26). Unlawful manufacture of an imitation**
 12157 **controlled substance.**

12158 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

12159 (2) [It is unlawful for any person to manufacture, distribute, or possess with intent to
 12160 distribute, an imitation controlled substance. Any person who violates this section is
 12161 guilty of a class A misdemeanor.] An actor commits unlawful manufacture of an
 12162 imitation controlled substance if the actor manufactures an imitation controlled
 12163 substance.

12164 (3) Subject to Subsection (4), a violation of Subsection (2) is a class A misdemeanor.
 12165 (4) A violation of this section is subject to the penalties and classifications under Section
 12166 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of
 12167 fact finds the elements described under Section 76-18-204.

12168 (5) If a minor is found by a court to have violated this section, the court may order the
 12169 minor to complete:

12170 (a) a screening as defined in Section 41-6a-501;

12171 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12172 Subsection (5)(a) indicates that an assessment is appropriate; or

12173 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12174 treatment as indicated by an assessment described in Subsection (5)(b).

12175 Section 209. Section **76-18-405** is enacted to read:

12176 **76-18-405 (Effective 05/06/26). Unlawful distribution or possession with intent to**
 12177 **distribute an imitation controlled substance.**

12178 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

12179 (2) An actor commits unlawful distribution or possession with intent to distribute an
 12180 imitation controlled substance if the actor:

12181 (a) distributes an imitation controlled substance; or

12182 (b) possesses an imitation controlled substance with the intent to distribute the imitation
 12183 controlled substance.

12184 (3) Subject to Subsection (4), a violation of Subsection (2) is a class A misdemeanor.

12185 (4) A violation of this section is subject to the penalties and classifications under Section
 12186 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of
 12187 fact finds the elements described under Section 76-18-204.

12188 (5) If a minor is found by a court to have violated this section, the court may order the
 12189 minor to complete:

12190 (a) a screening as defined in Section 41-6a-501;

12191 (b) an assessment as defined in Section 41-6a-501 if the screening described in
 12192 Subsection (5)(a) indicates that an assessment is appropriate; or

12193 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
 12194 treatment as indicated by an assessment described in Subsection (5)(b).

12195 Section 210. Section **76-18-406**, which is renumbered from Section 58-37b-7 is renumbered
 12196 and amended to read:

12197 **[58-37b-7] 76-18-406 (Effective 05/06/26). Unlawful advertisement of an**

12198 **imitation controlled substance.**

12199 (1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

12200 (2) [~~It is unlawful for any person to place any~~] An actor commits unlawful advertisement
12201 of an imitation controlled substance if the actor:

12202 (a) places in a newspaper, magazine, handbill, or other publication, or [to post or
12203 distribute] posts or distributes in any public place, [any] an advertisement or
12204 solicitation; and

12205 (b) takes the action described in Subsection (2)(a) with reasonable knowledge that the
12206 purpose of the advertisement or solicitation is to promote the distribution of an
12207 imitation controlled [substances] substance.

12208 (3) [~~Any person who violates this section is guilty of~~] A violation of Subsection (2) is a
12209 class A misdemeanor.

12210 (4) If a minor is found by a court to have violated this section, the court may order the
12211 minor to complete:

12212 (a) a screening as defined in Section 41-6a-501;

12213 (b) an assessment as defined in Section 41-6a-501 if the screening described in
12214 Subsection (4)(a) indicates that an assessment is appropriate; or

12215 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
12216 treatment as indicated by an assessment described in Subsection (4)(b).

12217 Section 211. Section **76-18-501**, which is renumbered from Section 58-37d-3 is renumbered
12218 and amended to read:

12219 **Part 5. Clandestine Drug Labs**

12220 **[58-37d-3] 76-18-501 (Effective 05/06/26). Definitions.**

12221 (1) As used in this [chapter] part:

12222 (a)(i) "Booby trap" means a concealed or camouflaged device designed to cause
12223 bodily injury when triggered by the action of a person making contact with the
12224 device.

12225 (ii) "Booby trap" includes guns, ammunition, or explosive devices attached to trip
12226 wires or other triggering mechanisms, sharpened stakes, nails, spikes, electrical
12227 devices, lines or wires with hooks attached, and devices for the production of
12228 toxic fumes or gases.

12229 (b) "Clandestine laboratory operation" means the:

12230 (i) purchase or procurement of chemicals, supplies, equipment, or laboratory location
12231 for the illegal manufacture of specified controlled substances;

- 12232 (ii) transportation or arranging for the transportation of chemicals, supplies, or
 12233 equipment for the illegal manufacture of specified controlled substances;
 12234 (iii) setting up of equipment or supplies in preparation for the illegal manufacture of
 12235 specified controlled substances;
 12236 (iv) activity of compounding, synthesis, concentration, purification, separation,
 12237 extraction, or other physical or chemical processing of a substance, including a
 12238 controlled substance precursor, or the packaging, repackaging, labeling, or
 12239 relabeling of a container holding a substance that is a product of any of these
 12240 activities, when the substance is to be used for the illegal manufacture of specified
 12241 controlled substances;
 12242 (v) illegal manufacture of specified controlled substances; or
 12243 (vi) distribution or disposal of chemicals, equipment, supplies, or products used in or
 12244 produced by the illegal manufacture of specified controlled substances.
- 12245 (c) "Controlled substance precursor" means those chemicals designated in [~~Title 58,~~
 12246 ~~Chapter 37c, Utah Controlled Substance Precursor Act~~] Title 58, Chapter 37c,
 12247 Controlled Substance Precursors, except those substances designated in [~~Subsections~~
 12248 ~~58-37c-3(1)(kk) and (ll)~~] Subsection 58-37c-101(1)(kk) or (ll).
- 12249 (d) "Counterfeit opioid" means an opioid or container or labeling of an opioid that:
 12250 (i)(A) without authorization bears the trademark, trade name, or other identifying
 12251 mark, imprint, number, device, or any likeness of them, of a manufacturer,
 12252 distributor, or dispenser other than the person or persons who in fact
 12253 manufactured, distributed, or dispensed the substance [~~which~~] that falsely
 12254 purports to be an opioid distributed by another manufacturer, distributor, or
 12255 dispenser; and
 12256 (B) a reasonable person would believe to be an opioid distributed by an authorized
 12257 manufacturer, distributor, or dispenser based on the appearance of the
 12258 substance as described under this Subsection (1)(d)(i) or the appearance of the
 12259 container or labeling of the opioid; or
 12260 (ii)(A) is falsely represented to be any legally or illegally manufactured opioid; and
 12261 (B) a reasonable person would believe to be a legal or illegal opioid.
- 12262 (e) "Disposal" means the abandonment, discharge, deposit, injection, dumping, spilling,
 12263 leaking, or placing of hazardous or dangerous material into or on property, land, or
 12264 water so that the material may enter the environment, be emitted into the air, or
 12265 discharged into any waters, including groundwater.

12266 (f) "Hazardous or dangerous material" means a substance that because of [its] the
 12267 substance's quantity, concentration, physical characteristics, or chemical
 12268 characteristics may cause or significantly contribute to an increase in mortality, an
 12269 increase in serious illness, or may pose a substantial present or potential future hazard
 12270 to human health or the environment when improperly treated, stored, transported,
 12271 disposed of, or otherwise improperly managed.

12272 (g) "Illegal manufacture of specified controlled substances" means in violation of [~~Title~~
 12273 ~~58, Chapter 37, Utah Controlled Substances Act~~] Part 2, Offenses Concerning
 12274 Controlled Substances, or Title 58, Chapter 37, Controlled Substances, the:

12275 (i) compounding, synthesis, concentration, purification, separation, extraction, or
 12276 other physical or chemical processing for the purpose of producing
 12277 methamphetamine, other amphetamine compounds as listed in Schedule I of [~~the~~
 12278 ~~Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances,
 12279 phencyclidine, narcotic analgesic analogs as listed in Schedule I of [~~the Utah~~
 12280 ~~Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, lysergic
 12281 acid diethylamide, mescaline, tetrahydrocannabinol, or counterfeit opioid;

12282 (ii) conversion of cocaine or methamphetamine to their base forms; or

12283 (iii) extraction, concentration, or synthesis of tetrahydrocannabinol.

12284 (h) "Opioid" means the same as that term is defined in Section 58-37f-303.

12285 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section [~~58-37-3.6~~]
 12286 58-37-403.

12287 (2) Unless otherwise specified, the definitions in Section [~~58-37-2~~] 58-37-101 also apply to
 12288 this [~~chapter~~] part.

12289 Section 212. Section **76-18-502**, which is renumbered from Section 58-37d-2 is renumbered
 12290 and amended to read:

12291 **[~~58-37d-2~~] 76-18-502 (Effective 05/06/26). Purpose -- Coordination with other**
 12292 **sections.**

12293 (1) The clandestine production of methamphetamine, other amphetamines,
 12294 phencyclidine, narcotic analgesic analogs, so-called "designer drugs," various
 12295 hallucinogens, concentrated tetrahydrocannabinols, counterfeit opioids, cocaine and
 12296 methamphetamine, base "crack" cocaine and methamphetamine "ice" respectively, has
 12297 increased dramatically throughout the western states and Utah.

12298 (2) These highly technical illegal operations create substantial dangers to the general public
 12299 and environment from fire, explosions, and the release of toxic chemicals.

- 12300 (3) By their very nature, these activities often involve a number of persons in a
 12301 conspiratorial enterprise to bring together all necessary components for clandestine
 12302 production, to thwart regulation and detection, and to distribute the final product.
- 12303 (4) Therefore, the Legislature enacts [~~the following Utah Clandestine Laboratory Act~~] this
 12304 part for prosecution of specific illegal laboratory operations.
- 12305 (5) With regard to the controlled substances specified herein, this [~~aet~~] part shall control,
 12306 notwithstanding the prohibitions and penalties in [~~Title 58, Chapter 37, Utah Controlled~~
 12307 ~~Substances Act~~] Part 2, Offenses Concerning Controlled Substances, and Title 58,
 12308 Chapter 37, Controlled Substances.

12309 Section 213. Section **76-18-503**, which is renumbered from Section 58-37d-9 is renumbered
 12310 and amended to read:

12311 **[~~58-37d-9~~] 76-18-503 (Effective 05/06/26). Department of Public Safety**
 12312 **enforcement authority.**

- 12313 (1) As used in this section, "division" means the Criminal Investigations and Technical
 12314 Services Division of the Department of Public Safety, created in Section 53-10-103.
- 12315 (2)(a) The division has authority to enforce this [~~chapter~~] part.
- 12316 (b) To carry out [~~this purpose~~] enforcement of this part, the division may:
- 12317 [(a)] (i) assist the law enforcement agencies of the state in enforcing this [~~chapter~~] part;
- 12318 [(b)] (ii) conduct investigations to enforce this [~~chapter~~] part;
- 12319 [(c)] (iii) present evidence obtained from investigations conducted in conjunction with
 12320 appropriate county and district attorneys and the Office of the Attorney General
 12321 for civil or criminal prosecution or for administrative action against a licensee; and
- 12322 [(d)] (iv) work in cooperation with the Division of Professional Licensing, created
 12323 under Section 58-1-103, to accomplish the purposes of this section.

12324 Section 214. Section **76-18-504**, which is renumbered from Section 58-37d-7 is renumbered
 12325 and amended to read:

12326 **[~~58-37d-7~~] 76-18-504 (Effective 05/06/26). Seizure and forfeiture.**

12327 Chemicals, equipment, supplies, vehicles, aircraft, vessels, and personal and real
 12328 property used in furtherance of a clandestine laboratory operation are subject to seizure and
 12329 forfeiture under the procedures and substantive protections of Title 77, Chapter 11a, Seizure of
 12330 Property and Contraband, and Title 77, Chapter 11b, Forfeiture of Seized Property.

12331 Section 215. Section **76-18-505**, which is renumbered from Section 58-37d-6 is renumbered
 12332 and amended to read:

12333 **[~~58-37d-6~~] 76-18-505 (Effective 05/06/26). Legal inference of intent -- Illegal**

12334 **possession of a controlled substance precursor or clandestine laboratory equipment.**

12335 The trier of fact may infer that [~~a defendant~~] an actor intended to engage in a clandestine
12336 laboratory operation if the [~~defendant~~] actor:

- 12337 (1) is in illegal possession of a controlled substance precursor; or
12338 (2) illegally possesses, or attempts to illegally possess, a controlled substance or controlled
12339 substance precursor and is in possession of any one of the following pieces of equipment:
12340 (a) glass reaction vessel;
12341 (b) separatory funnel;
12342 (c) glass condenser;
12343 (d) analytical balance;
12344 (e) heating mantle;
12345 (f) pill press machine or similar device;
12346 (g) closed loop extraction system;
12347 (h) extraction tube; or
12348 (i) rotary evaporator.

12349 Section 216. Section **76-18-506**, which is renumbered from Section 58-37d-4 is renumbered
12350 and amended to read:

12351 **[58-37d-4] 76-18-506 (Effective 05/06/26). Unlawful clandestine drug offense.**

- 12352 (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-501 apply to
12353 this section.
12354 (2) [~~It is unlawful for any person to-~~] An actor commits an unlawful clandestine drug
12355 offense if the actor knowingly or intentionally:
12356 (a) [~~possess~~] possesses a controlled substance or a controlled substance precursor with
12357 the intent to engage in a clandestine laboratory operation;
12358 (b) [~~possess~~] possesses laboratory equipment or supplies with the intent to engage in a
12359 clandestine laboratory operation;
12360 (c) [~~sell, distribute, or otherwise supply~~] sells, distributes, or otherwise supplies a
12361 controlled substance, controlled substance precursor, laboratory equipment, or
12362 laboratory supplies, knowing or having reasonable cause to believe any of these items
12363 will be used for a clandestine laboratory operation;
12364 (d) [~~evade~~] evades the recordkeeping provisions of [~~Title 58, Chapter 37e, Utah~~
12365 ~~Controlled Substance Precursor Act,-~~] Title 58, Chapter 37c, Controlled Substance
12366 Precursors, knowing or having reasonable cause to believe that the material
12367 distributed or received will be used for a clandestine laboratory operation;

- 12368 (e) [~~conspire with or aid~~] conspires with or aids another to engage in a clandestine
 12369 laboratory operation;
- 12370 (f) [~~produce or manufacture, or possess~~] produces or manufactures, or possesses with
 12371 intent to produce or manufacture, a controlled or counterfeit substance except as
 12372 authorized under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Part 2,
 12373 Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled
 12374 Substances;
- 12375 (g) [~~transport or convey~~] transports or conveys a controlled or counterfeit substance with
 12376 the intent to distribute or to be distributed by the [~~person~~] actor transporting or
 12377 conveying the controlled or counterfeit substance or by another person regardless of
 12378 whether the final destination for the distribution is within this state or another
 12379 location; or
- 12380 (h) [~~engage~~] engages in compounding, synthesis, concentration, purification, separation,
 12381 extraction, or other physical or chemical processing of any substance, including a
 12382 controlled substance precursor, or the packaging, repackaging, labeling, or relabeling
 12383 of a container holding a substance that is a product of any of these activities, knowing
 12384 or having reasonable cause to believe that the substance is a product of any of these
 12385 activities and will be used in the illegal manufacture of specified controlled
 12386 substances.
- 12387 [~~(2)~~] (3)(a) [~~A person who violates Subsection (1) is guilty of~~] Except as provided in
 12388 Subsection (3)(b), a violation of Subsection (2) is a second degree felony punishable
 12389 by imprisonment for an indeterminate term of not less than three years nor more than
 12390 15 years.
- 12391 (b) Subject to Subsection (4), a violation of Subsection (2)(a), (b), (e), (f), or (h) is a first
 12392 degree felony if the trier of fact also finds any one of the following conditions
 12393 occurred in conjunction with the violation:
- 12394 (i) possession of a firearm;
- 12395 (ii) use of a booby trap;
- 12396 (iii) illegal possession, transportation, or disposal of hazardous or dangerous material,
 12397 or while transporting or causing to be transported materials in furtherance of a
 12398 clandestine laboratory operation, there was created a substantial risk to human
 12399 health or safety or a danger to the environment;
- 12400 (iv) the intended laboratory operation was to take place or did take place within 500
 12401 feet of a residence, place of business, church, or school;

12402 (v) the clandestine laboratory operation actually produced any amount of a specified
 12403 controlled substance or a counterfeit opioid; or

12404 (vi) the intended clandestine laboratory operation was for the production of cocaine
 12405 base or methamphetamine base.

12406 (4) If the trier of fact finds that two or more of the conditions listed in Subsection (3)(b)
 12407 occurred in conjunction with a violation of Subsection (2)(a), (b), (e), (f), or (h) at
 12408 sentencing for the first degree felony:

12409 (a) probation may not be granted;

12410 (b) the execution or imposition of the sentence may not be suspended; and

12411 (c) the court may not enter a judgment for a lower category of offense.

12412 Section 217. Section **77-7-8** is amended to read:

12413 **77-7-8 (Effective 05/06/26). Forcible entry to conduct search or make arrest --**

12414 **Conditions requiring a warrant.**

12415 (1) As used in this section:

12416 (a) "Daytime hours" means the same as that term is defined in Section 77-7-5.

12417 (b) "Forcibly enter" means entering any premises by force.

12418 (c) "Knock" means to knock with reasonably strong force in a quick succession of three
 12419 or more contacts with a door or other point of entry into a building that would allow
 12420 the occupant to reasonably hear the peace officer's demand for entry.

12421 (d) "Knock and announce warrant" means a lawful search warrant that authorizes entry
 12422 into a building after knocking and demanding entry onto a premises described in
 12423 Subsection (2).

12424 (e) "Nighttime hours" means the same as that term is defined in Section 77-7-5.

12425 (f) "Peace officer" means the same as that term is defined in Section 53-1-102.

12426 (g) "Premises" means any building, room, conveyance, compartment, or other enclosure.

12427 (h)(i) "Supervisory official" means a command-level officer.

12428 (ii) "Supervisory official" includes a sheriff, a head of a law enforcement agency, and
 12429 a supervisory enforcement officer equivalent to a sergeant rank or higher.

12430 (2)(a) Subject to the provisions of this Subsection (2), a peace officer when making a
 12431 lawful arrest, or serving a knock and announce warrant, may forcibly enter a
 12432 premises:

12433 (i) if the individual to be arrested is located within the premises; or

12434 (ii) if there is probable cause to believe that the individual is located within the
 12435 premises.

- 12436 (b)(i) Subject to Subsection (3), before forcibly entering a premises as described in
12437 Subsection (2)(a), a peace officer shall:
- 12438 (A) wear readily identifiable markings, including a badge and vest or clothing
12439 with a distinguishing label or other writing that identifies the individual as a
12440 law enforcement officer;
 - 12441 (B) audibly identify himself or herself as a law enforcement officer;
 - 12442 (C) knock and demand admission more than once;
 - 12443 (D) wait a reasonable period of time for an occupant to admit access after
12444 knocking and demanding admission; and
 - 12445 (E) explain the purpose for which admission is desired.
- 12446 (3)(a) A peace officer does not need to:
- 12447 (i) comply with the requirements of Subsection (2)(b)(i)(B), (2)(b)(i)(C), (2)(b)(i)(D),
12448 and (2)(b)(i)(E) before forcibly entering a premises:
 - 12449 (A) under the exceptions in Section 77-7-6 or 77-7-8.1;
 - 12450 (B) where there is probable cause to believe exigent circumstances exist due to the
12451 destruction of evidence; or
 - 12452 (C) where there is reasonable suspicion to believe exigent circumstances exist due
12453 to the physical safety of a peace officer or individual inside or in near
12454 proximity to the premises; or
 - 12455 (ii) comply with the requirements described in Subsections (2)(b)(i)(C) and
12456 (2)(b)(i)(D) before forcibly entering a premises if the officer, or another peace
12457 officer:
 - 12458 (A) has been near the premises for an extended amount of time and a reasonable
12459 person would conclude that an individual on the premises knows or should
12460 know that a peace officer is present;
 - 12461 (B) has demanded admission and announced an intent to enter the premises more
12462 than once; and
 - 12463 (C) has complied with Subsections (2)(b)(i)(A), (2)(b)(i)(B), and (2)(b)(i)(E).
- 12464 (b) If a peace officer forcibly enters a premises under Subsection (3)(a)(i), the peace
12465 officer shall identify himself or herself and state the purpose for entering the premises
12466 as soon as practicable after entering the premises.
- 12467 (4) The peace officer may use only that force that is reasonable and necessary to forcibly
12468 enter a premises under this section.
- 12469 (5) Subject to Subsection (6), if the premises to be entered under Subsection (2)(a) appears

12470 to be a private residence or the peace officer knows the premises is a private residence,
 12471 and if there is no consent to enter or there are no exigent circumstances, the peace officer
 12472 shall, before entering the premises:

12473 (a) obtain an arrest or search warrant if the premises is the residence of the individual to
 12474 be arrested; or

12475 (b) obtain a search warrant if the building is a private residence, but not the residence of
 12476 the individual whose arrest is sought.

12477 (6) Before seeking a warrant from a judge or magistrate under Subsection (2)(a), a
 12478 supervisory official shall, using the peace officer's affidavit:

12479 (a) independently perform an assessment to evaluate the totality of the circumstances;

12480 (b) ensure reasonable intelligence gathering efforts have been made;

12481 (c) ensure a threat assessment was completed on the individual or premises to be
 12482 searched; and

12483 (d) determine either that there is a sufficient basis to support seeking a warrant or require
 12484 that the peace officer continue evidence gathering efforts.

12485 (7) Notwithstanding any other provision of this chapter, a peace officer may not forcibly
 12486 enter a premises based solely on:

12487 (a) the alleged possession or use of a controlled substance under Section [~~58-37-8~~]
 12488 76-18-207; or

12489 (b) the alleged possession of drug paraphernalia as defined in Section [~~58-37a-3~~]
 12490 76-18-301.

12491 (8) All arrest warrants are subject to the conditions described in Subsection ~~77-7-5(2)~~.

12492 (9) A peace officer shall serve a knock and announce warrant during daytime hours unless a
 12493 peace officer has requested, and a judge or magistrate has approved, for the warrant to
 12494 be served during nighttime hours.

12495 Section 218. Section **77-11a-101** is amended to read:

12496 **77-11a-101 (Effective 05/06/26). Definitions.**

12497 As used in this chapter:

12498 (1)(a) "Agency" means an agency of this state or a political subdivision of this state.

12499 (b) "Agency" includes a law enforcement agency or a multijurisdictional task force.

12500 (2) "Claimant" means:

12501 (a) an owner of property;

12502 (b) an interest holder; or

12503 (c) an individual or entity who asserts a claim to any property for which an agency seeks

- 12504 to forfeit.
- 12505 (3)(a) "Computer" means, except as provided in Subsection (3)(c), an electronic,
12506 magnetic, optical, electrochemical, or other high-speed data processing device that
12507 performs logical, arithmetic, and storage functions.
- 12508 (b) "Computer" includes any device that is used for the storage of digital or electronic
12509 files, flash memory, software, or other electronic information.
- 12510 (c) "Computer" does not mean a computer server of an Internet or electronic service
12511 provider, or the service provider's employee, if used to comply with the requirements
12512 under 18 U.S.C. Sec. 2258A.
- 12513 (4)(a) "Contraband" means any property, item, or substance that is unlawful to produce
12514 or to possess under state or federal law.
- 12515 (b) "Contraband" includes:
- 12516 (i) a controlled substance that is possessed, transferred, distributed, or offered for
12517 distribution in violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~]
12518 Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2,
12519 Offenses Concerning Controlled Substances; or
- 12520 (ii) a computer that:
- 12521 (A) contains or houses child sexual abuse material, or is used to create, download,
12522 transfer, upload to a storage account, or store any electronic or digital files
12523 containing child sexual abuse material; or
- 12524 (B) contains the personal identifying information of another individual, as defined
12525 in Section 76-6-1101, whether that individual is alive or deceased, and the
12526 personal identifying information has been used to create false or fraudulent
12527 identification documents or financial transaction cards in violation of Title 76,
12528 Chapter 6, Part 5, Fraud.
- 12529 (5) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]
12530 58-37-101.
- 12531 (6) "Court" means a municipal, county, or state court.
- 12532 (7) "Division of Law Enforcement" means the division within the Department of Natural
12533 Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 12534 (8) "Evidence" means the same as that term is defined in Section 77-11c-101.
- 12535 (9) "Forfeit" means to divest a claimant of an ownership interest in property seized by a
12536 peace officer or agency.
- 12537 (10) "Innocent owner" means a claimant who:

- 12538 (a) held an ownership interest in property at the time of the commission of an offense
12539 subjecting the property to seizure, and:
- 12540 (i) did not have actual knowledge of the offense subjecting the property to seizure; or
12541 (ii) upon learning of the commission of the offense, took reasonable steps to prohibit
12542 the use of the property in the commission of the offense; or
- 12543 (b) acquired an ownership interest in the property and had no knowledge that the
12544 commission of the offense subjecting the property to seizure had occurred or that the
12545 property had been seized, and:
- 12546 (i) acquired the property in a bona fide transaction for value;
12547 (ii) was an individual, including a minor child, who acquired an interest in the
12548 property through probate or inheritance; or
12549 (iii) was a spouse who acquired an interest in property through dissolution of
12550 marriage or by operation of law.
- 12551 (11)(a) "Interest holder" means a secured party as defined in Section 70A-9a-102, a
12552 party with a right-of-offset, a mortgagee, lien creditor, or the beneficiary of a security
12553 interest or encumbrance pertaining to an interest in property, whose interest would be
12554 perfected against a good faith purchaser for value.
- 12555 (b) "Interest holder" does not mean a person:
- 12556 (i) who holds property for the benefit of or as an agent or nominee for another
12557 person; or
- 12558 (ii) who is not in substantial compliance with any statute requiring an interest in
12559 property to be:
- 12560 (A) recorded or reflected in public records in order to perfect the interest against a
12561 good faith purchaser for value; or
- 12562 (B) held in control by a secured party, as defined in Section 70A-9a-102, in
12563 accordance with Section 70A-9a-314 in order to perfect the interest against a
12564 good faith purchaser for value.
- 12565 (12) "Law enforcement agency" means:
- 12566 (a) a municipal, county, state institution of higher education, or state police force or
12567 department;
- 12568 (b) a sheriff's office; or
- 12569 (c) a municipal, county, or state prosecuting authority.
- 12570 (13) "Legislative body" means:
- 12571 (a)(i) the Legislature, county commission, county council, city commission, city

- 12572 council, or town council that has fiscal oversight and budgetary approval authority
12573 over an agency; or
12574 (ii) the agency's governing political subdivision; or
12575 (b) the lead governmental entity of a multijurisdictional task force, as designated in a
12576 memorandum of understanding executed by the agencies participating in the task
12577 force.
- 12578 (14) "Multijurisdictional task force" means a law enforcement task force or other agency
12579 comprised of individuals who are employed by or acting under the authority of different
12580 governmental entities, including federal, state, county, or municipal governments, or any
12581 combination of federal, state, county, or municipal agencies.
- 12582 (15) "Owner" means an individual or entity, other than an interest holder, that possesses a
12583 bona fide legal or equitable interest in property.
- 12584 (16) "Pawn or secondhand business" means the same as that term is defined in Section
12585 13-32a-102.
- 12586 (17) "Peace officer" means an employee:
12587 (a) of an agency;
12588 (b) whose duties consist primarily of the prevention and detection of violations of laws
12589 of this state or a political subdivision of this state; and
12590 (c) who is authorized by the agency to seize property.
- 12591 (18)(a) "Proceeds" means:
12592 (i) property of any kind that is obtained directly or indirectly as a result of the
12593 commission of an offense; or
12594 (ii) any property acquired directly or indirectly from, produced through, realized
12595 through, or caused by an act or omission regarding property under Subsection
12596 (18)(a)(i).
- 12597 (b) "Proceeds" includes any property of any kind without reduction for expenses
12598 incurred in the acquisition, maintenance, or production of that property, or any other
12599 purpose regarding property under Subsection (18)(a)(i).
- 12600 (c) "Proceeds" is not limited to the net gain or profit realized from the offense that
12601 subjects the property to seizure.
- 12602 (19)(a) "Property" means all property, whether real or personal, tangible or intangible.
12603 (b) "Property" does not include contraband.
- 12604 (20) "Prosecuting attorney" means:
12605 (a) the attorney general and an assistant attorney general;

- 12606 (b) a district attorney or deputy district attorney;
- 12607 (c) a county attorney or assistant county attorney; and
- 12608 (d) an attorney authorized to commence an action on behalf of the state.
- 12609 (21) "Public interest use" means a:
- 12610 (a) use by a government agency as determined by the legislative body of the agency's
- 12611 jurisdiction; or
- 12612 (b) donation of the property to a nonprofit charity registered with the state.
- 12613 (22) "Real property" means land, including any building, fixture, improvement,
- 12614 appurtenance, structure, or other development that is affixed permanently to land.
- 12615 (23)(a) "Seized property" means property seized by a peace officer or agency in
- 12616 accordance with Section 77-11a-201.
- 12617 (b) "Seized property" includes property that the agency seeks to forfeit under Chapter
- 12618 11b, Forfeiture of Seized Property.
- 12619 Section 219. Section **77-11b-102** is amended to read:
- 12620 **77-11b-102 (Effective 05/06/26). Property subject to forfeiture.**
- 12621 (1)(a) Except as provided in Subsection (2), (3), (4), or (5), an agency may seek to
- 12622 forfeit:
- 12623 (i) seized property that was used to facilitate the commission of an offense that is a
- 12624 violation of federal or state law; or
- 12625 (ii) seized proceeds.
- 12626 (b) An agency, or the prosecuting attorney, may not forfeit the seized property of an
- 12627 innocent owner or an interest holder.
- 12628 (2) If seized property is used to facilitate an offense that is a violation of Section 76-5c-202,
- 12629 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305, an agency may not forfeit
- 12630 the property if the forfeiture would constitute a prior restraint on the exercise of an
- 12631 affected party's rights under the First Amendment to the Constitution of the United
- 12632 States or Utah Constitution, Article I, Section 15, or would otherwise unlawfully
- 12633 interfere with the exercise of the party's rights under the First Amendment to the
- 12634 Constitution of the United States or Utah Constitution, Article I, Section 15.
- 12635 (3) If a motor vehicle is used in an offense that is a violation of Section 41-6a-502,
- 12636 41-6a-517, a local ordinance that complies with the requirements of Subsection
- 12637 41-6a-510(1), Subsection 76-5-102.1(2)(b), or Section 76-5-207, an agency may not
- 12638 seek forfeiture of the motor vehicle, unless:
- 12639 (a) the operator of the vehicle has previously been convicted of an offense committed

12640 after May 12, 2009, that is:

12641 (i) a felony driving under the influence violation under Section 41-6a-502 or
12642 Subsection 76-5-102.1(2)(a);

12643 (ii) a felony violation under Subsection 76-5-102.1(2)(b);

12644 (iii) a violation under Section 76-5-207; or

12645 (iv) operating a motor vehicle with any amount of a controlled substance in an
12646 individual's body and causing serious bodily injury or death, as codified before
12647 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
12648 58-37-8(2)(g); or

12649 (b) the operator of the vehicle was driving on a denied, suspended, revoked, or
12650 disqualified license and:

12651 (i) the denial, suspension, revocation, or disqualification under Subsection (3)(b)(ii)
12652 was imposed because of a violation under:

12653 (A) Section 41-6a-502;

12654 (B) Section 41-6a-517;

12655 (C) a local ordinance that complies with the requirements of Subsection
12656 41-6a-510(1);

12657 (D) Section 41-6a-520.1;

12658 (E) operating a motor vehicle with any amount of a controlled substance in an
12659 individual's body and causing serious bodily injury or death, as codified before
12660 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
12661 58-37-8(2)(g);

12662 (F) Section 76-5-102.1;

12663 (G) Section 76-5-207; or

12664 (H) a criminal prohibition as a result of a plea bargain after having been originally
12665 charged with violating one or more of the sections or ordinances described in
12666 Subsections (3)(b)(i)(A) through (G); or

12667 (ii) the denial, suspension, revocation, or disqualification described in Subsection
12668 (3)(b)(i):

12669 (A) is an extension imposed under Subsection 53-3-220(2) of a denial, suspension,
12670 revocation, or disqualification; and

12671 (B) the original denial, suspension, revocation, or disqualification was imposed
12672 because of a violation described in Subsection (3)(b)(i).

12673 (4) If a peace officer seizes property incident to an arrest solely for possession of a

12674 controlled substance under [~~Subsection 58-37-8(2)(a)(i)~~] Section 76-18-207 but not
 12675 Subsection [~~58-37-8(2)(b)(i)~~] 76-18-207(3)(a), an agency may not seek to forfeit the
 12676 property that was seized in accordance with the arrest.

12677 (5) If a peace officer seizes an individual's firearm as the result of an offense under Section
 12678 76-11-218, an agency may not seek to forfeit the individual's firearm if the individual
 12679 may lawfully possess the firearm.

12680 Section 220. Section **77-11c-101** is amended to read:

12681 **77-11c-101 (Effective 05/06/26). Definitions.**

12682 As used in this chapter:

12683 (1) "Acquitted" means the same as that term is defined in Section 77-11b-101.

12684 (2) "Adjudicated" means that:

12685 (a)(i) a judgment of conviction by plea or verdict of an offense has been entered by a
 12686 court; and

12687 (ii) a sentence has been imposed by the court; or

12688 (b) a judgment has been entered for an adjudication of an offense by a juvenile court
 12689 under Section 80-6-701.

12690 (3) "Adjudication" means:

12691 (a) a judgment of conviction by plea or verdict of an offense; or

12692 (b) an adjudication for an offense by a juvenile court under Section 80-6-701.

12693 (4) "Agency" means the same as that term is defined in Section 77-11a-101.

12694 (5) "Appellate court" means the Utah Court of Appeals, the Utah Supreme Court, or the
 12695 United States Supreme Court.

12696 (6)(a) "Biological evidence" means an item that contains blood, semen, hair, saliva,
 12697 epithelial cells, latent fingerprint evidence that may contain biological material
 12698 suitable for DNA testing, or other identifiable human biological material that:

12699 (i) is collected as part of an investigation or prosecution of a violent felony offense;
 12700 and

12701 (ii) may reasonably be used to incriminate or exculpate a person for the violent
 12702 felony offense.

12703 (b) "Biological evidence" includes:

12704 (i) material that is catalogued separately, including:

12705 (A) on a slide or swab; or

12706 (B) inside a test tube, if the evidentiary sample that previously was inside the test
 12707 tube has been consumed by testing;

- 12708 (ii) material that is present on other evidence, including clothing, a ligature, bedding,
 12709 a drinking cup, a cigarette, or a weapon, from which a DNA profile may be
 12710 obtained;
- 12711 (iii) the contents of a sexual assault kit; and
- 12712 (iv) for a violent felony offense, material described in this Subsection (6) that is in
 12713 the custody of an evidence collecting or retaining entity on May 4, 2022.
- 12714 (7) "Claimant" means the same as that term is defined in Section 77-11a-101.
- 12715 (8) "Computer" means the same as that term is defined in Section 77-11a-101.
- 12716 (9) "Continuous chain of custody" means:
- 12717 (a) for a law enforcement agency or a court, that legal standards regarding a continuous
 12718 chain of custody are maintained; and
- 12719 (b) for an entity that is not a law enforcement agency or a court, that the entity maintains
 12720 a record in accordance with legal standards required of the entity.
- 12721 (10) "Contraband" means the same as that term is defined in Section 77-11a-101.
- 12722 (11) "Controlled substance" means the same as that term is defined in Section ~~58-37-2~~
 12723 58-37-101.
- 12724 (12) "Court" means a municipal, county, or state court.
- 12725 (13) "DNA" means deoxyribonucleic acid.
- 12726 (14) "DNA profile" means a unique identifier of an individual derived from DNA.
- 12727 (15) "Drug paraphernalia" means the same as that term is defined in Section ~~58-37a-3~~
 12728 76-18-301.
- 12729 (16) "Evidence" means property, contraband, or an item or substance that:
- 12730 (a) is seized or collected as part of an investigation or prosecution of an offense; and
- 12731 (b) may reasonably be used to incriminate or exculpate an individual for an offense.
- 12732 (17)(a) "Evidence collecting or retaining entity" means an entity within the state that
 12733 collects, stores, or retrieves biological evidence.
- 12734 (b) "Evidence collecting or retaining entity" includes:
- 12735 (i) a medical or forensic entity;
- 12736 (ii) a law enforcement agency;
- 12737 (iii) a court; and
- 12738 (iv) an official, employee, or agent of an entity or agency described in this Subsection
 12739 (17).
- 12740 ~~(c)~~ (c) "Evidence collecting or retaining entity" does not include a collecting facility
 12741 defined in Section 53-10-902.

- 12742 (18) "Exhibit" means property, contraband, or an item or substance that is admitted into
 12743 evidence for a court proceeding.
- 12744 (19) "In custody" means an individual who:
 12745 (a) is incarcerated, civilly committed, on parole, or on probation; or
 12746 (b) is required to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse
 12747 Offender Registry.
- 12748 (20) "Law enforcement agency" means the same as that term is defined in Section
 12749 77-11a-101.
- 12750 (21) "Medical or forensic entity" means a private or public hospital, medical facility, or
 12751 other entity that secures biological evidence or conducts forensic examinations related to
 12752 criminal investigations.
- 12753 (22) "Physical evidence" includes evidence that:
 12754 (a) is related to:
 12755 (i) an investigation;
 12756 (ii) an arrest; or
 12757 (iii) a prosecution that resulted in a judgment of conviction; and
 12758 (b) is in the actual or constructive possession of a law enforcement agency or a court or
 12759 an agent of a law enforcement agency or a court.
- 12760 (23) "Property" means the same as that term is defined in Section 77-11a-101.
- 12761 (24) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
- 12762 (25) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.
- 12763 (26) "Victim" means the same as that term is defined in Section 53-10-902.
- 12764 (27) "Violent felony offense" means the same as the term "violent felony" is defined in
 12765 Section 76-3-203.5.
- 12766 (28) "Wildlife" means the same as that term is defined in Section 23A-1-101.
 12767 Section 221. Section **77-23-210** is amended to read:
 12768 **77-23-210 (Effective 05/06/26). Force used in executing a search warrant --**
 12769 **When notice of authority is required as a prerequisite.**
- 12770 (1)(a) No later than July 1, 2015, any law enforcement agency that seeks a warrant under
 12771 this section shall comply with guidelines and procedures which are, at a minimum, in
 12772 accordance with state law and model guidelines and procedures recommended by the
 12773 Utah Peace Officer Standards and Training Council created in Section 53-6-106.
- 12774 (b) Written policies adopted pursuant to this section shall be subject to public disclosure
 12775 and inspection, in accordance with Title 63G, Chapter 2, Government Records

12776 Access and Management Act.

- 12777 (2) When a search warrant has been issued authorizing entry into any building, room,
12778 conveyance, compartment, or other enclosure, the officer executing the warrant may
12779 enter:
- 12780 (a) if, after giving notice of the officer's authority and purpose, there is no response or
12781 the officer is not admitted with reasonable promptness; or
- 12782 (b) without notice of the officer's authority and purpose as provided in Subsection (3).
- 12783 (3)(a) The officer may enter without notice only if:
- 12784 (i) there is reasonable suspicion to believe that the notice will endanger the life or
12785 safety of the officer or another person;
- 12786 (ii) there is probable cause to believe that evidence may be easily or quickly
12787 destroyed;[-or]
- 12788 (iii) the magistrate, having found probable cause based upon proof provided under
12789 oath that the object of the search may be easily or quickly destroyed, or having
12790 found reason to believe that physical harm may result to any person if notice were
12791 given, has directed that the officer need not give notice of authority and purpose
12792 before entering the premises to be searched under the Rules of Criminal
12793 Procedure; or
- 12794 (iv) the officer physically observes and documents a previously unknown event or
12795 circumstance at the time the warrant is being executed which creates probable
12796 cause to believe the object of the search is being destroyed, or creates reasonable
12797 suspicion to believe that physical harm may result to any person if notice were
12798 given.
- 12799 (b) The officer shall identify himself or herself and state the purpose for entering the
12800 premises as soon as practicable after entering.
- 12801 (4) An officer executing a warrant under this section may use only that force which is
12802 reasonable and necessary to execute the warrant.
- 12803 (5) An officer executing a warrant under this section shall wear readily identifiable
12804 markings, including a badge and vest or clothing with a distinguishing label or other
12805 writing which indicates that he or she is a law enforcement officer.
- 12806 (6)(a) An officer executing a warrant under this section shall comply with the officer's
12807 employing agency's body worn camera policy when the officer is equipped with a
12808 body-worn camera.
- 12809 (b) The employing agency's policy regarding the use of body-worn cameras shall include

12810 a provision that an officer executing a warrant under this section shall wear a
 12811 body-worn camera when a camera is available, except in exigent circumstances
 12812 where it is not practicable to do so.

12813 (7)(a) The officer shall take reasonable precautions in execution of any search warrant to
 12814 minimize the risks of unnecessarily confrontational or invasive methods which may
 12815 result in harm to any person.

12816 (b) The officer shall minimize the risk of searching the wrong premises by verifying that
 12817 the premises being searched is consistent with a particularized description in the
 12818 search warrant, including such factors as the type of structure, the color, the address,
 12819 and orientation of the target property in relation to nearby structures as is reasonably
 12820 necessary.

12821 (8) Notwithstanding any provision in this chapter, a warrant authorizing forcible entry
 12822 without prior announcement may not be issued under this section, solely for:

12823 (a) the alleged possession or use of a controlled substance; or

12824 (b) the alleged possession of drug paraphernalia as provided in Section [58-37a-3]
 12825 76-18-301.

12826 Section 222. Section **77-23a-8** is amended to read:

12827 **77-23a-8 (Effective 05/06/26). Court order to authorize or approve interception**

12828 **-- Procedure.**

12829 (1) The attorney general of the state, any assistant attorney general specially designated by
 12830 the attorney general, any county attorney, district attorney, deputy county attorney, or
 12831 deputy district attorney specially designated by the county attorney or by the district
 12832 attorney, may authorize an application to a judge of competent jurisdiction for an order
 12833 for an interception of wire, electronic, or oral communications by any law enforcement
 12834 agency of the state, the federal government or of any political subdivision of the state
 12835 that is responsible for investigating the type of offense for which the application is made.

12836 (2) The judge may grant the order in conformity with the required procedures when the
 12837 interception sought may provide or has provided evidence of the commission of:

12838 (a) an act:

12839 (i) prohibited by the criminal provisions of:

12840 (A) [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37,
 12841 Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning
 12842 Controlled Substances;

12843 (B) [~~Title 58, Chapter 37c, Utah Controlled Substance Precursor Act~~] Title 58,

- 12844 Chapter 37c, Controlled Substance Precursors; or
- 12845 (C) [~~Title 58, Chapter 37d, Clandestine Drug Lab Act~~] Title 76, Chapter 18, Part 5,
- 12846 Clandestine Drug Labs; and
- 12847 (ii) punishable by a term of imprisonment of more than one year;
- 12848 (b) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
- 12849 Securities Act, and punishable by a term of imprisonment of more than one year;
- 12850 (c) an offense:
- 12851 (i) of:
- 12852 (A) attempt under Section 76-4-101;
- 12853 (B) conspiracy under Section 76-4-201;
- 12854 (C) criminal solicitation of an adult, Section 76-4-203; or
- 12855 (D) criminal solicitation of a minor, Section 76-4-205; and
- 12856 (ii) punishable by a term of imprisonment of more than one year;
- 12857 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
- 12858 more than one year under Section 76-5-107.3;
- 12859 (e)(i) aggravated murder under Section 76-5-202;
- 12860 (ii) murder under Section 76-5-203; or
- 12861 (iii) manslaughter under Section 76-5-205;
- 12862 (f)(i) kidnapping under Section 76-5-301;
- 12863 (ii) child kidnapping under Section 76-5-301.1;
- 12864 (iii) aggravated kidnapping under Section 76-5-302;
- 12865 (iv) human trafficking for labor under Section 76-5-308;
- 12866 (v) human trafficking for sexual exploitation under Section 76-5-308.1;
- 12867 (vi) human trafficking of a child under Section 76-5-308.5;
- 12868 (vii) human smuggling under Section 76-5-308.3;
- 12869 (viii) aggravated human trafficking under Section 76-5-310; or
- 12870 (ix) aggravated human smuggling under Section 76-5-310.1;
- 12871 (g)(i) arson under Section 76-6-102; or
- 12872 (ii) aggravated arson under Section 76-6-103;
- 12873 (h)(i) burglary under Section 76-6-202; or
- 12874 (ii) aggravated burglary under Section 76-6-203;
- 12875 (i)(i) robbery under Section 76-6-301; or
- 12876 (ii) aggravated robbery under Section 76-6-302;
- 12877 (j) an offense:

- 12878 (i) of:
- 12879 (A) theft under Section 76-6-404;
- 12880 (B) theft by deception under Section 76-6-405; or
- 12881 (C) theft by extortion under Section 76-6-406; and
- 12882 (ii) punishable by a maximum term of imprisonment of more than one year;
- 12883 (k) an offense of receiving stolen property that is punishable by a maximum term of
- 12884 imprisonment of more than one year under Section 76-6-408;
- 12885 (l) a financial card transaction offense punishable by a maximum term of imprisonment
- 12886 of more than one year under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
- 12887 (m) bribery of a labor official under Section 76-6-509;
- 12888 (n) bribery or threat to influence a publicly exhibited contest under Section 76-6-514;
- 12889 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
- 12890 more than one year under Section 76-6-518;
- 12891 (p) criminal usury under Section 76-6-520;
- 12892 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
- 12893 year under Section 76-6-521;
- 12894 (r) a violation under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable
- 12895 by a maximum term of imprisonment of more than one year under Section 76-6-703;
- 12896 (s) bribery to influence official or political actions under Section 76-8-103;
- 12897 (t) misusing public money or public property under Section 76-8-402;
- 12898 (u) tampering with a witness under Section 76-8-508;
- 12899 (v) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 12900 (w) tampering or retaliating against a juror under Section 76-8-508.5;
- 12901 (x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 12902 (y) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 12903 (z) obstruction of justice in a criminal investigation or proceeding under Section
- 12904 76-8-306;
- 12905 (aa) harboring or concealing offender who has escaped from official custody under
- 12906 Section 76-8-309.2;
- 12907 (bb) destruction of property to interfere with preparations for defense or war under
- 12908 Section 76-8-802;
- 12909 (cc) an attempt to commit crimes of sabotage under Section 76-8-804;
- 12910 (dd) conspiracy to commit crimes of sabotage under Section 76-8-805;
- 12911 (ee) advocating criminal syndicalism or sabotage under Section 76-8-902;

- 12912 (ff) assembling for advocating criminal syndicalism or sabotage under Section 76-8-903;
- 12913 (gg) riot punishable by a maximum term of imprisonment of more than one year under
- 12914 Section 76-9-101;
- 12915 (hh) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a
- 12916 maximum term of imprisonment of more than one year under Section 76-13-205;
- 12917 (ii) delivery to a common carrier or mailing of an explosive, chemical, or incendiary
- 12918 device under Section 76-15-209;
- 12919 (jj) unlawful conduct involving an explosive, chemical, or incendiary device under
- 12920 Section 76-15-210;
- 12921 (kk) unlawful conduct involving an explosive, chemical, or incendiary part under
- 12922 Section 76-15-211;
- 12923 (ll) exploiting prostitution under Section 76-5d-207;
- 12924 (mm) aggravated exploitation of prostitution under Section 76-5d-208;
- 12925 (nn) bus hijacking under Section 76-9-1502;
- 12926 (oo) assault with intent to commit bus hijacking under Section 76-9-1503;
- 12927 (pp) unlawful discharge of a firearm or hurling of a missile into a bus or terminal under
- 12928 Section 76-9-1504;
- 12929 (qq) violations under Title 76, Chapter 17, Part 4, Offenses Concerning [~~a-Pattern~~]
- 12930 Patterns of Unlawful Activity, and the offenses listed under the definition of unlawful
- 12931 activity in the act, including the offenses not punishable by a maximum term of
- 12932 imprisonment of more than one year when those offenses are investigated as
- 12933 predicates for the offenses prohibited by the act under Section 76-17-401;
- 12934 (rr) communications fraud under Section 76-6-525;
- 12935 (ss) money laundering under Sections 76-9-1602 and 76-9-1603; or
- 12936 (tt) reporting by a person engaged in a trade or business when the offense is punishable
- 12937 by a maximum term of imprisonment of more than one year under Section 76-9-1604.
- 12938 Section 223. Section **77-40a-101** is amended to read:
- 12939 **77-40a-101 (Effective 05/06/26). Definitions.**
- 12940 As used in this chapter:
- 12941 (1) "Agency" means a state, county, or local government entity that generates or maintains
- 12942 records relating to an investigation, arrest, detention, or conviction for an offense for
- 12943 which expungement may be ordered.
- 12944 (2) "Automatic expungement" means the expungement of records of an investigation,
- 12945 arrest, detention, or conviction of an offense without the filing of a petition.

- 12946 (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public
 12947 Safety established in Section 53-10-201.
- 12948 (4) "Certificate of eligibility" means a document issued by the bureau stating that the
 12949 criminal record and all records of arrest, investigation, and detention associated with a
 12950 case that is the subject of a petition for expungement is eligible for expungement.
- 12951 (5) "Civil accounts receivable" means the same as that term is defined in Section
 12952 77-32b-102.
- 12953 (6) "Civil judgment of restitution" means the same as that term is defined in Section
 12954 77-32b-102.
- 12955 (7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.
- 12956 (8) "Clean slate eligible case" means a case that is eligible for automatic expungement
 12957 under Section 77-40a-205.
- 12958 (9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after
 12959 trial, a plea of guilty, or a plea of nolo contendere.
- 12960 (10) "Court" means a district court or a justice court.
- 12961 (11) "Criminal accounts receivable" means the same as that term is defined in Section
 12962 77-32b-102.
- 12963 (12) "Criminal protective order" means the same as that term is defined in Section
 12964 78B-7-102.
- 12965 (13) "Criminal stalking injunction" means the same as that term is defined in Section
 12966 78B-7-102.
- 12967 (14) "Department" means the Department of Public Safety established in Section 53-1-103.
- 12968 (15) "Drug possession offense" means:
- 12969 (a) an offense described in [~~Subsection 58-37-8(2)~~] Section 76-18-207, 76-18-212, or
 12970 76-18-213, except for:
- 12971 (i) an offense under Subsection [~~58-37-8(2)(b)(i)~~] 76-18-207(3)(a), possession of 100
 12972 pounds or more of marijuana;
- 12973 (ii) an offense enhanced under Subsection [~~58-37-8(2)(e)~~] 76-18-207(4)(b), violation
 12974 in a correctional facility; or
- 12975 (iii) an offense for driving with a controlled substance illegally in the person's body
 12976 and negligently causing serious bodily injury or death of another, as codified
 12977 before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
 12978 58-37-8(2)(g);
- 12979 (b) an offense described in [~~Subsection 58-37a-5(1)~~] Section 76-18-304, regarding use or

- 12980 possession of drug paraphernalia;
- 12981 (c) an offense described in Section [~~58-37b-6~~] 76-18-403, regarding possession or use of
- 12982 an imitation controlled substance;~~[or]~~
- 12983 (d) an offense described in a statute previously in effect in this state that is the same or
- 12984 substantially similar to a violation of an offense described in this Subsection (15); or
- 12985 [~~(d)~~] (e) any local ordinance which is substantially similar to any of the offenses
- 12986 described in this Subsection (15).
- 12987 (16)(a) "Expunge" means to remove a record from public inspection by:
- 12988 (i) sealing the record; or
- 12989 (ii) restricting or denying access to the record.
- 12990 (b) "Expunge" does not include the destruction of a record.
- 12991 (17) "Indigent" means a financial status that results from a court finding that a petitioner is
- 12992 financially unable to pay the fee to file a petition for expungement under Section
- 12993 78A-2-302.
- 12994 (18) "Jurisdiction" means a state, district, province, political subdivision, territory, or
- 12995 possession of the United States or any foreign country.
- 12996 (19)(a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local
- 12997 ordinance.
- 12998 (b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.
- 12999 (c) "Minor regulatory offense" does not include:
- 13000 (i) any drug possession offense;
- 13001 (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and
- 13002 Reckless Driving;
- 13003 (iii) an offense under Sections 73-18-13 through 73-18-13.6;
- 13004 (iv) except as provided in Subsection (19)(b), an offense under Title 76, Utah
- 13005 Criminal Code; or
- 13006 (v) any local ordinance that is substantially similar to an offense listed in Subsections
- 13007 (19)(c)(i) through (iv).
- 13008 (20) "Petitioner" means an individual applying for expungement under this chapter.
- 13009 (21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.
- 13010 (22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card,
- 13011 tape, recording, electronic data, or other documentary material, regardless of physical
- 13012 form or characteristics, that:
- 13013 (a) is contained in the agency's file regarding the arrest, detention, investigation,

- 13014 conviction, sentence, incarceration, probation, or parole of an individual; and
 13015 (b) is prepared, owned, received, or retained by an agency, including a court.
- 13016 (23) "Special certificate" means a document issued as described in Subsection
 13017 77-40a-304(1)(c) by the bureau stating that the criminal record and all records of arrest,
 13018 investigation, and detention associated with the case do not clearly demonstrate whether
 13019 the case is eligible for expungement.
- 13020 (24)(a) "Traffic offense" means:
- 13021 (i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor
 13022 Vehicle Act;
- 13023 (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
 13024 under Title 41, Chapter 6a, Traffic Code;
- 13025 (iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a,
 13026 Financial Responsibility of Motor Vehicle Owners and Operators Act;
- 13027 (iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
 13028 under Title 53, Chapter 3, Part 2, Driver Licensing Act;
- 13029 (v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
 13030 under Title 73, Chapter 18, State Boating Act; and
- 13031 (vi) all local ordinances that are substantially similar to an offense listed in
 13032 Subsections (24)(a)(i) through (iii).
- 13033 (b) "Traffic offense" does not include:
- 13034 (i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and
 13035 Reckless Driving;
- 13036 (ii) an offense under Section 41-12a-302 for operating a motor vehicle without
 13037 owner's or operator's security;
- 13038 (iii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or
 13039 operator's security;
- 13040 (iv) an offense under Sections 73-18-13 through 73-18-13.6; or
- 13041 (v) any local ordinance that is substantially similar to an offense listed in Subsection
 13042 (24)(b)(i) or (ii).
- 13043 (25) "Traffic offense case" means that each offense in the case is a traffic offense.
 13044 Section 224. Section **77-40a-205** is amended to read:
- 13045 **77-40a-205 (Effective 05/06/26). Automatic expungement of state records for a**
 13046 **clean slate case.**
- 13047 (1) A court shall issue an order of expungement, without the filing of a petition, for all

13048 records of the case that are held by the court and the bureau if:

13049 (a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a
13050 form requesting expungement of a case as described in Section 77-40a-204;

13051 (b) the case is eligible for expungement under this section; and

13052 (c) the prosecuting agency does not object to the expungement of the case as described
13053 in Subsection (6).

13054 (2) Except as otherwise provided in Subsection (3), a case is eligible for expungement
13055 under this section if:

13056 (a)(i) each conviction within the case is a conviction for:

13057 (A) a misdemeanor offense for possession of a controlled substance in violation of [
13058 ~~Subsection 58-37-8(2)(a)(i)] Section 76-18-207, or an offense described in a
13059 statute previously in effect in this state that is the same or substantially similar
13060 to a violation of Section 76-18-207;~~

13061 (B) a class B misdemeanor offense;

13062 (C) a class C misdemeanor offense; or

13063 (D) an infraction; and

13064 (ii) the following time periods have passed after the day on which the individual is
13065 adjudicated:

13066 (A) at least five years for the conviction of a class C misdemeanor offense or an
13067 infraction;

13068 (B) at least six years for the conviction of a class B misdemeanor offense; or

13069 (C) at least seven years for the conviction of a class A misdemeanor offense for
13070 possession of a controlled substance in violation of [~~Subsection 58-37-8(2)(a)(i)]
13071 Section 76-18-207, or an offense described in a statute previously in effect in
13072 this state that is the same or substantially similar to a violation of Section
13073 76-18-207; or~~

13074 (b)(i) the case is dismissed as a result of a successful completion of a plea in
13075 abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is
13076 dismissed without prejudice;

13077 (ii) each charge within the case is:

13078 (A) a misdemeanor offense for possession of a controlled substance in violation of [
13079 ~~Subsection 58-37-8(2)(a)(i)] Section 76-18-207, or an offense described in a
13080 statute previously in effect in this state that is the same or substantially similar
13081 to a violation of Section 76-18-207;~~

- 13082 (B) a class B misdemeanor offense;
- 13083 (C) a class C misdemeanor offense; or
- 13084 (D) an infraction; and
- 13085 (iii) the following time periods have passed after the day on which the case is
- 13086 dismissed:
- 13087 (A) at least five years for a charge in the case for a class C misdemeanor offense
- 13088 or an infraction;
- 13089 (B) at least six years for a charge in the case for a class B misdemeanor offense; or
- 13090 (C) at least seven years for a charge in the case for a class A misdemeanor offense
- 13091 for possession of a controlled substance in violation of [~~Subsection~~
- 13092 ~~58-37-8(2)(a)(i)] Section 76-18-207, or an offense described in a statute~~
- 13093 previously in effect in this state that is the same or substantially similar to a
- 13094 violation of Section 76-18-207.
- 13095 (3) A case is not eligible for expungement under this section if:
- 13096 (a) the individual has a total number of convictions in courts of this state that exceed the
- 13097 limits under Subsection 77-40a-303(4) or (5) without taking into consideration:
- 13098 (i) the exception in Subsection 77-40a-303(7); or
- 13099 (ii) any infraction, traffic offense, or minor regulatory offense;
- 13100 (b) there is a criminal proceeding for a misdemeanor or felony offense pending in a
- 13101 court of this state against the individual, unless the proceeding is for a traffic offense;
- 13102 (c) for an individual seeking an automatic expungement on and after January 1, 2025,
- 13103 the individual is incarcerated in the state prison or on probation or parole that is
- 13104 supervised by the Division of Adult Probation and Parole created in Section
- 13105 64-14-202;
- 13106 (d) the case resulted in the individual being found not guilty by reason of insanity;
- 13107 (e) the case establishes a criminal accounts receivable that:
- 13108 (i) has been entered as a civil accounts receivable or a civil judgment of restitution
- 13109 and transferred to the Office of State Debt Collection under Section 77-18-114; or
- 13110 (ii) has not been satisfied according to court records; or
- 13111 (f) the case resulted in a plea held in abeyance or a conviction for the following offenses:
- 13112 (i) any of the offenses listed in Subsection 77-40a-303(2)(a);
- 13113 (ii) an offense against the person in violation of Title 76, Chapter 5, Offenses Against
- 13114 the Individual;
- 13115 (iii) a weapons offense in violation of Title 76, Chapter 11, Weapons;

- 13116 (iv) sexual battery in violation of Section 76-5-418;
- 13117 (v) an act of lewdness in violation of Section 76-5-419 or 76-5-420;
- 13118 (vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the
- 13119 Influence and Reckless Driving;
- 13120 (vii) damage to or interruption of a communication device in violation of Section
- 13121 76-6-108;
- 13122 (viii) a domestic violence offense as defined in Section 77-36-1;
- 13123 (ix) driving under the influence of alcohol, drugs, or a combination of both, or with
- 13124 specified or unsafe blood alcohol concentration, as codified before February 2,
- 13125 2005, Laws of Utah 2005, Chapter 2; or
- 13126 (x) any other offense classified in the Utah Code as a felony or a class A
- 13127 misdemeanor other than a class A misdemeanor conviction for possession of a
- 13128 controlled substance in violation of [~~Subsection 58-37-8(2)(a)(i)~~] Section
- 13129 76-18-207, or an offense described in a statute previously in effect in this state
- 13130 that is the same or substantially similar to a violation of Section 76-18-207.

- 13131 (4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal
- 13132 Procedure shall receive notice on a monthly basis for any case prosecuted by that agency
- 13133 that appears to be eligible for automatic expungement under this section.
- 13134 (5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the
- 13135 prosecuting agency shall provide written notice in accordance with Rule 42 of the Utah
- 13136 Rules of Criminal Procedure if the prosecuting agency objects to an automatic
- 13137 expungement for any of the following reasons:
- 13138 (a) the prosecuting agency believes that the case is not eligible for expungement under
- 13139 this section after reviewing the agency record;
- 13140 (b) the individual has not paid restitution to the victim as ordered by the court; or
- 13141 (c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an
- 13142 individual involved in the case is continuing to engage in criminal activity within or
- 13143 outside of the state.
- 13144 (6) If a prosecuting agency provides written notice of an objection for a reason described in
- 13145 Subsection (5) within 35 days after the day on which the notice under Subsection (4) is
- 13146 sent, the court may not proceed with automatic expungement of the case.
- 13147 (7) If 35 days pass after the day on which the notice described in Subsection (4) is sent
- 13148 without the prosecuting agency providing written notice of an objection under
- 13149 Subsection (5), the court shall proceed with automatic expungement of the case.

13150 (8) If a court issues an order of expungement under Subsection (1), the court shall:

13151 (a) expunge all records of the case held by the court in accordance with Section
13152 77-40a-401; and

13153 (b) notify the bureau and the prosecuting agency identified in the case, based on
13154 information available to the court, of the order of expungement.

13155 Section 225. Section **78A-2-231** is amended to read:

13156 **78A-2-231 (Effective 05/06/26). Consideration of lawful use or possession of**
13157 **medical cannabis.**

13158 (1) As used in this section:

13159 (a) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

13160 (b) "Directions of use" means the same as that term is defined in Section 26B-4-201.

13161 (c) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.

13162 (d) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.

13163 (e) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.

13164 (f) "Medical cannabis device" means the same as that term is defined in Section
13165 26B-4-201.

13166 (g) "Recommending medical provider" means the same as that term is defined in Section
13167 26B-4-201.

13168 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner makes a
13169 finding, determination, or otherwise considers an individual's medical cannabis card,
13170 medical cannabis recommendation from a recommending medical provider, or
13171 possession or use of medical cannabis, a cannabis product, or a medical cannabis device,
13172 the judge, panel, jury, or court commissioner may not consider or treat the individual's
13173 card, recommendation, possession, or use any differently than the lawful possession or
13174 use of any prescribed controlled substance if:

13175 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production
13176 Establishments and Pharmacies;

13177 (b) the individual's possession or use complies with Subsection [58-37-3.7(2)]
13178 58-37-404(2) or (3); or

13179 (c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2,
13180 Cannabinoid Research and Medical Cannabis; and

13181 (ii) the individual reasonably complies with the directions of use and dosing
13182 guidelines determined by the individual's recommending medical provider or
13183 through a consultation described in Subsection 26B-4-230(5).

- 13184 (3) Notwithstanding Sections 77-18-105 and 77-2a-3, for probation, release, a plea in
 13185 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules
 13186 of Juvenile Procedure, Rule 25, a term or condition may not require that an individual
 13187 abstain from the use or possession of medical cannabis, a cannabis product, or a medical
 13188 cannabis device, either directly or through a general prohibition on violating federal law,
 13189 without an exception related to medical cannabis use, if the individual's use or
 13190 possession complies with:
- 13191 (a) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
 13192 (b) Subsection [~~58-37-3.7(2)~~] 58-37-404(2) or (3).
- 13193 Section 226. Section **78A-5-102** is amended to read:
- 13194 **78A-5-102 (Effective 05/06/26). Jurisdiction of the district court -- Appeals.**
- 13195 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court
 13196 has original jurisdiction in all matters civil and criminal.
- 13197 (2) A district court judge may:
- 13198 (a) issue all extraordinary writs and other writs necessary to carry into effect the district
 13199 court judge's [-]orders, judgments, and decrees; and
- 13200 (b) preside over an action for which the Business and Chancery Court has jurisdiction if:
- 13201 (i) the district court judge is designated by the presiding officer of the Judicial
 13202 Council to preside over an action in the Business and Chancery Court as described
 13203 in Section 78A-1-103.5; and
- 13204 (ii) a Business and Chancery Court judge is unable to preside over the action due to
 13205 recusal or disqualification.
- 13206 (3) The district court has jurisdiction:
- 13207 (a) over matters of lawyer discipline consistent with the rules of the Supreme Court;
 13208 (b) over all matters properly filed in the circuit court prior to July 1, 1996;
 13209 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);
 13210 (d) to enjoin a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title
 13211 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
 13212 Concerning Controlled Substances;
- 13213 (e) over a petition seeking to terminate parental rights as described in Section 81-13-205;
 13214 (f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), over an adoption
 13215 proceeding; and
- 13216 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
 13217 Declaratory Judgments.

- 13218 (4) The district court has appellate jurisdiction over judgments and orders of the justice
13219 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
13220 with Section 78A-8-106.
- 13221 (5) The district court has jurisdiction to review:
- 13222 (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 13223 (b) a decision resulting from a formal adjudicative proceeding by the State Tax
13224 Commission as described in Section 59-1-601;
- 13225 (c) except as provided in Section 63G-4-402, a final agency action resulting from an
13226 informal adjudicative proceeding as described in Title 63G, Chapter 4,
13227 Administrative Procedures Act; and
- 13228 (d) by trial de novo, a final order of the Department of Transportation resulting from
13229 formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,
13230 Junkyard Control Act.
- 13231 (6) The district court has original and exclusive jurisdiction over an action brought under
13232 Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 13233 (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent
13234 custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).
- 13235 (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a
13236 class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
13237 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 13238 (a) there is no justice court with territorial jurisdiction;
- 13239 (b) the offense occurred within the boundaries of the municipality in which the district
13240 courthouse is located and that municipality has not formed, or has formed and
13241 dissolved, a justice court; or
- 13242 (c) the offense is [-]included in an indictment or information covering a single criminal
13243 episode alleging the commission of a felony or a class A misdemeanor by an
13244 individual who is 18 years old or older.
- 13245 (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the
13246 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if
13247 the offense is committed by an individual who is 16 or 17 years old.
- 13248 (10) The district court has subject matter jurisdiction over an action under Title 78B,
13249 Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the
13250 district court.
- 13251 (11)(a) The district court has subject matter jurisdiction over a criminal action that the

13252 justice court transfers to the district court.

13253 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction
13254 over any refiled case of a criminal action transferred to the district court if the district
13255 court dismissed the transferred case without prejudice.

13256 (12) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)
13257 over a parentage action filed in the district court, the district court may transfer
13258 jurisdiction over the parentage action to the juvenile court.

13259 (13) The Supreme Court and Court of Appeals have jurisdiction over an appeal from a final
13260 order, judgment, and decree of the district court as described in Sections 78A-3-102 and
13261 78A-4-103.

13262 Section 227. Section **78A-5-201** is amended to read:

13263 **78A-5-201 (Effective 05/06/26). Creation and expansion of existing drug court**
13264 **programs -- Definition of drug court program -- Criteria for participation in drug court**
13265 **programs -- Reporting requirements.**

13266 (1) There may be created a drug court program in any judicial district that demonstrates:

- 13267 (a) the need for a drug court program; and
13268 (b) the existence of a collaborative strategy between the court, prosecutors, defense
13269 counsel, corrections, and substance abuse treatment services to reduce substance
13270 abuse by offenders.

13271 (2) The collaborative strategy in each drug court program shall:

- 13272 (a) include monitoring and evaluation components to measure program effectiveness;
13273 and
13274 (b) be submitted to, for the purpose of coordinating the disbursement of funding, the:
13275 (i) executive director of the Department of Health and Human Services;
13276 (ii) executive director of the Department of Corrections; and
13277 (iii) state court administrator.

13278 (3)(a) Funds disbursed to a drug court program shall be allocated as follows:

- 13279 (i) 87% to the Department of Health and Human Services for testing, treatment, and
13280 case management; and
13281 (ii) 13% to the Administrative Office of the Courts for increased judicial and court
13282 support costs.

13283 (b) This provision does not apply to federal block grant funds.

13284 (4) A drug court program shall include continuous judicial supervision using a cooperative
13285 approach with prosecutors, defense counsel, corrections, substance abuse treatment

13286 services, juvenile court probation, and the Division of Child and Family Services as
 13287 appropriate to promote public safety, protect participants' due process rights, and
 13288 integrate substance abuse treatment with justice system case processing.

13289 (5) Screening criteria for participation in a drug court program shall include:

- 13290 (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or drug-related
 13291 offense;
- 13292 (b) an agreement to frequent alcohol and other drug testing;
- 13293 (c) participation in one or more substance abuse treatment programs; and
- 13294 (d) an agreement to submit to sanctions for noncompliance with drug court program
 13295 requirements.

13296 (6)(a) The Judicial Council shall develop rules prescribing eligibility requirements for
 13297 participation in adult criminal drug courts.

13298 (b) The eligibility requirements described in Subsection (6)(a):

- 13299 (i) shall require that the acceptance of an offender into a drug court is based on a risk
 13300 and needs assessment and targeted at individuals who are high risk and high
 13301 needs; and
- 13302 (ii) may not limit participation in a drug court only to individuals convicted of an
 13303 offense described in Section ~~[58-37-8]~~ 76-18-204, 76-18-207, 76-18-208,
 13304 76-18-209, 76-18-210, 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215,
 13305 76-18-216, 76-18-217, 76-18-218, or 76-18-219, or an offense described in a
 13306 statute previously in effect in this state that is the same or substantially similar to a
 13307 violation of Section 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210,
 13308 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217,
 13309 76-18-218, or 76-18-219.

13310 (c) A plea to, conviction of, or adjudication for a felony offense is not required for
 13311 participation in a drug court program.

13312 Section 228. Section **78B-3-801** is amended to read:

13313 **78B-3-801 (Effective 05/06/26). Cause of action for death or addiction caused by**
 13314 **use or ingestion of illegal controlled substances -- Damages.**

13315 (1) As used in this section, "substance" means any illegal controlled substance under [~~Title~~
 13316 ~~58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37, Controlled
 13317 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

13318 (2) A person is subject to a civil action by a person or an estate under Subsection (3) who:

- 13319 (a) unlawfully provided to or administered to the deceased person or the addicted person

- 13320 any substance that caused or contributed to the person's addiction or to the death of
 13321 the deceased person; or
- 13322 (b) unlawfully provided any substance to any person in the chain of transfer of the
 13323 substance that connects directly to the person who subsequently provided or
 13324 administered the illegal controlled substance to the addicted person or to the deceased
 13325 person under Subsection (2)(a).
- 13326 (3)(a) A civil action for treble damages and punitive damages may be brought against
 13327 any person under Subsection (2) by the estate of a person whose death was caused in
 13328 whole or in part by ingestion or other exposure to any illegal controlled substance.
- 13329 (b) A civil action for treble damages, punitive damages, and costs of addiction treatment
 13330 or rehabilitation may be brought against any person under Subsection (2) by a person
 13331 who has become or is addicted to any illegal controlled substance and the addiction
 13332 was caused in whole or in part by ingestion of any illegal controlled substance.
- 13333 (4) The burden is on the estate or the addicted person to prove the causal connection
 13334 between the death or addiction, any substances provided or administered to the deceased
 13335 or addicted person, and the defendant.
- 13336 (5) This section does not establish liability of or create a cause of action regarding:
- 13337 (a) a parent or guardian of a person younger than 18 years [~~of age~~] old who acts in
 13338 violation of this section, unless the parent or guardian acts in violation of this section;
 13339 or
- 13340 (b) a person who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, and
 13341 who acts in accordance with the act.

13342 Section 229. Section **78B-4-504** is amended to read:

13343 **78B-4-504 (Effective 05/06/26). Donation of nonschedule drugs or devices --**

13344 **Liability limitation.**

- 13345 (1) As used in this section:
- 13346 (a) "Administer" is as defined in Section 58-17b-102.
- 13347 (b) "Dispense" is as defined in Section 58-17b-102.
- 13348 (c) "Distribute" is as defined in Section 58-17b-102.
- 13349 (d) "Drug outlet" means:
- 13350 (i) a pharmacy or pharmaceutical facility as defined in Section 58-17b-102; or
- 13351 (ii) a person with the authority to engage in the dispensing, delivering,
 13352 manufacturing, or wholesaling of prescription drugs or devices outside of the state
 13353 under the law of the jurisdiction in which the person operates.

- 13354 (e) "Health care provider" means:
- 13355 (i) a person who is a health care provider, as defined in Section 78B-3-403, with the
- 13356 authority under Title 58, Occupations and Professions, to prescribe, dispense, or
- 13357 administer prescription drugs or devices; or
- 13358 (ii) a person outside of the state with the authority to prescribe, dispense, or
- 13359 administer prescription drugs or devices under the law of the jurisdiction in which
- 13360 the person practices.
- 13361 (f) "Nonschedule drug or device" means:
- 13362 (i) a prescription drug or device, as defined in Section 58-17b-102, except that it does
- 13363 not include controlled substances, as defined in Section ~~58-37-2~~ 58-37-101; or
- 13364 (ii) a nonprescription drug, as defined in Section 58-17b-102.
- 13365 (g) "Prescription drug or device" is as defined in Section 58-17b-102.
- 13366 (2) A drug outlet is not subject to civil liability for an injury or death resulting from the
- 13367 defective condition of a nonschedule drug or device that the drug outlet distributes at no
- 13368 charge, in good faith, and for a charitable purpose to a drug outlet or health care provider
- 13369 for ultimate use by a needy person, provided that:
- 13370 (a) the drug outlet complies with applicable state and federal laws regarding the storage,
- 13371 handling, and distribution of the nonschedule drug or device; and
- 13372 (b) the injury or death is not the result of any act or omission of the drug outlet that
- 13373 constitutes gross negligence, recklessness, or intentional misconduct.
- 13374 (3) A health care provider is not subject to civil liability for an injury or death resulting
- 13375 from the defective condition of a nonschedule drug or device that the health care
- 13376 provider distributes to a drug outlet or health care provider for ultimate use by a needy
- 13377 person or directly administers, dispenses, or distributes to a needy person, provided that:
- 13378 (a) the health care provider complies with applicable state and federal laws regarding the
- 13379 storage, handling, distribution, dispensing, and administration of the nonschedule
- 13380 drug or device;
- 13381 (b) the injury or death is not the result of any act or omission of the health care provider
- 13382 that constitutes gross negligence, recklessness, or intentional misconduct; and
- 13383 (c) in the event that the health care provider directly administers, distributes, or
- 13384 dispenses the nonschedule drug or device to the needy person, the health care
- 13385 provider has retained a consent form signed by the needy person that explains the
- 13386 provisions of this section which extend liability protection for charitable donations of
- 13387 nonschedule drugs and devices.

13388 (4) Nothing in this section may be construed as:

- 13389 (a) permitting a person who is not authorized under Title 58, Occupations and
 13390 Professions, to operate as a drug outlet or practice as a health care provider within the
 13391 state; or
 13392 (b) extending liability protection to any person who acts outside of the scope of authority
 13393 granted to that person under the laws of this state or the jurisdiction in which the
 13394 person operates or practices.

13395 Section 230. Section **78B-6-1101** is amended to read:

13396 **78B-6-1101 (Effective 05/06/26). Definitions -- Nuisance -- Agriculture**
 13397 **operations.**

13398 (1) As used in this part:

- 13399 (a) "Controlled substance" means the same as that term is defined in Section [~~58-37-2~~]
 13400 58-37-101.
 13401 (b) "Critical infrastructure materials operations" means the same as the term "critical
 13402 infrastructure materials use" is defined in Section 10-20-701.
 13403 (c) "Manufacturing facility" means a factory, plant, or other facility including its
 13404 appurtenances, where the form of raw materials, processed materials, commodities,
 13405 or other physical objects is converted or otherwise changed into other materials,
 13406 commodities, or physical objects or where such materials, commodities, or physical
 13407 objects are combined to form a new material, commodity, or physical object.
 13408 (d) "Nuisance" means anything that is injurious to health, indecent, offensive to the
 13409 senses, or an obstruction to the free use of property, so as to interfere with the
 13410 comfortable enjoyment of life or property.
 13411 (e)(i) "Possession or use" means the joint or individual ownership, control,
 13412 occupancy, holding, retaining, belonging, maintaining, or the application,
 13413 inhalation, swallowing, injection, or consumption, as distinguished from
 13414 distribution, of a controlled substance, and includes individual, joint, or group
 13415 possession or use of a controlled substance.
 13416 (ii) For a person to be a possessor or user of a controlled substance, it is not required
 13417 that the person be shown to have individually possessed, used, or controlled the
 13418 substance, but it is sufficient if it is shown that the person jointly participated with
 13419 one or more persons in the use, possession, or control of a controlled substance
 13420 with knowledge that the activity was occurring, or the controlled substance is
 13421 found in a place or under circumstances indicating that the person had the ability

- 13422 and the intent to exercise dominion and control over it.
- 13423 (2) A nuisance may be the subject of an action.
- 13424 (3) A nuisance may include the following:
- 13425 (a) drug houses and drug dealing as provided in Section 78B-6-1107;
- 13426 (b) gambling as provided in Title 76, Chapter 9, Part 14, Gambling;
- 13427 (c) criminal activity committed in concert with two or more individuals as provided in
- 13428 Section 76-3-203.1;
- 13429 (d) criminal activity committed for the benefit of, at the direction of, or in association
- 13430 with any criminal street gang as defined in Section 76-9-802;
- 13431 (e) criminal activity committed to gain recognition, acceptance, membership, or
- 13432 increased status with a criminal street gang as defined in Section 76-9-802;
- 13433 (f) party houses that frequently create conditions defined in Subsection (1)(d);
- 13434 (g) prostitution as provided in Title 76, Chapter 5d, Prostitution; or
- 13435 (h) the unlawful discharge of a firearm as provided in state or local law.
- 13436 (4) A nuisance under this part includes:
- 13437 (a) tobacco smoke that drifts into a residential unit a person rents, leases, or owns, from
- 13438 another residential or commercial unit and the smoke:
- 13439 (i) drifts in more than once in each of two or more consecutive seven-day periods; and
- 13440 (ii) creates any of the conditions described in Subsection (1)(d); or
- 13441 (b) fumes resulting from the unlawful manufacturing or the unlawful possession or use
- 13442 of a controlled substance that drift into a residential unit a person rents, leases, or
- 13443 owns, from another residential or commercial unit.
- 13444 (5) Subsection (4)(a) does not apply to:
- 13445 (a) a residential rental unit available for temporary rental, such as for a vacation, or
- 13446 available for only 30 or fewer days at a time; or
- 13447 (b) a hotel or motel room.
- 13448 (6) Subsection (4)(a) does not apply to a unit that is part of a timeshare development, as
- 13449 defined in Section 57-19-2, or subject to a timeshare interest as defined in Section
- 13450 57-19-2.
- 13451 (7) An action for nuisance against an agricultural operation is governed by Title 4, Chapter
- 13452 44, Agricultural Operations Nuisances Act.
- 13453 Section 231. Section **78B-6-1107** is amended to read:
- 13454 **78B-6-1107 (Effective 05/06/26). Nuisance -- Drug houses and drug dealing --**
- 13455 **Gambling -- Group criminal activity -- Party house -- Prostitution -- Weapons --**

13456 **Discharge of a firearm -- Defense.**

- 13457 (1) Every building or place is a nuisance where:
- 13458 (a) the unlawful sale, manufacture, service, storage, distribution, dispensing, acquisition,
- 13459 or use occurs of any controlled substance, precursor, or analog described in [~~Title 58,~~
- 13460 ~~Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37. Controlled
- 13461 Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled
- 13462 Substances;
- 13463 (b) gambling is permitted to be played, conducted, or dealt upon as prohibited in Title
- 13464 76, Chapter 9, Part 14, Gambling, which creates the conditions of a nuisance as that
- 13465 term is defined in Subsection 78B-6-1101(1);
- 13466 (c) criminal activity is committed in concert with two or more individuals as described
- 13467 in Section 76-3-203.1;
- 13468 (d) criminal activity is committed for the benefit of, at the direction of, or in association
- 13469 with any criminal street gang as defined in Section 76-9-802;
- 13470 (e) criminal activity is committed to gain recognition, acceptance, membership, or
- 13471 increased status with a criminal street gang as defined in Section 76-9-802;
- 13472 (f) parties occur frequently which create the conditions of a nuisance as that term is
- 13473 defined in Subsection 78B-6-1101(1);
- 13474 (g) prostitution or promotion of prostitution is regularly carried on by one or more
- 13475 persons as described in Title 76, Chapter 5d, Prostitution;
- 13476 (h) a violation of an offense under Title 76, Chapter 11, Weapons, occurs on the
- 13477 premises;
- 13478 (i) the unlawful discharge of a firearm, as provided in state or local law, occurs on the
- 13479 premises; and
- 13480 (j) human trafficking occurs as described in Title 76, Chapter 5, Part 3, Kidnapping,
- 13481 Trafficking, and Smuggling.
- 13482 (2) It is a defense to nuisance under Subsection (1)(a) if the defendant can prove that the
- 13483 defendant is lawfully entitled to the possession or use of a controlled substance.
- 13484 (3) Evidence of a previous conviction for a crime described in Subsection (1) may not be
- 13485 used in an action for nuisance under this part.
- 13486 Section 232. Section **78B-9-104** is amended to read:
- 13487 **78B-9-104 (Effective 05/06/26). Grounds for relief -- Retroactivity of rule.**
- 13488 (1) Unless precluded by Section 78B-9-106 or 78B-9-107, an individual who has been
- 13489 convicted and sentenced for a criminal offense may file an action in the district court of

- 13490 original jurisdiction for postconviction relief to vacate or modify the conviction or
13491 sentence upon the following grounds:
- 13492 (a) the conviction was obtained or the sentence was imposed in violation of the United
13493 States Constitution or Utah Constitution;
- 13494 (b) the conviction was obtained or the sentence was imposed under a statute that is in
13495 violation of the United States Constitution or Utah Constitution, or the conduct for
13496 which the petitioner was prosecuted is constitutionally protected;
- 13497 (c) the sentence was imposed or probation was revoked in violation of the controlling
13498 statutory provisions;
- 13499 (d) the petitioner had ineffective assistance of counsel in violation of the United States
13500 Constitution or Utah Constitution;
- 13501 (e) newly discovered material evidence exists that requires the court to vacate the
13502 conviction or sentence, because:
- 13503 (i) neither the petitioner nor petitioner's counsel knew of the evidence at the time of
13504 trial or sentencing or in time to include the evidence in any previously filed
13505 post-trial motion or postconviction proceeding, and the evidence could not have
13506 been discovered through the exercise of reasonable diligence;
- 13507 (ii) the material evidence is not merely cumulative of evidence that was known;
- 13508 (iii) the material evidence is not merely impeachment evidence; and
- 13509 (iv) viewed with all the other evidence, the newly discovered material evidence
13510 demonstrates that no reasonable trier of fact could have found the petitioner guilty
13511 of the offense or subject to the sentence received;
- 13512 (f) the petitioner can prove that:
- 13513 (i) biological evidence, as that term is defined in Section 77-11c-101, relevant to the
13514 petitioner's conviction was not preserved in accordance with Title 77, Chapter
13515 11c, Part 4, Preservation of Biological Evidence for Violent Felony Offenses;
- 13516 (ii)(A) the biological evidence described in Subsection (1)(f)(i) was not tested
13517 previously; or
- 13518 (B) if the biological evidence described in Subsection (1)(f)(i) was tested
13519 previously, there is a material change in circumstance, including a scientific or
13520 technological advance, that would make it plausible that a test of the biological
13521 evidence described in Subsection (1)(f)(i) would produce a favorable test result
13522 for the petitioner; and
- 13523 (iii) a favorable result described in Subsection (1)(f)(ii), which is presumed for

- 13524 purposes of the petitioner's action under this section, when viewed with all the
13525 other evidence, demonstrates a reasonable probability of a more favorable
13526 outcome at trial for the petitioner;
- 13527 (g) the petitioner can prove entitlement to relief under a rule announced by the United
13528 States Supreme Court, the Utah Supreme Court, or the Utah Court of Appeals after
13529 conviction and sentence became final on direct appeal, and that:
- 13530 (i) the rule was dictated by precedent existing at the time the petitioner's conviction
13531 or sentence became final; or
- 13532 (ii) the rule decriminalizes the conduct that comprises the elements of the crime for
13533 which the petitioner was convicted; or
- 13534 (h) the petitioner committed any of the following offenses while subject to force, fraud,
13535 or coercion, as defined in Section 76-5-308:
- 13536 (i) Section ~~[58-37-8]~~ 76-18-207, possession of a controlled substance, or an offense
13537 described in a statute previously in effect in this state that is the same or
13538 substantially similar to a violation of Section 76-18-207;
- 13539 (ii) Section 76-5d-206, aiding prostitution;
- 13540 (iii) Section 76-6-206, criminal trespass;
- 13541 (iv) Section 76-6-413, theft;
- 13542 (v) Section 76-6-502, possession of forged writing or device for writing;
- 13543 (vi) any offense in Title 76, Chapter 6, Part 6, Retail Theft;
- 13544 (vii) Subsection 76-6-1105(2)(a)(i)(A), unlawful possession of another's
13545 identification document;
- 13546 (viii) Section 76-5-419, lewdness;
- 13547 (ix) Section 76-5d-202, engaging in prostitution;
- 13548 (x) Section 76-5d-209, sexual solicitation by an actor offering to engage in sexual
13549 activity for compensation; or
- 13550 (xi) Section 76-5d-210, sexual solicitation of a child.
- 13551 (2) The court may not grant relief from a conviction or sentence unless in light of the facts
13552 proved in the postconviction proceeding, viewed with the evidence and facts introduced
13553 at trial or during sentencing:
- 13554 (a) the petitioner establishes that there would be a reasonable likelihood of a more
13555 favorable outcome; or
- 13556 (b) if the petitioner challenges the conviction or the sentence on grounds that the
13557 prosecutor knowingly failed to correct false testimony at trial or at sentencing, the

13558 petitioner establishes that the false testimony, in any reasonable likelihood, could
13559 have affected the judgment of the fact finder.

13560 (3)(a) The court may not grant relief from a conviction based on a claim that the
13561 petitioner is innocent of the crime for which convicted except as provided in Part 3,
13562 Postconviction Testing of DNA, or Part 4, Postconviction Determination of Factual
13563 Innocence.

13564 (b) Claims under Part 3, Postconviction Testing of DNA, or Part 4, Postconviction
13565 Determination of Factual Innocence, of this chapter may not be filed as part of a
13566 petition under this part, but shall be filed separately and in conformity with the
13567 provisions of Part 3, Postconviction Testing of DNA, or Part 4, Postconviction
13568 Determination of Factual Innocence.

13569 Section 233. Section **80-1-102** is amended to read:

13570 **80-1-102 (Effective 05/06/26). Juvenile Code definitions.**

13571 Except as provided in Section 80-6-1103, as used in this title:

13572 (1)(a) "Abuse" means:

13573 (i)(A) nonaccidental harm of a child;

13574 (B) threatened harm of a child;

13575 (C) sexual exploitation;

13576 (D) sexual abuse; or

13577 (E) human trafficking of a child in violation of Section 76-5-308.5; or

13578 (ii) that a child's parent:

13579 (A) intentionally, knowingly, or recklessly causes the death of another parent of
13580 the child;

13581 (B) is identified by a law enforcement agency as the primary suspect in an
13582 investigation for intentionally, knowingly, or recklessly causing the death of
13583 another parent of the child; or

13584 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
13585 recklessly causing the death of another parent of the child.

13586 (b) "Abuse" does not include:

13587 (i) reasonable discipline or management of a child, including withholding privileges;

13588 (ii) conduct described in Section 76-2-401; or

13589 (iii) the use of reasonable and necessary physical restraint or force on a child:

13590 (A) in self-defense;

13591 (B) in defense of others;

- 13592 (C) to protect the child; or
- 13593 (D) to remove a weapon in the possession of a child for any of the reasons
- 13594 described in Subsections (1)(b)(iii)(A) through (C).
- 13595 (2) "Abused child" means a child who has been subjected to abuse.
- 13596 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):
- 13597 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
- 13598 Justice:
- 13599 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
- 13600 or criminal information alleging that a minor committed an offense have been
- 13601 proved;
- 13602 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
- 13603 or
- 13604 (C) a plea of no contest by a minor in the juvenile court; or
- 13605 (ii) for all other proceedings under this title, a finding by the juvenile court that the
- 13606 facts alleged in the petition have been proved.
- 13607 (b) "Adjudication" does not include:
- 13608 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
- 13609 enters the minor's admission; or
- 13610 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 13611 (4)(a) "Adult" means an individual who is 18 years old or older.
- 13612 (b) "Adult" does not include an individual:
- 13613 (i) who is 18 years old or older; and
- 13614 (ii) who is a minor.
- 13615 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 13616 78A-2-801.
- 13617 (6) "Board" means the Board of [-]Juvenile Court Judges.
- 13618 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
- 13619 years old.
- 13620 (8) "Child and family plan" means a written agreement between a child's parents or
- 13621 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 13622 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 13623 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 13624 (11) "Child protection team" means a team consisting of:
- 13625 (a) the child welfare caseworker assigned to the case;

- 13626 (b) if applicable, the child welfare caseworker who made the decision to remove the
13627 child;
- 13628 (c) a representative of the school or school district where the child attends school;
- 13629 (d) if applicable, the law enforcement officer who removed the child from the home;
- 13630 (e) a representative of the appropriate Children's Justice Center, if one is established
13631 within the county where the child resides;
- 13632 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
13633 with the child's circumstances;
- 13634 (g) if appropriate, a representative of law enforcement selected by the chief of police or
13635 sheriff in the city or county where the child resides; and
- 13636 (h) any other individuals determined appropriate and necessary by the team coordinator
13637 and chair.
- 13638 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 13639 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 13640 (13)(a) "Chronic neglect" means repeated or patterned neglect.
- 13641 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 13642 (14) "Clandestine laboratory operation" means the same as that term is defined in Section [
13643 ~~58-37d-3~~] 76-18-501.
- 13644 (15) "Commit" or "committed" means, unless specified otherwise:
- 13645 (a) with respect to a child, to transfer legal custody; and
- 13646 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 13647 (16) "Community-based program" means a nonsecure residential or nonresidential program,
13648 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
13649 restrictive setting, consistent with public safety, and operated by or under contract with
13650 the Division of Juvenile Justice and Youth Services.
- 13651 (17) "Community placement" means placement of a minor in a community-based program
13652 described in Section 80-5-402.
- 13653 (18) "Correctional facility" means:
- 13654 (a) a county jail; or
- 13655 (b) a secure correctional facility as defined in Section 64-13-1.
- 13656 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
13657 minor's likelihood of reoffending.
- 13658 (20) "Department" means the Department of Health and Human Services created in Section
13659 26B-1-201.

- 13660 (21) "Dependent child" or "dependency" means a child who is without proper care through
13661 no fault of the child's parent, [-]guardian, or custodian.
- 13662 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
13663 parent or a previous custodian to another person, agency, or institution.
- 13664 (23) "Detention" means home detention or secure detention.
- 13665 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
13666 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 13667 (25) "Detention risk assessment tool" means an evidence-based tool established under
13668 Section 80-5-203 that:
- 13669 (a) assesses a minor's risk of failing to appear in court or reoffending before
13670 adjudication; and
- 13671 (b) is designed to assist in making a determination of whether a minor shall be held in
13672 detention.
- 13673 (26) "Developmental immaturity" means incomplete development in one or more domains
13674 that manifests as a functional limitation in the minor's present ability to:
- 13675 (a) consult with counsel with a reasonable degree of rational understanding; and
13676 (b) have a rational as well as factual understanding of the proceedings.
- 13677 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,
13678 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 13679 (28) "Educational neglect" means that, after receiving a notice of compulsory education
13680 violation under Section 53G-6-202, the parent or guardian fails to make a good faith
13681 effort to ensure that the child receives an appropriate education.
- 13682 (29) "Educational series" means an evidence-based instructional series:
- 13683 (a) obtained at a substance abuse program that is approved by the Division of Integrated
13684 Healthcare in accordance with Section 26B-5-104; and
- 13685 (b) designed to prevent substance use or the onset of a mental health disorder.
- 13686 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 13687 (31) "Evidence-based" means a program or practice that has had multiple randomized
13688 control studies or a meta-analysis demonstrating that the program or practice is effective
13689 for a specific population or has been rated as effective by a standardized program
13690 evaluation tool.
- 13691 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 13692 (33) "Formal probation" means a minor is:
- 13693 (a) supervised in the community by, and reports to, a juvenile probation officer or an

- 13694 agency designated by the juvenile court; and
- 13695 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 13696 (34) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- 13697 (35) "Group rehabilitation therapy" means psychological and social counseling of one or
- 13698 more individuals in the group, depending upon the recommendation of the therapist.
- 13699 (36) "Guardian" means a person appointed by a court to make decisions regarding a minor,
- 13700 including the authority to consent to:
- 13701 (a) marriage;
- 13702 (b) enlistment in the armed forces;
- 13703 (c) major medical, surgical, or psychiatric treatment; or
- 13704 (d) legal custody, if legal custody is not vested in another individual, agency, or
- 13705 institution.
- 13706 (37) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 13707 (38) "Harm" means:
- 13708 (a) physical or developmental injury or damage;
- 13709 (b) emotional damage that results in a serious impairment in the child's growth,
- 13710 development, behavior, or psychological functioning;
- 13711 (c) sexual abuse; or
- 13712 (d) sexual exploitation.
- 13713 (39) "Home detention" means placement of a minor:
- 13714 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent
- 13715 of the minor's parent, guardian, or custodian, under terms and conditions established
- 13716 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
- 13717 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
- 13718 minor's home, or in a surrogate home with the consent of the minor's parent,
- 13719 guardian, or custodian, under terms and conditions established by the Division of
- 13720 Juvenile Justice and Youth Services or the juvenile court.
- 13721 (40)(a) "Incest" means engaging in sexual intercourse with an individual whom the
- 13722 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
- 13723 aunt, nephew, niece, or first cousin.
- 13724 (b) "Incest" includes:
- 13725 (i) blood relationships of the whole or half blood, regardless of whether the
- 13726 relationship is legally recognized;
- 13727 (ii) relationships of parent and child by adoption; and

- 13728 (iii) relationships of stepparent and stepchild while the marriage creating the
13729 relationship of a stepparent and stepchild exists.
- 13730 (41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 13731 (42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 13732 (43) "Indigent defense service provider" means the same as that term is defined in Section
13733 78B-22-102.
- 13734 (44) "Indigent defense services" means the same as that term is defined in Section
13735 78B-22-102.
- 13736 (45) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 13737 (46)(a) "Intake probation" means a minor is:
- 13738 (i) monitored by a juvenile probation officer; and
- 13739 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 13740 (b) "Intake probation" does not include formal probation.
- 13741 (47) "Intellectual disability" means a significant subaverage general intellectual functioning
13742 existing concurrently with deficits in adaptive behavior that constitutes a substantial
13743 limitation to the individual's ability to function in society.
- 13744 (48) "Juvenile offender" means:
- 13745 (a) a serious youth offender; or
- 13746 (b) a youth offender.
- 13747 (49) "Juvenile probation officer" means a probation officer appointed under Section
13748 78A-6-205.
- 13749 (50) "Juvenile receiving center" means a nonsecure, nonresidential program established by
13750 the Division of Juvenile Justice and Youth Services, or under contract with the Division
13751 of Juvenile Justice and Youth Services, that is responsible for minors taken into
13752 temporary custody under Section 80-6-201.
- 13753 (51) "Legal custody" means a relationship embodying:
- 13754 (a) the right to physical custody [-]of the minor;
- 13755 (b) the right and duty to protect, train, and discipline the minor;
- 13756 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
13757 medical care;
- 13758 (d) the right to determine where and with whom the minor shall live; and
- 13759 (e) the right, in an emergency, to authorize surgery or other extraordinary [-]care.
- 13760 (52) "Licensing Information System" means the Licensing Information System maintained
13761 by the Division of Child and Family Services under Section 80-2-1002.

- 13762 (53) "Management Information System" means the Management Information System
13763 developed by the Division of Child and Family Services under Section 80-2-1001.
- 13764 (54) "Mental illness" means:
- 13765 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
13766 behavioral, or related functioning; or
- 13767 (b) the same as that term is defined in:
- 13768 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
13769 published by the American Psychiatric Association; or
- 13770 (ii) the current edition of the International Statistical Classification of Diseases and
13771 Related Health Problems.
- 13772 (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 13773 (a) a child; or
- 13774 (b) an individual:
- 13775 (i)(A) who is at least 18 years old and younger than 21 years old; and
13776 (B) for whom the Division of Child and Family Services has been specifically
13777 ordered by the juvenile court to provide services because the individual was an
13778 abused, neglected, or dependent child or because the individual was
13779 adjudicated for an offense;
- 13780 (ii)(A) who is at least 18 years old and younger than 25 years old; and
13781 (B) whose case is under the jurisdiction of the juvenile court in accordance with
13782 Subsection 78A-6-103(1)(b); or
- 13783 (iii)(A) who is at least 18 years old and younger than 21 years old; and
13784 (B) whose case is under the jurisdiction of the juvenile court in accordance with
13785 Subsection 78A-6-103(1)(c).
- 13786 (56) "Mobile crisis outreach team" means the same as that term is defined in Section
13787 26B-5-101.
- 13788 (57) "Molestation" means that an individual, with the intent to arouse or gratify the sexual
13789 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
13790 or the breast of a female child, or takes indecent liberties with a child as defined in
13791 Section 76-5-401.1.
- 13792 (58)(a) "Neglect" means action or inaction causing:
- 13793 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe
13794 Relinquishment of a Newborn Child;
- 13795 (ii) lack of proper parental care of a child by reason of the fault or habits of the

- 13796 parent, guardian, or custodian;
- 13797 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
13798 necessary subsistence or medical care, or any other care necessary for the child's
13799 health, safety, morals, or well-being;
- 13800 (iv) a child to be at risk of being neglected or abused because another child in the
13801 same home is neglected or abused;
- 13802 (v) abandonment of a child through an unregulated child custody transfer under
13803 Section 81-14-203; or
- 13804 (vi) educational neglect.
- 13805 (b) "Neglect" does not include:
- 13806 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
13807 reason, does not provide specified medical treatment for a child;
- 13808 (ii) a health care decision made for a child by the child's parent or guardian, unless
13809 the state or other party to a proceeding shows, by clear and convincing evidence,
13810 that the health care decision is not reasonable and informed;
- 13811 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 13812 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
13813 maturity to avoid harm or unreasonable risk of harm, to engage in independent
13814 activities, including:
- 13815 (A) traveling to and from school, including by walking, running, or bicycling;
- 13816 (B) traveling to and from nearby commercial or recreational facilities;
- 13817 (C) engaging in outdoor play;
- 13818 (D) remaining in a vehicle unattended, except under the conditions described in
13819 Subsection 76-5-115(2);
- 13820 (E) remaining at home unattended; or
- 13821 (F) engaging in a similar independent activity.
- 13822 (59) "Neglected child" means a child who has been subjected to neglect.
- 13823 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation
13824 officer, without an adjudication of the minor's case under Section 80-6-701, upon the
13825 consent in writing of:
- 13826 (a) the assigned juvenile probation officer; and
- 13827 (b)(i) the minor; or
- 13828 (ii) the minor and the minor's parent, guardian, or custodian.
- 13829 (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual

- 13830 disability or related condition, or developmental immaturity, lacks the ability to:
- 13831 (a) understand the nature of the proceedings against the minor or of the potential
- 13832 disposition for the offense charged; or
- 13833 (b) consult with counsel and participate in the proceedings against the minor with a
- 13834 reasonable degree of rational understanding.
- 13835 (62)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a
- 13836 parent-child relationship to a minor under Section 81-5-201.
- 13837 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 13838 (63) "Parole" means a conditional release of a juvenile offender from residency in secure
- 13839 care to live outside of secure care under the supervision of the Division of Juvenile
- 13840 Justice and Youth Services, or another person designated by the Division of Juvenile
- 13841 Justice and Youth Services.
- 13842 (64) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 13843 (65)(a) "Probation" means a legal status created by court order, following an
- 13844 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
- 13845 minor's home under prescribed conditions.
- 13846 (b) "Probation" includes intake probation or formal probation.
- 13847 (66) "Prosecuting attorney" means:
- 13848 (a) the attorney general and any assistant attorney general;
- 13849 (b) any district attorney or deputy district attorney;
- 13850 (c) any county attorney or assistant county attorney; and
- 13851 (d) any other attorney authorized to commence an action on behalf of the state.
- 13852 (67) "Protective custody" means the shelter of a child by the Division of Child and Family
- 13853 Services from the time the child is removed from the home until the earlier of:
- 13854 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 13855 (b) the day on which the child is returned home.
- 13856 (68) "Protective services" means expedited services that are provided:
- 13857 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 13858 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 13859 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
- 13860 causes of neglect or abuse; and
- 13861 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 13862 (c) in cases where the child's welfare is endangered:
- 13863 (i) to bring the situation to the attention of the appropriate juvenile court and law

- 13864 enforcement agency;
- 13865 (ii) to cause a protective order to be issued for the protection of the child, when
- 13866 appropriate; and
- 13867 (iii) to protect the child from the circumstances that endanger the child's welfare
- 13868 including, when appropriate:
- 13869 (A) removal from the child's home;
- 13870 (B) placement in substitute care; and
- 13871 (C) petitioning the court for termination of parental rights.
- 13872 (69) "Protective supervision" means a legal status created by court order, following an
- 13873 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 13874 (a) the minor is permitted to remain in the minor's home; and
- 13875 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
- 13876 by an agency designated by the juvenile court.
- 13877 (70)(a) "Related condition" means a condition that:
- 13878 (i) is found to be closely related to intellectual disability;
- 13879 (ii) results in impairment of general intellectual functioning or adaptive behavior
- 13880 similar to that of an intellectually disabled individual;
- 13881 (iii) is likely to continue indefinitely; and
- 13882 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 13883 (b) "Related condition" does not include mental illness, psychiatric impairment, or
- 13884 serious emotional or behavioral disturbance.
- 13885 (71)(a) "Residual parental rights and duties" means the rights and duties remaining with
- 13886 a parent after legal custody or guardianship, or both, have been vested in another
- 13887 person or agency, including:
- 13888 (i) the responsibility for support;
- 13889 (ii) the right to consent to adoption;
- 13890 (iii) the right to determine the child's religious affiliation; and
- 13891 (iv) the right to reasonable parent-time unless restricted by the court.
- 13892 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
- 13893 right to consent to:
- 13894 (i) marriage;
- 13895 (ii) enlistment; and
- 13896 (iii) major medical, surgical, or psychiatric treatment.
- 13897 (72) "Runaway" means a child, other than an emancipated child, who willfully leaves the

- 13898 home of the child's parent or guardian, or the lawfully prescribed residence of the child,
13899 without permission.
- 13900 (73) "Secure care" means placement of a minor, who is committed to the Division of
13901 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
13902 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
13903 supervision and confinement of the minor.
- 13904 (74) "Secure care facility" means a facility, established in accordance with Section 80-5-503,
13905 for juvenile offenders in secure care.
- 13906 (75) "Secure detention" means temporary care of a minor who requires secure custody in a
13907 physically restricting facility operated by, or under contract with, the Division of
13908 Juvenile Justice and Youth Services:
- 13909 (a) before disposition of an offense that is alleged to have been committed by the minor;
13910 or
13911 (b) under Section 80-6-704.
- 13912 (76) "Serious youth offender" means an individual who:
- 13913 (a) is at least 14 years old, but under 25 years old;
13914 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
13915 of the juvenile court was extended over the individual's case until the individual was
13916 25 years old in accordance with Section 80-6-605; and
13917 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth
13918 Services for secure care under Sections 80-6-703 and 80-6-705.
- 13919 (77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 13920 (78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
13921 child.
- 13922 (79)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection
13923 (79)(b):
- 13924 (i) if committed by an individual who is 18 years old or older:
- 13925 (A) chronic abuse;
13926 (B) severe abuse;
13927 (C) sexual abuse;
13928 (D) sexual exploitation;
13929 (E) abandonment;
13930 (F) chronic neglect; or
13931 (G) severe neglect; or

- 13932 (ii) if committed by an individual who is under 18 years old:
- 13933 (A) causing serious injury, as defined in Subsection 76-5-109(1), to another child
- 13934 that indicates a significant risk to other children; or
- 13935 (B) sexual behavior with or upon another child that indicates a significant risk to
- 13936 other children.
- 13937 (b) "Severe type of child abuse or neglect" does not include:
- 13938 (i) the use of reasonable and necessary physical restraint by an educator in
- 13939 accordance with Section 53G-8-301 or Section 76-2-401;
- 13940 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
- 13941 use of reasonable and necessary physical restraint or force in self-defense or
- 13942 otherwise appropriate to the circumstances to obtain possession of a weapon or
- 13943 other dangerous object in the possession or under the control of a child or to
- 13944 protect the child or another individual from physical injury; or
- 13945 (iii) a health care decision made for a child by a child's parent or guardian, unless,
- 13946 subject to Subsection (79)(c), the state or other party to the proceeding shows, by
- 13947 clear and convincing evidence, that the health care decision is not reasonable and
- 13948 informed.
- 13949 (c) Subsection (79)(b)(iii) does not prohibit a parent or guardian from exercising the
- 13950 right to obtain a second health care opinion.
- 13951 (80)(a) "Sexual abuse" means:
- 13952 (i) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
- 13953 adult directed towards a child;
- 13954 (ii) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
- 13955 committed by a child towards another child if:
- 13956 (A) there is an indication of force or coercion;
- 13957 (B) the children are related, as described in Subsection (40), including siblings by
- 13958 marriage while the marriage exists or by adoption; or
- 13959 (C) the act or attempted act constitutes unlawful sexual activity as described in
- 13960 Section 76-5-401.3.
- 13961 (iii) engaging in any conduct with a child that would constitute an offense under any
- 13962 of the following, regardless of whether the individual who engages in the conduct
- 13963 is actually charged with, or convicted of, the offense:
- 13964 (A) Title 76, Chapter 5, Part 4, Sexual Offenses;
- 13965 (B) child bigamy, Section 76-7-101.5;

- 13966 (C) incest, Section 76-7-102;
- 13967 (D) voyeurism, Section 76-12-306;
- 13968 (E) recorded or photographed voyeurism, Section 76-12-307; or
- 13969 (F) distribution of images obtained through voyeurism, Section 76-12-308; or
- 13970 (iv) subjecting a child to participate in or threatening to subject a child to participate
- 13971 in a sexual relationship, regardless of whether that sexual relationship is part of a
- 13972 legal or cultural marriage.
- 13973 (b) "Sexual abuse" does not include engaging in any conduct with a child that would
- 13974 constitute an offense described in:
- 13975 (i) Section 76-5-401, unlawful sexual activity with a minor, if the alleged perpetrator
- 13976 of the offense is a minor; or
- 13977 (ii) Section 76-5-417, enticing a minor.
- 13978 (81) "Sexual exploitation" means knowingly:
- 13979 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 13980 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 13981 (ii) engage in any sexual or simulated sexual conduct for the purpose of
- 13982 photographing, filming, recording, or displaying in any way the sexual or
- 13983 simulated sexual conduct;
- 13984 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
- 13985 depicting a child:
- 13986 (i) in the nude, for the purpose of sexual arousal of any individual; or
- 13987 (ii) engaging in sexual or simulated sexual conduct; or
- 13988 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
- 13989 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
- 13990 exploitation of a minor, regardless of whether the individual who engages in the
- 13991 conduct is actually charged with, or convicted of, the offense.
- 13992 (82) "Shelter" means the temporary care of a child in a physically unrestricted facility
- 13993 pending a disposition or transfer to another jurisdiction.
- 13994 (83) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 13995 (84) "Significant risk" means a risk of harm that is determined to be significant in
- 13996 accordance with risk assessment tools and rules established by the Division of Child and
- 13997 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative
- 13998 Rulemaking Act, that focus on:
- 13999 (a) age;

- 14000 (b) social factors;
- 14001 (c) emotional factors;
- 14002 (d) sexual factors;
- 14003 (e) intellectual factors;
- 14004 (f) family risk factors; and
- 14005 (g) other related considerations.
- 14006 (85) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 14007 (86) "Status offense" means an offense that would not be an offense but for the age of the
- 14008 offender.
- 14009 (87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or
- 14010 excessive use of alcohol or other drugs or substances.
- 14011 (88) "Substantiated" or "substantiation" means a judicial finding based on a preponderance
- 14012 of the evidence, and separate consideration of each allegation made or identified in the
- 14013 case, that abuse, neglect, or dependency occurred.
- 14014 (89) "Substitute care" means:
- 14015 (a) the placement of a minor in a family home, group care facility, or other placement
- 14016 outside the minor's own home, either at the request of a parent or other responsible
- 14017 relative, or upon court order, when it is determined that continuation of care in the
- 14018 minor's own home would be contrary to the minor's welfare;
- 14019 (b) services provided for a minor in the protective custody of the Division of Child and
- 14020 Family Services, or a minor in the temporary custody or custody of the Division of
- 14021 Child and Family Services, as those terms are defined in Section 80-2-102; or
- 14022 (c) the licensing and supervision of a substitute care facility.
- 14023 (90) "Supported" means a finding by the Division of Child and Family Services based on
- 14024 the evidence available at the completion of an investigation, and separate consideration
- 14025 of each allegation made or identified during the investigation, that there is a reasonable
- 14026 basis to conclude that abuse, neglect, or dependency occurred.
- 14027 (91) "Termination of parental rights" means the permanent elimination of all parental rights
- 14028 and duties, including residual parental rights and duties, by court order.
- 14029 (92) "Therapist" means:
- 14030 (a) an individual employed by a state division or agency for the purpose of conducting
- 14031 psychological treatment and counseling of a minor in the division's or agency's
- 14032 custody; or
- 14033 (b) any other individual licensed or approved by the state for the purpose of conducting

- 14034 psychological treatment and counseling.
- 14035 (93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that
14036 the child is at an unreasonable risk of harm or neglect.
- 14037 (94) "Torture" means:
- 14038 (a) the infliction of a serious injury upon a child in an exceptionally cruel or
14039 exceptionally depraved manner that causes the child to experience extreme physical
14040 or psychological pain or anguish; or
- 14041 (b) the infliction of a serious injury, or more than one serious injury, upon a child as part
14042 of a course of conduct or over a prolonged period of time.
- 14043 (95) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
- 14044 (a) results in behavior that is beyond the control or ability of the child, or the parent or
14045 guardian, to manage effectively;
- 14046 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or
14047 (c) results in the situations described in Subsections (95)(a) and (b).
- 14048 (96) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
14049 conclude that abuse, neglect, or dependency occurred.
- 14050 (97) "Unsupported" means a finding by the Division of Child and Family Services at the
14051 completion of an investigation, after the day on which the Division of Child and Family
14052 Services concludes the alleged abuse, neglect, or dependency is not without merit, that
14053 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 14054 (98) "Validated risk and needs assessment" means an evidence-based tool that assesses a
14055 minor's risk of reoffending and a minor's criminogenic needs.
- 14056 (99) "Without merit" means a finding at the completion of an investigation by the Division
14057 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or
14058 dependency did not occur, or that the alleged perpetrator was not responsible for the
14059 abuse, neglect, or dependency.
- 14060 (100) "Youth offender" means an individual who is:
- 14061 (a) at least 12 years old, but under 21 years old; and
14062 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth
14063 Services for secure care under Sections 80-6-703 and 80-6-705.
- 14064 Section 234. Section **80-3-110** is amended to read:
- 14065 **80-3-110 (Effective 05/06/26). Consideration of cannabis during proceedings --**
14066 **Drug testing.**
- 14067 (1) As used in this section:

- 14068 (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 14069 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 14070 (c)(i) "Chronic" means repeated or patterned.
- 14071 (ii) "Chronic" does not mean an isolated incident.
- 14072 (d) "Directions of use" means the same as that term is defined in Section 26B-4-201.
- 14073 (e) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.
- 14074 (f) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 14075 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
- 14076 26B-4-201.
- 14077 (h) " Recommending medical provider" means the same as that term is defined in
- 14078 Section 26B-4-201.
- 14079 (2) In a proceeding under this chapter, in which the juvenile court makes a finding,
- 14080 determination, or otherwise considers an individual's medical cannabis card, medical
- 14081 cannabis recommendation from a recommending medical provider, or possession or use
- 14082 of medical cannabis, a cannabis product, or a medical cannabis device, the juvenile court
- 14083 may not consider or treat the individual's medical cannabis card, recommendation,
- 14084 possession, or use any differently than the lawful possession or use of any prescribed
- 14085 controlled substance if:
- 14086 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
- 14087 Production Establishments and Pharmacies;
- 14088 (b) the individual's possession or use complies with Subsection [~~58-37-3.7(2)~~]
- 14089 58-37-404(2) or (3); or
- 14090 (c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2,
- 14091 Cannabinoid Research and Medical Cannabis; and
- 14092 (ii) the individual reasonably complies with the directions of use and dosing
- 14093 guidelines determined by the individual's recommending medical provider or
- 14094 through a consultation described in Subsection 26B-4-230(5).
- 14095 (3) In a proceeding under this chapter, a child's parent's or guardian's use of cannabis or a
- 14096 cannabis product is not abuse or neglect of the child unless there is evidence showing
- 14097 that:
- 14098 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
- 14099 because of cannabis being introduced to the child's body in another manner; or
- 14100 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
- 14101 ingestion of cannabis or chronic introduction of cannabis to the child's body in

- 14102 another manner.
- 14103 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
14104 Subsection (3), in a child welfare proceeding under this chapter, a child's parent's or
14105 guardian's use of medical cannabis or a cannabis product is not contrary to the best
14106 interests of the child if:
- 14107 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
14108 possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research
14109 and Medical Cannabis, and there is no evidence that the parent's or guardian's use of
14110 medical cannabis unreasonably deviates from the directions of use and dosing
14111 guidelines determined by the parent's or guardian's recommending medical provider
14112 or through a consultation described in Subsection 26B-4-230(5); or
- 14113 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
14114 Subsection [~~58-37-3.7(2)~~] 58-37-404(2) or (3).
- 14115 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child, and Subsection
14116 (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis or a
14117 cannabis product is contrary to the best interests of a child, if there is evidence showing
14118 a nexus between the parent's or guardian's use of cannabis or a cannabis product and
14119 behavior that would separately constitute abuse or neglect of the child.
- 14120 (6)(a) Except as provided in Subsection (6)(c), if an individual, who is party to a
14121 proceeding under this chapter, is ordered by the juvenile court to submit to drug
14122 testing, the individual may not be ordered to complete for drug testing by means of a
14123 hair, fingernail, or saliva test that is administered to detect the presence of drugs.
- 14124 (b) Except as provided in Subsection (6)(c), if an individual, who is party to a
14125 proceeding under this chapter, is referred by the division or a guardian ad litem for
14126 drug testing, the individual may not be referred for drug testing by means of a hair,
14127 fingernail, or saliva test that is administered to detect the presence of drugs.
- 14128 (c) Notwithstanding Subsections (6)(a) and (b), an individual who is party to a
14129 proceeding under this chapter:
- 14130 (i) may be ordered by the juvenile court to submit to drug testing by means of a saliva
14131 test, if the court finds that such testing is necessary in the circumstances; or
- 14132 (ii) may be referred by the division for drug testing by means of a saliva test if the
14133 individual consents to drug testing by means of a saliva test.
- 14134 Section 235. Section **80-3-204** is amended to read:
- 14135 **80-3-204 (Effective 05/06/26). Protective custody of a child after a petition is filed**

14136 -- **Grounds.**

- 14137 (1) When an abuse, neglect, or dependency petition is filed, the juvenile court shall apply,
14138 in addressing the petition, the least restrictive means and alternatives available to
14139 accomplish a compelling state interest and to prevent irretrievable destruction of family
14140 life as described in Subsections 80-2a-201(1) and (7)(a) and Section 80-4-104.
- 14141 (2) After an abuse, neglect, or dependency petition is filed, if the child who is the subject of
14142 the petition is not in protective custody, a juvenile court may order that the child be
14143 removed from the child's home or otherwise taken into protective custody if the juvenile
14144 court finds, by a preponderance of the evidence, that any one or more of the following
14145 circumstances exist:
- 14146 (a)(i) there is an imminent danger to the physical health or safety of the child; and
14147 (ii) the child's physical health or safety may not be protected without removing the
14148 child from the custody of the child's parent or guardian;
- 14149 (b)(i) a parent or guardian engages in or threatens the child with unreasonable
14150 conduct that causes the child to suffer harm; and
14151 (ii) there are no less restrictive means available by which the child's emotional health
14152 may be protected without removing the child from the custody of the child's
14153 parent or guardian;
- 14154 (c) the child or another child residing in the same household has been, or is considered
14155 to be at substantial risk of being, physically abused, sexually abused, or sexually
14156 exploited, by a parent or guardian, a member of the parent's or guardian's household,
14157 or other individual known to the parent or guardian;
- 14158 (d) the parent or guardian is unwilling to have physical custody of the child;
- 14159 (e) the child is abandoned or left without any provision for the child's support;
- 14160 (f) a parent or guardian who has been incarcerated or institutionalized has not arranged
14161 or cannot arrange for safe and appropriate care for the child;
- 14162 (g)(i) a relative or other adult custodian with whom the child is left by the parent or
14163 guardian is unwilling or unable to provide care or support for the child;
14164 (ii) the whereabouts of the parent or guardian are unknown; and
14165 (iii) reasonable efforts to locate the parent or guardian are unsuccessful;
- 14166 (h) subject to Subsection 80-1-102(58)(b) and Sections 80-3-109 and 80-3-304, the child
14167 is in immediate need of medical care;
- 14168 (i)(i) a parent's or guardian's actions, omissions, or habitual action create an
14169 environment that poses a serious risk to the child's health or safety for which

- 14170 immediate remedial or preventive action is necessary; or
- 14171 (ii) a parent's or guardian's action in leaving a child unattended would reasonably
- 14172 pose a threat to the child's health or safety;
- 14173 (j) the child or another child residing in the same household has been neglected;
- 14174 (k) the child's parent:
- 14175 (i) intentionally, knowingly, or recklessly causes the death of another parent of the
- 14176 child;
- 14177 (ii) is identified by a law enforcement agency as the primary suspect in an
- 14178 investigation for intentionally, knowingly, or recklessly causing the death of
- 14179 another parent of the child; or
- 14180 (iii) is being prosecuted for or has been convicted of intentionally, knowingly, or
- 14181 recklessly causing the death of another parent of the child;
- 14182 (l) an infant is an abandoned infant, as defined in Section 80-4-203;
- 14183 (m)(i) the parent or guardian, or an adult residing in the same household as the parent
- 14184 or guardian, is charged or arrested pursuant to [~~Title 58, Chapter 37d, Clandestine~~
- 14185 ~~Drug Lab Act~~] Title 76, Chapter 18, Part 5, Clandestine Drug Labs; and
- 14186 (ii) any clandestine laboratory operation was located in the residence or on the
- 14187 property where the child resided; or
- 14188 (n) the child's welfare is otherwise endangered.
- 14189 (3)(a) For purposes of Subsection (2)(a), if a child has previously been adjudicated as
- 14190 abused, neglected, or dependent, and a subsequent incident of abuse, neglect, or
- 14191 dependency occurs involving the same substantiated abuser or under similar
- 14192 circumstance as the previous abuse, that fact is prima facie evidence that the child
- 14193 cannot safely remain in the custody of the child's parent.
- 14194 (b) For purposes of Subsection (2)(c):
- 14195 (i) another child residing in the same household may not be removed from the home
- 14196 unless that child is considered to be at substantial risk of being physically abused,
- 14197 sexually abused, or sexually exploited as described in Subsection (2)(c) or
- 14198 Subsection (3)(b)(ii); and
- 14199 (ii) if a parent or guardian has received actual notice that physical abuse, sexual
- 14200 abuse, or sexual exploitation by an individual known to the parent has occurred,
- 14201 and there is evidence that the parent or guardian failed to protect the child, after
- 14202 having received the notice, by allowing the child to be in the physical presence of
- 14203 the alleged abuser, that fact is prima facie evidence that the child is at substantial

- 14204 risk of being physically abused, sexually abused, or sexually exploited.
- 14205 (4)(a) For purposes of Subsection (2), if the division files an abuse, neglect, or
- 14206 dependency petition, the juvenile court shall consider the division's safety and risk
- 14207 assessments described in Section 80-2-403 to determine whether a child should be
- 14208 removed from the custody of the child's parent or guardian or should otherwise be
- 14209 taken into protective custody.
- 14210 (b) The division shall make a diligent effort to provide the safety and risk assessments
- 14211 described in Section 80-2-403 to the juvenile court, guardian ad litem, and counsel
- 14212 for the parent or guardian, as soon as practicable before the shelter hearing described
- 14213 in Section 80-3-301.
- 14214 (5) In the absence of one of the factors described in Subsection (2), a juvenile court may not
- 14215 remove a child from the parent's or guardian's custody on the basis of:
- 14216 (a) educational neglect, truancy, or failure to comply with a court order to attend school;
- 14217 (b) mental illness or poverty of the parent or guardian;
- 14218 (c) disability of the parent or guardian, as defined in Section 57-21-2; or
- 14219 (d) the possession or use, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid
- 14220 Research and Medical Cannabis, of cannabis in a medicinal dosage form, a cannabis
- 14221 product in a medicinal dosage form, or a medical cannabis device, as those terms are
- 14222 defined in Section 26B-4-201.
- 14223 (6) A child removed from the custody of the child's parent or guardian under this section
- 14224 may not be placed or kept in detention, unless the child may be admitted to detention
- 14225 under Chapter 6, Part 2, Custody and Detention.
- 14226 (7) This section does not preclude removal of a child from the child's home without a
- 14227 warrant or court order under Section 80-2a-202.
- 14228 (8)(a) Except as provided in Subsection (8)(b), a juvenile court and the division may not
- 14229 remove a child from the custody of the child's parent or guardian on the sole or
- 14230 primary basis that the parent or guardian refuses to consent to:
- 14231 (i) the administration of a psychotropic medication to a child;
- 14232 (ii) a psychiatric, psychological, or behavioral treatment for a child; or
- 14233 (iii) a psychiatric or behavioral health evaluation of a child.
- 14234 (b) Notwithstanding Subsection (8)(a), a juvenile court or the division may remove a
- 14235 child under conditions that would otherwise be prohibited under Subsection (8)(a) if
- 14236 failure to take an action described under Subsection (8)(a) would present a serious,
- 14237 imminent risk to the child's physical safety or the physical safety of others.

14238 Section 236. Section **80-3-301** is amended to read:

14239 **80-3-301 (Effective 05/06/26). Shelter hearing -- Court considerations.**

- 14240 (1) A juvenile court shall hold a shelter hearing to determine the temporary custody of a
14241 child within 72 hours, excluding weekends and holidays, after any one or all of the
14242 following occur:
- 14243 (a) removal of the child from the child's home by the division;
 - 14244 (b) placement of the child in protective custody;
 - 14245 (c) emergency placement under Subsection 80-2a-202(5);
 - 14246 (d) as an alternative to removal of the child, a parent enters a domestic violence shelter
14247 at the request of the division; or
 - 14248 (e) a motion for expedited placement in temporary custody is filed under Section
14249 80-3-203.
- 14250 (2) If one of the circumstances described in Subsections (1)(a) through (e) occurs, the
14251 division shall issue a notice that contains all of the following:
- 14252 (a) the name and address of the individual to whom the notice is directed;
 - 14253 (b) the date, time, and place of the shelter hearing;
 - 14254 (c) the name of the child on whose behalf an abuse, neglect, or dependency petition is
14255 brought;
 - 14256 (d) a concise statement regarding:
 - 14257 (i) the reasons for removal or other action of the division under Subsection (1); and
 - 14258 (ii) the allegations and code sections under which the proceeding is instituted;
 - 14259 (e) a statement that the parent or guardian to whom notice is given, and the child, are
14260 entitled to have an attorney present at the shelter hearing, and that if the parent or
14261 guardian is an indigent individual and cannot afford an attorney, and desires to be
14262 represented by an attorney, one will be provided in accordance with Title 78B,
14263 Chapter 22, Indigent Defense Act; and
 - 14264 (f) a statement that the parent or guardian is liable for the cost of support of the child in
14265 the protective custody, temporary custody, and custody of the division, and the cost
14266 for legal counsel appointed for the parent or guardian under Subsection (2)(e),
14267 according to the financial ability of the parent or guardian.
- 14268 (3) The notice described in Subsection (2) shall be personally served as soon as possible,
14269 but no later than one business day after the day on which the child is removed from the
14270 child's home, or the day on which a motion for expedited placement in temporary
14271 custody under Section 80-3-203 is filed, on:

- 14272 (a) the appropriate guardian ad litem; and
- 14273 (b) both parents and any guardian of the child, unless the parents or guardians cannot be
- 14274 located.
- 14275 (4) Notwithstanding Section 80-3-104, the following individuals shall be present at the
- 14276 shelter hearing:
- 14277 (a) the child, unless it would be detrimental for the child;
- 14278 (b) the child's parents or guardian, unless the parents or guardian cannot be located, or
- 14279 fail to appear in response to the notice;
- 14280 (c) counsel for the parents, if one is requested;
- 14281 (d) the child's guardian ad litem;
- 14282 (e) the child welfare caseworker from the division who is assigned to the case; and
- 14283 (f) the attorney from the attorney general's office who is representing the division.
- 14284 (5)(a) At the shelter hearing, the juvenile court shall:
- 14285 (i) provide an opportunity to provide relevant testimony to:
- 14286 (A) the child's parent or guardian, if present; and
- 14287 (B) any other individual with relevant knowledge;
- 14288 (ii) subject to Section 80-3-108, provide an opportunity for the child to testify; and
- 14289 (iii) in accordance with Subsections 80-3-302(7)(c) and (d), grant preferential
- 14290 consideration to a relative or friend for the temporary placement of the child.
- 14291 (b) The juvenile court:
- 14292 (i) may consider all relevant evidence, in accordance with the Utah Rules of Juvenile
- 14293 Procedure;
- 14294 (ii) shall hear relevant evidence presented by the child, the child's parent or guardian,
- 14295 the requesting party, or the requesting party's counsel, including relevant evidence
- 14296 regarding harm the specific child has suffered or will suffer due to the separation
- 14297 or continued separation from the child's parent or guardian; and
- 14298 (iii) may in the juvenile court's discretion limit testimony and evidence to only that
- 14299 which goes to the issues of removal and the child's need for continued protection.
- 14300 (6) If the child is in protective custody, the division shall report to the juvenile court:
- 14301 (a) the reason why the child was removed from the parent's or guardian's custody;
- 14302 (b) any services provided to the child and the child's family in an effort to prevent
- 14303 removal;
- 14304 (c) the need, if any, for continued shelter;
- 14305 (d) the available services that could facilitate the return of the child to the custody of the

- 14306 child's parent or guardian; and
- 14307 (e) subject to Subsections 80-3-302(7)(c) and (d), whether any relatives of the child or
- 14308 friends of the child's parents may be able and willing to accept temporary placement
- 14309 of the child.
- 14310 (7) The juvenile court shall consider all relevant evidence provided by an individual or
- 14311 entity authorized to present relevant evidence under this section.
- 14312 (8)(a) If necessary to protect the child, preserve the rights of a party, or for other good
- 14313 cause shown, the juvenile court may grant no more than one continuance, not to
- 14314 exceed five judicial days.
- 14315 (b) A juvenile court shall honor, as nearly as practicable, the request by a parent or
- 14316 guardian for a continuance under Subsection (8)(a).
- 14317 (c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice
- 14318 described in Subsection (2) within the time described in Subsection (3), the juvenile
- 14319 court may grant the request of a parent or guardian for a continuance, not to exceed
- 14320 five judicial days.
- 14321 (9)(a) If the child is in protective custody, the juvenile court shall order that the child be
- 14322 returned to the custody of the parent or guardian unless the juvenile court finds, by a
- 14323 preponderance of the evidence, consistent with the protections and requirements
- 14324 provided in Subsection 80-2a-201(1), that any one of the following exists:
- 14325 (i) subject to Subsection (9)(b)(i), there is a serious danger to the physical health or
- 14326 safety of the child and the child's physical health or safety may not be protected
- 14327 without removing the child from the custody of the child's parent;
- 14328 (ii)(A) the child is suffering emotional damage that results in a serious impairment
- 14329 in the child's growth, development, behavior, or psychological functioning;
- 14330 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 14331 would sufficiently prevent future damage; and
- 14332 (C) there are no reasonable means available by which the child's emotional health
- 14333 may be protected without removing the child from the custody of the child's
- 14334 parent or guardian;
- 14335 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is
- 14336 not removed from the custody of the child's parent or guardian;
- 14337 (iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same
- 14338 household has been, or is considered to be at substantial risk of being, physically
- 14339 abused, sexually abused, or sexually exploited by:

- 14340 (A) a parent or guardian;
- 14341 (B) a member of the parent's household or the guardian's household; or
- 14342 (C) an individual known to the parent or guardian;
- 14343 (v) the parent or guardian is unwilling to have physical custody of the child;
- 14344 (vi) the parent or guardian is unable to have physical custody of the child;
- 14345 (vii) the child is without any provision for the child's support;
- 14346 (viii) a parent who is incarcerated or institutionalized has not or cannot arrange for
- 14347 safe and appropriate care for the child;
- 14348 (ix)(A) a relative or other adult custodian with whom the child is left by the parent
- 14349 or guardian is unwilling or unable to provide care or support for the child;
- 14350 (B) the whereabouts of the parent or guardian are unknown; and
- 14351 (C) reasonable efforts to locate the parent or guardian are unsuccessful;
- 14352 (x) subject to Subsection 80-1-102(58)(b)(i) and Sections 80-3-109 and 80-3-304, the
- 14353 child is in immediate need of medical care;
- 14354 (xi)(A) the physical environment or the fact that the child is left unattended
- 14355 beyond a reasonable period of time poses a threat to the child's health or safety;
- 14356 and
- 14357 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 14358 would remove the threat;
- 14359 (xii)(A) the child or a minor residing in the same household has been neglected;
- 14360 and
- 14361 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 14362 would prevent the neglect;
- 14363 (xiii) the parent, guardian, or an adult residing in the same household as the parent or
- 14364 guardian, is charged or arrested pursuant to [~~Title 58, Chapter 37d, Clandestine~~
- 14365 ~~Drug Lab Act~~] Title 76, Chapter 18, Part 5, Clandestine Drug Labs, and any
- 14366 clandestine laboratory operation was located in the residence or on the property
- 14367 where the child resided;
- 14368 (xiv)(A) the child's welfare is substantially endangered; and
- 14369 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 14370 would remove the danger; or
- 14371 (xv) the child's parent:
- 14372 (A) intentionally, knowingly, or recklessly causes the death of another parent of
- 14373 the child;

- 14374 (B) is identified by a law enforcement agency as the primary suspect in an
14375 investigation for intentionally, knowingly, or recklessly causing the death of
14376 another parent of the child; or
- 14377 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
14378 recklessly causing the death of another parent of the child.
- 14379 (b)(i) Prima facie evidence of the finding described in Subsection (9)(a)(i) is
14380 established if:
- 14381 (A) a court previously adjudicated that the child suffered abuse, neglect, or
14382 dependency involving the parent; and
- 14383 (B) a subsequent incident of abuse, neglect, or dependency involving the parent
14384 occurs.
- 14385 (ii) For purposes of Subsection (9)(a)(iv), if the juvenile court finds that the parent
14386 knowingly allowed the child to be in the physical care of an individual after the
14387 parent received actual notice that the individual physically abused, sexually
14388 abused, or sexually exploited the child, that fact is prima facie evidence that there
14389 is a substantial risk that the child will be physically abused, sexually abused, or
14390 sexually exploited.
- 14391 (10)(a)(i) The juvenile court shall make a determination on the record as to whether
14392 reasonable efforts were made to prevent or eliminate the need for removal of the
14393 child from the child's home and whether there are available services that would
14394 prevent the need for continued removal.
- 14395 (ii) If the juvenile court finds that the child can be safely returned to the custody of
14396 the child's parent or guardian through the provision of the services described in
14397 Subsection (10)(a)(i), the juvenile court shall place the child with the child's
14398 parent or guardian and order that the services be provided by the division.
- 14399 (b) In accordance with federal law, the juvenile court shall consider the child's health,
14400 safety, and welfare as the paramount concern when making the determination
14401 described in Subsection (10)(a), and in ordering and providing the services described
14402 in Subsection (10)(a).
- 14403 (11) If the division's first contact with the family occurred during an emergency situation in
14404 which the child could not safely remain at home, the juvenile court shall make a finding
14405 that any lack of preplacement preventive efforts, as described in Section 80-2a-302, was
14406 appropriate.
- 14407 (12) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or severe

- 14408 neglect are involved, the juvenile court and the division do not have any duty to make
 14409 reasonable efforts or to, in any other way, attempt to maintain a child in the child's
 14410 home, return a child to the child's home, provide reunification services, or attempt to
 14411 rehabilitate the offending parent or parents.
- 14412 (13) The juvenile court may not order continued removal of a child solely on the basis of
 14413 educational neglect, truancy, or failure to comply with a court order to attend school.
- 14414 (14)(a) If a juvenile court orders continued removal of a child under this section, the
 14415 juvenile court shall state the facts on which the decision is based.
- 14416 (b) If no continued removal is ordered and the child is returned home, the juvenile court
 14417 shall state the facts on which the decision is based.
- 14418 (15) If the juvenile court finds that continued removal and temporary custody are necessary
 14419 for the protection of a child under Subsection (9)(a), the juvenile court shall order
 14420 continued removal regardless of:
- 14421 (a) any error in the initial removal of the child;
- 14422 (b) the failure of a party to comply with notice provisions; or
- 14423 (c) any other procedural requirement of this chapter, Chapter 2, Child Welfare Services,
 14424 or Chapter 2a, Removal and Protective Custody of a Child.
- 14425 Section 237. Section **80-4-109** is amended to read:
- 14426 **80-4-109 (Effective 05/06/26). Consideration of cannabis during proceedings.**
- 14427 (1) As used in this section:
- 14428 (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 14429 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 14430 (c)(i) "Chronic" means repeated or patterned.
- 14431 (ii) "Chronic" does not mean an isolated incident.
- 14432 (d) "Directions of use" means the same as that term is defined in Section 26B-4-201.
- 14433 (e) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.
- 14434 (f) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 14435 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
 14436 26B-4-201.
- 14437 (h) "Recommending medical provider" means the same as that term is defined in Section
 14438 26B-4-201.
- 14439 (2) In a proceeding under this chapter in which the juvenile court makes a finding,
 14440 determination, or otherwise considers an individual's possession or use of medical
 14441 cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not

- 14442 consider or treat the individual's possession or use any differently than the lawful
14443 possession or use of any prescribed controlled substance if:
- 14444 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
14445 Production Establishments and Pharmacies;
- 14446 (b) the individual's possession or use complies with Subsection [~~58-37-3.7(2)~~]
14447 58-37-404(2) or (3); or
- 14448 (c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2,
14449 Cannabinoid Research and Medical Cannabis; and
- 14450 (ii) the individual reasonably complies with the directions of use and dosing
14451 guidelines determined by the individual's recommending medical provider or
14452 through a consultation described in Subsection 26B-4-231(5).
- 14453 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a cannabis
14454 product is not abuse or neglect of a child unless there is evidence showing that:
- 14455 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
14456 because of cannabis being introduced to the child's body in another manner; or
- 14457 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
14458 ingestion of cannabis or chronic introduction of cannabis to the child's body in
14459 another manner.
- 14460 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
14461 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is
14462 not contrary to the best interests of a child if:
- 14463 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
14464 possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research
14465 and Medical Cannabis, and there is no evidence that the parent's or guardian's use of
14466 medical cannabis unreasonably deviates from the directions of use and dosing
14467 guidelines determined by the parent's or guardian's recommending medical provider
14468 or through a consultation described in Subsection 26B-4-231(5); or
- 14469 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
14470 Subsection [~~58-37-3.7(2)~~] 58-37-404(2) or (3).
- 14471 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and Subsection
14472 (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis or a
14473 cannabis product is contrary to the best interests of a child, if there is evidence showing
14474 a nexus between the parent's or guardian's use of cannabis or a cannabis product and
14475 behavior that would separately constitute abuse or neglect of the child.

14476 Section 238. Section **80-6-707** is amended to read:

14477 **80-6-707 (Effective 05/06/26). Suspension of driving privileges.**

14478 (1) This section applies to a minor who:

14479 (a) at the time that the minor is adjudicated under Section 80-6-701, is at least the age
14480 eligible for a driver license under Section 53-3-204; and

14481 (b) is found by the juvenile court to be in actual physical control of a motor vehicle
14482 during the commission of the offense for which the minor is adjudicated.

14483 (2)(a) Except as otherwise provided by this section, if a minor is adjudicated for a
14484 violation of a traffic law by the juvenile court under Section 80-6-701, the juvenile
14485 court may:

14486 (i) suspend the minor's driving privileges; and

14487 (ii) take possession of the minor's driver license.

14488 (b) The juvenile court may order any other eligible disposition under Subsection (1),
14489 except for a disposition under Section 80-6-703 or 80-6-705.

14490 (c) If a juvenile court suspends a minor's driving privileges under Subsection (2)(a):

14491 (i) the juvenile court shall prepare and send the order to the Driver License Division
14492 of the Department of Public Safety; and

14493 (ii) the minor's license shall be suspended under Section 53-3-219.

14494 (3) The juvenile court may reduce a suspension period imposed under Section 53-3-219 if:

14495 (a)(i) the violation is the minor's first violation of:

14496 (A) Section 32B-4-409;

14497 (B) Section 32B-4-410;

14498 (C) Section ~~[58-37-8]~~ 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210,
14499 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216,
14500 76-18-217, 76-18-218, or 76-18-219;

14501 (D) ~~[Title 58, Chapter 37a, Utah Drug Paraphernalia Act]~~ Title 76, Chapter 18,
14502 Part 3, Offenses Concerning Drug Paraphernalia;

14503 (E) ~~[Title 58, Chapter 37b, Imitation Controlled Substances Act]~~ Title 76, Chapter
14504 18, Part 4, Offenses Concerning Imitation Controlled Substances;

14505 (F) Subsection 76-5-102.1(2)(b);

14506 (G) Subsection 76-5-207(2)(b);~~[-or]~~

14507 (H) Subsection 76-9-110(2); or

14508 (I) an offense described in a statute previously in effect in this state that is the
14509 same or substantially similar to a violation of an offense described in

- 14510 Subsections (3)(a)(i)(A) through (H); and
- 14511 (ii)(A) the minor completes an educational series as defined in Section 41-6a-501;
- 14512 or
- 14513 (B) the minor demonstrates substantial progress in substance use disorder
- 14514 treatment; or
- 14515 (b)(i) the violation is the minor's second or subsequent violation of:
- 14516 (A) Section 32B-4-409;
- 14517 (B) Section 32B-4-410;
- 14518 (C) Section ~~[58-37-8]~~ 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210,
- 14519 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216,
- 14520 76-18-217, 76-18-218, or 76-18-219;
- 14521 (D) ~~[Title 58, Chapter 37a, Utah Drug Paraphernalia Act]~~ Title 76, Chapter 18,
- 14522 Part 3, Offenses Concerning Drug Paraphernalia;
- 14523 (E) ~~[Title 58, Chapter 37b, Imitation Controlled Substances Act]~~ Title 76, Chapter
- 14524 18, Part 4, Offenses Concerning Imitation Controlled Substances;
- 14525 (F) Subsection 76-5-102.1(2)(b);
- 14526 (G) Subsection 76-5-207(2)(b);~~or]~~
- 14527 (H) Subsection 76-9-110(2); or
- 14528 (I) an offense described in a statute previously in effect in this state that is the
- 14529 same or substantially similar to a violation of an offense described in
- 14530 Subsections (3)(b)(i)(A) through (H);
- 14531 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
- 14532 demonstrated substantial progress in substance use disorder treatment; and
- 14533 (iii)(A) the minor is 18 years old or older and provides a sworn statement to the
- 14534 juvenile court that the minor has not unlawfully consumed alcohol or drugs for
- 14535 at least a one-year consecutive period during the suspension period imposed
- 14536 under Section 53-3-219; or
- 14537 (B) the minor is under 18 years old and the minor's parent or guardian provides an
- 14538 affidavit or sworn statement to the juvenile court certifying that to the parent or
- 14539 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs
- 14540 for at least a one-year consecutive period during the suspension period imposed
- 14541 under Section 53-3-219.
- 14542 (4)(a) If a minor is adjudicated under Section 80-6-701 for a proof of age violation, as
- 14543 defined in Section 32B-4-411:

- 14544 (i) the juvenile court may forward a record of adjudication to the Department of
 14545 Public Safety for a first or subsequent violation; and
 14546 (ii) the minor's driving privileges will be suspended:
 14547 (A) for a period of at least one year under Section 53-3-220 for a first conviction
 14548 for a violation of Section 32B-4-411; or
 14549 (B) for a period of two years for a second or subsequent conviction for a violation
 14550 of Section 32B-4-411.
- 14551 (b) The juvenile court may reduce the suspension period imposed under Subsection
 14552 (4)(a)(ii)(A) if:
 14553 (i) the violation is the minor's first violation of Section 32B-4-411; and
 14554 (ii)(A) the minor completes an educational series as defined in Section 41-6a-501;
 14555 or
 14556 (B) the minor demonstrates substantial progress in substance use disorder
 14557 treatment.
- 14558 (c) The juvenile court may reduce the suspension period imposed under Subsection
 14559 (4)(a)(ii)(B) if:
 14560 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;
 14561 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
 14562 demonstrated substantial progress in substance use disorder treatment; and
 14563 (iii)(A) the minor is 18 years old or older and provides a sworn statement to the
 14564 court that the minor has not unlawfully consumed alcohol or drugs for at least a
 14565 one-year consecutive period during the suspension period imposed under
 14566 Subsection (4)(a)(ii)(B); or
 14567 (B) the minor is under 18 years old and has the minor's parent or guardian provide
 14568 an affidavit or sworn statement to the court certifying that to the parent's or
 14569 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs
 14570 for at least a one-year consecutive period during the suspension period imposed
 14571 under Subsection (4)(a)(ii)(B).
- 14572 (5) When the Department of Public Safety receives the arrest or conviction record of a
 14573 minor for a driving offense committed while the minor's license is suspended under this
 14574 section, the Department of Public Safety shall extend the suspension for a like period of
 14575 time.
- 14576 Section 239. Section **80-6-708** is amended to read:
 14577 **80-6-708 (Effective 05/06/26). Service in National Guard.**

14578 If a minor is adjudicated under Section 80-6-701, the minor may be given a choice by
 14579 the juvenile court to serve in the National Guard in lieu of other sanctions described in this part
 14580 if:

- 14581 (1) the minor meets the current entrance qualifications for service in the National Guard as
 14582 determined by a recruiter, whose determination is final;
- 14583 (2) the offense:
- 14584 (a) would be a felony if committed by an adult;
- 14585 (b) is a violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58,
 14586 Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses
 14587 Concerning Controlled Substances, or an offense described in a statute previously in
 14588 effect in this state that is the same or substantially similar to a violation of an offense
 14589 described in Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18,
 14590 Part 2, Offenses Concerning Controlled Substances; or
- 14591 (c) was committed with a weapon; and
- 14592 (3) the juvenile court retains jurisdiction over the minor's case under conditions set by the
 14593 juvenile court and agreed upon by the recruiter or the unit commander to which the
 14594 minor is eventually assigned.

14595 Section 240. Section **81-9-204** is amended to read:

14596 **81-9-204 (Effective 05/06/26). Custody and parent-time of a minor child --**
 14597 **Custody factors -- Preferences.**

- 14598 (1) In a proceeding between parents in which the custody and parent-time of a minor child
 14599 is at issue, the court shall consider the best interests of the minor child in determining
 14600 any form of custody and parent-time.
- 14601 (2) The court shall determine whether an order for custody or parent-time is in the best
 14602 interests of the minor child by a preponderance of the evidence.
- 14603 (3) In determining any form of custody and parent-time under Subsection (1), the court
 14604 shall consider:
- 14605 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic
 14606 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a
 14607 household member of the parent;
- 14608 (b) whether the parent has intentionally exposed the minor child to:
- 14609 (i) pornography; or
- 14610 (ii) material harmful to minors, as "material" and "harmful to minors" are defined in
 14611 Section 76-5c-101; and

- 14612 (c) whether custody and parent-time would endanger the minor child's health or physical
14613 or psychological safety.
- 14614 (4) In determining the form of custody and parent-time that is in the best interests of the
14615 minor child, the court may consider, among other factors the court finds relevant, the
14616 following for each parent:
- 14617 (a) evidence of psychological maltreatment;
- 14618 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the
14619 developmental needs of the minor child, including the minor child's:
- 14620 (i) physical needs;
- 14621 (ii) emotional needs;
- 14622 (iii) educational needs;
- 14623 (iv) medical needs; and
- 14624 (v) any special needs;
- 14625 (c) the parent's capacity and willingness to function as a parent, including:
- 14626 (i) parenting skills;
- 14627 (ii) co-parenting skills, including:
- 14628 (A) ability to appropriately communicate with the other parent;
- 14629 (B) ability to encourage the sharing of love and affection; and
- 14630 (C) willingness to allow frequent and continuous contact between the minor child
14631 and the other parent, except that, if the court determines that the parent is
14632 acting to protect the minor child from domestic violence, neglect, or abuse, the
14633 parent's protective actions may be taken into consideration; and
- 14634 (iii) ability to provide personal care rather than surrogate care;
- 14635 (d) the past conduct and demonstrated moral character of the parent as described in
14636 Subsection (9);
- 14637 (e) the emotional stability of the parent;
- 14638 (f) the parent's inability to function as a parent because of drug abuse, excessive
14639 drinking, or other causes;
- 14640 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 14641 (h) duration and depth of desire for custody or parent-time;
- 14642 (i) the parent's religious compatibility with the minor child;
- 14643 (j) the parent's financial responsibility;
- 14644 (k) the child's interaction and relationship with step-parents, extended family members
14645 of other individuals who may significantly affect the minor child's best interests;

- 14646 (l) who has been the primary caretaker of the minor child;
- 14647 (m) previous parenting arrangements in which the minor child has been happy and
- 14648 well-adjusted in the home, school, and community;
- 14649 (n) the relative benefit of keeping siblings together;
- 14650 (o) the stated wishes and concerns of the minor child, taking into consideration the
- 14651 minor child's cognitive ability and emotional maturity;
- 14652 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
- 14653 quality, and nature of the relationship between the parent and the minor child; and
- 14654 (q) any other factor the court finds relevant.
- 14655 (5)(a) A minor child may not be required by either party to testify unless the trier of fact
- 14656 determines that extenuating circumstances exist that would necessitate the testimony
- 14657 of the minor child be heard and there is no other reasonable method to present the
- 14658 minor child's testimony.
- 14659 (b)(i) The court may inquire and take into consideration the minor child's desires
- 14660 regarding future custody or parent-time schedules, but the expressed desires are
- 14661 not controlling and the court may determine the minor child's custody or
- 14662 parent-time otherwise.
- 14663 (ii) The desires of a minor child who is 14 years old or older shall be given added
- 14664 weight, but is not the single controlling factor.
- 14665 (c)(i) If an interview with a minor child is conducted by the court in accordance with
- 14666 Subsection (5)(b), the interview shall be conducted by the court in camera.
- 14667 (ii) The prior consent of the parties may be obtained but is not necessary if the court
- 14668 finds that an interview with a minor child is the only method to ascertain the
- 14669 minor child's desires regarding custody.
- 14670 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a
- 14671 parent due to a disability, as defined in Section 57-21-2, in awarding custody or
- 14672 determining whether a substantial change has occurred for the purpose of modifying
- 14673 an award of custody.
- 14674 (b) The court may not consider the disability of a parent as a factor in awarding custody
- 14675 or modifying an award of custody based on a determination of a substantial change in
- 14676 circumstances, unless the court makes specific findings that:
- 14677 (i) the disability significantly or substantially inhibits the parent's ability to provide
- 14678 for the physical and emotional needs of the minor child at issue; and
- 14679 (ii) the parent with a disability lacks sufficient human, monetary, or other resources

- 14680 available to supplement the parent's ability to provide for the physical and
14681 emotional needs of the minor child at issue.
- 14682 (c) Nothing in this section may be construed to apply to adoption proceedings under
14683 Chapter 13, Adoption.
- 14684 (7) This section does not establish:
- 14685 (a) a preference for either parent solely because of the gender of the parent; or
14686 (b) a preference for or against joint physical custody or sole physical custody, but allows
14687 the court and the family the widest discretion to choose a parenting plan that is in the
14688 best interest of the minor child.
- 14689 (8) When an issue before the court involves custodial responsibility in the event of a
14690 deployment of a parent who is a service member and the service member has not yet
14691 been notified of deployment, the court shall resolve the issue based on the standards in
14692 Sections 81-10-306 through 81-10-309.
- 14693 (9) In considering the past conduct and demonstrated moral standards of each party under
14694 Subsection (4)(d) or any other factor a court finds relevant, the court may not:
- 14695 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal
14696 dosage form, a cannabis product in a medicinal dosage form, or a medical
14697 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production
14698 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid
14699 Research and Medical Cannabis, or Subsection ~~[58-37-3.7(2)]~~58-37-404(2) or (3)
14700 any differently than the court would consider or treat the lawful possession or use
14701 of any prescribed controlled substance; or
- 14702 (ii) discriminate against a parent because of the parent's status as a:
- 14703 (A) cannabis production establishment agent, as that term is defined in Section
14704 4-41a-102;
- 14705 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 14706 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
14707 or
- 14708 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
14709 Cannabinoid Research and Medical Cannabis; or
- 14710 (b) discriminate against a parent based upon the parent's agreement or disagreement with
14711 a minor child of the couple's:
- 14712 (i) assertion that the minor child's gender identity is different from the minor child's
14713 biological sex;

- 14714 (ii) practice of having or expressing a different gender identity than the minor child's
14715 biological sex; or
14716 (iii) sexual orientation.
- 14717 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic
14718 violence is presented.
- 14719 (b) The court shall consider as primary, the safety and well-being of the minor child and
14720 the parent who experiences domestic violence.
- 14721 (c) A court shall consider an order issued by a court in accordance with Title 78B,
14722 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
14723 substantiated potential harm to the minor child.
- 14724 (d) If a parent relocates because of an act of domestic violence or family violence by the
14725 other parent, the court shall make specific findings and orders with regards to the
14726 application of Section 81-9-209.
- 14727 (11) Absent a showing by a preponderance of evidence of real harm or substantiated
14728 potential harm to the minor child:
- 14729 (a) it is in the best interest of the minor child to have frequent, meaningful, and
14730 continuing access to each parent following separation or divorce;
- 14731 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
14732 access with the parent's minor child consistent with the minor child's best interests;
14733 and
- 14734 (c) it is in the best interest of the minor child to have both parents actively involved in
14735 parenting the minor child.
- 14736 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or
14737 parent-time of a minor child to a parent convicted of a sexual offense, as defined in
14738 Section 77-37-2, that resulted in the conception of the minor child unless:
- 14739 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents
14740 to custody or parent-time and the court determines it is in the best interest of the
14741 minor child to award custody or parent-time to the convicted parent; or
- 14742 (b) after the date of the conviction, the convicted parent and the nonconvicted parent
14743 cohabit and establish a mutual custodial environment for the minor child.
- 14744 (13) A denial of custody or parent-time under Subsection (12) does not:
- 14745 (a) terminate the parental rights of the parent denied parent-time or custody; or
14746 (b) affect the obligation of the convicted parent to financially support the minor child.
- 14747 Section 241. **Repealer.**

14748 This bill repeals:

14749 Section **58-37-1, Short title.**

14750 Section **58-37-8, Prohibited acts -- Penalties.**

14751 Section **58-37a-1, Short title.**

14752 Section **58-37a-2, Purpose.**

14753 Section **58-37a-7, Sentencing requirements for minors.**

14754 Section **58-37b-1, Short title.**

14755 Section **58-37b-9, Sentencing requirements for minors.**

14756 Section **58-37c-1, Short title.**

14757 Section **58-37c-2, Purpose.**

14758 Section **58-37c-16, Civil penalties.**

14759 Section **58-37d-1, Short title.**

14760 Section **58-37d-5, Prohibited acts -- First degree felony.**

14761 Section **58-37d-8, Applicability of Title 76 prosecutions under this chapter.**

14762 Section **58-37e-1, Title.**

14763 Section 242. **Effective Date.**

14764 This bill takes effect on May 6, 2026.

14765 Section 243. **Coordinating H.B. 301 with S.B. 117.**

14766 If H.B. 301, Drug Recodification, and S.B. 117, Occupational and Professional

14767 Licensing Amendments, both pass and become law, the Legislature intends that, on July 1,

14768 2026, the amendments to Subsections 58-37-205(2)(a) and (2)(c) (renumbered from Section

14769 58-37-10) in H.B. 301 supersede the amendments to Subsections 58-37-10(2)(a) and (2)(c) in

14770 S.B. 117.

14771 Section 244. **Coordinating H.B. 301 with other 2026 General Session legislation.**

14772 The Legislature intends that all statutory numbering and renumbering in H.B. 301, Drug

14773 Recodification, be reflected in any new language added to the Utah Code by legislation that

14774 passes in the 2026 General Session and becomes law.