

Matthew H. Gwynn proposes the following substitute bill:

**Drug Recodification**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

Senate Sponsor:

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**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

Session, Chapter 9

**4-41a-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5

**4-41a-404 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327

**4-41a-801 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 114, 414

**4-41a-1107 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

**4-41a-1203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 114

**4-41a-1204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 414

**4-45-104 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 329

**10-8-47 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173

**17-72-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

**19-6-902 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 327

**26B-2-120 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 63

**26B-2-229 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023, Chapter 305

**26B-3-131 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023, Chapter 306

**26B-4-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392

**26B-4-211 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023, Chapter 307

**26B-4-212 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023, Chapter 307

**26B-4-216 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023, Chapter 307

**26B-4-220 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 273 and renumbered and amended by Laws of Utah 2023, Chapter 307 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

**26B-4-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173, 340 and 470

**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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

192 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)

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

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

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

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

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

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

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

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

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

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

REPEALS:

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

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

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

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

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

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

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

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

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

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

**58-37d-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1992, Chapter 156

**58-37d-5 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 420

**58-37d-8 (Effective 05/06/26)**, as enacted by Laws of Utah 1997, Chapter 64

**58-37e-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1997, Chapter 349

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

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

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

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

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

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

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

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

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

18, Part 2, Offenses Concerning Controlled Substances.

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

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

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

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

As used in this chapter:

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

- (a) pesticides;
- (b) heavy metals;
- (c) solvents;
- (d) microbial life;
- (e) artificially derived cannabinoid;
- (f) toxins; or
- (g) foreign matter.

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

- (a) to the public; and
- (b) that is not age restricted to an individual who is at least 21 years old.

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

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

(b) "Anticompetitive business practice" may include:

- (i) agreements that may be considered unreasonable when competitors interact to the extent that they are:
  - (A) no longer acting independently; or
  - (B) when collaborating are able to wield market power together;
- (ii) monopolizing or attempting to monopolize trade by:
  - (A) acting to maintain or acquire a dominant position in the market; or
  - (B) preventing new entry into the market; or
- (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

holds a valid cannabis production establishment agent registration card with a cannabis cultivation facility designation.

(13) "Cannabis derivative product" means a product made using cannabis concentrate.

(14) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in a form that is recognizable as a portion of a cannabis plant.

(15) "Cannabis processing facility" means a person that:

(a) acquires or intends to acquire cannabis from a cannabis production establishment;

(b) possesses cannabis with the intent to manufacture a cannabis product;

(c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

(16) "Cannabis processing facility agent" means an individual who

holds a valid cannabis production establishment agent registration card with a cannabis processing facility designation.

(17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

(18) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

(19) "Cannabis production establishment agent" means a cannabis cultivation facility agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.

(20) "Cannabis production establishment agent registration card" means a registration card that the department issues that:

(a) authorizes an individual to act as a cannabis production establishment agent; and

(b) designates the type of cannabis production establishment for which an individual is authorized to act as an agent.

(21) "Closed-door medical cannabis pharmacy" means a facility operated by a home delivery medical cannabis pharmacy for delivering medical cannabis.

(22) "Community location" means a public or private elementary or secondary school, a church, a public library, a public playground, or a public park.

(23) "Cultivation space" means, quantified in square feet, the horizontal area in which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above other plants in multiple levels.

(24) "Delivery address" means:



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

(c) has a laboratory containing or a program researching a schedule I controlled substance described in Section [58-37-4] 58-37-108.

(50) "State electronic verification system" means the system described in Section 26B-4-202.

(51) "Targeted marketing" means the promotion of medical cannabis, a medical cannabis brand, or a medical cannabis device using any of the following methods:

(a) electronic communication to an individual who is at least 21 years old and has requested to receive promotional information;

(b) an in-person marketing event that is:

(i) held inside a medical cannabis pharmacy; and

(ii) in an area where only a medical cannabis cardholder may access the event;

(c) other marketing material that is physically available or digitally displayed in a medical cannabis pharmacy; or

(d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is provided to an individual when obtaining medical cannabis:

(i) in the medical cannabis pharmacy;

(ii) at the medical cannabis pharmacy's drive-through pick up window; or

(iii) in a medical cannabis shipment.

(52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section 4-41-102.

(53) "Tier one cannabis processing facility" means a cannabis processing facility that is able to:

(a) create cannabis concentrate;

(b) create cannabis derivative product; and

(c) package and label medical cannabis.

(54) "Tier two cannabis processing facility" means a cannabis processing facility that is able to package and label medical cannabis only if the medical cannabis is a cannabis plant product.

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

(56) "Total composite tetrahydrocannabinol" means all detectable forms of tetrahydrocannabinol.

(57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in Section 4-41-102.

Section 4. Section **4-41a-302** is amended to read:

**4-41a-302 (Effective 05/06/26). Cannabis production establishment agent**

**registration card -- Rebuttable presumption.**

- (1) A cannabis production establishment agent whom the department registers under Section 4-41a-301 shall carry the individual's cannabis production establishment agent registration card with the agent at all times when:
- (a) the agent is on the premises of a cannabis production establishment where the agent is registered;
  - (b) the agent is transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between:
    - (i) two cannabis production establishments; or
    - (ii) a cannabis production establishment and a medical cannabis pharmacy; and
  - (c) if the cannabis production establishment agent is an agent of a cannabis cultivation facility, the agent is transporting raw cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory.
- (2) If a cannabis processing facility agent possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device and produces the registration card in the agent's possession in compliance with Subsection (1) while handling, at a cannabis production establishment, or transporting the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1):
- (a) there is a rebuttable presumption that the agent possesses the cannabis, cannabis product, or medical cannabis device legally; and
  - (b) a law enforcement officer does not have probable cause, based solely on the agent's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device in compliance with Subsection (1), to believe that the individual is engaging in illegal activity.
- (3)(a) A cannabis production establishment agent who fails to carry the agent's cannabis production establishment agent registration card in accordance with Subsection (1) is:
- (i) for a first or second offense in a two-year period:
    - (A) guilty of an infraction; and
    - (B) subject to a \$100 fine; or
  - (ii) for a third or subsequent offense in a two-year period:
    - (A) guilty of a class C misdemeanor; and
    - (B) subject to a \$750 fine.
- (b)(i) The prosecuting entity shall notify the department and the relevant cannabis production establishment of each conviction under Subsection (3)(a).

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

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

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

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

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

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

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

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

- (a) be employed by the entity licensed under this chapter that is authorizing the transportation of the cannabis or cannabis product; and
- (b) possess a transportation manifest that:
  - (i) includes a unique identifier that links the cannabis or cannabis product to a relevant inventory control system;
  - (ii) includes origin and destination information for any cannabis or cannabis product that the individual is transporting; and
  - (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.

(c) If the department concludes, upon investigation, that a cannabis production establishment or a cannabis production establishment agent has produced a cannabis batch or a cannabis product batch that contains a substance that poses a significant threat to human health, the department shall seize, embargo, or destroy the cannabis batch or cannabis product batch.

(4) The department may, for a person subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding under this section, for a fine amount not already specified in law, assess the person, who is not an individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) The department may not revoke a license without first directing the licensee to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(6) If within 30 calendar days after the day on which a department serves a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.

(7) The department may, for a person who fails to comply with a citation under this section:

- (a) refuse to issue or renew the person's license or agent registration card; or
- (b) suspend, revoke, or place on probation the person's license or registration card.

(8)(a) A letter of concern shall describe:

- (i) the violation including the statute or rule being violated;
- (ii) possible options to remedy the issue; and
- (iii) possible consequences for not remedying the violation.

(b) Under a letter of concern, the department shall provide the person at least 30 days to remedy the violation.

(c) If the person fails to remedy the violation described in a letter of concern, the department may take other enforcement action as described in this section.

(d) If a letter of concern is resolved without an enforcement action being taken under Subsection (8)(c), the department may not report that a letter of concern was issued to the licensing board.

(9)(a) Except where a criminal penalty is expressly provided for a specific violation of this chapter, or where civil and criminal penalties are provided for violations of 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):

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

(b) there is no probable cause, based solely on the individual's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device in compliance with Subsection (1), that the individual is engaging in illegal activity.

(3)(a) A medical cannabis pharmacy agent who fails to carry the agent's medical cannabis pharmacy agent registration card in accordance with Subsection (1) is:

(i) for a first or second offense in a two-year period:

(A) guilty of an infraction; and

(B) is subject to a \$100 fine; or

(ii) for a third or subsequent offense in a two-year period:

(A) guilty of a class C misdemeanor; and

(B) subject to a \$750 fine.

(b)(i) The prosecuting entity shall notify the department and the relevant medical cannabis pharmacy of each conviction under Subsection (3)(a).

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

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

Section 8. Section ~~4-41a-1203~~ is amended to read:

**4-41a-1203 (Effective 05/06/26). Medical cannabis shipment transportation.**

(1) The department shall ensure that each home delivery medical cannabis pharmacy is capable of delivering, directly or through a medical cannabis courier, medical cannabis shipments in a secure manner.

(2)(a) A home delivery medical cannabis pharmacy may contract with a licensed medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical cannabis orders.

(b) If a home delivery medical cannabis pharmacy enters into a contract described in

Subsection (2)(a), the pharmacy shall:

- (i) impose security and personnel requirements on the medical cannabis courier sufficient to ensure the security and safety of medical cannabis shipments; and
- (ii) provide regular oversight of the medical cannabis courier.

(3) Notwithstanding Subsection 4-41a-404(1), an individual may transport a medical cannabis shipment if the individual is:

- (a) a registered pharmacy medical provider;
- (b) a registered medical cannabis pharmacy agent; or
- (c) a registered agent of the medical cannabis courier described in Subsection (2).

(4) An individual transporting a medical cannabis shipment under Subsection (3) shall comply with the requirements of Subsection 4-41a-404(3).

(5) In addition to the requirements in Subsections (3) and (4), the department may establish by rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting medical cannabis shipments that are related to safety for human consumption of medical cannabis.

(6)(a) It is unlawful for an individual to transport a medical cannabis shipment with a manifest that does not meet the requirements of Subsection (4).

(b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a) is:

- (i) guilty of an infraction; and
- (ii) subject to a \$100 fine.

(c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty of a violation of ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for the conduct underlying the violation described in Subsection (6)(b).

(d) If the individual described in Subsection (6)(a) is transporting more cannabis, cannabis product, or medical cannabis devices than the manifest identifies, except for a de minimis administrative error:

- (i) this chapter does not apply; and
- (ii) the individual is subject to penalties under ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

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

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

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

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

(i) provides to the department:

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

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

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

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

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

(A) a felony; or

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

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

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

(i) submit to the department:

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

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

(ii) consent to a fingerprint background check by:

(A) the Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(c) The Bureau of Criminal Identification shall:

(i) check the fingerprints the prospective agent submits under Subsection (2)(b) 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**

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

(1) A municipal legislative body may:

- (a) prevent intoxication, fighting, quarreling, dog fights, cockfights, prize fights, bullfights, and all disorderly conduct and provide against and punish the offenses of assault and battery and petit larceny;
- (b) restrain riots, routs, noises, disturbances, or disorderly assemblies in any street, house, or place in the city;
- (c) regulate and prevent the discharge of firearms, rockets, powder, fireworks in accordance with Section 53-7-225, or any other dangerous or combustible material;
- (d) provide against and prevent the offense of obtaining money or property under false pretenses and the offense of embezzling money or property in the cases when the money or property embezzled or obtained under false pretenses does not exceed in value the sum of \$500;
- (e) prohibit the sale, giving away, or furnishing of narcotics or alcoholic beverages to an individual younger than 21 years old; or
- (f) prohibit the sale, giving away, or furnishing of a tobacco product, an electronic cigarette product, or a nicotine product as those terms are defined in Section 76-9-1101 to an individual younger than 21 years old.

(2) A city may:

- (a) by ordinance, prohibit the possession of controlled substances as defined in [~~the Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any other endangering or impairing substance, provided the conduct is not a class A misdemeanor or felony; and
- (b) provide for treatment of alcoholics, narcotic addicts, and other individuals who are addicted to the use of drugs or intoxicants such that an individual substantially lacks the capacity to control the individual's use of the drugs or intoxicants, and judicial supervision may be imposed as a means of effecting the individual's rehabilitation.

Section 12. Section **17-72-101** is amended to read:

**17-72-101 (Effective 05/06/26). Definitions.**

As used in this chapter:

- (1) "Commissary account" means an account from which a prisoner may withdraw money, deposited by the prisoner or another individual, to purchase discretionary items for sale 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

26B-7-409.

(6) "Hazardous materials":

(a) has the same meaning as "hazardous or dangerous material" as defined in Section [ 58-37d-3] 76-18-501; and

(b) includes any illegally manufactured controlled substances.

(7) "Health department" means a local health department under Title 26A, Local Health Authorities.

(8) "Owner of record":

(a) means the owner of real property as shown on the records of the county recorder in the county where the property is located; and

(b) may include an individual, financial institution, company, corporation, or other entity.

(9) "Property":

(a) means any real property, site, structure, part of a structure, or the grounds surrounding a structure; and

(b) includes single-family residences, outbuildings, garages, units of multiplexes, condominiums, apartment buildings, warehouses, hotels, motels, boats, motor vehicles, trailers, manufactured housing, shops, or booths.

(10) "Reported property" means property that is the subject of a law enforcement report under Section 19-6-903.

Section 14. Section **26B-2-120** is amended to read:

**26B-2-120 (Effective 05/06/26). Background check -- Direct access to children or vulnerable adults.**

(1) As used in this section:

(a)(i) "Applicant" means an individual who is associated with a certification, contract, or licensee with the department under this part and has direct access, including:

(A) an adoptive parent or prospective adoptive parent, including an applicant for an adoption in accordance with Section 78B-6-128;

(B) a foster parent or prospective foster parent;

(C) an individual who provides respite care to a foster parent or an adoptive parent on more than one occasion;

(D) an individual who transports a child for a youth transportation company;

(E) an individual who provides certified peer support, as defined in Section 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)(~~+~~) "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.

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

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

- (A) as a peer support provider;
  - (B) as a mental health professional; or
  - (C) in a program that serves only adults with a primary mental health diagnosis, with or without a co-occurring substance use disorder; and
- (ii) within three years from the date on which the office conducts the background check, the applicant has a felony or misdemeanor charge or conviction or a non-criminal finding.

(13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate care program, an applicant seeking to provide a prospective foster home, an applicant seeking to provide a prospective adoptive home, and each adult living in the home of the prospective foster or prospective adoptive home.

(b) As federally required, the office shall:

- (i) check the child abuse and neglect registry in each state where each applicant resided in the five years immediately preceding the day on which the applicant applied to be a foster or adoptive parent, to determine whether the prospective foster or adoptive parent is listed in the registry as having a substantiated or supported finding of child abuse or neglect; and
- (ii) except for applicants seeking a position in a congregate care program, check the child abuse and neglect registry in each state where each adult living in the home of the prospective foster or adoptive home resided in the five years immediately preceding the day on which the applicant applied to be a foster or adoptive parent, to determine whether the adult is listed in the registry as having a substantiated or supported finding of child abuse or neglect.

(c) The requirements described in Subsection (13)(b) do not apply to the extent that:

- (i) federal law or rule permits otherwise; or
- (ii) the requirements would prohibit the Division of Child and Family Services or a court from placing a child with:
  - (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or
  - (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302, or 80-3-303, pending completion of the background check described in Subsections (5), (6), and (7).

(d) Notwithstanding Subsections (5) through (10), the office shall deny direct access qualified status if the applicant has been convicted of:

- (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



office conducts the background check, the applicant was convicted of a felony involving conduct that constitutes a violation of any of the following:

- (i) aggravated assault, as described in Section 76-5-103;
- (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
- (iii) mayhem, as described in Section 76-5-105;
- (iv) an offense described in [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
- (v) an offense described in [~~Title 58, Chapter 37a, Utah Drug Paraphernalia Act~~] Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
- (vi) an offense described in [~~Title 58, Chapter 37b, Imitation Controlled Substances Act~~] Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances;
- (vii) an offense described in [~~Title 58, Chapter 37c, Utah Controlled Substance Precursor Act~~] Title 58, Chapter 37c, Controlled Substance Precursors;[~~-or~~]
- (viii) an offense described in [~~Title 58, Chapter 37d, Clandestine Drug Lab Act~~] Title 76, Chapter 18, Part 5, Clandestine Drug Labs; or
- (ix) an offense described in a statute previously in effect in this state that is the same or substantially similar to an offense described in Subsections (13)(e)(i) through (viii).

(f) In addition to the circumstances described in Subsection (6), the office shall conduct a comprehensive review of an applicant's background check under this section if the applicant:

- (i) has an offense described in Subsection (5)(a);
- (ii) has an infraction conviction entered on a date that is no more than three years before the date on which the office conducts the background check;
- (iii) has a listing in the Division of Child and Family Services' Licensing Information System described in Section 80-2-1002;
- (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult, neglect, or exploitation database described in Section 26B-2-210;
- (v) has a substantiated finding of severe child abuse or neglect under Section 80-3-404 or 80-3-504; or
- (vi) has a listing on the registry check described in Subsection (13)(b) as having a substantiated or supported finding of a severe type of child abuse or neglect, as

defined in Section 80-1-102.

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

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

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

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

(1) As used in this section:

- (a) "Controlled substance" means the same as that term is defined in Section [58-37-2] 58-37-101.
- (b)(i) "Irretrievable" means a state in which the physical or chemical condition of a controlled substance is permanently altered through irreversible means so that the controlled substance is unavailable and unusable for all practical purposes.
- (ii) A controlled substance is irretrievable if the controlled substance is non-retrievable as that term is defined in 21 C.F.R. Sec. 1300.05.

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

- (a) renders the controlled substance irretrievable; and
- (b) complies with all applicable federal and state requirements for the disposal of a controlled substance.

(3) A nursing care facility shall:

- (a) develop a written plan for the disposal of a controlled substance in accordance with this section; and
- (b) make the plan described in Subsection (3)(a) available to the department and the committee for inspection.

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

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

- (1) As used in this section:
- (a) "Controlled substance prescriber" means a controlled substance prescriber, as that term is defined in Section ~~[58-37-6.5]~~ 58-37-303, who:
- (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
- (ii) is a Medicaid enrolled health care provider.
- (b) "SBIRT" means the same as that term is defined in Section ~~[58-37-6.5]~~ 58-37-303.
- (2) The department shall reimburse a controlled substance prescriber who provides SBIRT services to a Medicaid enrollee who is 13 years old or older for the SBIRT services.
- Section 17. Section **26B-4-201** is amended to read:
- 26B-4-201 (Effective 05/06/26). Definitions.**
- As used in this part:
- (1) "Active tetrahydrocannabinol" means THC, any THC analog, and tetrahydrocannabinolic acid.
- (2) "Administration of criminal justice" means the performance of detection, apprehension, detention, pretrial release, post-trial release, prosecution, and adjudication.
- (3) "Advertise" means information provided by a person in any medium:
- (a) to the public; and
- (b) that is not age restricted to an individual who is at least 21 years old.
- (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in Section 26B-1-435.
- (5) "Cannabis" means marijuana.
- (6) "Cannabis processing facility" means the same as that term is defined in Section 4-41a-102.
- (7) "Cannabis product" means a product that:
- (a) is intended for human use; and
- (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total concentration of 0.3% or greater on a dry weight basis.
- (8) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102.
- (9) "Cannabis production establishment agent" means the same as that term is defined in Section 4-41a-102.
- (10) "Cannabis production establishment agent registration card" means the same as that term is defined in Section 4-41a-102.

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

(a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the relevant recommending medical provider or pharmacy medical provider, in accordance with Subsection 26B-4-231(5), recommends; and

(b) may not exceed:

(i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

(ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total, greater than 20 grams of active tetrahydrocannabinol.

(22) "Legal use termination date" means a date on the label of a container of unprocessed cannabis flower:

(a) that is 60 days after the date of purchase of the cannabis; and

(b) after which, the cannabis is no longer in a medicinal dosage form outside of the primary residence of the relevant medical cannabis patient cardholder.

(23) "Marijuana" means the same as that term is defined in Section ~~[58-37-2]~~ 58-37-101.

(24) "Medical cannabis" or "medical cannabis product" means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

(25) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.

(26) "Medical cannabis cardholder" means:

(a) a holder of a medical cannabis card; or

(b) a facility or assigned employee, described in Subsection (15)(b), only:

(i) within the scope of the facility's or assigned employee's performance of the role of a medical cannabis patient cardholder's caregiver designation under Subsection 26B-4-214(1)(b); and

(ii) while in possession of documentation that establishes:

(A) a caregiver designation described in Subsection 26B-4-214(1)(b);

(B) the identity of the individual presenting the documentation; and

(C) the relation of the individual presenting the documentation to the caregiver designation.

(27) "Medical cannabis caregiver card" means an electronic document that a cardholder may print or store on an electronic device or a physical card or document that:

(a) the department issues to an individual whom a medical cannabis patient cardholder or a medical cannabis guardian cardholder designates as a designated caregiver; and

(b) is connected to the electronic verification system.

(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



act of suggesting the use of medical cannabis treatment, which:

- (a) certifies the patient's eligibility for a medical cannabis card; and
- (b) may include, at the recommending medical provider's discretion, directions of use, with or without dosing guidelines.

(45) "Recommending medical provider" means an individual who:

- (a) meets the recommending qualifications;
- (b) completes four hours of continuing medical education specific to medical cannabis through formal or informal sources; and
- (c) every two years, provides an acknowledgment to the department that the individual completed four hours of continuing medical education.

(46) "Recommending qualifications" means that an individual:

- (a)(i) has the authority to write a prescription;
- (ii) is licensed to prescribe a controlled substance under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances; and
- (iii) possesses the authority, in accordance with the individual's scope of practice, to prescribe a Schedule II controlled substance; and
- (b) is licensed as:
  - (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
  - (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act;
  - (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
  - (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

(47) "State electronic verification system" means the system described in Section 26B-4-202.

- (48) "Targeted marketing" means the promotion by a recommending medical provider, medical clinic, or medical office that employs a recommending medical provider of a medical cannabis recommendation service using any of the following methods:
- (a) electronic communication to an individual who is at least 21 years old and has requested to receive promotional information;
  - (b) an in-person marketing event that is held in an area where only an individual who is at least 21 years old may access the event;
  - (c) other marketing material that is physically or digitally displayed in the office of the medical clinic or office that employs a recommending medical provider; or
  - (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

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

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

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

(i) for a first offense:

(A) guilty of an infraction; and

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

(ii) for a second or subsequent offense:

(A) guilty of a class B misdemeanor; and

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

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

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

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

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

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

(i) may not arrest or take the individual into custody for the sole reason that the individual is in possession of cannabis in a medicinal dosage form, a cannabis

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

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

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

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

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

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

(i) guilty of a class B misdemeanor; and

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

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

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

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

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

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

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

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

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

As used in this part:

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

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

(3) "Designated facility" means:

(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;

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

a serious crime that is prosecuted aggressively in Utah."

(c)(i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different font style than the text described in Subsections (3)(b)(iv) and (v).

(ii) The warning statements in the sign described in Subsection (3)(b) shall be in the same font size.

(d) The Department of Health and Human Services shall work with the commission and department to facilitate consistency in the format of a sign required under this section.

(4) A retail licensee may not on the licensed premises:

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

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

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

(5) A retail licensee may not knowingly allow a person on the licensed premises to, in violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug Paraphernalia Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Part 3, Offenses Concerning Drug Paraphernalia:

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

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

(6) Upon the presentation of credentials, at any time during which a retail licensee is open for the transaction of business, the retail licensee shall immediately:

(a) admit a commissioner, authorized department employee, or law enforcement officer to the retail licensee's premises; and

(b) permit, without hindrance or delay, the person described in Subsection (6)(a) to inspect completely:

(i) the entire premises of the retail licensee; and

(ii) the records of the retail licensee.

- (7) An individual may not consume an alcoholic product on the licensed premises of a retail licensee on any day during the period:
- (a) beginning one hour after the time of day that the period during which a retail licensee may not sell, offer for sale, or furnish an alcoholic product on the licensed premises begins; and
  - (b) ending at the time specified in the relevant chapter or part for the retail licensee's specific type of retail license when the retail licensee may first sell, offer for sale, or furnish an alcoholic product on the licensed premises on that day.
- (8) An employee of a retail licensee who sells, offers for sale, or furnishes an alcoholic product to a patron shall wear an identification badge.
- (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules:
- (a) related to the requirement described in Subsection (8); and
  - (b) for dispensing systems and dispensing areas of restaurant licensees, bar licensees, and taverns, establishing standards:
    - (i) in accordance with the provisions of this title; and
    - (ii) prohibiting a dispensing system to remain at a patron's table.
- Section 27. Section **32B-6-406.1** is amended to read:

**32B-6-406.1 (Effective 05/06/26). Specific operational restrictions related to dance or concert hall.**

- (1) A minor who is at least 18 years [~~of age~~] old may be admitted into, use, or be on the premises of a dance or concert hall if:
- (a) the dance or concert hall is located:
    - (i) on the licensed premises of a bar licensee; or
    - (ii) on the property that immediately adjoins the licensed premises of and is operated by a bar licensee; and
  - (b) the bar licensee holds a permit to operate a dance or concert hall that was issued on or before May 11, 2009:
    - (i) on the basis of the operational requirements described in Subsection (2); and
    - (ii) when the bar licensee was licensed as a class D private club.
- (2) A bar licensee that holds a dance or concert hall permit shall operate in such a way that:
- (a) the bar licensee's lounge, dispensing structure, or other area for alcoholic product consumption is:
    - (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



adjoins the licensed premises of and is operated by the bar licensee; or

(e) the commission finds acts or conduct contrary to the public welfare and morals involving lewd acts or lewd entertainment prohibited by this title that occurs on:

(i) the licensed premises; or

(ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the bar licensee.

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

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

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

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

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

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

(A) a beer wholesaler licensee; or

(B) a small brewer that manufactures the beer.

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

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

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

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

(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

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

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

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

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

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

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

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

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

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

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

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

(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



of an alcoholic product during a period that:

(i) begins at 1 a.m.; and

(ii) ends at 9:59 a.m.

(b) This Subsection (17) does not preclude a local authority from being more restrictive with respect to the hours of sale, offer for sale, furnishing, or consumption of an alcoholic product at an event.

(18) A patron may have no more than one alcoholic product of any kind at a time before the patron.

(19)(a) An event permittee shall display, in a prominent place, a sign in large letters that consists of text in the following order:

(i) a header that reads: "WARNING";

(ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";

(iii) a statement in smaller font that reads: "Call the Utah Department of Health and Human Services at [insert most current toll-free number] with questions or for more information.";

(iv) a header that reads: "WARNING"; and

(v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."

(b)(i) The text described in Subsections (19)(a)(i) through (iii) shall be in a different font style than the text described in Subsections (19)(a)(iv) and (v).

(ii) The warning statements in the sign described in Subsection (19)(a) shall be in the same font size.

(c) The Department of Health and Human Services shall work with the commission and department to facilitate consistency in the format of a sign required under this section.

Section 30. Section **32B-10-404** is amended to read:

**32B-10-404 (Effective 05/06/26). Specific operational requirements for industrial or manufacturing use permit.**

(1)(a) In addition to complying with Section 32B-10-206, an industrial or manufacturing use permittee and staff of the industrial or manufacturing use permittee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(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

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

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

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

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

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

(1) For purposes of this section:

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

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

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

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

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

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

(ii) has not been altered or forged.

(2) An employee may not:

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

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

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

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

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

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

(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:



- (i)(A) for use of a controlled substance that the employee did not obtain under a valid prescription;
- (B) for intentional abuse of a controlled substance that the employee obtained under a valid prescription, if the employee uses the controlled substance intentionally:
- (I) in excess of a prescribed therapeutic amount; or
- (II) in an otherwise abusive manner; or
- (C) for the use of alcohol that results in intoxication from alcohol with a blood or breath alcohol concentration of .05 grams or greater; and
- (ii) in accordance with a reasonable, written workplace rule that is applied in a manner that is reasonable and nondiscriminatory.

(3) Notwithstanding the other provisions of this section, the employee described in Subsection (2) is eligible for medical benefits to the extent otherwise allowed under this title.

- (4)(a) An employer or the employer's insurance carrier may file an application for a hearing with the Division of Adjudication to request that an employee's disability compensation for a disability claim be reduced or terminated under this section.
- (b) An action under this Subsection (4) is barred if an application for a hearing is not filed within one year from the day on which the employer terminates the employee from reemployment as described in Subsection (2).
- (c) An employer or the employer's insurance carrier shall notify the employee that the employer or employer's insurance carrier has filed a request for a hearing under this section within three business days of the day on which the filing is made.

- (5)(a) The commission may reduce or terminate the disability compensation of an employee for a disability claim if after a hearing requested under Subsection (4), the commission determines that the conditions of Subsection (2) are met.
- (b) The commission shall issue an order as to whether or not an employee's disability compensation is reduced or terminated under this section by no later than 45 days from the day on which an application for a hearing is filed.
- (c) A reduction or termination of disability compensation under this Subsection (5) takes effect on the day determined by the commission.
- (d) If the disability compensation is ordered terminated or reduced, the employer or employer's insurance carrier shall treat a resulting overpayment as an offset against 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.

- (2)(a) The State exercises the opt out provision in Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193.
- (b) Consistent with Subsection (2)(a), the department may provide cash assistance and SNAP benefits to a person who has been convicted of a felony involving a controlled substance, as defined in Section [58-37-2] 58-37-101.
- (c) As a condition for receiving cash assistance under this part, a drug dependant person, as defined in Section [58-37-2] 58-37-101, shall:
- (i) receive available treatment for the dependency; and
  - (ii) make progress toward overcoming the dependency.
- (d) The department may only refer a recipient who is a drug dependent person to a treatment provider for treating drug dependency if the provider has achieved an objective level of success, as defined by department rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 35. Section **41-6a-501** is amended to read:

**41-6a-501 (Effective 05/06/26). Definitions.**

- (1) As used in this part:
- (a) "Actual physical control" is determined by a consideration of the totality of the circumstances, but does not include a circumstance in which:
- (i) the person is asleep inside the vehicle;
  - (ii) the person is not in the driver's seat of the vehicle;
  - (iii) the engine of the vehicle is not running;
  - (iv) the vehicle is lawfully parked; and
  - (v) under the facts presented, it is evident that the person did not drive the vehicle to the location while under the influence of alcohol, a drug, or the combined influence of alcohol and any drug.
- (b) "Assessment" means an in-depth clinical interview with a licensed mental health therapist:
- (i) used to determine if a person is in need of:
    - (A) substance abuse treatment that is obtained at a substance abuse program;
    - (B) an educational series; or
    - (C) a combination of Subsections (1)(b)(i)(A) and (B); and
  - (ii) that is approved by the Division of Integrated Healthcare in accordance with 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.

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

- (a) suspend, until the person is 21 years old or for a period of one year, whichever is longer, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2011; or
- (b) revoke, until the person is 21 years old or for a period of two years, whichever is longer, the driver license of a person if:
- (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
  - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

(8) The Driver License Division shall, if the person is under 19 years old on the date of arrest:

- (a) suspend, until the person is 21 years old, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
- (b) revoke, until the person is 21 years old, the driver license of a person if:
- (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
  - (ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

(9) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(10) The Driver License Division shall:

- (a) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was committed prior to July 1, 2009; or
- (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
- (i) the person was 20 years old or older but under 21 years old at the time of arrest; and
  - (ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.

(11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the 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:

(a) "Controlled substance prescriber" means a controlled substance prescriber, as that term is defined in Section ~~[58-37-6.5]~~ 58-37-303, who:

(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

(ii) is a program enrolled controlled substance prescriber.

(b) "SBIRT" means the same as that term is defined in Section ~~[58-37-6.5]~~ 58-37-303.

(2) The health program offered to the state employee risk pool under Section 49-20-202 shall reimburse a controlled substance prescriber who provides SBIRT services to a covered individual who is 13 years ~~[of age]~~ old or older for the SBIRT services.

Section 38. Section **53-3-220** is amended to read:

**53-3-220 (Effective 05/06/26). Offenses requiring mandatory revocation, denial, suspension, or disqualification of license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.**

(1)(a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 1a, Motor Vehicle Act, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or disqualification, the division shall deny, suspend, or disqualify the license or endorsement of a person upon receiving a record of the person's conviction for:

(i) manslaughter or negligent homicide resulting from driving a motor vehicle, automobile homicide under Section 76-5-207, or automobile homicide involving using a handheld wireless communication device while driving under Section 76-5-207.5;

(ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

(iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

(iv) perjury or the making of a false affidavit to the division under this chapter, Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;

(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

(C) arose from separate incidents.

(b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Section 80-6-701 for:

- (i) a violation of Section 76-11-209 involving the discharging or allowing the discharging of a firearm from a vehicle or a violation of Section 76-11-210 involving discharging or allowing the discharge of a firearm from a vehicle; or
- (ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii).

(c)(i) Except when action is taken under Section 53-3-219 for the same offense, upon receiving a record of conviction, the division shall immediately suspend for six months the license of the convicted person if the person was convicted of violating ~~[any one of the following offenses]~~ an offense contained in one of the following provisions while the person was an operator of a motor vehicle, and the court finds that a driver license suspension is likely to reduce recidivism and is in the interest of public safety:

(A) ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;

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

(C) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;

(D) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances;

(E) Title 76, Chapter 18, Part 5, Clandestine Drug Labs;

~~[(B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;]~~

~~[(C) Title 58, Chapter 37b, Imitation Controlled Substances Act;]~~

~~[(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;]~~

~~[(E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or]~~

(F) an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of an offense described in Subsection (1)(c)(i)(A) through (E); or

(G) any criminal offense that prohibits possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the [aets] provisions described in Subsections (1)(c)(i)(A) through [(E)] (F), or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or

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

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

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

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

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

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

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

(B) a record of the conviction.

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

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

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

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

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

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

(a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;

(b) a record of a conviction of the person for any violation of the motor vehicle law in which the person was involved as a driver;

(c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or

(d) a report of an accident in which the person was involved as a driver.

(3) When the division receives a report under Subsection (2)(c) or (d) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.

(4)(a) The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:

(i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b), and (1)(c)(i); and

(ii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or disqualification was imposed because of a violation of Section 41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520, 41-6a-520.1, 76-5-102.1, or 76-5-207, or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or ordinances, unless:

(A) the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;

(B) the division receives written verification from the person's primary care physician or physician assistant that:

(I) to the physician's or physician assistant's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; and

(II) the physician or physician assistant is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and



(C) for a period of one year prior to the date of the request for a limited driving privilege:

(I) the person has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle;

(II) the division has not received a report of an arrest for a violation of any motor vehicle law in which the person was involved as the operator of the vehicle; and

(III) the division has not received a report of an accident in which the person was involved as an operator of a vehicle.

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

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

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

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

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

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

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

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

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

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

(a) this chapter;

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

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

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

(e) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;  
[(d)] (f) [Title 58, Chapter 37a, Utah Drug Paraphernalia Act] Title 76, Chapter 18, Part 3,  
Offenses Concerning Drug Paraphernalia; and  
[(e)] (g) [Title 58, Chapter 37b, Imitation Controlled Substances Act; and] Title 76,  
Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances.  
(f) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act.]

(2) This part does not relieve local law enforcement agencies or officers of the responsibility of enforcing laws relating to alcoholic beverages and alcoholic products or any other laws.

(3) The powers and duties conferred upon the director and the officers of the division are not a limitation upon the powers and duties of other peace officers in the state.

Section 40. Section **53-10-114** is amended to read:

**53-10-114 (Effective 05/06/26). Authority regarding drug precursors.**

(1) As used in this section, "acts" means:

- (a) [Title 58, Chapter 37c, Utah Controlled Substance Precursor Act] Title 58, Chapter 37c, Controlled Substance Precursors; and
- (b) [Title 58, Chapter 37d, Clandestine Drug Lab Act] Title 76, Chapter 18, Part 5, Clandestine Drug Labs.

(2) The division has authority to enforce the drug lab and precursor acts. To carry out this purpose, the division may:

- (a) inspect, copy, and audit any records, inventories of controlled substance precursors, and reports required under the acts and rules adopted under the acts;
- (b) enter the premises of regulated distributors and regulated purchasers during normal business hours to conduct administrative inspections;
- (c) assist the law enforcement agencies of the state in enforcing the acts;
- (d) conduct investigations to enforce the acts;
- (e) present evidence obtained from investigations conducted in conjunction with appropriate county and district attorneys and the Office of the Attorney General for civil or criminal prosecution or for administrative action against a licensee; and
- (f) work in cooperation with the Division of Professional Licensing, created under Section 58-1-103, to accomplish the purposes of this section.

Section 41. Section **53-10-211** is amended to read:

**53-10-211 (Effective 05/06/26). Notice required of arrest of school employee for controlled substance or sex offense.**

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

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

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

The bureau shall:

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

- (d) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
- (e) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
- (f) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances;
- and
- (g) Title 76, Chapter 18, Part 5, Clandestine Drug Labs; and
- ~~[(e) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;]~~
- ~~[(d) Title 58, Chapter 37b, Imitation Controlled Substances Act;]~~
- ~~[(e) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; and]~~
- ~~[(f) Title 58, Chapter 37d, Clandestine Drug Lab Act; and]~~

(6) assist the governor in an emergency or as the governor may require.

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

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

(1) A student may be suspended or expelled from a public school for the following reasons:

- (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
- (b) willful destruction or defacing of school property;
- (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
- (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
- (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
- (f) possession or use of pornographic material on school property.

(2)(a) A student shall be suspended or expelled from a public school for the following reasons:

- (i) a serious violation affecting another student or a staff member, or a serious violation occurring in a school building, in or on school property, or in conjunction with a school activity, including:
  - (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
  - (B) the actual use of violence or sexual misconduct;
  - (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;

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

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

(2) An optometrist may not:

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

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

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

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

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

(1) "Administering" means:

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

(2) "Adulterated drug or device" means a drug or device considered adulterated under 21 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;

- (f) maintaining records of drugs and devices in accordance with state and federal law and the standards and ethics of the profession;
- (g) providing information on drugs or devices, which may include advice relating to therapeutic values, potential hazards, and uses;
- (h) providing drug product equivalents;
- (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy technicians;
- (j) providing patient counseling, including adverse and therapeutic effects of drugs;
- (k) providing emergency refills as defined by rule;
- (l) telepharmacy;
- (m) formulary management intervention;
- (n) prescribing and dispensing a self-administered hormonal contraceptive in accordance with Title 26B, Chapter 4, Part 5, Treatment Access; and
- (o) issuing a prescription in accordance with Section 58-17b-610.8 or 58-17b-627.

(59) "Practice of telepharmacy" means the practice of pharmacy through the use of telecommunications and information technologies.

(60) "Practice of telepharmacy across state lines" means the practice of pharmacy through the use of telecommunications and information technologies that occurs when the patient is physically located within one jurisdiction and the pharmacist is located in another jurisdiction.

(61) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by the appropriate jurisdiction to prescribe and administer drugs in the course of professional practice.

(62) "Prescribe" means to issue a prescription:

- (a) orally or in writing; or
- (b) by telephone, facsimile transmission, computer, or other electronic means of communication as defined by division rule.

(63) "Prescription" means an order issued:

- (a) by a licensed practitioner in the course of that practitioner's professional practice or by collaborative pharmacy practice agreement; and
- (b) for a controlled substance or other prescription drug or device for use by a patient or an animal.

(64) "Prescription device" means an instrument, apparatus, implement, machine, 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



pharmacy;

(iv) has never held any material financial interest in pharmacy practice; and

(v) has never engaged in any activity directly related to the practice of pharmacy.

(b) The licensed pharmacist and licensed pharmacy technician members of the board shall:

(i) have been Utah residents continuously for at least three years;

(ii) have at least five years experience in the practice of pharmacy in good standing with the division in Utah after licensure; and

(iii) maintain licensure in good standing to engage in the practice of pharmacy or practice as a pharmacy technician in Utah for the duration of the appointment.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203, and as required under Section 58-37f-202 regarding the controlled substance database. In addition, the board shall designate an appropriate member on a permanent or rotating basis to:

(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(b) advise the division in its investigation of these complaints.

(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

(5) A board member may be removed in accordance with Subsection 58-1-201(2)(e) or upon one of the following grounds:

(a) refusal or inability for any reason of a board member to perform his duties as a member of the Board in an efficient, responsible, and professional manner;

(b) misuse of appointment to obtain personal, pecuniary, or material gain or advantage for himself or another through such appointment; or

(c) violation of the laws governing the practice of pharmacy or [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

Section 52. Section **58-17b-502** is amended to read:

**58-17b-502 (Effective 05/06/26). Unprofessional conduct.**

(1) "Unprofessional conduct" includes:

(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.

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

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

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

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

**-- Fines -- Citations.**

- (1) Any person who violates any of the unlawful conduct provisions of Subsection 58-1-501(1)(a)(i) and Subsections 58-17b-501(7) and (11) is guilty of a third degree felony.
- (2) Any person who violates any of the unlawful conduct provisions of Subsection 58-1-501(1)(a)(ii), Subsections 58-1-501(1)(b) through (e), and Section 58-17b-501, except Subsections 58-17b-501(7) and (11), is guilty of a class A misdemeanor.
- (3)(a) Subject to Subsection (5) and in accordance with Section 58-17b-401, for acts of unprofessional or unlawful conduct, the division may:
- (i) assess administrative penalties; and
  - (ii) take any other appropriate administrative action.
- (b) An administrative penalty imposed pursuant to this section shall be deposited in the General Fund as a dedicated credit to be used by the division for pharmacy licensee education and enforcement as provided in Section 58-17b-505.
- (4) If a licensee has been convicted of violating Section 58-17b-501 prior to an administrative finding of a violation of the same section, the licensee may not be assessed an administrative fine under this chapter for the same offense for which the conviction was obtained.
- (5)(a) If upon inspection or investigation, the division concludes that a person has violated the provisions of Section 58-17b-501 or 58-17b-502, [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, Chapter 37f, Controlled Substance Database Act, Chapter 1, Division of Professional Licensing Act, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a provision described in a statute previously in effect in this state that is the same or substantially similar to a provision described in Section 58-17b-501 or 58-17b-502, Chapter 37, Controlled Substances, Chapter 37f, Controlled Substance Database Act, Chapter 1, Division of Professional Licensing Act, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the

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

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

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

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

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

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

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

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

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

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

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

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

**substance prescription.**

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

Section 57. Section **58-17b-627** is amended to read:

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

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

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

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

As used in this chapter:

- (1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an animal.
- (2) "Board" means the Physical Therapies Licensing Board, created in Section 58-24b-201.
- (3) "Consultation by telecommunication" means the provision of expert or professional advice by a physical therapist who is licensed outside of Utah to a licensed physical therapist or a health care provider by telecommunication or electronic communication.
- (4) "General supervision" means supervision and oversight of an individual by a licensed physical therapist when the licensed physical therapist is immediately available in person, by telephone, or by electronic communication to assist the individual.
- (5) "Licensed physical therapist" means an individual licensed under this chapter to engage in the practice of physical therapy.
- (6) "Licensed physical therapist assistant" means an individual licensed under this chapter to engage in the practice of physical therapy, subject to the provisions of Subsection 58-24b-401(2)(a).
- (7) "Licensing examination" means a nationally recognized physical therapy examination that is approved by the division, in consultation with the board.
- (8) "On-site supervision" means supervision and oversight of an individual by a licensed physical therapist or a licensed physical therapist assistant when the licensed physical therapist or licensed physical therapist assistant is:
  - (a) continuously present at the facility where the individual is providing services;
  - (b) immediately available to assist the individual; and
  - (c) regularly involved in the services being provided by the individual.
- (9) "Physical impairment" means:
  - (a) a mechanical impairment;
  - (b) a physiological impairment;
  - (c) a developmental impairment;
  - (d) a functional limitation;
  - (e) a disability;
  - (f) a mobility impairment; or
  - (g) a bodily malfunction.
- (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;

- (d) manual therapy, including:
  - (i) soft tissue mobilization;
  - (ii) therapeutic massage; or
  - (iii) joint mobilization, as defined by the division, by rule;
- (e) prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic, protective, or supportive device;
- (f) airway clearance techniques, including postural drainage;
- (g) integumentary protection and repair techniques;
- (h) wound debridement, cleansing, and dressing;
- (i) the application of a physical agent, including:
  - (i) light;
  - (ii) heat;
  - (iii) cold;
  - (iv) water;
  - (v) air;
  - (vi) sound;
  - (vii) compression;
  - (viii) electricity; and
  - (ix) electromagnetic radiation;
- (j) mechanical or electrotherapeutic modalities;
- (k) positioning;
- (l) instructing or training a patient in locomotion or other functional activities, with or without an assistive device;
- (m) manual or mechanical traction;
- (n) correction of posture, body mechanics, or gait; and
- (o) trigger point dry needling, under the conditions described in Section 58-24b-505.

Section 59. Section **58-28-502** is amended to read:

**58-28-502 (Effective 05/06/26). Unprofessional conduct.**

- (1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:
  - (a) applying unsanitary methods or procedures in the treatment of any animal, contrary to rules adopted by the board and approved by the division;
  - (b) procuring any fee or recompense on the assurance that a manifestly incurable diseased condition of the body of an animal can be permanently cured;
  - (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:

(A) a cannabinoid or industrial hemp product, as those terms are defined in  
Section 4-41-102; or

(B) THC or medical cannabis, as those terms are defined in Section 26B-4-201.

(b) The delegation of tasks permitted under Subsections (2)(a)(i) through (iv) does not  
include:

(i) diagnosing;

(ii) prognosing;

(iii) surgery; or

(iv) prescribing drugs, medicines, or appliances.

(3) Notwithstanding any provision of this section, a veterinarian is not prohibited from  
engaging in a discussion described in Subsection (2)(a)(v).

Section 60. Section **58-31b-503** is amended to read:

**58-31b-503 (Effective 05/06/26). Penalties and administrative actions for  
unlawful conduct and unprofessional conduct.**

(1) Any person who violates the unlawful conduct provision specifically defined in  
Subsection 58-1-501(1)(a) is guilty of a third degree felony.

(2) Any person who violates any of the unlawful conduct provisions specifically defined in  
Subsections 58-1-501(1)(b) through (f) and 58-31b-501(1)(d) is guilty of a class A  
misdemeanor.

(3) Any person who violates any of the unlawful conduct provisions specifically defined in  
this chapter and not set forth in Subsection (1) or (2) is guilty of a class B misdemeanor.

(4)(a) Subject to Subsection (6) and in accordance with Section 58-31b-401, for acts of  
unprofessional or unlawful conduct, the division may:

(i) assess administrative penalties; and

(ii) take any other appropriate administrative action.

(b) An administrative penalty imposed pursuant to this section shall be deposited into  
the "Nurse Education and Enforcement Account" as provided in Section 58-31b-103.

(5) If a licensee has been convicted of violating Section 58-31b-501 prior to an  
administrative finding of a violation of the same section, the licensee may not be  
assessed an administrative fine under this chapter for the same offense for which the  
conviction was obtained.

(6)(a) If upon inspection or investigation, the division concludes that a person has  
violated the provisions of Section 58-31b-401, 58-31b-501, or 58-31b-502, Chapter  
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.**

(1) As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(i) a practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or

(ii) the patient or research subject at the direction, and in the presence, of the practitioner.

(b)(i) "Agent" means an authorized person who acts on behalf of, or at the direction of, a manufacturer, distributor, or practitioner.

(ii) ~~[-but]~~ "Agent" does not include a motor carrier[, or public warehouseman, or an employee of [any of them] a motor carrier or public warehouseman.

(c) "Consumption" means ingesting or having any measurable amount of a controlled substance in [a person's] an individual's body, but this Subsection (1)(c) does not include the metabolite of a controlled substance.

~~[(d) "Continuing criminal enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and any union or groups of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities created or maintained for the purpose of engaging in conduct which constitutes the commission of episodes of activity made unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not isolated, but have the same or similar purposes, results, participants, victims, methods of commission, or otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall demonstrate continuing unlawful conduct and be related either to each other or to the enterprise.]~~

~~[(e)]~~ (d) "Control" means to add, remove, or change the placement of a drug, substance, or immediate precursor under Section ~~[58-37-3]~~ 58-37-107.

~~[(f)]~~ (e)(i) "Controlled substance" means a drug or substance:

(A) included in Schedules I, II, III, IV, or V of Section ~~[58-37-4]~~ 58-37-108;

(B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, P.L. 91-513;

(C) that is a controlled substance analog; or

(D) listed in Section [58-37-4.2] 58-37-109.

(ii) "Controlled substance" does not include:

(A) distilled spirits, wine, or malt beverages, as those terms are defined in Title 32B, Alcoholic Beverage Control Act;

(B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription; or

(C) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which:

(I) are not otherwise regulated by law; and

(II) may contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~(g)~~ (f)(i) "Controlled substance analog" means:

(A) a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in Schedules I and II of Section [58-37-4] 58-37-108, a substance listed in Section [58-37-4.2] 58-37-109, or in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513;

(B) a substance that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances listed in Schedules I and II of Section [58-37-4] 58-37-108, substances listed in Section [58-37-4.2] 58-37-109, or substances listed in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513; or

(C) A substance that, with respect to a particular individual, is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances listed in Schedules I and II of Section [58-37-4] 58-37-108, substances listed in Section [58-37-4.2] 58-37-109, or substances listed in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513.

(ii) "Controlled substance analog" does not include:

- (A) a controlled substance currently scheduled in Schedules I through V of Section ~~[58-37-4]~~ 58-37-108;
- (B) a substance for which there is an approved new drug application;
- (C) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. 355, to the extent the conduct with respect to the substance is permitted by the exemption;
- (D) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance;
- (E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription; or
- (F) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which are not otherwise regulated by law, which may contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(h)]~~ (g)(i) "Conviction" means a determination of guilt by verdict, whether jury or bench, or plea, whether guilty or no contest, for any offense proscribed by:

- (A) this chapter;
- ~~[(B) Chapter 37a, Utah Drug Paraphernalia Act;]~~
- ~~[(C) Chapter 37b, Imitation Controlled Substances Act;]~~
- ~~[(D)] (B) [Chapter 37c, Utah Controlled Substance Precursor Act; or] Chapter 37c,~~  
Controlled Substance Precursors;
- (C) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
- (D) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;
- (E) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances;
- (F) Title 76, Chapter 18, Part 5, Clandestine Drug Labs; or
- (G) a statute previously in effect in this state that is the same or substantially similar to a violation of an offense described in Subsections (1)(g)(i)(A)

through (F); or

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

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

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

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

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

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

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

~~[(+)]~~ (h) "Counterfeit substance" means:

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

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

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

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

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

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

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

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

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

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

(ii) a drug which contains any quantity of:

(A) amphetamine or any of its optical isomers;

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

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

(iii) lysergic acid diethylamide; or

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

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

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

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

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

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

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

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

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

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

(D) substances intended for use as a component of any substance specified in Subsections ~~[(t)(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 ~~[(u)]~~ (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



4-41-102.

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

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

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

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

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

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

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

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

~~[(ii)]~~ ~~(ee)~~ "Possession" or "use" means the joint or individual ownership, control, occupancy, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption, as distinguished from distribution, of controlled substances and includes individual, joint, or group possession or use of controlled substances. For a person to be a possessor or user of a controlled 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

1, Division of Professional Licensing Act, and conducted in conjunction with the appropriate representative committee designated by the director of the department.

(ii) Nothing in this Subsection (4)(c) gives the Division of Professional Licensing exclusive authority in proceedings to deny, revoke, or suspend licenses, except where the division is designated by law to perform those functions, or, when not designated by law, is designated by the executive director of the Department of Commerce to conduct the proceedings.

(d)(i) The division may suspend any license simultaneously with the institution of proceedings under this section if [it] the division finds there is an imminent danger to the public health or safety.

(ii) Suspension shall continue in effect until the conclusion of proceedings, including judicial review, unless withdrawn by the division or dissolved by a court of competent jurisdiction.

(e)(i) If a license is suspended or revoked under this Subsection (4), all controlled substances owned or possessed by the licensee may be placed under seal in the discretion of the division.

(ii) Disposition may not be made of substances under seal until the time for taking an appeal has lapsed, or until all appeals have been concluded, unless a court, upon application, orders the sale of perishable substances and the proceeds deposited with the court.

(iii) If a revocation order becomes final, all controlled substances shall be forfeited.

(f) The division shall notify promptly the Drug Enforcement Administration of all orders suspending or revoking a license and all forfeitures of controlled substances.

(g) If an individual's Drug Enforcement Administration registration is denied, revoked, surrendered, or suspended, the division shall immediately suspend the individual's controlled substance license, which shall only be reinstated by the division upon reinstatement of the federal registration, unless the division has taken further administrative action under Subsection (4)(a)(iv), which would be grounds for the continued denial of the controlled substance license.

(5)(a) A person licensed under Subsection (2) or (3) shall maintain records and inventories in conformance with the record keeping and inventory requirements of federal and state law and any additional rules issued by the division.

(b)(i) A physician, dentist, naturopathic physician, veterinarian, practitioner, or other individual who is authorized to administer or professionally use a controlled



substance, shall keep a record of the drugs received by the individual and a record of all drugs administered, dispensed, or professionally used by the individual otherwise than by a prescription.

(ii) An individual using small quantities or solutions or other preparations of those drugs for local application has complied with this Subsection (5)(b) if the individual keeps a record of the quantity, character, and potency of those solutions or preparations purchased or prepared by the individual, and of the dates when purchased or prepared.

(6) Controlled substances in Schedules I through V may be distributed only by a licensee and pursuant to an order form prepared in compliance with division rules or a lawful order under the rules and regulations of the United States.

~~[(7)(a) An individual may not write or authorize a prescription for a controlled substance unless the individual is:]~~

~~[(i) a practitioner authorized to prescribe drugs and medicine under the laws of this state or under the laws of another state having similar standards; and]~~

~~[(ii) licensed under this chapter or under the laws of another state having similar standards.]~~

~~[(b) An individual other than a pharmacist licensed under the laws of this state, or the pharmacist's licensed intern, as required by Sections 58-17b-303 and 58-17b-304, may not dispense a controlled substance.]~~

~~[(c)(i) A controlled substance may not be dispensed without the written prescription of a practitioner, if the written prescription is required by the federal Controlled Substances Act.]~~

~~[(ii) That written prescription shall be made in accordance with Subsection (7)(a) and in conformity with Subsection (7)(d).]~~

~~[(iii) In emergency situations, as defined by division rule, controlled substances may be dispensed upon oral prescription of a practitioner, if reduced promptly to writing on forms designated by the division and filed by the pharmacy.]~~

~~[(iv) Prescriptions reduced to writing by a pharmacist shall be in conformity with Subsection (7)(d).]~~

~~[(d) Except for emergency situations designated by the division, an individual may not issue, fill, compound, or dispense a prescription for a controlled substance unless the prescription is signed by the prescriber in ink or indelible pencil or is signed with an 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.]

~~[(i) A practitioner licensed under this chapter may not prescribe or administer dosages of a controlled substance in excess of medically recognized quantities necessary to treat the ailment, malady, or condition of the ultimate user.]~~

~~[(j) A practitioner licensed under this chapter may not prescribe, administer, or dispense any controlled substance to another person knowing that the other person is using a false name, address, or other personal information for the purpose of securing the controlled substance.]~~

~~[(k) A person who is licensed under this chapter to manufacture, distribute, or dispense a controlled substance may not manufacture, distribute, or dispense a controlled substance to another licensee or any other authorized person not authorized by this license.]~~

~~[(l) A person licensed under this chapter may not omit, remove, alter, or obliterate a symbol required by this chapter or by a rule issued under this chapter.]~~

~~[(m) A person licensed under this chapter may not refuse or fail to make, keep, or furnish any record notification, order form, statement, invoice, or information required under this chapter.]~~

~~[(n) A person licensed under this chapter may not refuse entry into any premises for inspection as authorized by this chapter.]~~

~~[(o) A person licensed under this chapter may not furnish false or fraudulent material information in any application, report, or other document required to be kept by this chapter or willfully make any false statement in any prescription, order, report, or record required by this chapter.]~~

~~[(8)(a)(i) Any person licensed under this chapter who is found by the division to have violated any of the provisions of Subsections (7)(k) through (o) or Subsection (10) is subject to a penalty not to exceed \$5,000. The division shall determine the procedure for adjudication of any violations in accordance with Sections 58-1-106 and 58-1-108.]~~

~~[(ii) The division shall deposit all penalties collected under Subsection (8)(a)(i) into the General Fund as a dedicated credit to be used by the division under Subsection 58-37f-502(1).]~~

~~[(iii) The director may collect a penalty that is not paid by:]~~

~~[(A) referring the matter to a collection agency; or]~~

~~[(B) bringing an action in the district court of the county where the person against 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 [(c) 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)(c)(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-piperidiny]-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) Levophenacylmorphane;  
5685 (OO) Methoxyacetyl fentanyl  
5686 (2-Methoxy-N-(1-phenylethylpiperidin-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) Hydromorphenol;
- 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;  $\alpha$   
5756 -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole;  $\alpha$ -ET; and AET;
- 5757 (B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names:  
5758 4-bromo-2,5-dimethoxy- $\alpha$ -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- $\alpha$   
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- $\alpha$   
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- $\alpha$ -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:  $\Delta 1$  cis or trans  
5809 tetrahydrocannabinol, and their optical isomers  $\Delta 6$  cis or trans  
5810 tetrahydrocannabinol, and their optical isomers  $\Delta 3,4$  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;

5814 (BB) Ethylamine analog of phencyclidine, some trade or other names:

5815 N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine,  
5816 N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;

5817 (CC) Pyrrolidine analog of phencyclidine, some trade or other names:

5818 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

5819 (DD) Thiophene analog of phencyclidine, some trade or other names:

5820 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine,  
5821 TPCP, TCP; and

5822 (EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.

5823 (iv) Unless specifically excepted or unless listed in another schedule, any material  
5824 compound, mixture, or preparation [which] that contains any quantity of the  
5825 following substances having a depressant effect on the central nervous system,  
5826 including its salts, isomers, and salts of isomers when the existence of the salts,  
5827 isomers, and salts of isomers is possible within the specific chemical designation:

5828 (A) Mecloqualone; and

5829 (B) Methaqualone.

5830 (v) Any material, compound, mixture, or preparation containing any quantity of the  
5831 following substances having a stimulant effect on the central nervous system,  
5832 including their salts, isomers, and salts of isomers:

5833 (A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline;  
5834 or 4,5-dihydro-5-phenyl-2-oxazolamine;

5835 (B) Cathinone, some trade or other names: 2-amino-1-phenyl-1-propanone,  
5836 alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;

5837 (C) Fenethylamine;

5838 (D) Methcathinone, some other names: 2-(methylamino)-propiophenone;  
5839 alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one;  
5840 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone;  
5841 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432,

its salts, optical isomers, and salts of optical isomers;

(E) ( $\pm$ )cis-4-methylaminorex (( $\pm$ )cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazamine);

(F) N-ethylamphetamine; and

(G) N,N-dimethylamphetamine, also known as

N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.

(vi) Any material, compound, mixture, or preparation [~~which~~] that contains any quantity of the following substances, including their optical isomers, salts, and salts of isomers, subject to temporary emergency scheduling:

(A) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl); and

(B) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thethylfentanyl).

(vii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation [~~which~~] that contains any quantity of gamma hydroxy butyrate (gamma hydrobutyric acid), including its salts, isomers, and salts of isomers.

(b) Schedule II:

(i) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, nalmeferene, naloxone, and naltrexone, and their respective salts, but including:

(I) Raw opium;

(II) Opium extracts;

(III) Opium fluid;

(IV) Powdered opium;

(V) Granulated opium;

(VI) Tincture of opium;

(VII) Codeine;

(VIII) Ethylmorphine;

(IX) Etorphine hydrochloride;

(X) Hydrocodone;

(XI) Hydromorphone;

(XII) Metopon;

- (XIII) Morphine;
- (XIV) Oxycodone;
- (XV) Oxymorphone; and
- (XVI) Thebaine;

(B) Any salt, compound, derivative, or preparation [~~which~~] that is chemically equivalent or identical with any of the substances referred to in Subsection (2)(b)(i)(A), except that these substances may not include the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw;

(D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation [~~which~~] that is chemically equivalent or identical with any of these substances, and includes cocaine and ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives, whether derived from the coca plant or synthetically produced, except the substances may not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and

(E) Concentrate of poppy straw, which means the crude extract of poppy straw in either liquid, solid, or powder form [~~which~~] that contains the phenanthrene alkaloids of the opium poppy.

(ii) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation, except dextrorphan and levopropoxyphene:

- (A) Alfentanil;
- (B) Alphaprodine;
- (C) Anileridine;
- (D) Bezitramide;
- (E) Bulk dextropropoxyphene (nondosage forms);
- (F) Carfentanil;
- (G) Dihydrocodeine;
- (H) Diphenoxylate;
- (I) Fentanyl;
- (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) Remifentanyl; and  
5928 (AA) Sufentanyl.
- 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 )-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, flupyzapon.  
 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;

- (B) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
- (C) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
- (D) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- (E) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- (F) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit; and
- (G) unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation [~~which~~] that contains Pyrovalerone having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers.

- (ii) A drug product or preparation that contains any component of marijuana, including cannabidiol, and is approved by the United States Food and Drug Administration and scheduled by the Drug Enforcement Administration in Schedule V of the federal Controlled Substances Act, Title II, P.L. 91-513.
- (iii) Gabapentin.

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

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

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

- (1) AB-001;
- (2) AB-PINACA;  
N-[1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide;
- (3) AB-FUBINACA; N-[1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide;
- (4) AB-CHMINACA  
(N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
- (5) ADB-CHMINACA (N-[(2S)-1-amino-3,3-dimethyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)indazole-3-carboxamide);
- (6) ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(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-butyldol-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-methylenedioxypyrovalerone {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<sup>3,7</sup>]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 butanolate;  
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

substance that is an opiate, the pharmacy shall:

(a) affix a warning to the container or the lid for the container in which the substance is sold or dispensed that contains the following text:

(i) "Caution: Opioid. Risk of overdose and addiction"; or

(ii) any other language that is approved by the Department of Health and Human Services;

(b) beginning January 1, 2024:

(i) offer to counsel the patient or the patient's representative on the use and availability of an opiate antagonist as defined in Section 26B-4-501; and

(ii) offer to dispense an opiate antagonist as defined in Section 26B-4-501 to the patient or the patient's representative, under a prescription from a practitioner or under Section 26B-4-510, if the patient:

(A) receives a single prescription for 50 morphine milligram equivalents or more per day, calculated in accordance with guidelines developed by the United States Centers for Disease Control and Prevention;

(B) is being dispensed an opioid and the pharmacy dispensed a benzodiazepine to the patient in the previous ~~[30-day]~~ 30-day period; or

(C) is being dispensed a benzodiazepine and the pharmacy dispensed an opioid to the patient in the previous ~~[30-day]~~ 30-day period.

(5)(a) A pharmacy who sells or dispenses a Schedule II or Schedule III controlled substance that is an opiate shall, if available from the Department of Health and Human Services, prominently display at the point of sale the informational pamphlet developed by the Department of Health and Human Services under Section 26B-4-514.

(b) The board and the Department of Health and Human Services shall encourage pharmacies to use the informational pamphlet to engage in patient counseling regarding the risks associated with taking opiates.

(c) The requirement in Subsection (5)(a) does not apply to a pharmacy if the pharmacy is unable to obtain the informational pamphlet from the Department of Health and Human Services for any reason.

~~[(6) A person may not alter the face or remove any label so long as any of the original contents remain.]~~

~~[(7)(a) An individual to whom or for whose use any controlled substance has been prescribed, sold, or dispensed by a practitioner and the owner of any animal for~~

which any controlled substance has been prescribed, sold, or dispensed by a veterinarian may lawfully possess it only in the container in which it was delivered to the individual by the person selling or dispensing it.]

[(b) It is a defense to a prosecution under this subsection that the person being prosecuted produces in court a valid prescription for the controlled substance or the original container with the label attached.]

Section 73. Section **58-37-113** is enacted to read:

**58-37-113 (Effective 05/06/26). Medical research use of controlled substances --**

**Penalties for violation.**

(1) A person holding a valid license under this chapter who is engaged in medical research may produce, possess, administer, prescribe, or dispense a controlled substance for research purposes as licensed under Subsection 58-37-105(2) but may not otherwise prescribe or dispense a controlled substance listed in Section 58-37-109.

(2)(a)(i) A person licensed under this chapter who is found by the division to have violated Subsection (1) is subject to a penalty not to exceed \$5,000.

(ii) The division shall determine the procedure for adjudication of a violation in accordance with Sections 58-1-106 and 58-1-108.

(b) The division shall deposit all penalties collected under Subsection (2)(a)(i) into the General Fund as a dedicated credit to be used by the division under Subsection 58-37f-502(1).

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

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

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

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

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

(3) Any person who knowingly and intentionally violates Subsection (1) is:

(a) upon a first conviction, guilty of a class B misdemeanor;

(b) upon a second conviction, guilty of a class A misdemeanor; or

(c) on a third or subsequent conviction, guilty of a third degree felony.

(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

Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, the following provisions of ~~[Title 76, Chapter 1, General Provisions,]~~ Title 76, Utah Criminal Code, are applicable to a prosecution under this chapter or under Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances:

- (1) Title 76, Chapter 2, Principles of Criminal Responsibility~~[-]~~ ;
- (2) Title 76, Chapter 3, Punishments~~[-]~~ ; and
- (3) Title 76, Chapter 4, Inchoate Offenses~~[-are fully applicable to prosecutions under this chapter]~~.

Section 78. Section **58-37-203**, which is renumbered from Section 58-37-12 is renumbered and amended to read:

**[58-37-12] 58-37-203 (Effective 05/06/26). Enforcement -- Coordination and cooperation of federal and state agencies -- Powers.**

- (1) The department and all law enforcement agencies charged with enforcing this ~~[act]~~ chapter, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, shall cooperate with federal and other state agencies in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances.~~[-To this end, they]~~
- (2) In accordance with Subsection (1), the department and law enforcement agencies charged with enforcing this chapter, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, are authorized to:
  - ~~[(1)]~~ (a) ~~[Arrange-]~~ arrange for the exchange of information between governmental officials concerning the use and abuse of dangerous substances~~[-]~~ ;
  - ~~[(2)]~~ (b) ~~[Coordinate-]~~ coordinate and cooperate in training programs in controlled substance law enforcement at the local and state levels~~[-]~~ ;
  - ~~[(3)]~~ (c) ~~[Cooperate-]~~ cooperate with the United States Department of Justice and the Utah Department of Public Safety by establishing a centralized unit ~~[which]~~ that will receive, catalog, file, and collect statistics, including records of drug-dependent ~~[persons]~~ individuals and other controlled substance law offenders within the state, and make the information available for federal, state, and local law enforcement purposes~~[-]~~ ; and
  - ~~[(4)]~~ (d) ~~[Conduct]~~ conduct programs of eradication aimed at destroying the wild or illicit growth of plant species from which controlled substances may be extracted.

Section 79. Section **58-37-204**, which is renumbered from Section 58-37-9 is renumbered and amended to read:

**[58-37-9] 58-37-204 (Effective 05/06/26). Investigators -- Status of peace officers.**

Investigators for the Department of[-] Commerce shall, for the purpose of enforcing the provisions of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, have the status of peace officers.

*The following section is affected by a coordination clause at the end of this bill.*

Section 80. Section **58-37-205**, which is renumbered from Section 58-37-10 is renumbered and amended to read:

**[58-37-10] 58-37-205 (Effective 05/06/26). Search warrants -- Administrative inspection warrants -- Inspections and seizures of property without warrant.**

(1) Search warrants relating to offenses involving controlled substances may be authorized [pursuant to] in accordance with the Utah Rules of Criminal Procedure.

(2) Issuance and execution of administrative inspection warrants shall be as follows:

(a)(i) Any judge or magistrate of this state within [his] the judge's or magistrate's jurisdiction upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this [aet] chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or regulations thereunder and seizures of property appropriate to such inspections.

(ii) Probable cause for purposes of this [aet] chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, exists upon showing a valid public interest in the effective enforcement of the [aet] chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or rules promulgated thereunder sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant.

(b)(i) A warrant shall issue only upon an affidavit of an officer or employee duly designated and having knowledge of the facts alleged sworn to before a judge or magistrate [which] that establish the grounds for issuing the warrant.

(ii) If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, [he] the judge or magistrate shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and if appropriate, the type of property to be inspected, if any.

(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) [Plaees] places where persons licensed or exempted from licensing requirements  
 6553                    under this [aet] chapter are required to keep records[-] ; or
- 6554                    (ii) [Plaees-] 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

and amended to read:

**[58-37-11] 58-37-206 (Effective 05/06/26). Court action to enjoin a violation -- Jury trial.**

(1) A court may enjoin ~~[violations of this act]~~ a violation of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(2) If an alleged violation of an injunction or restraining order issued under this section occurs, the accused may demand a jury trial in accordance with the Utah Rules of Civil Procedure.

Section 82. Section **58-37-207**, which is renumbered from Section 58-37-14 is renumbered and amended to read:

**[58-37-14] 58-37-207 (Effective 05/06/26). Resort for illegal use or possession of controlled substances deemed common nuisance -- District court power to suppress and enjoin.**

(1)(a) Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or other place to which users or possessors of any controlled substances, listed in schedules I through V, resort or where use or possession of any substances violates this ~~[act]~~ chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or which is used for illegal keeping, storing, or selling any substances listed as controlled substances in schedules I through V, shall be deemed a common nuisance.

(b) No person shall open, keep, or maintain ~~[any such place]~~ a place described in Subsection (1)(a).

(2) The district court has the power to make any order necessary or reasonable to suppress any nuisance and to enjoin any person or persons from doing any act calculated to cause, or permit the continuation of a nuisance.

Section 83. Section **58-37-208** is enacted to read:

**58-37-208 (Effective 05/06/26). Prima facie evidence.**

In any prosecution for a violation of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, evidence or proof that shows a person or persons produced, manufactured, possessed, distributed, or dispensed a controlled substance or substances, is prima facie evidence that the person or persons did so with knowledge of the character of the substance or substances.

Section 84. Section **58-37-209** is enacted to read:

**58-37-209 (Effective 05/06/26). Privileged communication.**

Any information communicated to a licensed practitioner in an attempt to unlawfully procure, or to procure the administration of, a controlled substance is not considered to be a privileged communication.

Section 85. Section **58-37-210** is enacted to read:

**58-37-210 (Effective 05/06/26). Penalties -- Bar to state prosecution.**

(1) A violation of this chapter for which no penalty is specified is a class B misdemeanor.

(2) When a violation of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, violates a federal law or the law of another state, conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

Section 86. Section **58-37-301** is enacted to read:

**Part 3. Specific Provisions Regarding Prescriptions and Orders**

**58-37-301 (Effective 05/06/26). Definitions.**

Reserved.

Section 87. Section **58-37-302**, which is renumbered from Section 58-37-22 is renumbered and amended to read:

**[58-37-22] 58-37-302 (Effective 05/06/26). Electronic prescriptions for controlled substances.**

(1) Beginning January 1, 2022, each prescription issued for a controlled substance shall be transmitted electronically as an electronic prescription, unless the prescription is:

- (a) for a patient residing in an assisted living facility as that term is defined in Section 26B-2-201, a long-term care facility as that term is defined in Section 58-31b-102, or a correctional facility as that term is defined in Section 64-13-1;
- (b) issued by a veterinarian licensed under Chapter 28, Veterinary Practice Act;
- (c) dispensed by a Department of Veterans Affairs pharmacy;
- (d) issued during a temporary technical or electronic failure at the practitioner's or pharmacy's location; or
- (e) issued in an emergency situation.

(2) The division, in collaboration with the appropriate boards that govern the licensure of the licensees who are authorized by the division to prescribe or to dispense controlled substances, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

- (a) require that controlled substances prescribed or dispensed under Subsection (1)(d) indicate on the prescription that the prescribing practitioner or the pharmacy is

- experiencing a technical difficulty or an electronic failure;
- (b) define an emergency situation for purposes of Subsection (1)(e);
- (c) establish additional exemptions to the electronic prescription requirements established in this section;
- (d) establish guidelines under which a prescribing practitioner or a pharmacy may obtain an extension of up to two additional years to comply with Subsection (1);
- (e) establish a protocol to follow if the pharmacy that receives the electronic prescription is not able to fill the prescription; and
- (f) establish requirements that comply with federal laws and regulations for software used to issue and dispense electronic prescriptions.

(3) Beginning July 1, 2024, a pharmacy software program for receiving an electronic prescription for a controlled substance shall be capable of electronically transferring a prescription to a different pharmacy:

- (a) upon the request of the patient or the practitioner;
- (b) with the approval of a pharmacist at the originating pharmacy; and
- (c) if the prescription is unfilled.

Section 88. Section **58-37-303**, which is renumbered from Section 58-37-6.5 is renumbered and amended to read:

**[58-37-6.5] 58-37-303 (Effective 05/06/26). Continuing education for controlled substance prescribers.**

(1) For the purposes of this section:

- (a) "Controlled substance prescriber" means an individual, other than a veterinarian, who:
  - (i) is licensed to prescribe a controlled substance under this chapter; and
  - (ii) possesses the authority, in accordance with the individual's scope of practice, to prescribe schedule II controlled substances and schedule III controlled substances that are applicable to opioid narcotics, hypnotic depressants, or psychostimulants.
- (b) "D.O." means an osteopathic physician and surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act.
- (c) "FDA" means the United States Food and Drug Administration.
- (d) "M.D." means a physician and surgeon licensed under Chapter 67, Utah Medical Practice Act.
- (e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment 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

include educational content covering the following:

- (a) the scope of the controlled substance abuse problem in Utah and the nation;
- (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation Strategy, as published July 9, 2012, or as it may be subsequently revised;
- (c) the national and Utah-specific resources available to prescribers to assist in appropriate controlled substance and opioid prescribing;
- (d) patient record documentation for controlled substance and opioid prescribing;
- (e) office policies, procedures, and implementation; and
- (f) some training regarding medical cannabis, as that term is defined in Section 26B-4-201.

- (7)(a) The division, in consultation with the Utah Medical Association Foundation, shall determine whether a particular controlled substance prescribing class satisfies the educational content requirements of Subsections (4) and (6) for an M.D. or D.O.
  - (b) The division, in consultation with the applicable professional licensing boards, shall determine whether a particular controlled substance prescribing class satisfies the educational content requirements of Subsections (4) and (6) for a controlled substance prescriber other than an M.D. or D.O.
  - (c) The division may by rule establish a committee that may audit compliance with the Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming Project grant, that satisfies the educational content requirements of Subsections (4) and (6) for a controlled substance prescriber.
  - (d) The division shall consult with the Department of Health and Human Services regarding the medical cannabis training described in Subsection (6)(f).
- (8) A controlled substance prescribing class required under this section:
- (a) may be held:
    - (i) in conjunction with other continuing professional education programs; and
    - (ii) online; and
  - (b) does not increase the total number of state-required continuing professional education hours required for prescriber licensing.
- (9) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section.
- (10) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver to treat opioid dependency with narcotic medications, in accordance with the Drug

Addiction Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to satisfy the 3.5 hours of the continuing education requirement under Subsection (3) for two consecutive licensing periods.

Section 89. Section **58-37-304** is enacted to read:

**58-37-304 (Effective 05/06/26). Prescription requirements -- Penalties.**

- (1) An individual may not write or authorize a prescription for a controlled substance unless the individual is:
- (a) a practitioner authorized to prescribe drugs and medicine under the laws of this state or under the laws of another state having similar standards; and
  - (b) licensed under this chapter or under the laws of another state having similar standards.
- (2) An individual other than a pharmacist licensed under the laws of this state, or the pharmacist's licensed intern, as required by Sections 58-17b-303 and 58-17b-304, may not dispense a controlled substance.
- (3)(a) A controlled substance may not be dispensed without the written prescription of a practitioner, if the written prescription is required by the federal Controlled Substances Act.
- (b) A written prescription described in Subsection (3)(a) shall be made in accordance with Subsection (1) and in conformity with Subsection (4).
- (c) In emergency situations, as defined by division rule, controlled substances may be dispensed upon oral prescription of a practitioner, if reduced promptly to writing on forms designated by the division and filed by the pharmacy.
- (d) Prescriptions reduced to writing by a pharmacist shall be in conformity with Subsection (4).
- (4) Except for emergency situations designated by the division, an individual may not issue, fill, compound, or dispense a prescription for a controlled substance unless the prescription is signed by the prescriber in ink or indelible pencil or is signed with an electronic signature of the prescriber as authorized by division rule, and contains the following information:
- (a) the name, address, and registry number of the prescriber;
  - (b) the name, address, and age of the person to whom or for whom the prescription is issued;
  - (c) the date of issuance of the prescription; and
  - (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

and amended to read:

**[58-37-23] 58-37-307 (Effective 05/06/26). Methadone orders authorized.**

(1) As used in this section:

- (a) "Emergency medical order" means a medical order as defined in Section 58-17b-102 for up to a 72-hour supply of methadone.
- (b) "General acute hospital" means the same as that term is defined in Section 26B-2-201.
- (c) "Qualified pharmacy" means a pharmacy that is located on the premises of a general acute hospital that is licensed as a:
  - (i) class A pharmacy as defined in Section 58-17b-102; or
  - (ii) class B pharmacy as defined in Section 58-17b-102.
- (d) "Qualified practitioner" means a practitioner who is:
  - (i) ~~is~~ registered with the United States Drug Enforcement Administration to issue an emergency medical order; and
  - (ii) ~~is~~ working at a general acute hospital.

(2) A qualified practitioner may issue an emergency medical order to a qualified pharmacy to dispense up to a 72-hour supply of methadone on behalf of the qualified practitioner:

- (a) to relieve acute withdrawal symptoms while the qualified practitioner makes arrangements to refer the patient for substance use disorder treatment; and
- (b) in accordance with 21 C.F.R. Sec. 1306.07 and applicable regulation or guidance issued by the United States Drug Enforcement Administration regarding an emergency medical order.

Section 93. Section **58-37-308**, which is renumbered from Section 58-37-6.1 is renumbered and amended to read:

**[58-37-6.1] 58-37-308 (Effective 05/06/26). Veterinary exemption for gabapentin.**

A veterinarian licensed under Chapter 28, Veterinary Practice Act, who is prescribing, administering, or dispensing gabapentin within the veterinarian's scope of practice, is exempt from the requirements of this chapter and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

Section 94. Section **58-37-309**, which is renumbered from Section 58-37-3.5 is renumbered and amended to read:

**[58-37-3.5] 58-37-309 (Effective 05/06/26) (Repealed 07/01/27). Drugs for behavioral health treatment.**

(1) As used in this section:

- (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**

**cannabis to treat a qualifying illness -- Penalties.**

## (1) As used in this section:

(a) "Cannabis" means marijuana.

(b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

(c) "Drug paraphernalia" means the same as that term is defined in Section [58-37a-3] 76-18-301.

(d) "Medical cannabis cardholder" means the same as that term is defined in Section 26B-4-201.

(e) "Medical cannabis device" means the same as that term is defined in Section 26B-4-201.

(f) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.

(g) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic description as described in Subsection [58-37-4(2)(a)(iii)(AA)] 58-37-108(2)(a)(iii)(AA).

## (2) Notwithstanding any other provision of law, except as otherwise provided in this section:

(a) an individual is not guilty of a violation of this title or Title 76, Chapter 18, Drug Offenses, for the following conduct if the individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis:

(i) possessing, ingesting, inhaling, producing, manufacturing, dispensing, distributing, selling, or offering to sell cannabis or a cannabis product; or

(ii) possessing cannabis or a cannabis product with the intent to engage in the conduct described in Subsection (2)(a)(i); and

(b) an individual is not guilty of a violation of this title or Title 76, Chapter 18, Drug Offenses, regarding drug paraphernalia if the individual, in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis:

(i) possesses, manufactures, distributes, sells, or offers to sell a medical cannabis device; or

(ii) possesses a medical cannabis device with the intent to engage in any of the conduct described in Subsection (2)(b)(i).

## (3)(a) As used in this Subsection (3), "smoking" does not include the vaporization or heating of medical cannabis.



(b) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, does not authorize a medical cannabis cardholder to smoke or combust cannabis or to use a device to facilitate the smoking or combustion of cannabis.

(c) A medical cannabis cardholder or a nonresident patient who smokes cannabis or engages in any other conduct described in Subsection (3)(b):

(i) does not possess the cannabis in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and

(ii) is, for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection (3)(b):

(A) for the first offense, guilty of an infraction and subject to a fine of up to \$100; and

(B) for a second or subsequent offense, subject to charges under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(4) An individual who is assessed a penalty or convicted of a crime under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, is not, based on the conduct underlying that penalty or conviction, subject to a penalty described in this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for:

(a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis product; or

(b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

(5)(a) Nothing in this section prohibits a person, either within the state or outside the state, from selling a medical cannabis device within the state.

(b) A person is not required to hold a license under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, to qualify for the protections of this section to sell a medical cannabis device.

(6) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

Section 97. Section **58-37-403**, which is renumbered from Section 58-37-3.6 is renumbered and amended to read:

**[58-37-3.6] 58-37-403 (Effective 05/06/26). Exemption for possession or 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

the possession or distribution of transportable industrial hemp concentrate if the transportable industrial hemp concentrate is handled in accordance with the rules established under Subsection 4-41-103.1(1)(e) or is destroyed.

Section 98. Section **58-37-404**, which is renumbered from Section 58-37-3.7 is renumbered and amended to read:

**[58-37-3.7] 58-37-404 (Effective 05/06/26). Medical cannabis decriminalization.**

(1) As used in this section:

- (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- (c) "Legal dosage limit" means the same as that term is defined in Section 26B-4-201.
- (d) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- (e) "Medical cannabis device" means the same as that term is defined in Section 26B-4-201.
- (f) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- (g) "Nonresident patient" means the same as that term is defined in Section 26B-4-201.
- (h) "Qualifying condition" means the same as that term is defined in Section 26B-4-201.
- (i) "Tetrahydrocannabinol" means the same as that term is defined in Section [58-37-3.9] 58-37-402.

(2) Before July 1, 2021, including during the period between January 1, 2021, and March 17, 2021, an individual is not guilty under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:

- (a) at the time of the arrest or citation, the individual:
  - (i) for possession, was a medical cannabis cardholder; or
  - (ii) for use, was a medical cannabis patient cardholder or a minor with a provisional patient card under the supervision of a medical cannabis guardian cardholder; and
- (b)(i) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or tetrahydrocannabinol is one of the following in an amount that does not exceed the legal dosage limit:
  - (A) unprocessed cannabis in a medicinal dosage form; or
  - (B) a cannabis product in a medicinal dosage form; and
- (ii) for use or possession of marijuana drug paraphernalia, the paraphernalia is a medical cannabis device.

(3) A nonresident patient is not guilty under this chapter or Title 76, Chapter 18, Part 2,

Offenses Concerning Controlled Substances, for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, if:

(a) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or tetrahydrocannabinol is one of the following in an amount that does not exceed the legal dosage limit:

(i) unprocessed cannabis in a medicinal dosage form; or

(ii) a cannabis product in a medicinal dosage form; and

(b) for use or possession of marijuana drug paraphernalia, the paraphernalia is a medical cannabis device.

(4)(a) There is a rebuttable presumption against an allegation of use or possession of marijuana or tetrahydrocannabinol if:

(i) an individual fails a drug test based on the presence of tetrahydrocannabinol in the sample; and

(ii) the individual provides evidence that the individual possessed or used cannabidiol or a cannabidiol product.

(b) The presumption described in Subsection (4)(a) may be rebutted with evidence that the individual purchased or possessed marijuana or tetrahydrocannabinol that is not authorized under:

(i) Section 4-41-402; or

(ii) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

(5)(a) An individual is not guilty under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for the use or possession of marijuana drug paraphernalia if the drug paraphernalia is a medical cannabis device.

(b) Nothing in this section prohibits a person, either within the state or outside the state, from selling a medical cannabis device within the state.

(c) A person is not required to hold a license under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, to qualify for the protections of this section to sell a medical cannabis device.

Section 99. Section **58-37-405**, which is renumbered from Section 58-37-3.8 is renumbered and amended to read:

**[58-37-3.8] 58-37-405 (Effective 05/06/26). Enforcement.**

(1) A law enforcement officer, as that term is defined in Section 53-13-103, except for an

officially designated drug enforcement task force regarding conduct that is not in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, may not expend any state or local resources, including the law enforcement officer's time, to:

- (a) effect any arrest or seizure of cannabis, as that term is defined in Section 26B-4-201, or conduct any investigation, on the sole basis of activity the law enforcement officer believes to constitute a violation of federal law if the law enforcement officer has reason to believe that the activity is in compliance with the state medical cannabis laws;
  - (b) enforce a law that restricts an individual's right to acquire, own, or possess a firearm based solely on the individual's possession or use of cannabis in accordance with state medical cannabis laws; or
  - (c) provide any information or logistical support related to an activity described in Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.
- (2) An agency or political subdivision of the state may not take an adverse action against a person for providing a professional service to a medical cannabis pharmacy, as that term is defined in Section 28B-4-201, the state central patient portal, as that term is defined in Section 26B-4-201, or a cannabis production establishment, as that term is defined in Section 4-41a-102, on the sole basis that the service is a violation of federal law.
- Section 100. Section **58-37c-101**, which is renumbered from Section 58-37c-3 is renumbered and amended to read:

## CHAPTER 37c. Controlled Substance Precursors

### Part 1. General Provisions

#### **[58-37e-3] 58-37c-101 (Effective 05/06/26). Definitions.**

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

- (1) "Controlled substance precursor" includes a chemical reagent and means any of the following:
  - (a) Phenyl-2-propanone;
  - (b) Methylamine;
  - (c) Ethylamine;
  - (d) D-lysergic acid;
  - (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;

- (kk) Red phosphorous, except as provided in Section [58-37e-19.7] 58-37c-205;
- (ll) anhydrous ammonia, except as provided in Section [58-37e-19.9] 58-37c-206;
- (mm) any controlled substance precursor listed under the provisions of the Federal Controlled Substances Act which is designated by the director under the emergency listing provisions set forth in Section [58-37e-14] 58-37c-110; and
- (nn) any chemical which is designated by the director under the emergency listing provisions set forth in Section [58-37e-14] 58-37c-110.
- (2) "Deliver," "delivery," "transfer," or "furnish" means the actual, constructive, or attempted transfer of a controlled substance precursor.
- (3) "Matrix" means something, as a substance, in which something else originates, develops, or is contained.
- (4) "Person" means ~~[any]~~ an individual, group of individuals, proprietorship, partnership, joint venture, corporation, or organization of any type or kind.
- (5) "Practitioner" means a physician, physician assistant, dentist, podiatric physician, veterinarian, pharmacist, scientific investigator, pharmacy, hospital, pharmaceutical manufacturer, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state.
- (6)(a) "Regulated distributor" means a person within the state who provides, sells, furnishes, transfers, or otherwise supplies a listed controlled substance precursor chemical in a regulated transaction.
- (b) "Regulated distributor" does not include ~~[any]~~ a person excluded from regulation under this chapter.
- (7)(a) "Regulated purchaser" means ~~[any]~~ a person within the state who receives a listed controlled substance precursor chemical in a regulated transaction.
- (b) "Regulated purchaser" does not include ~~[any]~~ a person excluded from regulation under this chapter.
- (8) "Regulated transaction" means ~~[any]~~ an actual, constructive, or attempted:
- (a) transfer, distribution, delivery, or furnishing by a person within the state to another person within or outside of the state of a threshold amount of a listed precursor chemical; or
- (b) purchase or acquisition by any means by a person within the state from another 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

Section ~~[58-37e-20.5]~~ 58-37c-208.

- (5) The purchase, sale, transfer, receipt, or manufacture of dietary supplements, vitamins, minerals, herbs, or other similar substances, including concentrates or extracts, which are not otherwise prohibited by law, and which may contain naturally occurring amounts of chemicals or substances listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, are exempt from licensure under this chapter.
- (6) A purchaser of two ounces or less of crystal iodine in a single transaction is not required to be licensed as a regulated purchaser if the transaction complies with Section ~~[58-37e-18]~~ 58-37c-202.
- (7) The purchase, sale, transfer, receipt, or manufacture of a product that contains a precursor chemical listed in Subsection ~~[58-37c-3(1)(ff) or (gg)]~~ 58-37c-101(1)(ff) or (gg) and that is not intended for human consumption is exempt from licensure or regulation and is not subject to criminal penalties under this chapter.

Section 105. Section **58-37c-106**, which is renumbered from Section 58-37c-9 is renumbered and amended to read:

**~~[58-37e-9]~~ 58-37c-106 (Effective 05/06/26). Term of license -- Expiration -- Renewal.**

- (1)(a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.
- (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Section 106. Section **58-37c-107**, which is renumbered from Section 58-37c-10 is renumbered and amended to read:

**~~[58-37e-10]~~ 58-37c-107 (Effective 05/06/26). Reporting and recordkeeping -- Penalty.**

- (1) Any person who engages in a regulated transaction, unless excepted under the provisions of Subsections ~~[58-37c-8(3) and (4)]~~ 58-37c-105(3) and (4), shall submit a report with respect to such transaction and shall maintain records of inventories in accordance with rules adopted by the division.
- (2) The division shall provide reporting forms upon which regulated transactions shall be 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:

**[58-37e-12] 58-37c-108 (Effective 05/06/26). Grounds for denial of license --  
Disciplinary proceedings.**

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Section 108. Section **58-37c-109**, which is renumbered from Section 58-37c-13 is renumbered and amended to read:

**[58-37e-13] 58-37c-109 (Effective 05/06/26). License does not authorize  
possession of controlled substances.**

Nothing in the provisions of this chapter shall authorize ~~[persons]~~ a person not licensed under provisions of ~~[Title 58, Chapter 37, Utah Controlled Substances Act,]~~ Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, to distribute, possess, dispense, administer, or otherwise deal in controlled substances as defined in ~~[the Utah Controlled Substance Act]~~ Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

Section 109. Section **58-37c-110**, which is renumbered from Section 58-37c-14 is renumbered and amended to read:

**[58-37e-14] 58-37c-110 (Effective 05/06/26). Emergency listing provision.**

(1) Upon a written finding of cause by the director that the listing of a chemical as a controlled substance precursor is necessary to protect the public health, safety, or welfare, the director may make an emergency listing of that chemical as a controlled substance precursor by adopting a rule pursuant to the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2)(a) ~~[Such listing-]~~ A listing of a chemical described in Subsection (1) shall have effect until the close of the next immediately succeeding regular session of the Legislature.

(b) In the event the Legislature adopts the chemical as a controlled precursor by amendment to this chapter, the chemical shall remain listed under emergency provisions until the effective date of the amendment.

(3) Any violation of this chapter dealing with a controlled substance precursor listed under the emergency listing provisions of this section shall constitute a violation subject only to civil or administrative penalties.

Section 110. Section **58-37c-111**, which is renumbered from Section 58-37c-15 is renumbered and amended to read:

**[58-37e-15] 58-37c-111 (Effective 05/06/26). Civil forfeiture.**

The following shall be subject to forfeiture in accordance with the procedures and substantive protections of Title 77, Chapter 11b, Forfeiture of Seized Property:

- (1) all listed controlled substance precursor chemicals regulated under the provisions of this chapter ~~[which]~~ that have been distributed, possessed, or are intended to be distributed or otherwise transferred in violation of any felony provision of this chapter; and
- (2) all property used by any person to facilitate, aid, or otherwise cause the unlawful distribution, transfer, possession, or intent to distribute, transfer, or possess a listed controlled substance precursor chemical in violation of any felony provision of this chapter.

Section 111. Section **58-37c-112**, which is renumbered from Section 58-37c-17 is renumbered and amended to read:

**[58-37e-17] 58-37c-112 (Effective 05/06/26). Inspection authority.**

For the purpose of inspecting, copying, and auditing records and reports required under this chapter and rules adopted ~~[pursuant thereto]~~ under this chapter, and for the purpose of inspecting and auditing inventories of listed controlled substance precursors, the director, or ~~[his]~~ the director's authorized agent, and law enforcement personnel of any federal, state, or local law enforcement agency~~[-is]~~ , are authorized to enter the premises of a regulated ~~[distributors and]~~ distributor or regulated ~~[purchasers]~~ purchaser during normal business hours to conduct an administrative ~~[inspections]~~ inspection.

Section 112. Section **58-37c-113**, which is renumbered from Section 58-37c-21 is renumbered and amended to read:

**[58-37e-21] 58-37c-113 (Effective 05/06/26). Department of Public Safety enforcement authority.**

(1) As used in this section, "division" means the Criminal Investigations and Technical Services Division of the Department of Public Safety, created in Section 53-10-103.

(2)(a) The division has authority to enforce this chapter.

(b) To carry out ~~[this purpose]~~ enforcement of this chapter, the division may:

- ~~[(a)]~~ (i) inspect, copy, and audit records, inventories of controlled substance precursors, and reports required under this chapter and rules adopted under this chapter;
- ~~[(b)]~~ (ii) enter the premises of regulated distributors and regulated purchasers during normal business hours to conduct administrative inspections;
- ~~[(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 ~~[58-37c-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 ~~[58-37c-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:



**[58-37e-19] 58-37c-203 (Effective 05/06/26). Possession or sale of crystal iodine -- Penalty.**

- (1) A person licensed to engage in a regulated transaction is guilty of a class B misdemeanor [who] if, under circumstances not amounting to a violation of Subsection [58-37d-4(1)(e)] 76-18-506(2)(c), the person offers to sell, sells, or distributes more than two ounces of crystal iodine to another person who is:
- (a) not licensed as a regulated purchaser of crystal iodine;
  - (b) not excepted from licensure; or
  - (c) not excepted under Subsection (3).
- (2) A person who is not licensed to engage in regulated transactions and not excepted from licensure is guilty of a class A misdemeanor [who] if, under circumstances not amounting to a violation of Subsection [58-37e-3(1)(k)] 58-37c-101(11)(k) or Subsection [58-37d-4(1)(a)] 76-18-506(2)(a), the person:
- (a) possesses more than two ounces of crystal iodine; or
  - (b) offers to sell, sells, or distributes crystal iodine to another person.
- (3) Subsection (2)(a) does not apply to:
- (a) a chemistry laboratory maintained by:
    - (i) a public or private regularly established secondary school; or
    - (ii) a public or private institution of higher education that is accredited by a regional or national accrediting agency recognized by the United States Department of Education;
  - (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice Act; or
  - (c) a general acute hospital.

Section 117. Section **58-37c-204**, which is renumbered from Section 58-37c-19.5 is renumbered and amended to read:

**[58-37e-19.5] 58-37c-204 (Effective 05/06/26). Iodine solution greater than 1.5% -- Prescription or permit required -- Penalties.**

- (1) As used in this section, "iodine matrix" means iodine at concentrations greater than 1.5% by weight in a matrix or solution.
- (2) A person may offer to sell, sell, or distribute an iodine matrix only:
- (a) as a prescription drug, pursuant to a prescription issued by a veterinarian or physician licensed within the state; or
  - (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 ~~[58-37e-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;

(c) a general acute hospital; or

(d) a veterinarian, physician, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons who possesses an iodine matrix in the regular course of lawful business activities.

Section 118. Section **58-37c-205**, which is renumbered from Section 58-37c-19.7 is renumbered and amended to read:

**[58-37c-19.7] 58-37c-205 (Effective 05/06/26). Red phosphorus is a precursor -- Penalty -- Affirmative defense.**

(1) A person ~~[is guilty of a class A misdemeanor]~~ who is not licensed to engage in a regulated transaction and is not excepted from licensure ~~[who]~~ is guilty of a class A misdemeanor if, under circumstances not amounting to a violation of Subsection [ ~~58-37c-3(11)(k) or 58-37d-4(1)(a)~~ 58-37c-101(11)(k) or 76-18-506(2)(a), possesses any amount of red phosphorus.

(2) It is an affirmative defense to a charge under Subsection (1) that the person in possession of red phosphorus:

(a) is conducting a licensed business that involves red phosphorus in the manufacture of any of the following:

(i) the striking surface used for lighting matches, which is sometimes referred to as the striker plate;

(ii) flame retardant in polymers; or

(iii) fireworks, for which the person or entity possesses a federal license to manufacture explosives as required under 27 CFR Chapter II, Part 555, Commerce in Explosives; or

(b)(i) is a wholesaler, manufacturer, warehouseman, or common carrier handling red phosphorus, or is an agent of any of these persons; and

(ii) possesses the substances in the regular course of lawful business activities.

(3)(a)(i) A defendant shall provide written notice of intent to claim an affirmative defense under this section as soon as practicable, but not later than 10 days prior to trial.

(ii) The court may waive the notice requirement in the interest of justice for good cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

(b) The notice described in Subsection (3)(a)(i) shall include the specifics of the affirmative defense.

(c)(i) The defendant shall establish the affirmative defense by a preponderance of the evidence.

(ii) If the defense is established, it is a complete defense to the charges.

(4) Subsection (1) does not apply to:

(a) a chemistry or chemistry-related laboratory maintained by:

(i) a public or private regularly established secondary school; or

(ii) a public or private institution of higher education that is accredited by a regional or national accrediting agency recognized by the United States Department of Education; or

(b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons who possesses red phosphorus in the regular course of lawful business activities.

Section 119. Section **58-37c-206**, which is renumbered from Section 58-37c-19.9 is renumbered and amended to read:

**[58-37e-19.9] 58-37c-206 (Effective 05/06/26). Anhydrous ammonia is a precursor -- Penalty -- Requirements regarding purposes and containers.**

(1) A person [~~is guilty of a class A misdemeanor~~] who is not licensed to engage in a regulated transaction and is not excepted from licensure or exempted under Subsection

(2), and who possesses any amount of anhydrous ammonia under circumstances not amounting to a violation of Subsection [~~58-37c-3(11)(k) or 58-37d-4(1)(a)]~~

58-37c-101(11)(k) or 76-18-506(2)(a), is guilty of a class A misdemeanor.

(2) A person who possesses anhydrous ammonia has an affirmative defense to a charge under Subsection (1) if the person is:

(a) directly involved in or actively operating land in agricultural use as defined in Section 59-2-502;

(b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons, who possesses anhydrous ammonia in the regular course of lawful business activities;

(c) directly involved in or actively operating a business or other lawful activity providing or using anhydrous ammonia for refrigeration applications; or

(d) directly involved in or actively operating a lawful business enterprise, including an industrial enterprise, that uses anhydrous ammonia in the regular course of [~~its~~] the lawful business enterprise's business activities.

Section 120. Section **58-37c-207**, which is renumbered from Section 58-37c-20 is renumbered

and amended to read:

**[58-37e-20] 58-37c-207 (Effective 05/06/26). Possession of ephedrine, pseudoephedrine, or phenylpropanolamine -- Penalties -- Affirmative defense.**

(1) A person is guilty of a class A misdemeanor if the person:

(a) ~~[who]~~ is not licensed to engage in regulated transactions and is not excepted from licensure; and

(b) ~~[who]~~ under circumstances not amounting to a violation of Subsection [58-37e-3(11)(k) or Subsection 58-37d-4(1)(a)] 58-37c-101(11)(k) or 76-18-506(2)(a), possesses more than 9 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances.

(2) It is an affirmative defense to a charge under Subsection (1) that the person in possession of ephedrine, pseudoephedrine, phenylpropanolamine, or a combination of these ~~[two]~~ substances:

(a)(i) is a physician, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons; and  
(ii) possesses the substances in the regular course of lawful business activities; or  
(b) possesses the substance pursuant to a valid prescription as defined in Section [58-37-2] 58-37-101.

(3)(a)(i) A defendant shall provide written notice of intent to claim an affirmative defense under this section as soon as practicable, but not later than 10 days prior to trial.

(ii) The court may waive the notice requirement in the interest of justice for good cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

(b) The notice described in Subsection (3)(a)(i) shall include the specifics of the asserted defense.

(c)(i) The defendant shall establish the affirmative defense by a preponderance of the evidence.

(ii) If the defense is established, it is a complete defense to the charges.

(4) This section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(a) are not otherwise prohibited by law; and

(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;

(d) maintains a written or electronic log under Subsection (5) of the sales made under this section; and

(e) provides a notice concerning federal penalties for making false statements or misrepresentations, as provided in Subsection (5)(d).

(5)(a) Each retail distributor or mobile retail vendor shall maintain an electronic or written log that contains the following information regarding each person to whom product is distributed or sold under this section.

(b) The log described in Subsection (5)(a) shall include:

[(a)] (i) the following information, provided or written in the log by the purchaser:

[(i)] (A) the purchaser's name, address, and date of birth, as demonstrated by a form of personal identification issued by the state or the federal government and that provides an identifying photograph of the person;

[(ii)] (B) the date and time of the transaction; and

[(iii)] (C) the purchaser's signature; and

[(b)] (ii) the following information verified or written in by the retail distributor or the mobile retail vendor:

[(i)] (A) verification of the identity of the purchaser as indicated by the form of identification presented by the purchaser;

[(ii)] (B) verification that the date and time of the transaction as entered in the log is correct; and

[(iii)] (C) entry of the brand name and the quantity of the product sold in the transaction.

(c) The retail distributor or the mobile retail vendor shall maintain the information required to be recorded in a log under Subsections (5)(a) and (b) for not less than two years from the most recent date contained in the log.

(d) In addition to the log information required under this Subsection (5), the log, or a prominently displayed sign, shall contain the following statement verbatim which shall be visible to purchasers of product:

"WARNING: Section 1001 of Title 18, United States Code, states that whoever, with respect to the information to be provided in this log, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document, knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, shall be fined not more than \$250,000 if an individual or \$500,000 if an organization,

imprisoned for not more than five years, or both."

(6)(a) A person may not knowingly and intentionally use, release, publish, or otherwise make available to any person or entity any information in or obtained from a log maintained by a retail distributor or a mobile retail vendor under this section for any purpose other than those specified in Subsection (6)(b).

(b) The retail distributor or [its] the retail distributor's designee shall make information in the log available only to:

(i) federal, state, and local law enforcement authorities engaged as a duty of their employment in enforcing laws regulating controlled substances; and

(ii) an individual:

(A) whose request is for records in the log of that individual's purchase or receipt of product; and

(B) who has provided evidence satisfactory to the retail distributor that the individual is in fact the person regarding whom the requested log entry is made.

(c) Any person who knowingly and intentionally releases or modifies any information in the log in violation of this Subsection (6) is guilty of a class B misdemeanor.

(7)(a) A person may not purchase product that exceeds the threshold amount of 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination of these, regardless of the number of transactions, during any 24-hour period.

(b) A person may not purchase product that exceeds the threshold amount of 9 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination of these, regardless of the number of transactions, during any 30-day period.

(c) A violation of this Subsection (7) is a class B misdemeanor.

(8) This section does not apply to any quantity of product possessed by:

(a) a physician, pharmacist, veterinarian, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or any agent of these persons, who possess the product in the regular course of lawful business activities; or

(b) a person who possesses the product pursuant to a valid prescription as defined in Section ~~[58-37-2]~~ 58-37-101.

(9) This section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(a) are not otherwise prohibited by law; and

(b) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, 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;

(d) a medical facility, insurer, governmental entity, employer, or other entity that funds a drug treatment program or employee assistance program for the individual drug user or that otherwise expended money on behalf of the individual drug user; or

(e) a person injured as a result of the willful, reckless, or negligent actions of an individual drug user.

(2) A person entitled to bring an action under this section may seek damages from one or more of the following:

(a) a person who knowingly distributed, or knowingly participated in the chain of distribution of, an illegal drug that was actually used by the individual drug user; and

(b) a person who knowingly participated in the illegal drug market if:

(i) the place of illegal drug activity by the individual drug user is within the illegal drug market target community of the defendant;

(ii) the defendant's participation in the illegal drug market was connected with the same type of illegal drug used by the individual drug user; and

(iii) the defendant participated in the illegal drug market at any time during the individual drug user's period of illegal drug use.

(3) A person entitled to bring an action under this section may recover all of the following damages:

(a) economic damages, including the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury, and any other pecuniary loss proximately caused by the illegal drug use;

(b) noneconomic damages, including physical and emotional pain, suffering, physical impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services and consortium, and other nonpecuniary losses proximately caused by an individual's use of an illegal drug;

(c) exemplary damages;

(d) reasonable [~~attorney's~~] attorney fees; and

(e) costs of suit, including reasonable expenses for expert testimony.

Section 125. Section **58-37e-104**, which is renumbered from Section 58-37e-5 is renumbered and amended to read:

**[58-37e-5] 58-37e-104 (Effective 05/06/26). Limited recovery of damages by individual drug user.**

(1)(a) An individual drug user may not bring an action for damages caused by the use of

an illegal drug, except as otherwise provided in this section.

(b) An individual drug user may bring an action for damages caused by the use of an illegal drug only if all of the following conditions are met:

(i) the individual personally discloses to narcotics enforcement authorities, more than six months before filing the action, all of the information known to the individual regarding all that individual's sources of illegal drugs;

(ii) the individual has not used an illegal drug within the six months before filing the action; and

(iii) the individual continues to remain free of the use of an illegal drug throughout the pendency of the action.

(2) ~~[A person]~~ An individual entitled to bring an action under this section may seek damages only from a person who distributed, or is in the chain of distribution of, an illegal drug that was actually used by the individual drug user.

(3) ~~[A person]~~ An individual entitled to bring an action under this section may recover only the following damages:

(a) economic damages, including the cost of treatment, rehabilitation, and medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, accidents or injury, and any other pecuniary loss proximately caused by the ~~[person's]~~ individual's illegal drug use;

(b) reasonable attorney's fees; and

(c) costs of suit, including reasonable expenses for expert testimony.

Section 126. Section **58-37e-105**, which is renumbered from Section 58-37e-6 is renumbered and amended to read:

**[58-37e-6] 58-37e-105 (Effective 05/06/26). Third party cases.**

A third party may not pay damages awarded under this chapter, or provide a defense or money for a defense, on behalf of an insured under a contract of insurance or indemnification.

Section 127. Section **58-37e-106**, which is renumbered from Section 58-37e-7 is renumbered and amended to read:

**[58-37e-7] 58-37e-106 (Effective 05/06/26). Illegal drug market target community.**

A person whose participation in the illegal drug market constitutes the following level offense shall be considered to have the following illegal drug market target community:

(1) Level 4: the county in which the defendant's place of participation is situated;

(2) Level 3: the target community described in Subsection (1) plus all counties with a border contiguous to that target community;

(3) Level 2: the target community described in Subsection (2) plus all counties with a border contiguous to that target community;

(4) Level 1: the state.

Section 128. Section **58-37e-107**, which is renumbered from Section 58-37e-8 is renumbered and amended to read:

**[58-37e-8] 58-37e-107 (Effective 05/06/26). Joinder of parties.**

(1) Two or more persons may join in one action under this chapter as plaintiffs if their respective actions have at least one place of illegal drug activity in common and if any portion of the period of illegal drug use overlaps with the period of illegal drug use for every other plaintiff.

(2) Two or more persons may be joined in one action under this chapter as defendants if those persons are liable to at least one plaintiff.

(3)(a) A plaintiff need not be interested in obtaining, and a defendant need not be interested in defending, against all the relief demanded.

(b) Judgment may be given for one or more plaintiffs according to their respective rights to relief and against one or more defendants according to their respective liabilities.

Section 129. Section **58-37e-108**, which is renumbered from Section 58-37e-9 is renumbered and amended to read:

**[58-37e-9] 58-37e-108 (Effective 05/06/26). Comparative responsibility.**

(1)(a) An action by an individual drug user is governed by the principles of comparative responsibility.

(b) Comparative responsibility attributed to the plaintiff does not bar recovery but diminishes the award of compensatory damages proportionally, according to the measure of responsibility attributed to the plaintiff.

(2) The burden of proving the comparative responsibility of the plaintiff is on the defendant, which shall be shown by clear and convincing evidence.

(3) Comparative responsibility may not be applied in an action brought by a third party who was not an individual drug user.

Section 130. Section **58-37e-109**, which is renumbered from Section 58-37e-10 is renumbered and amended to read:

**[58-37e-10] 58-37e-109 (Effective 05/06/26). Contribution among and recovery from multiple defendants.**

(1) A person subject to liability under this chapter has a right of action for contribution 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.

(2) A person against whom a judgment has been rendered under this chapter is not eligible to exempt any property, of whatever kind, from process to levy or process to execute on the judgment, unless the property is exempt by operation of law.

(3) Any assets sought to satisfy a judgment under this chapter that are named in a forfeiture action or have been seized for forfeiture by any state or federal agency may not be used to satisfy a judgment unless and until the assets have been released following the conclusion of the forfeiture action or released by the agency that seized the assets.

Section 133. Section **58-37e-112**, which is renumbered from Section 58-37e-13 is renumbered and amended to read:

**[58-37e-13] 58-37e-112 (Effective 05/06/26). Statute of limitations.**

(1)(a) Except as otherwise provided in this section, a claim under this chapter may not be brought more than two years after the cause of action accrues.

(b) A cause of action accrues under this chapter when a person who may recover has reason to know of the harm from illegal drug use that is the basis for the cause of action and has reason to know that the illegal drug use is the cause of the harm.

(2)(a) For a plaintiff, the statute of limitations under this section is tolled while the individual potential plaintiff is incapacitated by the use of an illegal drug to the extent that the individual cannot reasonably be expected to seek recovery under this chapter or as otherwise provided by law.

(b) For a defendant, the statute of limitations under this section is tolled until six months after the individual potential defendant is convicted of a criminal drug offense or as otherwise provided by law.

(3) The statute of limitations under this chapter for a claim based on participation in the illegal drug market that occurred [~~prior to the effective date of this chapter~~] before May 5, 1997, does not begin to run until [~~the effective date of this chapter~~] May 5, 1997.

Section 134. Section **58-37e-113**, which is renumbered from Section 58-37e-14 is renumbered and amended to read:

**[58-37e-14] 58-37e-113 (Effective 05/06/26). Representation of governmental entities -- Stay of action.**

(1) A county attorney, district attorney, or city attorney may represent any political subdivision of the state, and the attorney general may represent the state in an action brought under this chapter.

(2) On motion by a governmental agency involved in a drug investigation or prosecution, an action brought under this chapter shall be stayed until the completion of the criminal



investigation or prosecution that gave rise to the motion for a stay of the action.

Section 135. Section **58-37f-102** is amended to read:

**58-37f-102 (Effective 05/06/26). Definitions.**

- (1) The definitions in Section [58-37-2] 58-37-101 apply to this chapter.
- (2) As used in this chapter:
  - (a) "Board" means the Utah State Board of Pharmacy created in Section 58-17b-201.
  - (b) "Business associate" is as defined under the HIPAA privacy, security, and breach notification rules in 45 C.F.R. 164.502(a), 164.504(e), and 164.532(d) and (e).
  - (c) "Database" means the controlled substance database created in Section 58-37f-201.
  - (d) "De-identified" is as defined in 45 C.F.R. 164.502(d) and 164.514(a), (b), and (c).
  - (e) "Health care facility" is as defined in Section 26B-2-201.
  - (f) "Mental health therapist" is as defined in Section 58-60-102.
  - (g) "Pharmacy" or "pharmaceutical facility" is as defined in Section 58-17b-102.
  - (h) "Prospective patient" means an individual who:
    - (i) is seeking medical advice, medical treatment, or medical services from a practitioner; and
    - (ii) the practitioner described in Subsection (2)(h)(i) is considering accepting as a patient.
  - (i) "Substance abuse treatment program" is as defined in Section 26B-2-101.

Section 136. Section **58-37f-201** is amended to read:

**58-37f-201 (Effective 05/06/26). Controlled substance database -- Creation --**

**Purpose.**

- (1) There is created within the division a controlled substance database.
- (2) The division shall administer and direct the functioning of the database in accordance with this chapter.
- (3) The division may, under state procurement laws, contract with another state agency or a private entity to establish, operate, or maintain the database.
- (4) The division shall, in collaboration with the board, determine whether to operate the database within the division or contract with another entity to operate the database, based on an analysis of costs and benefits.
- (5) The purpose of the database is to contain:
  - (a) the data described in Section 58-37f-203 regarding prescriptions for dispensed controlled substances;
  - (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.

Section 137. Section **58-37f-301** is amended to read:

**58-37f-301 (Effective 05/06/26). Access to database.**

- (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- (a) effectively enforce the limitations on access to the database as described in this part; and
  - (b) establish standards and procedures to ensure accurate identification of individuals requesting information or receiving information without request from the database.
- (2) The division shall make information in the database and information obtained from other state or federal prescription monitoring programs by means of the database available only to the following individuals, in accordance with the requirements of this chapter and division rules:
- (a)(i) personnel of the division specifically assigned to conduct investigations related to controlled substance laws under the jurisdiction of the division; and
  - (ii) the following law enforcement officers, but the division may only provide nonidentifying information, limited to gender, year of birth, and postal ZIP code, regarding individuals for whom a controlled substance has been prescribed or to whom a controlled substance has been dispensed:
    - (A) a law enforcement agency officer who is engaged in a joint investigation with the division; and
    - (B) a law enforcement agency officer to whom the division has referred a suspected criminal violation of controlled substance laws;
  - (b) authorized division personnel engaged in analysis of controlled substance prescription information as a part of the assigned duties and responsibilities of their employment;
  - (c) a board member if:
    - (i) the board member is assigned to monitor a licensee on probation; and
    - (ii) the board member is limited to obtaining information from the database regarding the specific licensee on probation;
  - (d) a person the division authorizes to obtain that information on behalf of the Utah Professionals Health Program established in Subsection 58-4a-103(1) if:
    - (i) the person the division authorizes is limited to obtaining information from the database regarding the person whose conduct is the subject of the division's 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

the individual in writing that the individual may direct the division to discontinue providing the information to a third party and that notice of the individual's direction to discontinue will be provided to the third party.

(b) The information the division shall provide under Subsection (5)(a) is:

(i) the fact a controlled substance has been dispensed to the individual, but without identifying the controlled substance; and

(ii) the date the controlled substance was dispensed.

(c)(i) An individual who has made a request under Subsection (5)(a) may direct that the division discontinue providing information to the third party.

(ii) The division shall:

(A) notify the third party that the individual has directed the division to no longer provide information to the third party; and

(B) discontinue providing information to the third party.

(6)(a) An individual who is granted access to the database based on the fact that the individual is a licensed practitioner or a mental health therapist shall be denied access to the database when the individual is no longer licensed.

(b) An individual who is granted access to the database based on the fact that the individual is a designated employee of a licensed practitioner shall be denied access to the database when the practitioner is no longer licensed.

(7) A probation or parole officer is not required to obtain a search warrant to access the database in accordance with Subsection (2)(m).

(8) The division shall review and adjust the database programming which automatically logs off an individual who is granted access to the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c) to maximize the following objectives:

(a) to protect patient privacy;

(b) to reduce inappropriate access; and

(c) to make the database more useful and helpful to a person accessing the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations such as an emergency department.

(9) Any person who knowingly and intentionally accesses the database without express authorization under this section is guilty of a class A misdemeanor.

Section 138. Section **58-37f-303** is amended to read:

**58-37f-303 (Effective 05/06/26). Access to opioid prescription information via an 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

compliance with rules established by the division under Subsection (4), the division shall immediately suspend or revoke the EDS user's access to opioid prescription information in the database via an electronic data system.

(iii) If the division suspends or revokes access to opioid prescription information in the database under Subsection (6)(c)(i) or (6)(c)(ii), the division shall also take any other appropriate corrective or disciplinary action authorized by this chapter or title.

Section 139. Section **58-37f-304** is amended to read:

**58-37f-304 (Effective 05/06/26). Database utilization.**

(1) As used in this section:

- (a) "Dispenser" means a licensed pharmacist, as described in Section 58-17b-303, the pharmacist's licensed intern, as described in Section 58-17b-304, or licensed pharmacy technician, as described in Section 58-17b-305, working under the supervision of a licensed pharmacist who is also licensed to dispense a controlled substance under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances.
- (b) "Outpatient" means a setting in which an individual visits a licensed healthcare facility or a healthcare provider's office for a diagnosis or treatment but is not admitted to a licensed healthcare facility for an overnight stay.
- (c) "Prescriber" means an individual authorized to prescribe a controlled substance under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances.
- (d) "Schedule II opioid" means those substances listed in Subsection [~~58-37-4(2)(b)(i)~~] 58-37-108(2)(b)(i) or (2)(b)(ii).
- (e) "Schedule III opioid" means those substances listed in Subsection [~~58-37-4(2)(e)~~] 58-37-108(2)(c) that are opioids.

(2)(a) A prescriber shall check the database for information about a patient before the first time the prescriber gives a prescription to a patient for a Schedule II opioid or a Schedule III opioid.

(b) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid to a patient, the prescriber shall periodically review information about the patient in:

(i) the database; or

(ii) other similar records of controlled substances the patient has filled.

(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

dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's informed, current, and professional decision regarding whether the prescribed opioid is medically justified, notwithstanding the results of the database search.

(5)(a) The division shall review the database to identify any prescriber who has a pattern of prescribing opioids not in accordance with the recommendations of:

(i) the CDC Guideline for Prescribing Opioids for Chronic Pain, published by the Centers for Disease Control and Prevention;

(ii) the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain, published by the Department of Health and Human Services; or

(iii) other publications describing best practices related to prescribing opioids as identified by division rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consultation with the Medical Licensing Board.

(b) The division shall offer education to a prescriber identified under this Subsection (5) regarding best practices in the prescribing of opioids.

(c) A decision by a prescriber to accept or not accept the education offered by the division under this Subsection (5) is voluntary.

(d) The division may not use an identification the division has made under this Subsection (5) or the decision by a prescriber to accept or not accept education offered by the division under this Subsection (5) in a licensing investigation or action by the division.

(e) Any record created by the division as a result of this Subsection (5) is a protected record under Section 63G-2-305.

(6) The division may consult with a prescriber or health care system to assist the prescriber or health care system in following evidence-based guidelines regarding the prescribing of controlled substances, including the recommendations listed in Subsection (5)(a).

Section 140. Section **58-37f-401** is amended to read:

**58-37f-401 (Effective 05/06/26). Database registration required -- Penalties for failure to register.**

(1) Each individual, other than a veterinarian, who, on June 30, 2010, has a license to prescribe a controlled substance under [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, but is not registered with the division to use the database shall, on or before September 30, 2010, register with the division to use the database.



- (2)(a) An individual who is not a veterinarian, who obtains a new license to prescribe a controlled substance under [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, shall, within 30 days after the day on which the individual obtains a license to prescribe a controlled substance from the Drug Enforcement Administration, register with the division to use the database.
- (b) An individual who is not a veterinarian may not renew a license to prescribe a controlled substance under [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, unless the individual registers with the division to use the database.
- (3) Beginning on November 2, 2012, in order to register to use the database, the individual registering must participate in the online tutorial and pass the online test described in Section 58-37f-402.
- (4) Failure by an individual to comply with the requirements of this section is grounds for the division to take the following actions in accordance with Section 58-1-401:
- (a) refuse to issue a license to the individual;
  - (b) refuse to renew the individual's license; or
  - (c) revoke, suspend, restrict, or place on probation the license.
- (5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504, impose an annual database registration fee on an individual who registers to use the database, to pay the startup and ongoing costs of the division for complying with the requirements of this section.
- Section 141. Section **58-37f-502** is amended to read:
- 58-37f-502 (Effective 05/06/26). Use of dedicated credits -- Controlled Substance Database -- Collection of penalties.**
- (1) The director may use the money deposited in the General Fund as a dedicated credit under Subsections [~~58-37-6(8)(a)~~] 58-37-304(16), 58-37f-601(3)(d), and 58-37f-602(2) for the following purposes:
- (a) maintenance and replacement of the database equipment, including hardware and software;
  - (b) training of staff; and
  - (c) pursuit of external grants and matching funds.
- (2) The director of the division may collect any penalty imposed under Subsections [~~58-37-6(8)(a)~~] 58-37-304(16), 58-37f-601(3)(d), and 58-37f-602(2) and which is not paid by:

- (a) referring the matter to the Office of State Debt Collection or a collection agency; or
- (b) bringing an action in the district court of the county in which the person owing the debt resides or in the county where the office of the director is located.

- (3) The director may seek legal assistance from the attorney general or the county or district attorney of the district in which the action is brought to collect the fine.
- (4) The court shall award reasonable attorney fees and costs to the division for successful collection actions under Subsection (2)(b).

Section 142. Section **58-37f-702** is amended to read:

**58-37f-702 (Effective 05/06/26). Reporting prescribed controlled substance poisoning or overdose to a practitioner.**

- (1)(a) The division shall take the actions described in Subsection (1)(b) if the division receives a report from a general acute hospital under Section 26B-2-225 regarding admission to a general acute hospital for poisoning or overdose involving a prescribed controlled substance.
- (b) The division shall, within three business days after the day on which a report in Subsection (1)(a) is received:
- (i) attempt to identify, through the database, each practitioner who may have prescribed the controlled substance to the patient; and
  - (ii) provide each practitioner identified under Subsection (1)(b)(i) with:
    - (A) a copy of the report provided by the general acute hospital under Section 26B-2-225; and
    - (B) the information obtained from the database that led the division to determine that the practitioner receiving the information may have prescribed the controlled substance to the person named in the report.
- (2)(a) When the division receives a report from the medical examiner under Section 26B-8-210 regarding a death caused by poisoning or overdose involving a prescribed controlled substance, for each practitioner identified by the medical examiner under Subsection 26B-8-210(1)(c), the division:
- (i) shall, within five business days after the day on which the division receives the report, provide the practitioner with a copy of the report; and
  - (ii) may offer the practitioner an educational visit to review the report.
- (b) A practitioner may decline an educational visit described in Subsection (2)(a)(ii).
- (c) The division may not use, in a licensing investigation or action by the division:
- (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;

- (b) advising the convicted person on measures that may be taken to avoid adverse impacts of the controlled substance on future driving; and
- (c) making decisions regarding future prescriptions written for the convicted person.
- (3) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504, increase the licensing fee described in Subsection [~~58-37-6(1)(b)~~] 58-37-105(1)(b) to pay the startup and ongoing costs of the division for complying with the requirements of this section.

Section 144. Section **58-37f-704** is amended to read:

**58-37f-704 (Effective 05/06/26). Entering certain convictions into the database.**

Beginning October 1, 2016, if the division receives a report from a court under Subsection [~~58-37-8(1)(e) or 58-37-8(2)(g)~~] 76-18-207(8), 76-18-208(8), 76-18-209(9), 76-18-210(9), 76-18-211(7), 76-18-212(6), or 76-18-213(6), the division shall daily enter into the database the information supplied in the report.

Section 145. Section **58-38a-102** is amended to read:

**58-38a-102 (Effective 05/06/26). Definitions.**

- (1) "Committee" means the Controlled Substances Advisory Committee created in this chapter.
- (2) "Controlled substance schedule" or "schedule" means a schedule as defined under Section [~~58-37-4~~] 58-37-108.

Section 146. Section **58-38a-203** is amended to read:

**58-38a-203 (Effective 05/06/26). Duties of the committee.**

- (1) The committee serves as a consultative and advisory body to the Legislature regarding:
- (a) the movement of a controlled substance from one schedule or list to another;
  - (b) the removal of a controlled substance from any schedule or list; and
  - (c) the designation of a substance as a controlled substance and the placement of the substance in a designated schedule or list.
- (2) On or before September 30 of each year, the committee shall submit to the Health and Human Services Interim Committee a written report:
- (a) describing any substances recommended by the committee for scheduling, rescheduling, listing, or deletion from the schedules or list by the Legislature; and
  - (b) stating the reasons for the recommendation.
- (3) In advising the Legislature regarding the need to add, delete, relist, or reschedule a substance, the committee shall consider:
- (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, [

Chapter 37, ~~Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a provision described in a statute previously in effect in this state that is the same or substantially similar to a provision described in Section 58-67-501, Section 58-67-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any rule or order issued with respect to these provisions, and disciplinary action is appropriate, the director or director's designee shall:

- (i) issue a citation to the individual;
- (ii) attempt to negotiate a stipulated settlement; or
- (iii)(A) notify the individual that the division will commence an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
- (B) invite the individual to appear.

(b) The division may take the following action against an individual who is in violation of a provision described in Subsection (4)(a), as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding:

- (i) assess a fine of up to \$10,000 per single violation or up to \$2,000 per day of ongoing violation, whichever is greater, in accordance with a fine schedule established by rule; or
- (ii) order to cease and desist from the behavior that constitutes a violation of the provisions described in Subsection (4)(a).

(c) The division may not suspend or revoke an individual's license through a citation.

(d) Each citation issued under this section shall:

- (i) be in writing;
- (ii) clearly describe or explain:
  - (A) the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
  - (B) that the recipient must notify the division in writing within 20 calendar days from the day on which the citation is served if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
  - (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

for the following purposes:

(a) education and training:

(i) that covers:

(A) the requirements of this title;

(B) division rules related to this title;

(C) the requirements of [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances; and

(D) any division rules related to [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances; and

(ii) that the division makes available for:

(A) physicians and surgeons;

(B) osteopathic physicians and surgeons;

(C) naturopathic physicians;

(D) division staff; and

(E) members of the board; and

(b) enforcement of Chapter 67, Utah Medical Practice Act, Chapter 68, Utah Osteopathic Medical Practice Act, and Chapter 71, Naturopathic Physician Practice Act, by:

(i) investigating unprofessional or unlawful conduct;

(ii) obtaining legal representation for the division to bring an action against a person engaging in unprofessional or unlawful conduct; and

(iii) monitoring compliance of renewal requirements.

(5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the division shall transfer any amount that exceeds \$100,000 to the General Fund.

(6) The division shall report on the fund annually to the appropriate appropriations subcommittee of the Legislature.

Section 150. Section **58-68-503** is amended to read:

**58-68-503 (Effective 05/06/26). Penalties and administrative actions for unlawful and unprofessional conduct.**

(1) Any person that violates the unlawful conduct provisions of Section 58-68-501 or Section 58-1-501 is guilty of a third degree felony.

(2)(a) Subject to Subsection (4), the division may punish unprofessional or unlawful

conduct by:

- (i) assessing administrative penalties; or
- (ii) taking any other appropriate administrative action.

(b) The division shall deposit a monetary administrative penalty imposed under this section into the Physician Education and Enforcement Fund created in Section 58-67a-1.

(3) If a licensee is convicted of unlawful conduct, described in Section 58-68-501, before an administrative proceeding regarding the same conduct, the division may not assess an additional administrative fine under this chapter for the same conduct.

(4)(a) If the division concludes that an individual has violated the provisions of Section 58-68-501, Section 58-68-502, Chapter 1, Division of Professional Licensing Act, [~~Chapter 37, Utah Controlled Substances Act~~] Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a provision described in a statute previously in effect in this state that is the same or substantially similar to a provision described in Section 58-68-501, Section 58-68-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any rule or order issued with respect to these provisions, and disciplinary action is appropriate, the director or director's designee shall:

- (i) issue a citation to the individual;
- (ii) attempt to negotiate a stipulated settlement; or
- (iii)(A) notify the individual that the division will commence an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
- (B) invite the individual to appear.

(b) The division may take the following action against an individual who violates a provision described in Subsection (4)(a), as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding:

- (i) assess a fine of up to \$10,000 per single violation or \$2,000 per day of ongoing violation, whichever is greater, in accordance with a fine schedule established by rule; or
- (ii) order to cease and desist from the behavior that constitutes a violation of provisions described in Subsection (4)(a).

(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

the employee knew of the pending judicial or administrative proceeding;  
or

(Bb) was known by the employee to be relevant to a material issue or matter of inquiry in a judicial or administrative proceeding, if disclosure of the evidence was requested of the employee by a party to the proceeding or counsel for a party to the proceeding.

(d) The exception, described in Subsection (3)(c)(v)(B), allowing a plaintiff to bring or pursue a civil action or proceeding against an employee, does not apply if the employee failed to disclose evidence described in Subsection (3)(c)(v)(B), because the employee is prohibited by law from disclosing the evidence.

(4) Except as permitted in Subsection (3)(c), no employee may be joined or held personally liable for acts or omissions occurring:

(a) during the performance of the employee's duties;

(b) within the scope of employment; or

(c) under color of authority.

(5) A general duty that a governmental entity owes to the public does not create a specific duty to an individual member of the public, unless there is a special relationship between the governmental entity and the individual member of the public.

Section 156. Section **63I-1-258** is amended to read:

**63I-1-258 (Effective 05/06/26). Repeal dates: Title 58.**

(1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.

(2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2035.

(3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

(4) Section [58-37-3.5] 58-37-309, Drugs for behavioral health treatment, is repealed July 1, 2027.

(5) Subsection [58-37-6(7)(f)(iii)] 58-37-304(6)(d), regarding a seven-day opiate supply restriction, is repealed July 1, 2032.

(6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.

(7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2029.

(8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2033.

(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

adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to facilitate a prompt and appropriate response to an individual's violation of the terms of probation or parole, including:

- (a) sanctions to be used in response to a violation of the terms of probation or parole; and
- (b) requesting approval from the court or Board of Pardons and Parole to impose a sanction for an individual's violation of the terms of probation or parole, for a period of incarceration of not more than three consecutive days and not more than a total of six days within a period of 30 days.

(3) The division shall implement a program of graduated incentives as established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1 to facilitate the department's prompt and appropriate response to an offender's:

- (a) compliance with the terms of probation or parole; or
- (b) positive conduct that exceeds those terms.

(4)(a) The department shall, in collaboration with the State Commission on Criminal and Juvenile Justice and the Division of Substance Use and Mental Health, create standards and procedures for the collection of information, including cost savings related to recidivism reduction and the reduction in the number of inmates, related to the use of the graduated and evidence-based responses and graduated incentives, and offenders' outcomes.

- (b) The collected information shall be provided to the State Commission on Criminal and Juvenile Justice not less frequently than annually on or before August 31.

(5) Employees of the division who are POST certified as law enforcement officers or correctional officers and who are designated as parole and probation officers by the executive director have the following duties:

- (a) monitoring, investigating, and supervising a parolee's or probationer's compliance with the conditions of the parole or probation agreement;
- (b) investigating or apprehending any offender who has escaped from the custody of the department or absconded from supervision by the division;
- (c) supervising any offender during transportation; or
- (d) collecting DNA specimens when the specimens are required under Section 53-10-404.

(6)(a)(i) A monthly supervision fee of \$30 shall be collected from each offender on probation or parole.

- (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the 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

and a drug to a degree that renders the actor incapable of safely operating a vehicle; or

(C) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation; or

(b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to another; and

(ii) has in the actor's body any measurable amount of a controlled substance.

(3) Except as provided in Subsection (4), a violation of Subsection (2) is:

(a)(i) a class A misdemeanor; or

(ii) a third degree felony if the actor has two or more driving under the influence related convictions under Subsection 41-6a-501(2)(a), each of which is within 10 years of:

(A) the current conviction; or

(B) the commission of the offense upon which the current conviction is based;

(iii) a third degree felony, if the current conviction is at any time after the conviction of:

(A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2), that is a felony; or

(B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of conviction is reduced under Section 76-3-402; or

(iv) a third degree felony if the bodily injury is serious bodily injury; and

(b) a separate offense for each victim suffering bodily injury as a result of the actor's violation of this section, regardless of whether the injuries arise from the same episode of driving.

(4) An actor is not guilty of negligently operating a vehicle resulting in injury under Subsection (2)(b) if:

(a) the controlled substance was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the practitioner's professional practice, or as otherwise authorized by Title 58, Occupations and Professions;

(b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

(c) the actor possessed, in the actor's body, a controlled substance listed in Section [ ~~58-37-4.2~~ 58-37-109 if:

(i) the actor is the subject of medical research conducted by a holder of a valid license 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.

Section 163. Section **76-5-113** is amended to read:

**76-5-113 (Effective 05/06/26). Surreptitious administration of certain substances**

**-- Definitions -- Penalties -- Defenses.**

(1)(a) As used in this section:

- (i) "Administer" means the introduction of a substance into the body by injection, inhalation, ingestion, or by any other means.
- (ii) "Alcoholic beverage" means the same as that term is defined in Section 32B-1-102.
- (iii) "Controlled substance" means the same as that term is defined in Section [ 58-37-2] 58-37-101.
- (iv) "Deleterious substance" means a substance which, if administered, would likely cause bodily injury.
- (v) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- (vi) "Poisonous" means a substance which, if administered, would likely cause serious bodily injury or death.
- (vii) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
- (viii) "Serious bodily injury" means the same as that term is defined in Section 19-2-115.
- (ix) "Substance" means a controlled substance, poisonous substance, or deleterious substance.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits surreptitious administration of a certain substance if the actor, surreptitiously or by means of fraud, deception, or misrepresentation, causes an individual to unknowingly consume or receive the administration of:

- (a) any poisonous, deleterious, or controlled substance; or
- (b) any alcoholic beverage.

(3) A violation of Subsection (2) is:

- (a) a second degree felony if the substance is a poisonous substance, regardless of whether the substance is a controlled substance or a prescription drug;
- (b) a third degree felony if the substance is not within the scope of Subsection (3)(a), and is a controlled substance or a prescription drug; or
- (c) a class A misdemeanor if the substance is a deleterious substance or an alcoholic beverage.

(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;



- (vii) rape under Section 76-5-402;
- (viii) rape of a child under Section 76-5-402.1;
- (ix) object rape under Section 76-5-402.2;
- (x) object rape of a child under Section 76-5-402.3;
- (xi) forcible sodomy under Section 76-5-403;
- (xii) sodomy upon a child under Section 76-5-403.1;
- (xiii) forcible sexual abuse under Section 76-5-404;
- (xiv) sexual abuse of a child under Section 76-5-404.1;
- (xv) aggravated sexual abuse of a child under Section 76-5-404.3;
- (xvi) aggravated sexual assault under Section 76-5-405;
- (xvii) arson under Section 76-6-102;
- (xviii) aggravated arson under Section 76-6-103;
- (xix) burglary under Section 76-6-202;
- (xx) aggravated burglary under Section 76-6-203;
- (xxi) robbery under Section 76-6-301;
- (xxii) aggravated robbery under Section 76-6-302;
- (xxiii) escape under Section 76-8-309;
- (xxiv) aggravated escape under Section 76-8-309.3; or
- (xxv) a violation of Section 76-11-209 or 76-11-210 regarding discharge of a firearm or dangerous weapon.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits murder if:

- (a) the actor intentionally or knowingly causes the death of another individual;
- (b) intending to cause serious bodily injury to another individual, the actor commits an act clearly dangerous to human life that causes the death of the other individual;
- (c) acting under circumstances evidencing a depraved indifference to human life, the actor knowingly engages in conduct that creates a grave risk of death to another individual and thereby causes the death of the other individual;
- (d)(i) the actor is engaged in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or is a party to the predicate offense;
- (ii) an individual other than a party described in Section 76-2-202 is killed in the course of the commission, attempted commission, or immediate flight from the 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

41-6a-516 apply to determination and proof of blood alcohol content under this section.

(d) A calculation of blood or breath alcohol concentration under this section shall be made in accordance with Subsection 41-6a-502(3).

(e) Except as provided in Subsection (4), the fact that an actor charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense.

(f) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by the Utah Rules of Evidence, the United States Constitution, or the Utah Constitution.

(g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense described in this section may not be held in abeyance.

(6) If, when imposing a sentence under this section, the court finds that it is in the interest of justice to suspend the imposition of prison, the court shall detail the finding on the record, including why a suspended prison sentence is in the interest of justice.

(7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than three years nor more than 15 years if the court details on the record why it is in the interest of justice.

(8)(a) A judge imposing a sentence under this section shall designate the defendant as an interdicted person, as that term is defined in Section 32B-1-102, for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time.

(b) If a court designates a person as an interdicted person as provided in Subsection (8)(a), the court shall:

(i) require the person to surrender the person's identification card or driver license;

(ii) notify the Driver License Division that the person is an interdicted person; and

(iii) provide the person's identification card or driver license to the Driver License Division.

(9) If a minor who is under 18 years old is found by a court to have violated Subsection (2)(b), 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 (9)(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 (9)(b).

Section 166. Section **76-8-311.3** is amended to read:

**76-8-311.3 (Effective 05/06/26). Establishment of prohibited item policy in a correctional or mental health facility -- Reference to penalty provisions -- Exceptions -- Rulemaking.**

(1)(a) As used in this section:

- (i) "Communication device" means a device designed to receive or transmit an image, text message, email, video, location information, or voice communication, or another device that can be used to communicate electronically.
- (ii) "Controlled substance" means a substance defined as a controlled substance under [ ~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances.
- (iii) "Correctional facility" means:
  - (A) a facility operated by or contracting with the Department of Corrections to house an offender in either a secure or nonsecure setting;
  - (B) a facility operated by a municipality or a county to house or detain an offender;
  - (C) a juvenile detention facility; or
  - (D) a building or grounds appurtenant to a facility or land granted to the state, municipality, or county for use as a correctional facility.
- (iv) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- (v) "Electronic cigarette product" means the same as that term is defined in Section 76-9-1101.
- (vi) "Firearm" means the same as that term is defined in Section 76-11-101.
- (vii) "Medicine" means a prescription drug as defined in Title 58, Chapter 17b, Pharmacy Practice Act, but does not include a controlled substance as defined in [ ~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances.
- (viii) "Mental health facility" means the same as that term is defined in Section 26B-5-301.
- (ix) "Nicotine product" means the same as that term is defined in Section 76-9-1101.
- (x) "Offender" means an individual in custody at a correctional facility.
- (xi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
- (xii) "Tobacco product" means the same as that term is defined in Section 76-9-1101.

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2)(a) Notwithstanding Section 53-5a-102, a correctional facility or mental health

facility may prohibit a firearm, ammunition, a dangerous weapon, an implement of escape, an explosive, a controlled substance, spirituous or fermented liquor, medicine, or poison from being:

- (i) transported to or within a correctional facility or mental health facility;
- (ii) sold or given away to an offender at a correctional facility or mental health facility; or
- (iii) possessed by an offender or another individual at a correctional facility or mental health facility.

(b) A correctional facility may prohibit a communication device from being:

- (i) transported within the correctional facility for the purpose of being sold to an offender in the correctional facility;
- (ii) sold or given away to an offender in the correctional facility; or
- (iii) possessed by an offender or another individual at the correctional facility.

(3) It is a defense to a prosecution related to this section that the actor, in committing the act made criminal by this section with respect to:

- (a) a correctional facility operated by the Department of Corrections, acted in conformity with departmental rule or policy;
- (b) a correctional facility operated by a municipality, acted in conformity with the policy of the municipality;
- (c) a correctional facility operated by a county, acted in conformity with the policy of the county; or
- (d) a mental health facility, acted in conformity with the policy of the mental health facility.

(4)(a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged under 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 76-8-311.11 for a violation of a policy or rule created under this section.

(b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an explosive in a correctional facility or a mental health facility may be punished under Section 76-15-210 or 76-15-211.

(c) The possession, distribution, or use of a controlled substance at a correctional facility or in a secure area of a mental health facility shall be charged under [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances.

(5) Exemptions to a policy or rule created under this section may be granted for worship of

Native American inmates in accordance with Section 64-13-40.

Section 167. Section **76-8-311.10** is amended to read:

**76-8-311.10 (Effective 05/06/26). Possession of contraband in a correctional facility.**

(1)(a) As used in this section:

(i) "Contraband" means an item not specifically prohibited for possession by an offender under this section or Section 76-8-311.3, 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, or 76-8-311.9.

(ii) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits possession of contraband in a correctional facility if the actor, without the permission of the authority operating a correctional facility, knowingly engages in an activity that would facilitate the possession of contraband by an offender in the correctional facility.

(3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B misdemeanor.

(4)(a) The possession, distribution, or use of a controlled substance at a correctional facility shall be prosecuted in accordance with ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(b) The provisions of Section 76-8-311.9 take precedence over this section.

(c) The defenses provided in Section 76-8-311.3 apply to this section.

Section 168. Section **76-9-1110** is amended to read:

**76-9-1110 (Effective 05/06/26). Abuse of psychotoxic chemical solvent.**

(1)(a) As used in this section, "psychotoxic chemical solvent" includes any glue, cement, or other substance containing one or more of the following chemical compounds:

(i) acetone and acetate;

(ii) amyl nitrite or amyl nitrate or their isomers;

(iii) benzene, butyl alcohol, butyl nitrite, butyl nitrate, or their isomers;

(iv) ethyl alcohol, ethyl nitrite, or ethyl nitrate;

(v) ethylene dichloride;

(vi) isobutyl alcohol;

(vii) methyl alcohol;

(viii) methyl ethyl ketone;



- (ix) n-propyl alcohol;
- (x) pentachlorophenol;
- (xi) petroleum ether;
- (xii) propyl nitrite or propyl nitrate or their isomers;
- (xiii) toluene;
- (xiv) xylene; or
- (xv) another chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) Except as provided in Subsection (4), an actor commits abuse of psychotoxic chemical solvent if:

(a) for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the actor's brain or nervous system, the actor intentionally:

- (i) smells or inhales the fumes of a psychotoxic chemical solvent; or
- (ii) possesses, purchases, or attempts to possess or purchase a psychotoxic chemical solvent; or

(b) the actor offers, sells, or provides a psychotoxic chemical solvent to another person, knowing that other person or a third party intends to possess or use that psychotoxic chemical solvent in violation of Subsection (2)(a).

(3) A violation of Subsection (2) is a class B misdemeanor.

(4) This section does not apply to:

- (a) the prescribed use, distribution, or sale of a psychotoxic chemical solvent for a medical or dental purpose; or
- (b) a controlled substance regulated by the provisions of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances.

Section 169. Section **76-9-1301** is amended to read:

**76-9-1301 (Effective 05/06/26). Definitions.**

As used in this part:

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

term is defined in Section 64-13-25.1.

Section 170. Section **76-9-1505** is amended to read:

**76-9-1505 (Effective 05/06/26). Unlawful conduct while on a bus.**

- (1)(a) As used in this section, "controlled substance" means the same as that term is defined in Section [58-37-2] 58-37-101.
- (b) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
- (2) An actor commits unlawful conduct while on a bus if the actor:
- (a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar language on a bus;
  - (b) is in or upon any bus while unlawfully under the influence of a controlled substance;
  - (c) fails to obey a reasonable request or order of a bus driver, bus company representative, a nondrinking designee other than the driver as provided in Subsection 32B-4-415(4)(c)(ii), or other person in charge or control of a bus or terminal;
  - (d) ingests a controlled substance, unless prescribed by a physician or a medical facility, in or upon any bus, or drinks intoxicating liquor in or upon a bus, except a chartered bus as defined and provided in Sections 32B-1-102 and 41-6a-526; or
  - (e) smokes tobacco or other products in or upon a bus, except a chartered bus.
- (3) A violation of Subsection (2) is a class C misdemeanor.
- (4)(a) If an actor violates Subsection (2), the driver of the bus or individual in charge thereof may stop at the place where the offense is committed or at the next regular or convenient stopping place and remove the actor, using only such force as may be necessary to accomplish the removal, and the driver or individual in charge may request the assistance of passengers to assist in removing the actor.
- (b) The driver or individual in charge may cause the removed actor to be detained and delivered to the proper authorities.

Section 171. Section **76-11-217** is amended to read:

**76-11-217 (Effective 05/06/26). Carrying a dangerous weapon while under the influence of alcohol or drugs.**

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits carrying a dangerous weapon while under the influence of alcohol or drugs if the actor:
- (a) carries a dangerous weapon that is readily accessible by the actor for immediate use;
  - and

(b) is under the influence of:

(i) alcohol as determined by the actor's blood or breath alcohol concentration in accordance with Subsections 41-6a-502(1)(a) through (c); or

(ii) a controlled substance as defined in Section ~~58-37-2~~ 58-37-101.

(3) A violation of Subsection (2) is a class B misdemeanor.

(4) This section does not apply to:

(a) an actor who uses or threatens to use force in compliance with Section 76-2-402;

(b) an actor carrying a dangerous weapon in the actor's residence or the residence of another individual with the consent of the individual who is lawfully in possession of the residence;

(c) an actor under the influence of cannabis or a cannabis product, as those terms are defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis product complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or

(d) an actor who:

(i) has a valid prescription for a controlled substance;

(ii) takes the controlled substance described in Subsection (4)(d)(i) as prescribed; and

(iii) after taking the controlled substance, the actor:

(A) is not a danger to the actor or another individual; or

(B) is capable of safely handling a dangerous weapon.

(5) It is not a defense to prosecution under this section that the actor:

(a) is licensed in the pursuit of wildlife of any kind;

(b) has a concealed carry permit as described in Section 53-5a-303;

(c) has a provisional concealed carry permit as described in Section 53-5a-304;

(d) has a temporary concealed carry permit issued under Section 53-5a-305;

(e) has a concealed carry permit lawfully issued by or in another state; or

(f) is 21 years old or older and may otherwise lawfully possess a concealed loaded firearm without a concealed carry permit as described in Section 53-5a-101.5.

Section 172. Section **76-11-301** is amended to read:

**76-11-301 (Effective 05/06/26). Definitions.**

As used in this part:

(1) "Adjudicated" means a judgment has been entered against a minor for an offense by a juvenile court under Section 80-6-701.

(2) "Category I restricted person" means an individual described in Section 76-11-302.

- (3) "Category II restricted person" means an individual described in Section 76-11-303.
- (4) "Carry" means for an individual to have an item under the individual's custody or control.
- (5) "Controlled substance" means the same as that term is defined in Section [58-37-2] 58-37-101.
- (6)(a) "Dating relationship" means a romantic or intimate relationship between individuals.
- (b) "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
- (7) "Dealer" means a person who is:
- (a) licensed under 18 U.S.C. Sec. 923; and
- (b) engaged in the business of selling, leasing, or otherwise transferring a firearm, whether the person is a retail or wholesale dealer, pawnbroker, or other type of merchant or seller.
- (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (9) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- (10) "Schedule I controlled substance" means a substance listed as a schedule I controlled substance in Section [58-37-4] 58-37-108.
- (11) "Schedule II controlled substance" means a substance listed as a schedule II controlled substance in Section [58-37-4] 58-37-108.
- (12) "Secure care" means the same as that term is defined in Section 80-1-102.
- (13) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- Section 173. Section **76-11-302** is amended to read:
- 76-11-302 (Effective 05/06/26). Category I restricted person established.**
- Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to restricted person categories, an individual is categorized as a category I restricted person and subject to the restrictions and penalties described in Section 76-11-305:
- (1) if the individual has been convicted of a violent felony;
- (2) if the individual is on probation or parole for a felony;
- (3) if the individual is on parole from secure care;
- (4) for 10 years after the day on which the individual was adjudicated for an offense which if committed by an adult would have been a violent felony;
- (5) if the individual is an alien who is illegally or unlawfully in the United States, including 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:

- (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized Recording Practices Act;
- (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality Code, Sections 19-1-101 through 19-7-109;
- (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or Section 23A-5-311;
- (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal Offenses and Procedure Act;
- (f) unlawful marking of pistol or revolver under Section 53-5a-105;
- (g) alteration of number or mark on pistol or revolver under Section 53-5a-106;
- (h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;
- (i) an act prohibited by the criminal provisions under [~~Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d, Clandestine Drug Lab Act~~] Chapter 18, Part 2, Offenses Concerning Controlled Substances, Part 4, Offenses Concerning Imitation Controlled Substances, Part 5, Clandestine Drug Labs, Title 58, Chapter 37, Controlled Substances, or Title 58, Chapter 37c, Controlled Substance Precursors;
- (j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform Securities Act;
- (k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah Procurement Code;
- (l) assault under Section 76-5-102;
- (m) aggravated assault under Section 76-5-103;
- (n) a threat of terrorism under Section 76-5-107.3;
- (o) a criminal homicide offense under Section 76-5-201;
- (p) kidnapping under Section 76-5-301;
- (q) aggravated kidnapping under Section 76-5-302;
- (r) human trafficking for labor under Section 76-5-308;
- (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 (wwwv) 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 (ccccc) distributing pornographic material under Section 76-5c-202;  
10683 (ddddd) aiding or abetting a minor in distributing pornographic material under Section  
10684 76-5c-203;  
10685 (eeeee) inducing acceptance of pornographic material under Section 76-5c-204;  
10686 (fffff) 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 (jjjjj) engaging in prostitution under Section 76-5d-202;  
10692 (kkkkk) aiding prostitution under Section 76-5d-206;  
10693 (lllll) 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 (ooooo) 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.

Secs. 1961(1)(B), (C), and (D).

Section 175. Section **76-18-101** is enacted to read:

## **CHAPTER 18. Drug Offenses**

### **Part 1. General Provisions**

**76-18-101 (Effective 05/06/26). Definitions.**

Reserved.

Section 176. Section **76-18-102** is enacted to read:

**76-18-102 (Effective 05/06/26). Applicable provisions to chapter from other titles.**

Sections 58-37-309 and 58-37-402 are applicable to this chapter.

Section 177. Section **76-18-201** is enacted to read:

### **Part 2. Offenses Concerning Controlled Substances**

**76-18-201 (Effective 05/06/26). Definitions.**

(1) As used in this part:

(a) "Continuing criminal enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, association, other legal entity, or any union or groups of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities created or maintained for the purpose of engaging in conduct that constitutes the commission of episodes of activity made unlawful by this part, Part 3, Offenses Concerning Drug Paraphernalia, Part 4, Offenses Concerning Imitation Controlled Substances, Part 5, Clandestine Drug Labs, or Title 58, Chapter 37, Controlled Substances, or Title 58, Chapter 37c, Controlled Substance Precursors, which episodes:

(i) are not isolated, but have the same or similar purposes, results, participants, victims, methods of commission, or otherwise are interrelated by distinguishing characteristics; and

(ii) taken together, demonstrate continuing unlawful conduct and are related either to each other or to the enterprise.

(b) "Indian" means a member of an Indian tribe.

(c) "Indian religion" means a religion:

(i) the origin and interpretation of which is from within a traditional Indian culture or community; and

(ii) that is practiced by Indians.

(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**

to certain drug crimes.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2)(a) Civil or criminal liability may not be imposed under an offense listed in Subsection (2)(b) on any Indian who uses, possesses, or transports peyote for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion.

(b) The offenses referred to in Subsection (2)(a) are:

(i) unlawfully possessing or using a controlled substance or a controlled substance analog under Section 76-18-207;

(ii) unlawfully producing, manufacturing, or dispensing a controlled substance or counterfeit substance under Section 76-18-208;

(iii) unlawfully distributing or agreeing to distribute a controlled substance or counterfeit substance under Section 76-18-209;

(iv) unlawfully possessing a controlled substance or counterfeit substance with intent to distribute under Section 76-18-210;

(v) unlawfully engaging in a continuing criminal enterprise involving drugs under Section 76-18-211;

(vi) unlawfully allowing possession, use, or distribution of a controlled substance on the premises under Section 76-18-212;

(vii) unlawful possession of an altered or forged prescription or order for a controlled substance under Section 76-18-213;

(viii) unlawful use of a license number in the course of manufacturing or distributing a controlled substance under Section 76-18-214;

(ix) unlawful misrepresentation as an authorized person to obtain a controlled substance under Section 76-18-215;

(x) unlawful conduct to obtain a controlled substance under Section 76-18-216;

(xi) unlawfully prescribing or dispensing a controlled substance to a person known to be using unlawful means under Section 76-18-217;

(xii) unlawfully making, forging, altering, or uttering a prescription or a written order under Section 76-18-218; and

(xiii) unlawful materials to create a counterfeit controlled substance under Section 76-18-219.

(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:

(i) engaged in medical research; and

(ii) a holder of a valid license to possess controlled substances under Section 58-37-105 or 58-37-113.

(b) It is not a defense under Subsection (5)(a) that the person prescribed or dispensed a controlled substance listed in Section 58-37-109.

(6) It is an affirmative defense that a person possessed, in the person's body, a controlled substance listed in Section 58-37-109 if:

(a) the person was the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-105 or 58-37-113; and

(b) the substance was administered to the person by the medical researcher.

Section 180. Section **76-18-204** is enacted to read:

**76-18-204 (Effective 05/06/26). Enhanced penalties and sentencing for certain drug offenses.**

(1)(a) As used in this section, "correctional facility" means the same as that term is defined in Section 76-8-311.3.

(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2)(a) An actor not authorized under this part or Title 58, Chapter 37, Controlled Substances, who commits any act that is unlawful under Subsection (2)(b) is, upon conviction, subject to the penalties and classifications under Subsection (3) if the trier of fact finds that the act is committed:

(i) in a public or private elementary or secondary school or on the grounds of a public or private elementary or secondary school during the hours of 6 a.m. through 10 p.m.;

(ii) in a public or private vocational school or postsecondary institution or on the grounds of a public or private vocational school or postsecondary institution during the hours of 6 a.m. through 10 p.m.;

(iii) in or on the grounds of a preschool or child-care facility during the preschool's or child-care facility's hours of operation;

(iv) in a public park, amusement park, arcade, or recreation center when the public or amusement park, arcade, or recreation center is open to the public;

(v) in or on the grounds of a house of worship as defined in Section 76-11-201;

(vi) in or on the grounds of a library when the library is open to the public;

(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

the controlled substance was delivered to the actor by the person selling or dispensing the controlled substance.

(3) A violation of Subsection (2) is a class B misdemeanor.

(4) It is a defense to a prosecution under this section if the actor produces in court a valid prescription for the controlled substance or the original container with the label attached.

Section 183. Section **76-18-207** is enacted to read:

**76-18-207 (Effective 05/06/26). Unlawfully possessing or using a controlled substance or controlled substance analog.**

(1)(a) As used in this section:

(i) "Correctional facility" means the same as that term is defined in Section 64-13-1.

(ii) "Good faith" does not include seeking medical assistance under this section during the course of a law enforcement agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.

(b) 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 unlawfully possessing or using a controlled substance or a controlled substance analog if the actor knowingly and intentionally possesses or uses a controlled substance or a controlled substance analog, unless the controlled substance or controlled substance analog was obtained:

(a) under a valid prescription or order;

(b) directly from a practitioner while acting in the course of the practitioner's professional practice; or

(c) as otherwise authorized by this part or Title 58, Chapter 37, Controlled Substances.

(3) Subject to Subsection (4), a violation of Subsection (2) is:

(a) a second degree felony if the substance is marijuana and the amount is 100 pounds or more;

(b) a third degree felony if:

(i)(A) the substance is a substance classified in Schedule I or II or a controlled substance analog, not including marijuana; and

(B) the actor's current violation results in the actor receiving at least a third

conviction under this section and each of the actor's previous convictions were

based on a violation committed within seven years before the date of the

violation upon which the current conviction is based; or

(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

each actor convicted of violating this section.

(9) 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 (9)(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 (9)(b).

(10)(a) It is an affirmative defense to a violation of Subsection (2) if the circumstances listed in Subsection (10)(b) apply and the actor or bystander:

(i) reasonably believes that the actor or another individual is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;

(ii) reports, or assists an individual who reports, in good faith, the overdose event to a medical provider, an emergency medical service provider as defined in Section 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the actor is the subject of a report made under this section;

(iii) provides, in the report described in Subsection (10)(a)(ii), a functional description of the actual location of the overdose event that facilitates responding to the individual experiencing the overdose event;

(iv) remains at the location of the individual experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the individual experiencing an overdose event is located until a responding law enforcement officer arrives;

(v) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the individual experiencing the overdose event and any substances the individual may have injected, inhaled, or otherwise introduced into the individual's body; and

(vi) is alleged to have committed the offense in the same course of events from which the reported overdose arose.

(b) The circumstances referred to in Subsection (10)(a) are:

(i) the possession or use of less than 16 ounces of marijuana; or

(ii) the possession or use of a scheduled or listed controlled substance other than

marijuana.

Section 184. Section **76-18-208** is enacted to read:

**76-18-208 (Effective 05/06/26). Unlawfully producing, manufacturing, or dispensing a controlled substance or counterfeit substance.**

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) Except as authorized by this part or Title 58, Chapter 37, Controlled Substances, and under circumstances not amounting to an offense described in Section 76-18-220, trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully producing, manufacturing, or dispensing a controlled substance or counterfeit substance if the actor knowingly and intentionally:

(a) produces, manufactures, or dispenses a controlled substance or a counterfeit substance; or

(b) possesses, with the intent to produce, manufacture, or dispense, a controlled substance or a counterfeit substance.

(3)(a) Except as provided in Subsection (3)(b) and subject to Subsections (4) and (5), a violation of Subsection (2) is:

(i) a second degree felony if the controlled substance or counterfeit substance is:

(A) a substance or a counterfeit of a substance classified in Schedule I or II, not including marijuana;

(B) a controlled substance analog; or

(C) gammahydroxybutyric acid as listed in Schedule III;

(ii) a third degree felony if the controlled substance or counterfeit substance is:

(A) a substance or a counterfeit of a substance classified in Schedule III or IV;

(B) marijuana; or

(C) a substance listed in Section 58-37-109; or

(iii) a class A misdemeanor if the controlled substance or counterfeit substance is a substance or counterfeit substance of a substance classified in Schedule V.

(b) Subject to Subsections (4) and (5), a second or subsequent conviction under:

(i) Subsection (3)(a)(i) is a first degree felony;

(ii) Subsection (3)(a)(ii) is a second degree felony; or

(iii) Subsection (3)(a)(iii) is a third degree felony.

(4)(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not suspend any portion of the jail sentence or grant early release, if:

(i) the court suspends the imposition of a prison sentence for a felony conviction under this section or sentences an actor for a misdemeanor violation of an offense under this section;

(ii)(A) the violation is the actor's second or subsequent conviction for any level of offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or

(B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of an offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; and

(iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.

(b)(i) Except as provided in Subsection (4)(b)(ii), an actor who is subject to a mandatory jail sentence under Subsection (4)(a) may not be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the actor has served the entire jail sentence described in Subsection (4)(a).

(ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the actor's jail sentence described in Subsection (4)(a).

(5) Notwithstanding any other provision of this section, a violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.

(6)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(7)(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.

(8) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.

(9) 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 (9)(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 (9)(b).

Section 185. Section **76-18-209** is enacted to read:

**76-18-209 (Effective 05/06/26). Unlawfully distributing or agreeing to distribute a controlled substance or counterfeit substance.**

(1)(a) As used in this section:

(i) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

(ii) "Firearm" means the same as that term is defined in Section 76-11-101.

(iii) "Readily accessible for immediate use" means the same as that term is defined in Section 76-11-201.

(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) Except as authorized by this chapter or Title 58, Chapter 37, Controlled Substances, and under circumstances not amounting to an offense described in Section 76-18-220, trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully distributing or agreeing to distribute a controlled substance or counterfeit substance if the actor knowingly and intentionally:

(a) distributes a controlled substance or a counterfeit substance; or

(b) agrees, consents, offers, or arranges to distribute a controlled substance or a counterfeit substance.

(3)(a) Except as provided in Subsection (3)(b) and subject to Subsections (4), (5), and (6), a violation of Subsection (2) is:

(i) a second degree felony if the controlled substance or counterfeit substance is:  
(A) a substance or a counterfeit of a substance classified in Schedule I or II, not  
including marijuana;

(B) a controlled substance analog; or  
(C) gammahydroxybutyric acid as listed in Schedule III;

(ii) a third degree felony if the controlled substance or counterfeit substance is:

(A) a substance or a counterfeit of a substance classified in Schedule III or IV;

(B) marijuana; or

(C) a substance listed in Section 58-37-109; or

(iii) a class A misdemeanor if the controlled substance or counterfeit substance is a  
substance or counterfeit substance of a substance classified in Schedule V.

(b) Subject to Subsections (4), (5), and (6). a second or subsequent conviction under:

(i) Subsection (3)(a)(i) is a first degree felony;

(ii) Subsection (3)(a)(ii) is a second degree felony; or

(iii) Subsection (3)(a)(iii) is a third degree felony.

(4)(a) Except as provided under Subsection (4)(b) and subject to Subsection (6), the  
court shall impose an indeterminate prison term for an actor who has been convicted  
of a violation of this section that is a first degree felony or a second degree felony  
under Subsection (3)(a) or (3)(b) if the trier of fact finds beyond a reasonable doubt  
that, during the commission or furtherance of the violation of Subsection (2), the  
actor intentionally or knowingly:

(i) used, drew, or exhibited a dangerous weapon that is not a firearm, in an angry,  
threatening, intimidating, or coercive manner;

(ii) used a firearm or had a firearm readily accessible for immediate use; or

(iii) distributed a firearm or possessed a firearm with intent to distribute the firearm.

(b) Subject to Subsections (5) and (6), a court may suspend the indeterminate prison  
term for an actor convicted under Subsection (4)(a) if the court:

(i) details on the record the reasons why it is in the interests of justice to not impose  
the indeterminate prison term;

(ii) makes a finding on the record that the actor does not pose a significant safety risk  
to the public; and

(iii) orders the person to complete the terms and conditions of supervised probation  
provided by the Division of Adult Probation and Parole created in Section  
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.

- (8)(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.
- (9) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.

(10) 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 (10)(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 (10)(b).

Section 186. Section **76-18-210** is enacted to read:

**76-18-210 (Effective 05/06/26). Unlawfully possessing a controlled substance or counterfeit substance with intent to distribute.**

(1)(a) As used in this section:

- (i) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- (ii) "Firearm" means the same as that term is defined in Section 76-11-101.
- (iii) "Readily accessible for immediate use" means the same as that term is defined in Section 76-11-201.

(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) Except as authorized by this chapter or Title 58, Chapter 37, Controlled Substances, and under circumstances not amounting to an offense described in Section 76-18-220, trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully possessing a controlled substance or counterfeit substance with intent to distribute if the actor knowingly and intentionally possesses a controlled substance or counterfeit substance with the intent to distribute.

(3)(a) Except as provided in Subsection (3)(b) and subject to Sections (4), (5), and (6), a violation of Subsection (2) is:

(i) a second degree felony if the controlled substance or counterfeit substance is:

(A) a substance or a counterfeit of a substance classified in Schedule I or II, not including marijuana;

(B) a controlled substance analog; or

(C) gammahydroxybutyric acid as listed in Schedule III;

(ii) a third degree felony if the controlled substance or counterfeit substance is:

(A) a substance or a counterfeit of a substance classified in Schedule III or IV;

(B) marijuana; or

(C) a substance listed in Section 58-37-109; or

(iii) a class A misdemeanor if the controlled substance or counterfeit substance is a substance or counterfeit substance of a substance classified in Schedule V.

(b) Subject to Subsections (4), (5), and (6), a second or subsequent conviction under:

(i) Subsection (3)(a)(i) is a first degree felony;

(ii) Subsection (3)(a)(ii) is a second degree felony; or

(iii) Subsection (3)(a)(iii) is a third degree felony.

(4)(a) Except as provided under Subsection (4)(b) and subject to Subsection (6), the court shall impose an indeterminate prison term for an actor who has been convicted of a violation of this section that is a first degree felony or a second degree felony under Subsection (3)(a) or (3)(b) if the trier of fact finds beyond a reasonable doubt that, during the commission or furtherance of the violation of Subsection (2), the actor intentionally or knowingly:

(i) used, drew, or exhibited a dangerous weapon that is not a firearm, in an angry, threatening, intimidating, or coercive manner;

(ii) used a firearm or had a firearm readily accessible for immediate use; or

(iii) distributed a firearm or possessed a firearm with intent to distribute the firearm.

(b) Subject to Subsections (5) and (6), a court may suspend the indeterminate prison term for an actor convicted under Subsection (4)(a) if the court:

(i) details on the record the reasons why it is in the interests of justice to not impose the indeterminate prison term;

(ii) makes a finding on the record that the actor does not pose a significant safety risk to the public; and

(iii) orders the person to complete the terms and conditions of supervised probation provided by the Division of Adult Probation and Parole created in Section 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.

- (8)(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.
- (9) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.
- (10) 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 (10)(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 (10)(b).

Section 187. Section **76-18-211** is enacted to read:

**76-18-211 (Effective 05/06/26). Unlawfully engaging in a continuing criminal enterprise involving drugs.**

- (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
- (2) Except as authorized under this chapter or Title 58, Chapter 37, Controlled Substances, and under circumstances not amounting to an offense described in Section 76-18-220, trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully engaging in a continuing criminal enterprise involving drugs if the actor knowingly and intentionally engages in a continuing criminal enterprise where:
- (a) the actor participates, directs, or engages in conduct that results in a felony violation of an offense in:
- (i) this part;
- (ii) Part 3, Offenses Concerning Drug Paraphernalia;
- (iii) Part 4, Offenses Concerning Imitation Controlled Substances;
- (iv) Part 5, Clandestine Drug Labs;
- (v) Title 58, Chapter 37, Controlled Substances; or
- (vi) Title 58, Chapter 37c, Controlled Substance Precursors; and

(b) the violation described in Subsection (2)(a) is part of a continuing series of two or more violations of an offense described in Subsection (2)(a)(i) through (vi), on separate occasions that are undertaken in concert with five or more persons, with respect to whom the actor occupies a position of organizer, supervisor, or any other position of management.

(3)(a) Subject to Subsections (3)(b) and (4), a violation of Subsection (2) is a first degree felony punishable by imprisonment for an indeterminate term of not less than:

(i) seven years and which may be for life; or

(ii) 15 years and which may be for life, if the trier of fact determines that the actor knew, or reasonably should have known, that any subordinate described in Subsection (2)(b) was under 18 years old.

(b)(i) Except as provided in Subsection (3)(b)(ii), imposition or execution of the sentence described in Subsection (3)(a) may not be suspended, and the actor is not eligible for probation.

(ii) Subsection (3)(a)(ii) does not apply to an actor who, at the time of the offense, was under 18 years old.

(4) Notwithstanding any other provision of this section, a violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.

(5)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(6)(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.



- (7) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.
- (8) 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 (8)(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 (8)(b).
- Section 188. Section **76-18-212** is enacted to read:
- 76-18-212 (Effective 05/06/26). Unlawfully allowing possession, use, or distribution of a controlled substance on the premises.**
- (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 unlawfully allowing possession, use, or distribution of a controlled substance on the premises if the actor:
- (a) is an owner, tenant, licensee, or person in control of a building, room, tenement, vehicle, boat, aircraft, or other place; and
  - (b) knowingly and intentionally permits a person to occupy the building, room, tenement, vehicle, boat, aircraft, or other place while the person is unlawfully manufacturing, possessing, using, or distributing a controlled substance at or in the building, room, tenement, vehicle, boat, aircraft, or other place.
- (3)(a) Subject to Subsection (3)(b), a violation of Subsection (2) is:
- (i) a class B misdemeanor on a first conviction;
  - (ii) a class A misdemeanor on a second conviction; or
  - (iii) a third degree felony on a third or subsequent conviction.
- (b) Upon an actor's conviction of a violation of this section, if the actor has previously been convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or 76-18-211, the court shall sentence the actor to a one degree greater penalty than provided in Subsection (3)(a).
- (4)(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the

charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A previous conviction used for a penalty enhancement under this section may only be a conviction that:

(i) is from a separate criminal episode than the current conviction under this section;  
and

(ii) has not already been used under a separate penalty enhancement provision to enhance the conviction under this section.

(c) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(5)(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.

(6) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.

(7) 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 (7)(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 (7)(b).

Section 189. Section **76-18-213** is enacted to read:

**76-18-213 (Effective 05/06/26). Unlawful possession of an altered or forged prescription or order for a controlled substance.**

(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 possession of an altered or forged prescription or order for a 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:

**76-18-215 (Effective 05/06/26). Unlawful misrepresentation as an authorized person to obtain a controlled substance.**

(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 misrepresentation as an authorized person to obtain a controlled substance if the actor knowingly and intentionally, for the purpose of obtaining a controlled substance, assumes the title of, or represents to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(3) A violation of Subsection (2) is:

(a) a class A misdemeanor on a first or second conviction; or

(b) a third degree felony on a third or subsequent conviction.

(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.

(d) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of 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 192. Section **76-18-216** is enacted to read:

**76-18-216 (Effective 05/06/26). Unlawful conduct to obtain a controlled substance.**

(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 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.

- (2) An actor commits unlawfully prescribing or dispensing a controlled substance to a person known to be using unlawful means if the actor knowingly and intentionally prescribes or dispenses to a person known to be attempting to acquire or obtain possession of, or to procure the administration of, a controlled substance by:
- (a) misrepresentation;
  - (b) failure by the person to disclose receiving a controlled substance from another source;
  - (c) fraud;
  - (d) forgery;
  - (e) deception;
  - (f) subterfuge;
  - (g) alteration of a prescription or written order for a controlled substance; or
  - (h) the use of a false name or address.
- (3) A violation of Subsection (2) is:
- (a) a class A misdemeanor on a first or second conviction; or
  - (b) a third degree felony on a third or subsequent conviction.
- (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.
  - (d) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of 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 194. Section **76-18-218** is enacted to read:
- 76-18-218 (Effective 05/06/26). Unlawfully making, forging, altering, or uttering a prescription or a written order.**

- (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 unlawfully making, forging, altering, or uttering a prescription or a written order if the actor knowingly and intentionally:
- (a) makes a false or forged prescription or written order for a controlled substance;
  - (b) utters a false or forged prescription or written order for a controlled substance; or
  - (c) alters a prescription or written order issued or written under the terms of this chapter or Title 58, Chapter 37, Controlled Substances.
- (3) A violation of Subsection (2) is:
- (a) a class A misdemeanor on a first or second conviction; or
  - (b) a third degree felony on a third or subsequent conviction.
- (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.
  - (d) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of 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 195. Section **76-18-219** is enacted to read:
- 76-18-219 (Effective 05/06/26). Unlawful materials to create a counterfeit controlled substance.**
- (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 materials to create a counterfeit controlled substance if the 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

- grams or more of any composition or mixture, including pills, that contains any quantity of fentanyl or a fentanyl-related substance.
- (b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
- (2) ~~[A person]~~ An actor commits trafficking of fentanyl or a fentanyl-related substance if the ~~[person]~~ actor intentionally:
- (a) produces, manufactures, or dispenses a trafficking amount of fentanyl or a fentanyl-related substance;
  - (b) distributes a trafficking amount of fentanyl or a fentanyl-related substance;
  - (c) agrees, consents, offers, or arranges to distribute a trafficking amount of fentanyl or a fentanyl-related substance; or
  - (d) possesses a trafficking amount of fentanyl or a fentanyl-related substance with the intent to distribute the fentanyl or fentanyl-related substance.
- (3) A violation of Subsection (2) is a first degree felony.
- (4) Except as provided in Subsection (5) or (6), a court may not grant probation, suspend the execution or imposition of the sentence, order hospitalization, or enter a judgment for a lower category of offense under Section 76-3-402, if the effect of which would in any way shorten the ~~[person's]~~ actor's required indeterminate prison sentence, when:
- (a) sentencing ~~[a person]~~ an actor for a violation described in Subsection (3);
  - (b) sentencing ~~[a person]~~ an actor for a conviction of an attempt to commit trafficking of fentanyl or a fentanyl-related substance in accordance with Section 76-4-102; or
  - (c) sentencing ~~[a person]~~ an actor who has had the first degree felony classified in Subsection (3) reduced one degree by a prosecuting attorney in accordance with Section 77-2-2.3.
- (5) Except as provided by Subsection (7), a court may suspend the execution or imposition of a prison sentence under Subsection (4) if the court:
- (a) makes a finding on the record that:
    - (i) details why it is in the interests of justice not to execute or impose the prison sentence; and
    - (ii) the actor does not pose a significant safety risk to the general public; and
  - (b) orders the actor to complete the terms and conditions of probation that is supervised by the Division of Adult Probation and Parole.
- (6) Subsection (4) does not apply if the sentencing court finds that the ~~[person]~~ actor:
- (a) was under 18 years old at the time of the offense; and

(b) could have been adjudicated in the juvenile court but for the delayed reporting or delayed filing of the information.

(7)(a) If a court seeks to suspend the execution or imposition of a prison sentence under Subsection (5), the court shall impose the mandatory jail sentence described in Subsection (7)(b), and may not suspend any portion of the jail sentence or grant early release, if:

(i) the court suspends the imposition of a prison sentence for a conviction under Subsection (2);

(ii)(A) the violation is the ~~[person's]~~ actor's second or subsequent conviction for an offense under Subsection (2); or

(B) the ~~[person]~~ actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of an offense under Subsection (2); and

(iii) the ~~[person]~~ actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.

(b) The mandatory jail sentence referred to in Subsection (7)(a) is 360 days in jail.

(c)(i) Except as provided in Subsection (7)(c)(ii), ~~[a person]~~ an actor who is subject to a mandatory jail sentence under Subsection (7)(a) may not be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the ~~[person]~~ actor has served the entire jail sentence described in Subsection (7)(b).

(ii) ~~[A person]~~ An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the ~~[person's]~~ actor's jail sentence described in Subsection (7)(b).

(8) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

Section 197. Section **76-18-221**, which is renumbered from Section 58-37-8.2 is renumbered and amended to read:

**[58-37-8.2] 76-18-221 (Effective 05/06/26). Unlawful failure to report a practitioner's diversion of drugs.**

(1)(a) As used in this section:

~~[(a)]~~ (i) "Diversion" means a practitioner's transfer of a significant amount of drugs to

another individual for an unlawful purpose.

[(b)] (ii) "Drug" means a Schedule II or Schedule III controlled substance, as defined in Section [58-37-4] 58-37-108, that is an opiate.

[(e)] (iii) "HIPAA" means the same as that term is defined in Section 26B-3-126.

[(d)] (iv) "Opiate" means the same as that term is defined in Section [58-37-2] 58-37-101.

[(e)] (v) "Practitioner" means an individual:

[(i)] (A) licensed, registered, or otherwise authorized by the appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in the course of professional practice; or

[(ii)] (B) employed by a person who is licensed, registered, or otherwise authorized by the appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in the course of professional practice or standard operations.

[(f)] (vi) "Significant amount" means an aggregate amount equal to, or more than, 500 morphine milligram equivalents calculated in accordance with guidelines developed by the Centers for Disease Control and Prevention.

(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) ~~[An individual is guilty of a class B misdemeanor if the individual]~~ An actor commits unlawful failure to report a practitioner's diversion of drugs if the actor:

(a) knows that a practitioner is involved in diversion; and

(b) knowingly fails to report the diversion described in Subsection (2)(a) to a peace officer or law enforcement agency.

(3) A violation of Subsection (2) is a class B misdemeanor.

[(3)] (4) Subsection (2) does not apply to the extent that ~~[an individual]~~ an actor is prohibited from reporting by 42 C.F.R. Part 2 or HIPAA.

Section 198. Section **76-18-222**, which is renumbered from Section 58-37-8.3 is renumbered and amended to read:

**[58-37-8.3] 76-18-222 (Effective 05/06/26). Possession, sale, or use of an adulterant or synthetic urine.**

(1)(a) As used in this section, "adulterant" means a substance that may be added to human urine or another human bodily fluid to change, dilute, or interfere with the composition, chemical properties, physical appearance, or physical properties of the urine or other bodily fluid.

(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

- (2) Under circumstances not amounting to a violation of Section 76-8-510.5, Tampering with evidence, ~~[a person]~~ an actor commits possession, sale, or use of an adulterant or synthetic urine if the ~~[person]~~ actor:
- (a) distributes, possesses, or sells synthetic urine;
  - (b) distributes or sells an adulterant with:
    - (i) intent that the adulterant be used to defeat or defraud an alcohol or drug screening test; or
    - (ii) knowledge that the recipient of the adulterant intends to use the adulterant to defeat or defraud an alcohol or drug screening test;
  - (c) possesses an adulterant with intent to use the adulterant to defeat or defraud an alcohol or drug screening test; or
  - (d) intentionally uses:
    - (i) an adulterant to defeat or defraud an alcohol or drug screening test;
    - (ii) the ~~[person's]~~ actor's urine or bodily fluid to defeat or defraud an alcohol or drug screening test if the urine or bodily fluid was expelled or withdrawn before the time at which the urine or bodily fluid is collected for the test; or
    - (iii) the urine or bodily fluid of another ~~[person]~~ individual to defeat or defraud an alcohol or drug screening test.
- (3) A violation of ~~[this section]~~ Subsection (2) is an infraction.
- (4) ~~[A person]~~ An actor does not commit a violation of Subsection (2) if the ~~[person]~~ actor is engaging in conduct described in this section for the sole purpose of education or medical or scientific research.
- (5) This section does not apply to persons currently under:
- (a) court-ordered supervision; or
  - (b) the supervision of the Board of Pardons and Parole.
- (6) An entity that collects specimens for the purpose of testing and screening, and reports the results back to an employer, shall report to the employer and the Department of Public Safety if a report is received that indicates that adulterated or synthetic urine was submitted for an alcohol or drug screening test.

Section 199. Section **76-18-301**, which is renumbered from Section 58-37a-3 is renumbered and amended to read:

### **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 ~~[devicees]~~ 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 balances-]~~ a scale or balance used, or intended for use, in weighing  
11879           or measuring a controlled substance;

11880           ~~[(f)]~~ (vi) ~~[dilutents 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 marihuana 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.**

In determining whether an object is drug paraphernalia, the trier of fact, in addition to all other logically relevant factors, should consider:

- (1) statements by an owner or by anyone in control of the object concerning [its] the object's use;
- (2) prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to a controlled substance;
- (3) the proximity of the object, in time and space, to a direct violation of this [chapter] part;
- (4) the proximity of the object to a controlled substance;
- (5) the existence of any residue of a controlled substance on the object;
- (6) instructions, whether oral or written, provided with the object concerning [its] the object's use;
- (7) descriptive materials accompanying the object [which] that explain or depict [its] the object's use;
- (8) national and local advertising concerning [its] the object's use;
- (9) the manner in which the object is displayed for sale;
- (10) whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- (12) the existence and scope of legitimate uses of the object in the community;
- (13) whether the object is subject to Section [58-37a-5] 76-18-304, 76-18-305, or 76-18-306;
- and
- (14) expert testimony concerning [its] the object's use.

Section 201. Section **76-18-303**, which is renumbered from Section 58-37a-6 is renumbered and amended to read:

**[58-37a-6] 76-18-303 (Effective 05/06/26). Seizure -- Forfeiture -- Property rights -- Bystander defense.**

- (1) Drug paraphernalia is subject to seizure and forfeiture in accordance with the procedures and substantive protections of[-] :
  - (a) Title 77, Chapter 11a, Seizure of Property and Contraband[-] ; and
  - (b) Title 77, Chapter 11b, Forfeiture of Seized Property.
- (2) It is an affirmative defense to an allegation of the commission of an offense under this part if the actor or bystander:



- (a) reasonably believes that the actor or another individual is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;
- (b) reports, or assists an individual who reports, in good faith, the overdose event to a medical provider, an emergency medical service provider as defined in Section 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the actor is the subject of a report made under this section;
- (c) provides, in the report described in Subsection (2)(b), a functional description of the actual location of the overdose event that facilitates responding to the individual experiencing the overdose event;
- (d) remains at the location of the individual experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the individual experiencing an overdose event is located until a responding law enforcement officer arrives;
- (e) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the individual experiencing the overdose event and any substances the individual may have injected, inhaled, or otherwise introduced into the individual's body; and
- (f) is alleged to have committed the offense in the same course of events from which the reported overdose arose.

Section 202. Section **76-18-304**, which is renumbered from Section 58-37a-5 is renumbered and amended to read:

**[58-37a-5] 76-18-304 (Effective 05/06/26). Unlawful use of drug paraphernalia.**

[(1)(a)]

(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.

(2) [It is unlawful for a person to use, or to possess with intent to use,] An actor commits unlawful use of drug paraphernalia if the actor uses, or possesses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body in violation of this [chapter] part.

[(b)] (3) [A person who violates Subsection (1)(a) is guilty of.] A violation of Subsection (2) is a class B misdemeanor.

[(2)(a)] It is unlawful for a person to deliver, possess with intent to deliver, or

manufacture with intent to deliver, any drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body in violation of this act.]

[(b) A person who violates Subsection (2)(a) is guilty of a class A misdemeanor.]

[(3) A person 18 years old or older who delivers drug paraphernalia to a person younger than 18 years old and who is three years or more younger than the person making the delivery is guilty of a third degree felony.]

[(4)(a) It is unlawful for a person to place in this state in a newspaper, magazine, handbill, or other publication an advertisement, knowing that the purpose of the advertisement is to promote the sale of drug paraphernalia.]

[(b) A person who violates Subsection (4)(a) is guilty of a class B misdemeanor.]

[(5)(a) A person may not be charged with distribution of hypodermic syringes as drug paraphernalia if at the time of sale or distribution the syringes are in a sealed sterile package and are for a legitimate medical purpose, including:]

[(i) injection of prescription medications as prescribed by a practitioner; or]

[(ii) the prevention of disease transmission.]

[(b) A person]

(4) An actor may not be charged with possession of a hypodermic syringe as drug paraphernalia if the syringe is unused and is in a sealed sterile package.

[(6)] (5) In a prosecution under [Subsection (1)] this section for possession of a hypodermic syringe or needle, the prosecutor or the court may dismiss the charge if the [person] actor establishes, by a preponderance of the evidence, that:

(a) at the time of the offense:

(i) the hypodermic syringe or needle was stored in a sealed puncture-resistant container, such as a medical sharps disposal container, that was clearly marked on the outside of the container with a warning that identified the container as containing medical waste; and

(ii) the [person] actor was enrolled or participating in a syringe exchange program under Section 26B-7-117; and

(b) after the day of the offense, but before the day on which the case is adjudicated, the [person] actor demonstrated an intent to engage with substance abuse treatment by commencing, continuing, or completing a substance use disorder treatment program.

~~[(7)]~~ ~~(6)~~ ~~[A person]~~ 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 [chapter] part.

~~(7)~~ If a minor 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 (7)(a) indicates that an assessment is appropriate; or

~~(c)~~ an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (7)(b).

Section 203. Section **76-18-305** is enacted to read:

**76-18-305 (Effective 05/06/26). Unlawful delivery of drug paraphernalia.**

~~(1)~~ Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.

~~(2)~~ An actor commits unlawful delivery of drug paraphernalia if the actor delivers, possesses with intent to deliver, or manufactures with intent to deliver, any drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body in violation of this part.

~~(3)(a)~~ Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

~~(b)~~ A violation of Subsection (2) is a third degree felony if the actor:

~~(i)~~ is 18 years old or older;

~~(ii)~~ delivers drug paraphernalia to a minor; and

~~(iii)~~ is older than the minor by three or more years.

~~(4)~~ An actor may not be charged with distribution of hypodermic syringes as drug paraphernalia if at the time of sale or distribution, the syringes are:

~~(a)~~ in a sealed sterile package; and

~~(b)~~ for a legitimate medical purpose, including:

~~(i)~~ injection of prescription medications as prescribed by a practitioner; or

~~(ii)~~ the prevention of disease transmission.

~~(5)~~ 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.

~~(6)~~ If a minor 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 (6)(a) indicates that an assessment is appropriate; or

(c) an educational series as defined in Section 41-6a-501 or substance use disorder

treatment as indicated by an assessment described in Subsection (6)(b).

Section 204. Section **76-18-306** is enacted to read:

**76-18-306 (Effective 05/06/26). Unlawful advertisement of drug paraphernalia.**

(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.

(2) An actor commits unlawful advertisement of drug paraphernalia if the actor:

(a) places in this state in a newspaper, magazine, handbill, or other publication an advertisement; and

(b) knows that the purpose of the advertisement described in Subsection (2)(a) is to promote the sale of drug paraphernalia.

(3) A violation of Subsection (2) is a class B misdemeanor.

(4) 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.

(5) If a minor 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; or

(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 205. Section **76-18-401**, which is renumbered from Section 58-37b-2 is renumbered and amended to read:

**Part 4. Offenses Concerning Imitation Controlled Substances**

**[58-37b-2] 76-18-401 (Effective 05/06/26). Definitions.**

As used in this [chapter] part:

(1) "Controlled substance" has the same meaning as provided in Section [58-37-2] 58-37-101.

(2) "Distribute" means the actual, constructive, or attempted sale, transfer, delivery, or dispensing to another of an imitation controlled substance.

(3)(a) "Imitation controlled substance" means a substance designed or packaged to substantially resemble any legally or illegally manufactured controlled substance[;

but that is not:] .

~~[(a)]~~ (b) "Imitation controlled substance" does not include:

(i) a controlled substance; or

~~[(b)]~~ (ii) a substance represented to be any legally or illegally manufactured controlled substance under Subsection [58-37-2(1)(i)(ii)] 58-37-101(1)(h)(ii).

(4) "Manufacture" means the production, preparation, compounding, processing, encapsulating, tableting, packaging or repackaging, labeling or relabeling, of an imitation controlled substance.

(5) "Minor" means an individual who is under 18 years old.

Section 206. Section **76-18-402**, which is renumbered from Section 58-37b-8 is renumbered and amended to read:

**[58-37b-8] 76-18-402 (Effective 05/06/26). Exemption of certain persons --**

**Bystander defense.**

(1) No civil or criminal liability shall be imposed by virtue of this ~~[act]~~ part on:

(a) any person registered under ~~[the]~~ Title 58, Chapter 37, Controlled Substances~~[-Act]~~ , who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or investigational new drug by a registered practitioner in the ordinary course of professional practice or research; or~~[-on any]~~

(b) a law enforcement officer acting in the course and legitimate scope of [that] the law enforcement officer's employment.

(2) It is an affirmative defense to an allegation of the commission of an offense under this part if the actor or bystander:

(a) reasonably believes that the actor or another individual is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;

(b) reports, or assists an individual who reports, in good faith, the overdose event to a medical provider, an emergency medical service provider as defined in Section 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the actor is the subject of a report made under this section;

(c) provides, in the report described in Subsection (2)(b), a functional description of the actual location of the overdose event that facilitates responding to the individual experiencing the overdose event;

(d) remains at the location of the individual experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives,

or remains at the medical care facility where the individual experiencing an overdose event is located until a responding law enforcement officer arrives;

- (e) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the individual experiencing the overdose event and any substances the individual may have injected, inhaled, or otherwise introduced into the individual's body; and
- (f) is alleged to have committed the offense in the same course of events from which the reported overdose arose.

Section 207. Section **76-18-403**, which is renumbered from Section 58-37b-6 is renumbered and amended to read:

**[58-37b-6] 76-18-403 (Effective 05/06/26). Unlawful use of an imitation controlled substance.**

(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

(2) [ It is unlawful for any person to use, or to possess] An actor commits unlawful use of an imitation controlled substance if the actor uses, or possesses with the intent to use, an imitation controlled substance. [~~Any person who violates this section is guilty of~~]

(3) A violation of Subsection (2) is a class C misdemeanor.

(4) If a minor 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 (4)(a) indicates that an assessment is appropriate; or

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (4)(b).

Section 208. Section **76-18-404**, which is renumbered from Section 58-37b-4 is renumbered and amended to read:

**[58-37b-4] 76-18-404 (Effective 05/06/26). Unlawful manufacture of an imitation controlled substance.**

(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

(2) [ It is unlawful for any person to manufacture, distribute, or possess with intent to distribute, an imitation controlled substance. Any person who violates this section is guilty of a class A misdemeanor.] An actor commits unlawful manufacture of an imitation controlled substance if the actor manufactures an imitation controlled substance.

(3) Subject to Subsection (4), a violation of Subsection (2) is a class A misdemeanor.  
 (4) A violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.

(5) If a minor 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; or
- (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 209. Section **76-18-405** is enacted to read:

**76-18-405 (Effective 05/06/26). Unlawful distribution or possession with intent to distribute an imitation controlled substance.**

(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

(2) An actor commits unlawful distribution or possession with intent to distribute an imitation controlled substance if the actor:

- (a) distributes an imitation controlled substance; or
- (b) possesses an imitation controlled substance with the intent to distribute the imitation controlled substance.

(3) Subject to Subsection (4), a violation of Subsection (2) is a class A misdemeanor.

(4) A violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.

(5) If a minor 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; or
- (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 210. Section **76-18-406**, which is renumbered from Section 58-37b-7 is renumbered and amended to read:

**[58-37b-7] 76-18-406 (Effective 05/06/26). Unlawful advertisement of an**

**imitation controlled substance.**

(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

(2) ~~[ It is unlawful for any person to place any]~~ An actor commits unlawful advertisement of an imitation controlled substance if the actor:

(a) places in a newspaper, magazine, handbill, or other publication, or ~~to post or distribute~~ posts or distributes in any public place, [any] an advertisement or solicitation; and

(b) takes the action described in Subsection (2)(a) with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution of an imitation controlled [substances] substance.

(3) ~~[Any person who violates this section is guilty of]~~ A violation of Subsection (2) is a class A misdemeanor.

(4) If a minor 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 (4)(a) indicates that an assessment is appropriate; or

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (4)(b).

Section 211. Section **76-18-501**, which is renumbered from Section 58-37d-3 is renumbered and amended to read:

### **Part 5. Clandestine Drug Labs**

#### **[58-37d-3] 76-18-501 (Effective 05/06/26). Definitions.**

(1) As used in this ~~chapter~~ part:

(a)(i) "Booby trap" means a concealed or camouflaged device designed to cause bodily injury when triggered by the action of a person making contact with the device.

(ii) "Booby trap" includes guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, nails, spikes, electrical devices, lines or wires with hooks attached, and devices for the production of toxic fumes or gases.

(b) "Clandestine laboratory operation" means the:

(i) purchase or procurement of chemicals, supplies, equipment, or laboratory location 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.

(f) "Hazardous or dangerous material" means a substance that because of [its] the substance's quantity, concentration, physical characteristics, or chemical characteristics may cause or significantly contribute to an increase in mortality, an increase in serious illness, or may pose a substantial present or potential future hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise improperly managed.

(g) "Illegal manufacture of specified controlled substances" means in violation of [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances, the:

(i) compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing for the purpose of producing methamphetamine, other amphetamine compounds as listed in Schedule I of [~~the Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, phencyclidine, narcotic analgesic analogs as listed in Schedule I of [~~the Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, lysergic acid diethylamide, mescaline, tetrahydrocannabinol, or counterfeit opioid;

(ii) conversion of cocaine or methamphetamine to their base forms; or

(iii) extraction, concentration, or synthesis of tetrahydrocannabinol.

(h) "Opioid" means the same as that term is defined in Section 58-37f-303.

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

(2) Unless otherwise specified, the definitions in Section [~~58-37-2~~] 58-37-101 also apply to this [~~chapter~~] part.

Section 212. Section **76-18-502**, which is renumbered from Section 58-37d-2 is renumbered and amended to read:

**[~~58-37d-2~~] 76-18-502 (Effective 05/06/26). Purpose -- Coordination with other sections.**

(1) The clandestine production of methamphetamine, other amphetamines, phencyclidine, narcotic analgesic analogs, so-called "designer drugs," various hallucinogens, concentrated tetrahydrocannabinols, counterfeit opioids, cocaine and methamphetamine, base "crack" cocaine and methamphetamine "ice" respectively, has increased dramatically throughout the western states and Utah.

(2) These highly technical illegal operations create substantial dangers to the general public and environment from fire, explosions, and the release of toxic chemicals.

(3) By their very nature, these activities often involve a number of persons in a conspiratorial enterprise to bring together all necessary components for clandestine production, to thwart regulation and detection, and to distribute the final product.

(4) Therefore, the Legislature enacts ~~[the following Utah Clandestine Laboratory Act]~~ this part for prosecution of specific illegal laboratory operations.

(5) With regard to the controlled substances specified herein, this ~~[act]~~ part shall control, notwithstanding the prohibitions and penalties in ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Part 2, Offenses Concerning Controlled Substances, and Title 58, Chapter 37, Controlled Substances.

Section 213. Section **76-18-503**, which is renumbered from Section 58-37d-9 is renumbered and amended to read:

**[58-37d-9] 76-18-503 (Effective 05/06/26). Department of Public Safety enforcement authority.**

(1) As used in this section, "division" means the Criminal Investigations and Technical Services Division of the Department of Public Safety, created in Section 53-10-103.

(2)(a) The division has authority to enforce this ~~[chapter]~~ part.

(b) To carry out ~~[this purpose]~~ enforcement of this part, the division may:

~~[(a)]~~ (i) assist the law enforcement agencies of the state in enforcing this ~~[chapter]~~ part;

~~[(b)]~~ (ii) conduct investigations to enforce this ~~[chapter]~~ part;

~~[(c)]~~ (iii) present evidence obtained from investigations conducted in conjunction with appropriate county and district attorneys and the Office of the Attorney General for civil or criminal prosecution or for administrative action against a licensee; and

~~[(d)]~~ (iv) work in cooperation with the Division of Professional Licensing, created under Section 58-1-103, to accomplish the purposes of this section.

Section 214. Section **76-18-504**, which is renumbered from Section 58-37d-7 is renumbered and amended to read:

**[58-37d-7] 76-18-504 (Effective 05/06/26). Seizure and forfeiture.**

Chemicals, equipment, supplies, vehicles, aircraft, vessels, and personal and real property used in furtherance of a clandestine laboratory operation are subject to seizure and forfeiture under the procedures and substantive protections of Title 77, Chapter 11a, Seizure of Property and Contraband, and Title 77, Chapter 11b, Forfeiture of Seized Property.

Section 215. Section **76-18-505**, which is renumbered from Section 58-37d-6 is renumbered and amended to read:

**[58-37d-6] 76-18-505 (Effective 05/06/26). Legal inference of intent -- Illegal**

**possession of a controlled substance precursor or clandestine laboratory equipment.**

The trier of fact may infer that ~~[a defendant]~~ an actor intended to engage in a clandestine laboratory operation if the ~~[defendant]~~ actor:

- (1) is in illegal possession of a controlled substance precursor; or
- (2) illegally possesses, or attempts to illegally possess, a controlled substance or controlled substance precursor and is in possession of any one of the following pieces of equipment:
  - (a) glass reaction vessel;
  - (b) separatory funnel;
  - (c) glass condenser;
  - (d) analytical balance;
  - (e) heating mantle;
  - (f) pill press machine or similar device;
  - (g) closed loop extraction system;
  - (h) extraction tube; or
  - (i) rotary evaporator.

Section 216. Section **76-18-506**, which is renumbered from Section 58-37d-4 is renumbered and amended to read:

**[58-37d-4] 76-18-506 (Effective 05/06/26). Unlawful clandestine drug offense.**

- (1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-501 apply to this section.
- (2) [It is unlawful for any person to-] An actor commits an unlawful clandestine drug offense if the actor knowingly or intentionally:
  - (a) [pössess] possesses a controlled substance or a controlled substance precursor with the intent to engage in a clandestine laboratory operation;
  - (b) [pössess] possesses laboratory equipment or supplies with the intent to engage in a clandestine laboratory operation;
  - (c) [sell, distribute, or otherwise supply] sells, distributes, or otherwise supplies a controlled substance, controlled substance precursor, laboratory equipment, or laboratory supplies, knowing or having reasonable cause to believe any of these items will be used for a clandestine laboratory operation;
  - (d) [evade] evades the recordkeeping provisions of [Title 58, Chapter 37c, Utah Controlled Substance Precursor Act,-] Title 58, Chapter 37c, Controlled Substance Precursors, knowing or having reasonable cause to believe that the material distributed or received will be used for a clandestine laboratory operation;

- (e) ~~[conspire with or aid]~~ conspires with or aids another to engage in a clandestine laboratory operation;
- (f) ~~[produce or manufacture, or possess]~~ produces or manufactures, or possesses with intent to produce or manufacture, a controlled or counterfeit substance except as authorized under ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances;
- (g) ~~[transport or convey]~~ transports or conveys a controlled or counterfeit substance with the intent to distribute or to be distributed by the ~~[person]~~ actor transporting or conveying the controlled or counterfeit substance or by another person regardless of whether the final destination for the distribution is within this state or another location; or
- (h) ~~[engage]~~ engages in compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing of any substance, including a controlled substance precursor, or the packaging, repackaging, labeling, or relabeling of a container holding a substance that is a product of any of these activities, knowing or having reasonable cause to believe that the substance is a product of any of these activities and will be used in the illegal manufacture of specified controlled substances.

~~[(2)]~~ (3)(a) ~~[A person who violates Subsection (1) is guilty of]~~ Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony punishable by imprisonment for an indeterminate term of not less than three years nor more than 15 years.

- (b) Subject to Subsection (4), a violation of Subsection (2)(a), (b), (e), (f), or (h) is a first degree felony if the trier of fact also finds any one of the following conditions occurred in conjunction with the violation:
- (i) possession of a firearm;
- (ii) use of a booby trap;
- (iii) illegal possession, transportation, or disposal of hazardous or dangerous material, or while transporting or causing to be transported materials in furtherance of a clandestine laboratory operation, there was created a substantial risk to human health or safety or a danger to the environment;
- (iv) the intended laboratory operation was to take place or did take place within 500 feet of a residence, place of business, church, or school;

(v) the clandestine laboratory operation actually produced any amount of a specified controlled substance or a counterfeit opioid; or

(vi) the intended clandestine laboratory operation was for the production of cocaine base or methamphetamine base.

(4) If the trier of fact finds that two or more of the conditions listed in Subsection (3)(b) occurred in conjunction with a violation of Subsection (2)(a), (b), (e), (f), or (h) at sentencing for the first degree felony:

(a) probation may not be granted;

(b) the execution or imposition of the sentence may not be suspended; and

(c) the court may not enter a judgment for a lower category of offense.

Section 217. Section **77-7-8** is amended to read:

**77-7-8 (Effective 05/06/26). Forcible entry to conduct search or make arrest --**

**Conditions requiring a warrant.**

(1) As used in this section:

(a) "Daytime hours" means the same as that term is defined in Section 77-7-5.

(b) "Forcibly enter" means entering any premises by force.

(c) "Knock" means to knock with reasonably strong force in a quick succession of three or more contacts with a door or other point of entry into a building that would allow the occupant to reasonably hear the peace officer's demand for entry.

(d) "Knock and announce warrant" means a lawful search warrant that authorizes entry into a building after knocking and demanding entry onto a premises described in Subsection (2).

(e) "Nighttime hours" means the same as that term is defined in Section 77-7-5.

(f) "Peace officer" means the same as that term is defined in Section 53-1-102.

(g) "Premises" means any building, room, conveyance, compartment, or other enclosure.

(h)(i) "Supervisory official" means a command-level officer.

(ii) "Supervisory official" includes a sheriff, a head of a law enforcement agency, and a supervisory enforcement officer equivalent to a sergeant rank or higher.

(2)(a) Subject to the provisions of this Subsection (2), a peace officer when making a lawful arrest, or serving a knock and announce warrant, may forcibly enter a premises:

(i) if the individual to be arrested is located within the premises; or

(ii) if there is probable cause to believe that the individual is located within the premises.

(b)(i) Subject to Subsection (3), before forcibly entering a premises as described in Subsection (2)(a), a peace officer shall:

- (A) wear readily identifiable markings, including a badge and vest or clothing with a distinguishing label or other writing that identifies the individual as a law enforcement officer;
- (B) audibly identify himself or herself as a law enforcement officer;
- (C) knock and demand admission more than once;
- (D) wait a reasonable period of time for an occupant to admit access after knocking and demanding admission; and
- (E) explain the purpose for which admission is desired.

(3)(a) A peace officer does not need to:

- (i) comply with the requirements of Subsection (2)(b)(i)(B), (2)(b)(i)(C), (2)(b)(i)(D), and (2)(b)(i)(E) before forcibly entering a premises:
  - (A) under the exceptions in Section 77-7-6 or 77-7-8.1;
  - (B) where there is probable cause to believe exigent circumstances exist due to the destruction of evidence; or
  - (C) where there is reasonable suspicion to believe exigent circumstances exist due to the physical safety of a peace officer or individual inside or in near proximity to the premises; or
- (ii) comply with the requirements described in Subsections (2)(b)(i)(C) and (2)(b)(i)(D) before forcibly entering a premises if the officer, or another peace officer:
  - (A) has been near the premises for an extended amount of time and a reasonable person would conclude that an individual on the premises knows or should know that a peace officer is present;
  - (B) has demanded admission and announced an intent to enter the premises more than once; and
  - (C) has complied with Subsections (2)(b)(i)(A), (2)(b)(i)(B), and (2)(b)(i)(E).

(b) If a peace officer forcibly enters a premises under Subsection (3)(a)(i), the peace officer shall identify himself or herself and state the purpose for entering the premises as soon as practicable after entering the premises.

(4) The peace officer may use only that force that is reasonable and necessary to forcibly enter a premises under this section.

(5) Subject to Subsection (6), if the premises to be entered under Subsection (2)(a) appears

to be a private residence or the peace officer knows the premises is a private residence, and if there is no consent to enter or there are no exigent circumstances, the peace officer shall, before entering the premises:

(a) obtain an arrest or search warrant if the premises is the residence of the individual to be arrested; or

(b) obtain a search warrant if the building is a private residence, but not the residence of the individual whose arrest is sought.

(6) Before seeking a warrant from a judge or magistrate under Subsection (2)(a), a supervisory official shall, using the peace officer's affidavit:

(a) independently perform an assessment to evaluate the totality of the circumstances;

(b) ensure reasonable intelligence gathering efforts have been made;

(c) ensure a threat assessment was completed on the individual or premises to be searched; and

(d) determine either that there is a sufficient basis to support seeking a warrant or require that the peace officer continue evidence gathering efforts.

(7) Notwithstanding any other provision of this chapter, a peace officer may not forcibly enter a premises based solely on:

(a) the alleged possession or use of a controlled substance under Section [58-37-8] 76-18-207; or

(b) the alleged possession of drug paraphernalia as defined in Section [58-37a-3] 76-18-301.

(8) All arrest warrants are subject to the conditions described in Subsection 77-7-5(2).

(9) A peace officer shall serve a knock and announce warrant during daytime hours unless a peace officer has requested, and a judge or magistrate has approved, for the warrant to be served during nighttime hours.

Section 218. Section **77-11a-101** is amended to read:

**77-11a-101 (Effective 05/06/26). Definitions.**

As used in this chapter:

(1)(a) "Agency" means an agency of this state or a political subdivision of this state.

(b) "Agency" includes a law enforcement agency or a multijurisdictional task force.

(2) "Claimant" means:

(a) an owner of property;

(b) an interest holder; or

(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

council, or town council that has fiscal oversight and budgetary approval authority over an agency; or

(ii) the agency's governing political subdivision; or

(b) the lead governmental entity of a multijurisdictional task force, as designated in a memorandum of understanding executed by the agencies participating in the task force.

(14) "Multijurisdictional task force" means a law enforcement task force or other agency comprised of individuals who are employed by or acting under the authority of different governmental entities, including federal, state, county, or municipal governments, or any combination of federal, state, county, or municipal agencies.

(15) "Owner" means an individual or entity, other than an interest holder, that possesses a bona fide legal or equitable interest in property.

(16) "Pawn or secondhand business" means the same as that term is defined in Section 13-32a-102.

(17) "Peace officer" means an employee:

(a) of an agency;

(b) whose duties consist primarily of the prevention and detection of violations of laws of this state or a political subdivision of this state; and

(c) who is authorized by the agency to seize property.

(18)(a) "Proceeds" means:

(i) property of any kind that is obtained directly or indirectly as a result of the commission of an offense; or

(ii) any property acquired directly or indirectly from, produced through, realized through, or caused by an act or omission regarding property under Subsection (18)(a)(i).

(b) "Proceeds" includes any property of any kind without reduction for expenses incurred in the acquisition, maintenance, or production of that property, or any other purpose regarding property under Subsection (18)(a)(i).

(c) "Proceeds" is not limited to the net gain or profit realized from the offense that subjects the property to seizure.

(19)(a) "Property" means all property, whether real or personal, tangible or intangible.

(b) "Property" does not include contraband.

(20) "Prosecuting attorney" means:

(a) the attorney general and an assistant attorney general;

- (b) a district attorney or deputy district attorney;
- (c) a county attorney or assistant county attorney; and
- (d) an attorney authorized to commence an action on behalf of the state.

(21) "Public interest use" means a:

- (a) use by a government agency as determined by the legislative body of the agency's jurisdiction; or
- (b) donation of the property to a nonprofit charity registered with the state.

(22) "Real property" means land, including any building, fixture, improvement, appurtenance, structure, or other development that is affixed permanently to land.

(23)(a) "Seized property" means property seized by a peace officer or agency in accordance with Section 77-11a-201.

(b) "Seized property" includes property that the agency seeks to forfeit under Chapter 11b, Forfeiture of Seized Property.

Section 219. Section **77-11b-102** is amended to read:

**77-11b-102 (Effective 05/06/26). Property subject to forfeiture.**

(1)(a) Except as provided in Subsection (2), (3), (4), or (5), an agency may seek to forfeit:

- (i) seized property that was used to facilitate the commission of an offense that is a violation of federal or state law; or
- (ii) seized proceeds.

(b) An agency, or the prosecuting attorney, may not forfeit the seized property of an innocent owner or an interest holder.

(2) If seized property is used to facilitate an offense that is a violation of Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305, an agency may not forfeit the property if the forfeiture would constitute a prior restraint on the exercise of an affected party's rights under the First Amendment to the Constitution of the United States or Utah Constitution, Article I, Section 15, or would otherwise unlawfully interfere with the exercise of the party's rights under the First Amendment to the Constitution of the United States or Utah Constitution, Article I, Section 15.

(3) If a motor vehicle is used in an offense that is a violation of Section 41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of Subsection 41-6a-510(1), Subsection 76-5-102.1(2)(b), or Section 76-5-207, an agency may not seek forfeiture of the motor vehicle, unless:

- (a) the operator of the vehicle has previously been convicted of an offense committed

after May 12, 2009, that is:

- (i) a felony driving under the influence violation under Section 41-6a-502 or Subsection 76-5-102.1(2)(a);
- (ii) a felony violation under Subsection 76-5-102.1(2)(b);
- (iii) a violation under Section 76-5-207; or
- (iv) operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g); or

(b) the operator of the vehicle was driving on a denied, suspended, revoked, or disqualified license and:

- (i) the denial, suspension, revocation, or disqualification under Subsection (3)(b)(ii) was imposed because of a violation under:
  - (A) Section 41-6a-502;
  - (B) Section 41-6a-517;
  - (C) a local ordinance that complies with the requirements of Subsection 41-6a-510(1);
  - (D) Section 41-6a-520.1;
  - (E) operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
  - (F) Section 76-5-102.1;
  - (G) Section 76-5-207; or
  - (H) a criminal prohibition as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances described in Subsections (3)(b)(i)(A) through (G); or
- (ii) the denial, suspension, revocation, or disqualification described in Subsection (3)(b)(i):
  - (A) is an extension imposed under Subsection 53-3-220(2) of a denial, suspension, revocation, or disqualification; and
  - (B) the original denial, suspension, revocation, or disqualification was imposed because of a violation described in Subsection (3)(b)(i).

(4) If a peace officer seizes property incident to an arrest solely for possession of a

controlled substance under ~~[Subsection 58-37-8(2)(a)(i)]~~ Section 76-18-207 but not Subsection ~~[58-37-8(2)(b)(i)]~~ 76-18-207(3)(a), an agency may not seek to forfeit the property that was seized in accordance with the arrest.

- (5) If a peace officer seizes an individual's firearm as the result of an offense under Section 76-11-218, an agency may not seek to forfeit the individual's firearm if the individual may lawfully possess the firearm.

Section 220. Section **77-11c-101** is amended to read:

**77-11c-101 (Effective 05/06/26). Definitions.**

As used in this chapter:

- (1) "Acquitted" means the same as that term is defined in Section 77-11b-101.
- (2) "Adjudicated" means that:
- (a)(i) a judgment of conviction by plea or verdict of an offense has been entered by a court; and
  - (ii) a sentence has been imposed by the court; or
  - (b) a judgment has been entered for an adjudication of an offense by a juvenile court under Section 80-6-701.
- (3) "Adjudication" means:
- (a) a judgment of conviction by plea or verdict of an offense; or
  - (b) an adjudication for an offense by a juvenile court under Section 80-6-701.
- (4) "Agency" means the same as that term is defined in Section 77-11a-101.
- (5) "Appellate court" means the Utah Court of Appeals, the Utah Supreme Court, or the United States Supreme Court.
- (6)(a) "Biological evidence" means an item that contains blood, semen, hair, saliva, epithelial cells, latent fingerprint evidence that may contain biological material suitable for DNA testing, or other identifiable human biological material that:
- (i) is collected as part of an investigation or prosecution of a violent felony offense; and
  - (ii) may reasonably be used to incriminate or exculpate a person for the violent felony offense.
- (b) "Biological evidence" includes:
- (i) material that is catalogued separately, including:
    - (A) on a slide or swab; or
    - (B) inside a test tube, if the evidentiary sample that previously was inside the test tube has been consumed by testing;

(ii) material that is present on other evidence, including clothing, a ligature, bedding, a drinking cup, a cigarette, or a weapon, from which a DNA profile may be obtained;

(iii) the contents of a sexual assault kit; and

(iv) for a violent felony offense, material described in this Subsection (6) that is in the custody of an evidence collecting or retaining entity on May 4, 2022.

(7) "Claimant" means the same as that term is defined in Section 77-11a-101.

(8) "Computer" means the same as that term is defined in Section 77-11a-101.

(9) "Continuous chain of custody" means:

(a) for a law enforcement agency or a court, that legal standards regarding a continuous chain of custody are maintained; and

(b) for an entity that is not a law enforcement agency or a court, that the entity maintains a record in accordance with legal standards required of the entity.

(10) "Contraband" means the same as that term is defined in Section 77-11a-101.

(11) "Controlled substance" means the same as that term is defined in Section ~~58-37-2~~  
58-37-101.

(12) "Court" means a municipal, county, or state court.

(13) "DNA" means deoxyribonucleic acid.

(14) "DNA profile" means a unique identifier of an individual derived from DNA.

(15) "Drug paraphernalia" means the same as that term is defined in Section ~~58-37a-3~~  
76-18-301.

(16) "Evidence" means property, contraband, or an item or substance that:

(a) is seized or collected as part of an investigation or prosecution of an offense; and

(b) may reasonably be used to incriminate or exculpate an individual for an offense.

(17)(a) "Evidence collecting or retaining entity" means an entity within the state that collects, stores, or retrieves biological evidence.

(b) "Evidence collecting or retaining entity" includes:

(i) a medical or forensic entity;

(ii) a law enforcement agency;

(iii) a court; and

(iv) an official, employee, or agent of an entity or agency described in this Subsection (17).

~~(c)~~ (c) "Evidence collecting or retaining entity" does not include a collecting facility defined in Section 53-10-902.

- (18) "Exhibit" means property, contraband, or an item or substance that is admitted into evidence for a court proceeding.
- (19) "In custody" means an individual who:
- (a) is incarcerated, civilly committed, on parole, or on probation; or
  - (b) is required to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.
- (20) "Law enforcement agency" means the same as that term is defined in Section 77-11a-101.
- (21) "Medical or forensic entity" means a private or public hospital, medical facility, or other entity that secures biological evidence or conducts forensic examinations related to criminal investigations.
- (22) "Physical evidence" includes evidence that:
- (a) is related to:
    - (i) an investigation;
    - (ii) an arrest; or
    - (iii) a prosecution that resulted in a judgment of conviction; and
  - (b) is in the actual or constructive possession of a law enforcement agency or a court or an agent of a law enforcement agency or a court.
- (23) "Property" means the same as that term is defined in Section 77-11a-101.
- (24) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
- (25) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.
- (26) "Victim" means the same as that term is defined in Section 53-10-902.
- (27) "Violent felony offense" means the same as the term "violent felony" is defined in Section 76-3-203.5.
- (28) "Wildlife" means the same as that term is defined in Section 23A-1-101.
- Section 221. Section **77-23-210** is amended to read:
- 77-23-210 (Effective 05/06/26). Force used in executing a search warrant --**
- When notice of authority is required as a prerequisite.**
- (1)(a) No later than July 1, 2015, any law enforcement agency that seeks a warrant under this section shall comply with guidelines and procedures which are, at a minimum, in accordance with state law and model guidelines and procedures recommended by the Utah Peace Officer Standards and Training Council created in Section 53-6-106.
- (b) Written policies adopted pursuant to this section shall be subject to public disclosure and inspection, in accordance with Title 63G, Chapter 2, Government Records



Access and Management Act.

- (2) When a search warrant has been issued authorizing entry into any building, room, conveyance, compartment, or other enclosure, the officer executing the warrant may enter:
- (a) if, after giving notice of the officer's authority and purpose, there is no response or the officer is not admitted with reasonable promptness; or
  - (b) without notice of the officer's authority and purpose as provided in Subsection (3).
- (3)(a) The officer may enter without notice only if:
- (i) there is reasonable suspicion to believe that the notice will endanger the life or safety of the officer or another person;
  - (ii) there is probable cause to believe that evidence may be easily or quickly destroyed;[~~or~~]
  - (iii) the magistrate, having found probable cause based upon proof provided under oath that the object of the search may be easily or quickly destroyed, or having found reason to believe that physical harm may result to any person if notice were given, has directed that the officer need not give notice of authority and purpose before entering the premises to be searched under the Rules of Criminal Procedure; or
  - (iv) the officer physically observes and documents a previously unknown event or circumstance at the time the warrant is being executed which creates probable cause to believe the object of the search is being destroyed, or creates reasonable suspicion to believe that physical harm may result to any person if notice were given.
- (b) The officer shall identify himself or herself and state the purpose for entering the premises as soon as practicable after entering.
- (4) An officer executing a warrant under this section may use only that force which is reasonable and necessary to execute the warrant.
- (5) An officer executing a warrant under this section shall wear readily identifiable markings, including a badge and vest or clothing with a distinguishing label or other writing which indicates that he or she is a law enforcement officer.
- (6)(a) An officer executing a warrant under this section shall comply with the officer's employing agency's body worn camera policy when the officer is equipped with a body-worn camera.
- (b) The employing agency's policy regarding the use of body-worn cameras shall include

a provision that an officer executing a warrant under this section shall wear a body-worn camera when a camera is available, except in exigent circumstances where it is not practicable to do so.

(7)(a) The officer shall take reasonable precautions in execution of any search warrant to minimize the risks of unnecessarily confrontational or invasive methods which may result in harm to any person.

(b) The officer shall minimize the risk of searching the wrong premises by verifying that the premises being searched is consistent with a particularized description in the search warrant, including such factors as the type of structure, the color, the address, and orientation of the target property in relation to nearby structures as is reasonably necessary.

(8) Notwithstanding any provision in this chapter, a warrant authorizing forcible entry without prior announcement may not be issued under this section, solely for:

(a) the alleged possession or use of a controlled substance; or

(b) the alleged possession of drug paraphernalia as provided in Section [58-37a-3] 76-18-301.

Section 222. Section **77-23a-8** is amended to read:

**77-23a-8 (Effective 05/06/26). Court order to authorize or approve interception -- Procedure.**

(1) The attorney general of the state, any assistant attorney general specially designated by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy district attorney specially designated by the county attorney or by the district attorney, may authorize an application to a judge of competent jurisdiction for an order for an interception of wire, electronic, or oral communications by any law enforcement agency of the state, the federal government or of any political subdivision of the state that is responsible for investigating the type of offense for which the application is made.

(2) The judge may grant the order in conformity with the required procedures when the interception sought may provide or has provided evidence of the commission of:

(a) an act:

(i) prohibited by the criminal provisions of:

(A) [~~Title 58, Chapter 37, Utah Controlled Substances Act~~] Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;

(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:

(i) of:

(A) theft under Section 76-6-404;

(B) theft by deception under Section 76-6-405; or

(C) theft by extortion under Section 76-6-406; and

(ii) punishable by a maximum term of imprisonment of more than one year;

(k) an offense of receiving stolen property that is punishable by a maximum term of imprisonment of more than one year under Section 76-6-408;

(l) a financial card transaction offense punishable by a maximum term of imprisonment of more than one year under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;

(m) bribery of a labor official under Section 76-6-509;

(n) bribery or threat to influence a publicly exhibited contest under Section 76-6-514;

(o) a criminal simulation offense punishable by a maximum term of imprisonment of more than one year under Section 76-6-518;

(p) criminal usury under Section 76-6-520;

(q) insurance fraud punishable by a maximum term of imprisonment of more than one year under Section 76-6-521;

(r) a violation under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable by a maximum term of imprisonment of more than one year under Section 76-6-703;

(s) bribery to influence official or political actions under Section 76-8-103;

(t) misusing public money or public property under Section 76-8-402;

(u) tampering with a witness under Section 76-8-508;

(v) retaliation against a witness, victim, or informant under Section 76-8-508.3;

(w) tampering or retaliating against a juror under Section 76-8-508.5;

(x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

(y) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;

(z) obstruction of justice in a criminal investigation or proceeding under Section 76-8-306;

(aa) harboring or concealing offender who has escaped from official custody under Section 76-8-309.2;

(bb) destruction of property to interfere with preparations for defense or war under Section 76-8-802;

(cc) an attempt to commit crimes of sabotage under Section 76-8-804;

(dd) conspiracy to commit crimes of sabotage under Section 76-8-805;

(ee) advocating criminal syndicalism or sabotage under Section 76-8-902;

- (ff) assembling for advocating criminal syndicalism or sabotage under Section 76-8-903;
- (gg) riot punishable by a maximum term of imprisonment of more than one year under Section 76-9-101;
- (hh) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a maximum term of imprisonment of more than one year under Section 76-13-205;
- (ii) delivery to a common carrier or mailing of an explosive, chemical, or incendiary device under Section 76-15-209;
- (jj) unlawful conduct involving an explosive, chemical, or incendiary device under Section 76-15-210;
- (kk) unlawful conduct involving an explosive, chemical, or incendiary part under Section 76-15-211;
- (ll) exploiting prostitution under Section 76-5d-207;
- (mm) aggravated exploitation of prostitution under Section 76-5d-208;
- (nn) bus hijacking under Section 76-9-1502;
- (oo) assault with intent to commit bus hijacking under Section 76-9-1503;
- (pp) unlawful discharge of a firearm or hurling of a missile into a bus or terminal under Section 76-9-1504;
- (qq) violations under Title 76, Chapter 17, Part 4, Offenses Concerning [a-~~Pattern~~]  
Patterns of Unlawful Activity, and the offenses listed under the definition of unlawful activity in the act, including the offenses not punishable by a maximum term of imprisonment of more than one year when those offenses are investigated as predicates for the offenses prohibited by the act under Section 76-17-401;
- (rr) communications fraud under Section 76-6-525;
- (ss) money laundering under Sections 76-9-1602 and 76-9-1603; or
- (tt) reporting by a person engaged in a trade or business when the offense is punishable by a maximum term of imprisonment of more than one year under Section 76-9-1604.

Section 223. Section **77-40a-101** is amended to read:

**77-40a-101 (Effective 05/06/26). Definitions.**

As used in this chapter:

- (1) "Agency" means a state, county, or local government entity that generates or maintains records relating to an investigation, arrest, detention, or conviction for an offense for which expungement may be ordered.
- (2) "Automatic expungement" means the expungement of records of an investigation, arrest, detention, or conviction of an offense without the filing of a petition.

- (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.
- (4) "Certificate of eligibility" means a document issued by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with a case that is the subject of a petition for expungement is eligible for expungement.
- (5) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.
- (6) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.
- (7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.
- (8) "Clean slate eligible case" means a case that is eligible for automatic expungement under Section 77-40a-205.
- (9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.
- (10) "Court" means a district court or a justice court.
- (11) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
- (12) "Criminal protective order" means the same as that term is defined in Section 78B-7-102.
- (13) "Criminal stalking injunction" means the same as that term is defined in Section 78B-7-102.
- (14) "Department" means the Department of Public Safety established in Section 53-1-103.
- (15) "Drug possession offense" means:
- (a) an offense described in [~~Subsection 58-37-8(2)~~] Section 76-18-207, 76-18-212, or 76-18-213, except for:
- (i) an offense under Subsection [~~58-37-8(2)(b)(i)~~] 76-18-207(3)(a), possession of 100 pounds or more of marijuana;
- (ii) an offense enhanced under Subsection [~~58-37-8(2)(e)~~] 76-18-207(4)(b), violation in a correctional facility; or
- (iii) an offense for driving with a controlled substance illegally in the person's body and negligently causing serious bodily injury or death of another, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
- (b) an offense described in [~~Subsection 58-37a-5(1)~~] Section 76-18-304, regarding use or

possession of drug paraphernalia;

(c) an offense described in Section [58-37b-6] 76-18-403, regarding possession or use of an imitation controlled substance;~~[-or]~~

(d) an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of an offense described in this Subsection (15); or

~~[(d)]~~ (e) any local ordinance which is substantially similar to any of the offenses described in this Subsection (15).

(16)(a) "Expunge" means to remove a record from public inspection by:

(i) sealing the record; or

(ii) restricting or denying access to the record.

(b) "Expunge" does not include the destruction of a record.

(17) "Indigent" means a financial status that results from a court finding that a petitioner is financially unable to pay the fee to file a petition for expungement under Section 78A-2-302.

(18) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

(19)(a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local ordinance.

(b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.

(c) "Minor regulatory offense" does not include:

(i) any drug possession offense;

(ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

(iii) an offense under Sections 73-18-13 through 73-18-13.6;

(iv) except as provided in Subsection (19)(b), an offense under Title 76, Utah Criminal Code; or

(v) any local ordinance that is substantially similar to an offense listed in Subsections (19)(c)(i) through (iv).

(20) "Petitioner" means an individual applying for expungement under this chapter.

(21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.

(22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material, regardless of physical form or characteristics, that:

(a) is contained in the agency's file regarding the arrest, detention, investigation,

conviction, sentence, incarceration, probation, or parole of an individual; and

(b) is prepared, owned, received, or retained by an agency, including a court.

(23) "Special certificate" means a document issued as described in Subsection

77-40a-304(1)(c) by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with the case do not clearly demonstrate whether the case is eligible for expungement.

(24)(a) "Traffic offense" means:

(i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor Vehicle Act;

(ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 41, Chapter 6a, Traffic Code;

(iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;

(iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 53, Chapter 3, Part 2, Driver Licensing Act;

(v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 73, Chapter 18, State Boating Act; and

(vi) all local ordinances that are substantially similar to an offense listed in Subsections (24)(a)(i) through (iii).

(b) "Traffic offense" does not include:

(i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

(ii) an offense under Section 41-12a-302 for operating a motor vehicle without owner's or operator's security;

(iii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or operator's security;

(iv) an offense under Sections 73-18-13 through 73-18-13.6; or

(v) any local ordinance that is substantially similar to an offense listed in Subsection (24)(b)(i) or (ii).

(25) "Traffic offense case" means that each offense in the case is a traffic offense.

Section 224. Section **77-40a-205** is amended to read:

**77-40a-205 (Effective 05/06/26). Automatic expungement of state records for a clean slate case.**

(1) A court shall issue an order of expungement, without the filing of a petition, for all



records of the case that are held by the court and the bureau if:

(a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a form requesting expungement of a case as described in Section 77-40a-204;

(b) the case is eligible for expungement under this section; and

(c) the prosecuting agency does not object to the expungement of the case as described in Subsection (6).

(2) Except as otherwise provided in Subsection (3), a case is eligible for expungement under this section if:

(a)(i) each conviction within the case is a conviction for:

(A) a misdemeanor offense for possession of a controlled substance in violation of [~~Subsection 58-37-8(2)(a)(i)~~] Section 76-18-207, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-207;

(B) a class B misdemeanor offense;

(C) a class C misdemeanor offense; or

(D) an infraction; and

(ii) the following time periods have passed after the day on which the individual is adjudicated:

(A) at least five years for the conviction of a class C misdemeanor offense or an infraction;

(B) at least six years for the conviction of a class B misdemeanor offense; or

(C) at least seven years for the conviction of a class A misdemeanor offense for possession of a controlled substance in violation of [~~Subsection 58-37-8(2)(a)(i)~~] Section 76-18-207, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-207; or

(b)(i) the case is dismissed as a result of a successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is dismissed without prejudice;

(ii) each charge within the case is:

(A) a misdemeanor offense for possession of a controlled substance in violation of [~~Subsection 58-37-8(2)(a)(i)~~] Section 76-18-207, or an offense described in a statute previously in effect in this state that is the same or substantially similar 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;

- (iv) sexual battery in violation of Section 76-5-418;
- (v) an act of lewdness in violation of Section 76-5-419 or 76-5-420;
- (vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
- (vii) damage to or interruption of a communication device in violation of Section 76-6-108;
- (viii) a domestic violence offense as defined in Section 77-36-1;
- (ix) driving under the influence of alcohol, drugs, or a combination of both, or with specified or unsafe blood alcohol concentration, as codified before February 2, 2005, Laws of Utah 2005, Chapter 2; or
- (x) any other offense classified in the Utah Code as a felony or a class A misdemeanor other than a class A misdemeanor conviction for possession of a controlled substance in violation of ~~[Subsection 58-37-8(2)(a)(i)]~~ Section 76-18-207, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-207.

- (4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal Procedure shall receive notice on a monthly basis for any case prosecuted by that agency that appears to be eligible for automatic expungement under this section.
- (5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the prosecuting agency shall provide written notice in accordance with Rule 42 of the Utah Rules of Criminal Procedure if the prosecuting agency objects to an automatic expungement for any of the following reasons:
  - (a) the prosecuting agency believes that the case is not eligible for expungement under this section after reviewing the agency record;
  - (b) the individual has not paid restitution to the victim as ordered by the court; or
  - (c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an individual involved in the case is continuing to engage in criminal activity within or outside of the state.
- (6) If a prosecuting agency provides written notice of an objection for a reason described in Subsection (5) within 35 days after the day on which the notice under Subsection (4) is sent, the court may not proceed with automatic expungement of the case.
- (7) If 35 days pass after the day on which the notice described in Subsection (4) is sent without the prosecuting agency providing written notice of an objection under Subsection (5), the court shall proceed with automatic expungement of the case.

(8) If a court issues an order of expungement under Subsection (1), the court shall:

(a) expunge all records of the case held by the court in accordance with Section 77-40a-401; and

(b) notify the bureau and the prosecuting agency identified in the case, based on information available to the court, of the order of expungement.

Section 225. Section **78A-2-231** is amended to read:

**78A-2-231 (Effective 05/06/26). Consideration of lawful use or possession of medical cannabis.**

(1) As used in this section:

(a) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

(b) "Directions of use" means the same as that term is defined in Section 26B-4-201.

(c) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.

(d) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.

(e) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.

(f) "Medical cannabis device" means the same as that term is defined in Section 26B-4-201.

(g) "Recommending medical provider" means the same as that term is defined in Section 26B-4-201.

(2) In any judicial proceeding in which a judge, panel, jury, or court commissioner makes a finding, determination, or otherwise considers an individual's medical cannabis card, medical cannabis recommendation from a recommending medical provider, or possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel, jury, or court commissioner may not consider or treat the individual's card, recommendation, possession, or use any differently than the lawful possession or use of any prescribed controlled substance if:

(a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;

(b) the individual's possession or use complies with Subsection [58-37-3.7(2)] 58-37-404(2) or (3); or

(c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and

(ii) the individual reasonably complies with the directions of use and dosing guidelines determined by the individual's recommending medical provider or through a consultation described in Subsection 26B-4-230(5).

(3) Notwithstanding Sections 77-18-105 and 77-2a-3, for probation, release, a plea in abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain from the use or possession of medical cannabis, a cannabis product, or a medical cannabis device, either directly or through a general prohibition on violating federal law, without an exception related to medical cannabis use, if the individual's use or possession complies with:

(a) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or

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

Section 226. Section **78A-5-102** is amended to read:

**78A-5-102 (Effective 05/06/26). Jurisdiction of the district court -- Appeals.**

(1) Except as otherwise provided by the Utah Constitution or by statute, the district court has original jurisdiction in all matters civil and criminal.

(2) A district court judge may:

(a) issue all extraordinary writs and other writs necessary to carry into effect the district court judge's [-]orders, judgments, and decrees; and

(b) preside over an action for which the Business and Chancery Court has jurisdiction if:

(i) the district court judge is designated by the presiding officer of the Judicial

Council to preside over an action in the Business and Chancery Court as described in Section 78A-1-103.5; and

(ii) a Business and Chancery Court judge is unable to preside over the action due to recusal or disqualification.

(3) The district court has jurisdiction:

(a) over matters of lawyer discipline consistent with the rules of the Supreme Court;

(b) over all matters properly filed in the circuit court prior to July 1, 1996;

(c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);

(d) to enjoin a violation of ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;

(e) over a petition seeking to terminate parental rights as described in Section 81-13-205;

(f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), over an adoption proceeding; and

(g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4, Declaratory Judgments.

- (4) The district court has appellate jurisdiction over judgments and orders of the justice court as outlined in Section 78A-7-118 and small claims appeals filed in accordance with Section 78A-8-106.
- (5) The district court has jurisdiction to review:
- (a) a municipal administrative proceeding as described in Section 10-3-703.7;
  - (b) a decision resulting from a formal adjudicative proceeding by the State Tax Commission as described in Section 59-1-601;
  - (c) except as provided in Section 63G-4-402, a final agency action resulting from an informal adjudicative proceeding as described in Title 63G, Chapter 4, Administrative Procedures Act; and
  - (d) by trial de novo, a final order of the Department of Transportation resulting from formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2, Junkyard Control Act.
- (6) The district court has original and exclusive jurisdiction over an action brought under Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).
- (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- (a) there is no justice court with territorial jurisdiction;
  - (b) the offense occurred within the boundaries of the municipality in which the district courthouse is located and that municipality has not formed, or has formed and dissolved, a justice court; or
  - (c) the offense is [-]included in an indictment or information covering a single criminal episode alleging the commission of a felony or a class A misdemeanor by an individual who is 18 years old or older.
- (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if the offense is committed by an individual who is 16 or 17 years old.
- (10) The district court has subject matter jurisdiction over an action under Title 78B, Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the district court.
- (11)(a) The district court has subject matter jurisdiction over a criminal action that the

justice court transfers to the district court.

(b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction over any refiled case of a criminal action transferred to the district court if the district court dismissed the transferred case without prejudice.

(12) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i) over a parentage action filed in the district court, the district court may transfer jurisdiction over the parentage action to the juvenile court.

(13) The Supreme Court and Court of Appeals have jurisdiction over an appeal from a final order, judgment, and decree of the district court as described in Sections 78A-3-102 and 78A-4-103.

Section 227. Section **78A-5-201** is amended to read:

**78A-5-201 (Effective 05/06/26). Creation and expansion of existing drug court programs -- Definition of drug court program -- Criteria for participation in drug court programs -- Reporting requirements.**

(1) There may be created a drug court program in any judicial district that demonstrates:

- (a) the need for a drug court program; and
- (b) the existence of a collaborative strategy between the court, prosecutors, defense counsel, corrections, and substance abuse treatment services to reduce substance abuse by offenders.

(2) The collaborative strategy in each drug court program shall:

- (a) include monitoring and evaluation components to measure program effectiveness; and
- (b) be submitted to, for the purpose of coordinating the disbursement of funding, the:
  - (i) executive director of the Department of Health and Human Services;
  - (ii) executive director of the Department of Corrections; and
  - (iii) state court administrator.

(3)(a) Funds disbursed to a drug court program shall be allocated as follows:

- (i) 87% to the Department of Health and Human Services for testing, treatment, and case management; and
- (ii) 13% to the Administrative Office of the Courts for increased judicial and court support costs.

(b) This provision does not apply to federal block grant funds.

(4) A drug court program shall include continuous judicial supervision using a cooperative approach with prosecutors, defense counsel, corrections, substance abuse treatment

services, juvenile court probation, and the Division of Child and Family Services as appropriate to promote public safety, protect participants' due process rights, and integrate substance abuse treatment with justice system case processing.

(5) Screening criteria for participation in a drug court program shall include:

- (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or drug-related offense;
- (b) an agreement to frequent alcohol and other drug testing;
- (c) participation in one or more substance abuse treatment programs; and
- (d) an agreement to submit to sanctions for noncompliance with drug court program requirements.

(6)(a) The Judicial Council shall develop rules prescribing eligibility requirements for participation in adult criminal drug courts.

(b) The eligibility requirements described in Subsection (6)(a):

- (i) shall require that the acceptance of an offender into a drug court is based on a risk and needs assessment and targeted at individuals who are high risk and high needs; and
- (ii) may not limit participation in a drug court only to individuals convicted of an offense described in Section ~~[58-37-8]~~ 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210, 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217, 76-18-218, or 76-18-219, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210, 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217, 76-18-218, or 76-18-219.

(c) A plea to, conviction of, or adjudication for a felony offense is not required for participation in a drug court program.

Section 228. Section **78B-3-801** is amended to read:

**78B-3-801 (Effective 05/06/26). Cause of action for death or addiction caused by use or ingestion of illegal controlled substances -- Damages.**

(1) As used in this section, "substance" means any illegal controlled substance under ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(2) A person is subject to a civil action by a person or an estate under Subsection (3) who:

- (a) unlawfully provided to or administered to the deceased person or the addicted person



any substance that caused or contributed to the person's addiction or to the death of the deceased person; or

(b) unlawfully provided any substance to any person in the chain of transfer of the substance that connects directly to the person who subsequently provided or administered the illegal controlled substance to the addicted person or to the deceased person under Subsection (2)(a).

(3)(a) A civil action for treble damages and punitive damages may be brought against any person under Subsection (2) by the estate of a person whose death was caused in whole or in part by ingestion or other exposure to any illegal controlled substance.

(b) A civil action for treble damages, punitive damages, and costs of addiction treatment or rehabilitation may be brought against any person under Subsection (2) by a person who has become or is addicted to any illegal controlled substance and the addiction was caused in whole or in part by ingestion of any illegal controlled substance.

(4) The burden is on the estate or the addicted person to prove the causal connection between the death or addiction, any substances provided or administered to the deceased or addicted person, and the defendant.

(5) This section does not establish liability of or create a cause of action regarding:

(a) a parent or guardian of a person younger than 18 years [~~of age~~] old who acts in violation of this section, unless the parent or guardian acts in violation of this section; or

(b) a person who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, and who acts in accordance with the act.

Section 229. Section **78B-4-504** is amended to read:

**78B-4-504 (Effective 05/06/26). Donation of nonschedule drugs or devices --**

**Liability limitation.**

(1) As used in this section:

(a) "Administer" is as defined in Section 58-17b-102.

(b) "Dispense" is as defined in Section 58-17b-102.

(c) "Distribute" is as defined in Section 58-17b-102.

(d) "Drug outlet" means:

(i) a pharmacy or pharmaceutical facility as defined in Section 58-17b-102; or

(ii) a person with the authority to engage in the dispensing, delivering, manufacturing, or wholesaling of prescription drugs or devices outside of the state under the law of the jurisdiction in which the person operates.

(e) "Health care provider" means:

- (i) a person who is a health care provider, as defined in Section 78B-3-403, with the authority under Title 58, Occupations and Professions, to prescribe, dispense, or administer prescription drugs or devices; or
- (ii) a person outside of the state with the authority to prescribe, dispense, or administer prescription drugs or devices under the law of the jurisdiction in which the person practices.

(f) "Nonschedule drug or device" means:

- (i) a prescription drug or device, as defined in Section 58-17b-102, except that it does not include controlled substances, as defined in Section ~~58-37-2~~ 58-37-101; or
- (ii) a nonprescription drug, as defined in Section 58-17b-102.

(g) "Prescription drug or device" is as defined in Section 58-17b-102.

(2) A drug outlet is not subject to civil liability for an injury or death resulting from the defective condition of a nonschedule drug or device that the drug outlet distributes at no charge, in good faith, and for a charitable purpose to a drug outlet or health care provider for ultimate use by a needy person, provided that:

- (a) the drug outlet complies with applicable state and federal laws regarding the storage, handling, and distribution of the nonschedule drug or device; and
- (b) the injury or death is not the result of any act or omission of the drug outlet that constitutes gross negligence, recklessness, or intentional misconduct.

(3) A health care provider is not subject to civil liability for an injury or death resulting from the defective condition of a nonschedule drug or device that the health care provider distributes to a drug outlet or health care provider for ultimate use by a needy person or directly administers, dispenses, or distributes to a needy person, provided that:

- (a) the health care provider complies with applicable state and federal laws regarding the storage, handling, distribution, dispensing, and administration of the nonschedule drug or device;
- (b) the injury or death is not the result of any act or omission of the health care provider that constitutes gross negligence, recklessness, or intentional misconduct; and
- (c) in the event that the health care provider directly administers, distributes, or dispenses the nonschedule drug or device to the needy person, the health care provider has retained a consent form signed by the needy person that explains the provisions of this section which extend liability protection for charitable donations of nonschedule drugs and devices.

(4) Nothing in this section may be construed as:

- (a) permitting a person who is not authorized under Title 58, Occupations and Professions, to operate as a drug outlet or practice as a health care provider within the state; or
- (b) extending liability protection to any person who acts outside of the scope of authority granted to that person under the laws of this state or the jurisdiction in which the person operates or practices.

Section 230. Section **78B-6-1101** is amended to read:

**78B-6-1101 (Effective 05/06/26). Definitions -- Nuisance -- Agriculture operations.**

(1) As used in this part:

- (a) "Controlled substance" means the same as that term is defined in Section ~~58-37-2~~ 58-37-101.
- (b) "Critical infrastructure materials operations" means the same as the term "critical infrastructure materials use" is defined in Section 10-20-701.
- (c) "Manufacturing facility" means a factory, plant, or other facility including its appurtenances, where the form of raw materials, processed materials, commodities, or other physical objects is converted or otherwise changed into other materials, commodities, or physical objects or where such materials, commodities, or physical objects are combined to form a new material, commodity, or physical object.
- (d) "Nuisance" means anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- (e)(i) "Possession or use" means the joint or individual ownership, control, occupancy, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption, as distinguished from distribution, of a controlled substance, and includes individual, joint, or group possession or use of a controlled substance.
- (ii) For a person to be a possessor or user of a controlled substance, it is not required that the person be shown to have individually possessed, used, or controlled the substance, but it is sufficient if it is shown that the person jointly participated with one or more persons in the use, possession, or control of a controlled substance with knowledge that the activity was occurring, or the controlled substance is found in a place or under circumstances indicating that the person had the ability

- and the intent to exercise dominion and control over it.
- (2) A nuisance may be the subject of an action.
- (3) A nuisance may include the following:
- (a) drug houses and drug dealing as provided in Section 78B-6-1107;
  - (b) gambling as provided in Title 76, Chapter 9, Part 14, Gambling;
  - (c) criminal activity committed in concert with two or more individuals as provided in Section 76-3-203.1;
  - (d) criminal activity committed for the benefit of, at the direction of, or in association with any criminal street gang as defined in Section 76-9-802;
  - (e) criminal activity committed to gain recognition, acceptance, membership, or increased status with a criminal street gang as defined in Section 76-9-802;
  - (f) party houses that frequently create conditions defined in Subsection (1)(d);
  - (g) prostitution as provided in Title 76, Chapter 5d, Prostitution; or
  - (h) the unlawful discharge of a firearm as provided in state or local law.
- (4) A nuisance under this part includes:
- (a) tobacco smoke that drifts into a residential unit a person rents, leases, or owns, from another residential or commercial unit and the smoke:
    - (i) drifts in more than once in each of two or more consecutive seven-day periods; and
    - (ii) creates any of the conditions described in Subsection (1)(d); or
  - (b) fumes resulting from the unlawful manufacturing or the unlawful possession or use of a controlled substance that drift into a residential unit a person rents, leases, or owns, from another residential or commercial unit.
- (5) Subsection (4)(a) does not apply to:
- (a) a residential rental unit available for temporary rental, such as for a vacation, or available for only 30 or fewer days at a time; or
  - (b) a hotel or motel room.
- (6) Subsection (4)(a) does not apply to a unit that is part of a timeshare development, as defined in Section 57-19-2, or subject to a timeshare interest as defined in Section 57-19-2.
- (7) An action for nuisance against an agricultural operation is governed by Title 4, Chapter 44, Agricultural Operations Nuisances Act.
- Section 231. Section **78B-6-1107** is amended to read:
- 78B-6-1107 (Effective 05/06/26). Nuisance -- Drug houses and drug dealing -- Gambling -- Group criminal activity -- Party house -- Prostitution -- Weapons --**

**Discharge of a firearm -- Defense.**

- (1) Every building or place is a nuisance where:
- (a) the unlawful sale, manufacture, service, storage, distribution, dispensing, acquisition, or use occurs of any controlled substance, precursor, or analog described in ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37. Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
  - (b) gambling is permitted to be played, conducted, or dealt upon as prohibited in Title 76, Chapter 9, Part 14, Gambling, which creates the conditions of a nuisance as that term is defined in Subsection 78B-6-1101(1);
  - (c) criminal activity is committed in concert with two or more individuals as described in Section 76-3-203.1;
  - (d) criminal activity is committed for the benefit of, at the direction of, or in association with any criminal street gang as defined in Section 76-9-802;
  - (e) criminal activity is committed to gain recognition, acceptance, membership, or increased status with a criminal street gang as defined in Section 76-9-802;
  - (f) parties occur frequently which create the conditions of a nuisance as that term is defined in Subsection 78B-6-1101(1);
  - (g) prostitution or promotion of prostitution is regularly carried on by one or more persons as described in Title 76, Chapter 5d, Prostitution;
  - (h) a violation of an offense under Title 76, Chapter 11, Weapons, occurs on the premises;
  - (i) the unlawful discharge of a firearm, as provided in state or local law, occurs on the premises; and
  - (j) human trafficking occurs as described in Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling.
- (2) It is a defense to nuisance under Subsection (1)(a) if the defendant can prove that the defendant is lawfully entitled to the possession or use of a controlled substance.
- (3) Evidence of a previous conviction for a crime described in Subsection (1) may not be used in an action for nuisance under this part.

Section 232. Section **78B-9-104** is amended to read:

**78B-9-104 (Effective 05/06/26). Grounds for relief -- Retroactivity of rule.**

- (1) Unless precluded by Section 78B-9-106 or 78B-9-107, an individual who has been convicted and sentenced for a criminal offense may file an action in the district court of

- original jurisdiction for postconviction relief to vacate or modify the conviction or sentence upon the following grounds:
- (a) the conviction was obtained or the sentence was imposed in violation of the United States Constitution or Utah Constitution;
  - (b) the conviction was obtained or the sentence was imposed under a statute that is in violation of the United States Constitution or Utah Constitution, or the conduct for which the petitioner was prosecuted is constitutionally protected;
  - (c) the sentence was imposed or probation was revoked in violation of the controlling statutory provisions;
  - (d) the petitioner had ineffective assistance of counsel in violation of the United States Constitution or Utah Constitution;
  - (e) newly discovered material evidence exists that requires the court to vacate the conviction or sentence, because:
    - (i) neither the petitioner nor petitioner's counsel knew of the evidence at the time of trial or sentencing or in time to include the evidence in any previously filed post-trial motion or postconviction proceeding, and the evidence could not have been discovered through the exercise of reasonable diligence;
    - (ii) the material evidence is not merely cumulative of evidence that was known;
    - (iii) the material evidence is not merely impeachment evidence; and
    - (iv) viewed with all the other evidence, the newly discovered material evidence demonstrates that no reasonable trier of fact could have found the petitioner guilty of the offense or subject to the sentence received;
  - (f) the petitioner can prove that:
    - (i) biological evidence, as that term is defined in Section 77-11c-101, relevant to the petitioner's conviction was not preserved in accordance with Title 77, Chapter 11c, Part 4, Preservation of Biological Evidence for Violent Felony Offenses;
    - (ii)(A) the biological evidence described in Subsection (1)(f)(i) was not tested previously; or
    - (B) if the biological evidence described in Subsection (1)(f)(i) was tested previously, there is a material change in circumstance, including a scientific or technological advance, that would make it plausible that a test of the biological evidence described in Subsection (1)(f)(i) would produce a favorable test result for the petitioner; and
    - (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

petitioner establishes that the false testimony, in any reasonable likelihood, could have affected the judgment of the fact finder.

(3)(a) The court may not grant relief from a conviction based on a claim that the petitioner is innocent of the crime for which convicted except as provided in Part 3, Postconviction Testing of DNA, or Part 4, Postconviction Determination of Factual Innocence.

(b) Claims under Part 3, Postconviction Testing of DNA, or Part 4, Postconviction Determination of Factual Innocence, of this chapter may not be filed as part of a petition under this part, but shall be filed separately and in conformity with the provisions of Part 3, Postconviction Testing of DNA, or Part 4, Postconviction Determination of Factual Innocence.

Section 233. Section **80-1-102** is amended to read:

**80-1-102 (Effective 05/06/26). Juvenile Code definitions.**

Except as provided in Section 80-6-1103, as used in this title:

(1)(a) "Abuse" means:

(i)(A) nonaccidental harm of a child;

(B) threatened harm of a child;

(C) sexual exploitation;

(D) sexual abuse; or

(E) human trafficking of a child in violation of Section 76-5-308.5; or

(ii) that a child's parent:

(A) intentionally, knowingly, or recklessly causes the death of another parent of the child;

(B) is identified by a law enforcement agency as the primary suspect in an investigation for intentionally, knowingly, or recklessly causing the death of another parent of the child; or

(C) is being prosecuted for or has been convicted of intentionally, knowingly, or recklessly causing the death of another parent of the child.

(b) "Abuse" does not include:

(i) reasonable discipline or management of a child, including withholding privileges;

(ii) conduct described in Section 76-2-401; or

(iii) the use of reasonable and necessary physical restraint or force on a child:

(A) in self-defense;

(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;

- (b) if applicable, the child welfare caseworker who made the decision to remove the child;
- (c) a representative of the school or school district where the child attends school;
- (d) if applicable, the law enforcement officer who removed the child from the home;
- (e) a representative of the appropriate Children's Justice Center, if one is established within the county where the child resides;
- (f) if appropriate, and known to the division, a therapist or counselor who is familiar with the child's circumstances;
- (g) if appropriate, a representative of law enforcement selected by the chief of police or sheriff in the city or county where the child resides; and
- (h) any other individuals determined appropriate and necessary by the team coordinator and chair.
- (12)(a) "Chronic abuse" means repeated or patterned abuse.
- (b) "Chronic abuse" does not mean an isolated incident of abuse.
- (13)(a) "Chronic neglect" means repeated or patterned neglect.
- (b) "Chronic neglect" does not mean an isolated incident of neglect.
- (14) "Clandestine laboratory operation" means the same as that term is defined in Section [ ~~58-37d-3~~ 76-18-501.
- (15) "Commit" or "committed" means, unless specified otherwise:
- (a) with respect to a child, to transfer legal custody; and
- (b) with respect to a minor who is at least 18 years old, to transfer custody.
- (16) "Community-based program" means a nonsecure residential or nonresidential program, designated to supervise and rehabilitate juvenile offenders, that prioritizes the least restrictive setting, consistent with public safety, and operated by or under contract with the Division of Juvenile Justice and Youth Services.
- (17) "Community placement" means placement of a minor in a community-based program described in Section 80-5-402.
- (18) "Correctional facility" means:
- (a) a county jail; or
- (b) a secure correctional facility as defined in Section 64-13-1.
- (19) "Criminogenic risk factors" means evidence-based factors that are associated with a minor's likelihood of reoffending.
- (20) "Department" means the Department of Health and Human Services created in Section 26B-1-201.

- (21) "Dependent child" or "dependency" means a child who is without proper care through no fault of the child's parent, [-]guardian, or custodian.
- (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a parent or a previous custodian to another person, agency, or institution.
- (23) "Detention" means home detention or secure detention.
- (24) "Detention facility" means a facility, established by the Division of Juvenile Justice and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- (25) "Detention risk assessment tool" means an evidence-based tool established under Section 80-5-203 that:
- (a) assesses a minor's risk of failing to appear in court or reoffending before adjudication; and
  - (b) is designed to assist in making a determination of whether a minor shall be held in detention.
- (26) "Developmental immaturity" means incomplete development in one or more domains that manifests as a functional limitation in the minor's present ability to:
- (a) consult with counsel with a reasonable degree of rational understanding; and
  - (b) have a rational as well as factual understanding of the proceedings.
- (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor, under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- (28) "Educational neglect" means that, after receiving a notice of compulsory education violation under Section 53G-6-202, the parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.
- (29) "Educational series" means an evidence-based instructional series:
- (a) obtained at a substance abuse program that is approved by the Division of Integrated Healthcare in accordance with Section 26B-5-104; and
  - (b) designed to prevent substance use or the onset of a mental health disorder.
- (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- (31) "Evidence-based" means a program or practice that has had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population or has been rated as effective by a standardized program evaluation tool.
- (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- (33) "Formal probation" means a minor is:
- (a) supervised in the community by, and reports to, a juvenile probation officer or an

agency designated by the juvenile court; and

(b) subject to return to the juvenile court in accordance with Section 80-6-607.

(34) "Gender identity" means the same as that term is defined in Section 34A-5-102.

(35) "Group rehabilitation therapy" means psychological and social counseling of one or more individuals in the group, depending upon the recommendation of the therapist.

(36) "Guardian" means a person appointed by a court to make decisions regarding a minor, including the authority to consent to:

(a) marriage;

(b) enlistment in the armed forces;

(c) major medical, surgical, or psychiatric treatment; or

(d) legal custody, if legal custody is not vested in another individual, agency, or institution.

(37) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.

(38) "Harm" means:

(a) physical or developmental injury or damage;

(b) emotional damage that results in a serious impairment in the child's growth, development, behavior, or psychological functioning;

(c) sexual abuse; or

(d) sexual exploitation.

(39) "Home detention" means placement of a minor:

(a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or custodian, under terms and conditions established by the Division of Juvenile Justice and Youth Services or the juvenile court; or

(b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or custodian, under terms and conditions established by the Division of Juvenile Justice and Youth Services or the juvenile court.

(40)(a) "Incest" means engaging in sexual intercourse with an individual whom the perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin.

(b) "Incest" includes:

(i) blood relationships of the whole or half blood, regardless of whether the relationship is legally recognized;

(ii) relationships of parent and child by adoption; and

(iii) relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.

(41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

(42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

(43) "Indigent defense service provider" means the same as that term is defined in Section 78B-22-102.

(44) "Indigent defense services" means the same as that term is defined in Section 78B-22-102.

(45) "Indigent individual" means the same as that term is defined in Section 78B-22-102.

(46)(a) "Intake probation" means a minor is:

(i) monitored by a juvenile probation officer; and

(ii) subject to return to the juvenile court in accordance with Section 80-6-607.

(b) "Intake probation" does not include formal probation.

(47) "Intellectual disability" means a significant subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior that constitutes a substantial limitation to the individual's ability to function in society.

(48) "Juvenile offender" means:

(a) a serious youth offender; or

(b) a youth offender.

(49) "Juvenile probation officer" means a probation officer appointed under Section 78A-6-205.

(50) "Juvenile receiving center" means a nonsecure, nonresidential program established by the Division of Juvenile Justice and Youth Services, or under contract with the Division of Juvenile Justice and Youth Services, that is responsible for minors taken into temporary custody under Section 80-6-201.

(51) "Legal custody" means a relationship embodying:

(a) the right to physical custody [-]of the minor;

(b) the right and duty to protect, train, and discipline the minor;

(c) the duty to provide the minor with food, clothing, shelter, education, and ordinary medical care;

(d) the right to determine where and with whom the minor shall live; and

(e) the right, in an emergency, to authorize surgery or other extraordinary [-]care.

(52) "Licensing Information System" means the Licensing Information System maintained 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

- parent, guardian, or custodian;
- (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence or medical care, or any other care necessary for the child's health, safety, morals, or well-being;
- (iv) a child to be at risk of being neglected or abused because another child in the same home is neglected or abused;
- (v) abandonment of a child through an unregulated child custody transfer under Section 81-14-203; or
- (vi) educational neglect.
- (b) "Neglect" does not include:
- (i) a parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child;
- (ii) a health care decision made for a child by the child's parent or guardian, unless the state or other party to a proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed;
- (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- (iv) permitting a child, whose basic needs are met and who is of sufficient age and maturity to avoid harm or unreasonable risk of harm, to engage in independent activities, including:
- (A) traveling to and from school, including by walking, running, or bicycling;
- (B) traveling to and from nearby commercial or recreational facilities;
- (C) engaging in outdoor play;
- (D) remaining in a vehicle unattended, except under the conditions described in Subsection 76-5-115(2);
- (E) remaining at home unattended; or
- (F) engaging in a similar independent activity.
- (59) "Neglected child" means a child who has been subjected to neglect.
- (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation officer, without an adjudication of the minor's case under Section 80-6-701, upon the consent in writing of:
- (a) the assigned juvenile probation officer; and
- (b)(i) the minor; or
- (ii) the minor and the minor's parent, guardian, or custodian.
- (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual

disability or related condition, or developmental immaturity, lacks the ability to:

(a) understand the nature of the proceedings against the minor or of the potential disposition for the offense charged; or

(b) consult with counsel and participate in the proceedings against the minor with a reasonable degree of rational understanding.

(62)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a parent-child relationship to a minor under Section 81-5-201.

(b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.

(63) "Parole" means a conditional release of a juvenile offender from residency in secure care to live outside of secure care under the supervision of the Division of Juvenile Justice and Youth Services, or another person designated by the Division of Juvenile Justice and Youth Services.

(64) "Physical abuse" means abuse that results in physical injury or damage to a child.

(65)(a) "Probation" means a legal status created by court order, following an adjudication under Section 80-6-701, whereby the minor is permitted to remain in the minor's home under prescribed conditions.

(b) "Probation" includes intake probation or formal probation.

(66) "Prosecuting attorney" means:

(a) the attorney general and any assistant attorney general;

(b) any district attorney or deputy district attorney;

(c) any county attorney or assistant county attorney; and

(d) any other attorney authorized to commence an action on behalf of the state.

(67) "Protective custody" means the shelter of a child by the Division of Child and Family Services from the time the child is removed from the home until the earlier of:

(a) the day on which the shelter hearing is held under Section 80-3-301; or

(b) the day on which the child is returned home.

(68) "Protective services" means expedited services that are provided:

(a) in response to evidence of neglect, abuse, or dependency of a child;

(b) to a cohabitant who is neglecting or abusing a child, in order to:

(i) help the cohabitant develop recognition of the cohabitant's duty of care and of the causes of neglect or abuse; and

(ii) strengthen the cohabitant's ability to provide safe and acceptable care; and

(c) in cases where the child's welfare is endangered:

(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

home of the child's parent or guardian, or the lawfully prescribed residence of the child, without permission.

(73) "Secure care" means placement of a minor, who is committed to the Division of Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour supervision and confinement of the minor.

(74) "Secure care facility" means a facility, established in accordance with Section 80-5-503, for juvenile offenders in secure care.

(75) "Secure detention" means temporary care of a minor who requires secure custody in a physically restricting facility operated by, or under contract with, the Division of Juvenile Justice and Youth Services:

(a) before disposition of an offense that is alleged to have been committed by the minor; or

(b) under Section 80-6-704.

(76) "Serious youth offender" means an individual who:

(a) is at least 14 years old, but under 25 years old;

(b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction of the juvenile court was extended over the individual's case until the individual was 25 years old in accordance with Section 80-6-605; and

(c) is committed by the juvenile court to the Division of Juvenile Justice and Youth Services for secure care under Sections 80-6-703 and 80-6-705.

(77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.

(78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a child.

(79)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection (79)(b):

(i) if committed by an individual who is 18 years old or older:

(A) chronic abuse;

(B) severe abuse;

(C) sexual abuse;

(D) sexual exploitation;

(E) abandonment;

(F) chronic neglect; or

(G) severe neglect; or

- (ii) if committed by an individual who is under 18 years old:
- (A) causing serious injury, as defined in Subsection 76-5-109(1), to another child that indicates a significant risk to other children; or
  - (B) sexual behavior with or upon another child that indicates a significant risk to other children.

(b) "Severe type of child abuse or neglect" does not include:

- (i) the use of reasonable and necessary physical restraint by an educator in accordance with Section 53G-8-301 or Section 76-2-401;
- (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to obtain possession of a weapon or other dangerous object in the possession or under the control of a child or to protect the child or another individual from physical injury; or
- (iii) a health care decision made for a child by a child's parent or guardian, unless, subject to Subsection (79)(c), the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(c) Subsection (79)(b)(iii) does not prohibit a parent or guardian from exercising the right to obtain a second health care opinion.

(80)(a) "Sexual abuse" means:

- (i) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an adult directed towards a child;
- (ii) an act or attempted act of sexual intercourse, sodomy, incest, or molestation committed by a child towards another child if:
  - (A) there is an indication of force or coercion;
  - (B) the children are related, as described in Subsection (40), including siblings by marriage while the marriage exists or by adoption; or
  - (C) the act or attempted act constitutes unlawful sexual activity as described in Section 76-5-401.3.
- (iii) engaging in any conduct with a child that would constitute an offense under any of the following, regardless of whether the individual who engages in the conduct is actually charged with, or convicted of, the offense:
  - (A) Title 76, Chapter 5, Part 4, Sexual Offenses;
  - (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;

- (b) social factors;
- (c) emotional factors;
- (d) sexual factors;
- (e) intellectual factors;
- (f) family risk factors; and
- (g) other related considerations.

(85) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

(86) "Status offense" means an offense that would not be an offense but for the age of the offender.

(87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or excessive use of alcohol or other drugs or substances.

(88) "Substantiated" or "substantiation" means a judicial finding based on a preponderance of the evidence, and separate consideration of each allegation made or identified in the case, that abuse, neglect, or dependency occurred.

(89) "Substitute care" means:

- (a) the placement of a minor in a family home, group care facility, or other placement outside the minor's own home, either at the request of a parent or other responsible relative, or upon court order, when it is determined that continuation of care in the minor's own home would be contrary to the minor's welfare;

- (b) services provided for a minor in the protective custody of the Division of Child and Family Services, or a minor in the temporary custody or custody of the Division of Child and Family Services, as those terms are defined in Section 80-2-102; or

- (c) the licensing and supervision of a substitute care facility.

(90) "Supported" means a finding by the Division of Child and Family Services based on the evidence available at the completion of an investigation, and separate consideration of each allegation made or identified during the investigation, that there is a reasonable basis to conclude that abuse, neglect, or dependency occurred.

(91) "Termination of parental rights" means the permanent elimination of all parental rights and duties, including residual parental rights and duties, by court order.

(92) "Therapist" means:

- (a) an individual employed by a state division or agency for the purpose of conducting psychological treatment and counseling of a minor in the division's or agency's custody; or

- (b) any other individual licensed or approved by the state for the purpose of conducting

psychological treatment and counseling.

(93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect.

(94) "Torture" means:

(a) the infliction of a serious injury upon a child in an exceptionally cruel or exceptionally depraved manner that causes the child to experience extreme physical or psychological pain or anguish; or

(b) the infliction of a serious injury, or more than one serious injury, upon a child as part of a course of conduct or over a prolonged period of time.

(95) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:

(a) results in behavior that is beyond the control or ability of the child, or the parent or guardian, to manage effectively;

(b) poses a threat to the safety or well-being of the child, the child's family, or others; or

(c) results in the situations described in Subsections (95)(a) and (b).

(96) "Unsubstantiated" means a judicial finding that there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.

(97) "Unsupported" means a finding by the Division of Child and Family Services at the completion of an investigation, after the day on which the Division of Child and Family Services concludes the alleged abuse, neglect, or dependency is not without merit, that there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.

(98) "Validated risk and needs assessment" means an evidence-based tool that assesses a minor's risk of reoffending and a minor's criminogenic needs.

(99) "Without merit" means a finding at the completion of an investigation by the Division of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur, or that the alleged perpetrator was not responsible for the abuse, neglect, or dependency.

(100) "Youth offender" means an individual who is:

(a) at least 12 years old, but under 21 years old; and

(b) committed by the juvenile court to the Division of Juvenile Justice and Youth Services for secure care under Sections 80-6-703 and 80-6-705.

Section 234. Section **80-3-110** is amended to read:

**80-3-110 (Effective 05/06/26). Consideration of cannabis during proceedings -- Drug testing.**

(1) As used in this section:

- (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- (c)(i) "Chronic" means repeated or patterned.
- (ii) "Chronic" does not mean an isolated incident.
- (d) "Directions of use" means the same as that term is defined in Section 26B-4-201.
- (e) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.
- (f) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- (g) "Medical cannabis cardholder" means the same as that term is defined in Section 26B-4-201.
- (h) " Recommending medical provider" means the same as that term is defined in Section 26B-4-201.
- (2) In a proceeding under this chapter, in which the juvenile court makes a finding, determination, or otherwise considers an individual's medical cannabis card, medical cannabis recommendation from a recommending medical provider, or possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not consider or treat the individual's medical cannabis card, recommendation, possession, or use any differently than the lawful possession or use of any prescribed controlled substance if:
- (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;
- (b) the individual's possession or use complies with Subsection [58-37-3.7(2)] 58-37-404(2) or (3); or
- (c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and
- (ii) the individual reasonably complies with the directions of use and dosing guidelines determined by the individual's recommending medical provider or through a consultation described in Subsection 26B-4-230(5).
- (3) In a proceeding under this chapter, a child's parent's or guardian's use of cannabis or a cannabis product is not abuse or neglect of the child unless there is evidence showing that:
- (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or because of cannabis being introduced to the child's body in another manner; or
- (b) the child is at an unreasonable risk of harm because of chronic inhalation or ingestion of cannabis or chronic introduction of cannabis to the child's body in

another manner.

- (4) Unless there is harm or an unreasonable risk of harm to the child as described in Subsection (3), in a child welfare proceeding under this chapter, a child's parent's or guardian's use of medical cannabis or a cannabis product is not contrary to the best interests of the child if:
- (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and there is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates from the directions of use and dosing guidelines determined by the parent's or guardian's recommending medical provider or through a consultation described in Subsection 26B-4-230(5); or
- (b) before January 1, 2021, the parent's or guardian's possession or use complies with Subsection ~~[58-37-3.7(2)]~~ 58-37-404(2) or (3).
- (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child, and Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis or a cannabis product is contrary to the best interests of a child, if there is evidence showing a nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior that would separately constitute abuse or neglect of the child.
- (6)(a) Except as provided in Subsection (6)(c), if an individual, who is party to a proceeding under this chapter, is ordered by the juvenile court to submit to drug testing, the individual may not be ordered to complete for drug testing by means of a hair, fingernail, or saliva test that is administered to detect the presence of drugs.
- (b) Except as provided in Subsection (6)(c), if an individual, who is party to a proceeding under this chapter, is referred by the division or a guardian ad litem for drug testing, the individual may not be referred for drug testing by means of a hair, fingernail, or saliva test that is administered to detect the presence of drugs.
- (c) Notwithstanding Subsections (6)(a) and (b), an individual who is party to a proceeding under this chapter:
- (i) may be ordered by the juvenile court to submit to drug testing by means of a saliva test, if the court finds that such testing is necessary in the circumstances; or
- (ii) may be referred by the division for drug testing by means of a saliva test if the individual consents to drug testing by means of a saliva test.

Section 235. Section **80-3-204** is amended to read:

**80-3-204 (Effective 05/06/26). Protective custody of a child after a petition is filed**



**-- Grounds.**

- (1) When an abuse, neglect, or dependency petition is filed, the juvenile court shall apply, in addressing the petition, the least restrictive means and alternatives available to accomplish a compelling state interest and to prevent irretrievable destruction of family life as described in Subsections 80-2a-201(1) and (7)(a) and Section 80-4-104.
- (2) After an abuse, neglect, or dependency petition is filed, if the child who is the subject of the petition is not in protective custody, a juvenile court may order that the child be removed from the child's home or otherwise taken into protective custody if the juvenile court finds, by a preponderance of the evidence, that any one or more of the following circumstances exist:
- (a)(i) there is an imminent danger to the physical health or safety of the child; and
  - (ii) the child's physical health or safety may not be protected without removing the child from the custody of the child's parent or guardian;
  - (b)(i) a parent or guardian engages in or threatens the child with unreasonable conduct that causes the child to suffer harm; and
  - (ii) there are no less restrictive means available by which the child's emotional health may be protected without removing the child from the custody of the child's parent or guardian;
  - (c) the child or another child residing in the same household has been, or is considered to be at substantial risk of being, physically abused, sexually abused, or sexually exploited, by a parent or guardian, a member of the parent's or guardian's household, or other individual known to the parent or guardian;
  - (d) the parent or guardian is unwilling to have physical custody of the child;
  - (e) the child is abandoned or left without any provision for the child's support;
  - (f) a parent or guardian who has been incarcerated or institutionalized has not arranged or cannot arrange for safe and appropriate care for the child;
  - (g)(i) a relative or other adult custodian with whom the child is left by the parent or guardian is unwilling or unable to provide care or support for the child;
  - (ii) the whereabouts of the parent or guardian are unknown; and
  - (iii) reasonable efforts to locate the parent or guardian are unsuccessful;
  - (h) subject to Subsection 80-1-102(58)(b) and Sections 80-3-109 and 80-3-304, the child is in immediate need of medical care;
  - (i)(i) a parent's or guardian's actions, omissions, or habitual action create an 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.

Section 236. Section **80-3-301** is amended to read:

**80-3-301 (Effective 05/06/26). Shelter hearing -- Court considerations.**

- (1) A juvenile court shall hold a shelter hearing to determine the temporary custody of a child within 72 hours, excluding weekends and holidays, after any one or all of the following occur:
  - (a) removal of the child from the child's home by the division;
  - (b) placement of the child in protective custody;
  - (c) emergency placement under Subsection 80-2a-202(5);
  - (d) as an alternative to removal of the child, a parent enters a domestic violence shelter at the request of the division; or
  - (e) a motion for expedited placement in temporary custody is filed under Section 80-3-203.
- (2) If one of the circumstances described in Subsections (1)(a) through (e) occurs, the division shall issue a notice that contains all of the following:
  - (a) the name and address of the individual to whom the notice is directed;
  - (b) the date, time, and place of the shelter hearing;
  - (c) the name of the child on whose behalf an abuse, neglect, or dependency petition is brought;
  - (d) a concise statement regarding:
    - (i) the reasons for removal or other action of the division under Subsection (1); and
    - (ii) the allegations and code sections under which the proceeding is instituted;
  - (e) a statement that the parent or guardian to whom notice is given, and the child, are entitled to have an attorney present at the shelter hearing, and that if the parent or guardian is an indigent individual and cannot afford an attorney, and desires to be represented by an attorney, one will be provided in accordance with Title 78B, Chapter 22, Indigent Defense Act; and
  - (f) a statement that the parent or guardian is liable for the cost of support of the child in the protective custody, temporary custody, and custody of the division, and the cost for legal counsel appointed for the parent or guardian under Subsection (2)(e), according to the financial ability of the parent or guardian.
- (3) The notice described in Subsection (2) shall be personally served as soon as possible, but no later than one business day after the day on which the child is removed from the child's home, or the day on which a motion for expedited placement in temporary custody under Section 80-3-203 is filed, on:

- (a) the appropriate guardian ad litem; and
- (b) both parents and any guardian of the child, unless the parents or guardians cannot be located.

(4) Notwithstanding Section 80-3-104, the following individuals shall be present at the shelter hearing:

- (a) the child, unless it would be detrimental for the child;
- (b) the child's parents or guardian, unless the parents or guardian cannot be located, or fail to appear in response to the notice;
- (c) counsel for the parents, if one is requested;
- (d) the child's guardian ad litem;
- (e) the child welfare caseworker from the division who is assigned to the case; and
- (f) the attorney from the attorney general's office who is representing the division.

(5)(a) At the shelter hearing, the juvenile court shall:

- (i) provide an opportunity to provide relevant testimony to:
  - (A) the child's parent or guardian, if present; and
  - (B) any other individual with relevant knowledge;
- (ii) subject to Section 80-3-108, provide an opportunity for the child to testify; and
- (iii) in accordance with Subsections 80-3-302(7)(c) and (d), grant preferential consideration to a relative or friend for the temporary placement of the child.

(b) The juvenile court:

- (i) may consider all relevant evidence, in accordance with the Utah Rules of Juvenile Procedure;
- (ii) shall hear relevant evidence presented by the child, the child's parent or guardian, the requesting party, or the requesting party's counsel, including relevant evidence regarding harm the specific child has suffered or will suffer due to the separation or continued separation from the child's parent or guardian; and
- (iii) may in the juvenile court's discretion limit testimony and evidence to only that which goes to the issues of removal and the child's need for continued protection.

(6) If the child is in protective custody, the division shall report to the juvenile court:

- (a) the reason why the child was removed from the parent's or guardian's custody;
- (b) any services provided to the child and the child's family in an effort to prevent removal;
- (c) the need, if any, for continued shelter;
- (d) the available services that could facilitate the return of the child to the custody of the

child's parent or guardian; and

(e) subject to Subsections 80-3-302(7)(c) and (d), whether any relatives of the child or friends of the child's parents may be able and willing to accept temporary placement of the child.

(7) The juvenile court shall consider all relevant evidence provided by an individual or entity authorized to present relevant evidence under this section.

(8)(a) If necessary to protect the child, preserve the rights of a party, or for other good cause shown, the juvenile court may grant no more than one continuance, not to exceed five judicial days.

(b) A juvenile court shall honor, as nearly as practicable, the request by a parent or guardian for a continuance under Subsection (8)(a).

(c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice described in Subsection (2) within the time described in Subsection (3), the juvenile court may grant the request of a parent or guardian for a continuance, not to exceed five judicial days.

(9)(a) If the child is in protective custody, the juvenile court shall order that the child be returned to the custody of the parent or guardian unless the juvenile court finds, by a preponderance of the evidence, consistent with the protections and requirements provided in Subsection 80-2a-201(1), that any one of the following exists:

(i) subject to Subsection (9)(b)(i), there is a serious danger to the physical health or safety of the child and the child's physical health or safety may not be protected without removing the child from the custody of the child's parent;

(ii)(A) the child is suffering emotional damage that results in a serious impairment in the child's growth, development, behavior, or psychological functioning;

(B) the parent or guardian is unwilling or unable to make reasonable changes that would sufficiently prevent future damage; and

(C) there are no reasonable means available by which the child's emotional health may be protected without removing the child from the custody of the child's parent or guardian;

(iii) there is a substantial risk that the child will suffer abuse or neglect if the child is not removed from the custody of the child's parent or guardian;

(iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same household has been, or is considered to be at substantial risk of being, physically 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



neglect are involved, the juvenile court and the division do not have any duty to make reasonable efforts or to, in any other way, attempt to maintain a child in the child's home, return a child to the child's home, provide reunification services, or attempt to rehabilitate the offending parent or parents.

(13) The juvenile court may not order continued removal of a child solely on the basis of educational neglect, truancy, or failure to comply with a court order to attend school.

(14)(a) If a juvenile court orders continued removal of a child under this section, the juvenile court shall state the facts on which the decision is based.

(b) If no continued removal is ordered and the child is returned home, the juvenile court shall state the facts on which the decision is based.

(15) If the juvenile court finds that continued removal and temporary custody are necessary for the protection of a child under Subsection (9)(a), the juvenile court shall order continued removal regardless of:

(a) any error in the initial removal of the child;

(b) the failure of a party to comply with notice provisions; or

(c) any other procedural requirement of this chapter, Chapter 2, Child Welfare Services, or Chapter 2a, Removal and Protective Custody of a Child.

Section 237. Section **80-4-109** is amended to read:

**80-4-109 (Effective 05/06/26). Consideration of cannabis during proceedings.**

(1) As used in this section:

(a) "Cannabis" means the same as that term is defined in Section 26B-4-201.

(b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

(c)(i) "Chronic" means repeated or patterned.

(ii) "Chronic" does not mean an isolated incident.

(d) "Directions of use" means the same as that term is defined in Section 26B-4-201.

(e) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.

(f) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.

(g) "Medical cannabis cardholder" means the same as that term is defined in Section 26B-4-201.

(h) "Recommending medical provider" means the same as that term is defined in Section 26B-4-201.

(2) In a proceeding under this chapter in which the juvenile court makes a finding, determination, or otherwise considers an individual's possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not

consider or treat the individual's possession or use any differently than the lawful possession or use of any prescribed controlled substance if:

(a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;

(b) the individual's possession or use complies with Subsection [58-37-3.7(2)] 58-37-404(2) or (3); or

(c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and

(ii) the individual reasonably complies with the directions of use and dosing guidelines determined by the individual's recommending medical provider or through a consultation described in Subsection 26B-4-231(5).

(3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a cannabis product is not abuse or neglect of a child unless there is evidence showing that:

(a) the child is harmed because of the child's inhalation or ingestion of cannabis, or because of cannabis being introduced to the child's body in another manner; or

(b) the child is at an unreasonable risk of harm because of chronic inhalation or ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

(4) Unless there is harm or an unreasonable risk of harm to the child as described in Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is not contrary to the best interests of a child if:

(a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and there is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates from the directions of use and dosing guidelines determined by the parent's or guardian's recommending medical provider or through a consultation described in Subsection 26B-4-231(5); or

(b) before January 1, 2021, the parent's or guardian's possession or use complies with Subsection [58-37-3.7(2)] 58-37-404(2) or (3).

(5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis or a cannabis product is contrary to the best interests of a child, if there is evidence showing a nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior that would separately constitute abuse or neglect of the child.

Section 238. Section **80-6-707** is amended to read:

**80-6-707 (Effective 05/06/26). Suspension of driving privileges.**

(1) This section applies to a minor who:

(a) at the time that the minor is adjudicated under Section 80-6-701, is at least the age eligible for a driver license under Section 53-3-204; and

(b) is found by the juvenile court to be in actual physical control of a motor vehicle during the commission of the offense for which the minor is adjudicated.

(2)(a) Except as otherwise provided by this section, if a minor is adjudicated for a violation of a traffic law by the juvenile court under Section 80-6-701, the juvenile court may:

(i) suspend the minor's driving privileges; and

(ii) take possession of the minor's driver license.

(b) The juvenile court may order any other eligible disposition under Subsection (1), except for a disposition under Section 80-6-703 or 80-6-705.

(c) If a juvenile court suspends a minor's driving privileges under Subsection (2)(a):

(i) the juvenile court shall prepare and send the order to the Driver License Division of the Department of Public Safety; and

(ii) the minor's license shall be suspended under Section 53-3-219.

(3) The juvenile court may reduce a suspension period imposed under Section 53-3-219 if:

(a)(i) the violation is the minor's first violation of:

(A) Section 32B-4-409;

(B) Section 32B-4-410;

(C) Section ~~[58-37-8]~~ 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210, 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217, 76-18-218, or 76-18-219;

(D) ~~[Title 58, Chapter 37a, Utah Drug Paraphernalia Act]~~ Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;

(E) ~~[Title 58, Chapter 37b, Imitation Controlled Substances Act]~~ Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances;

(F) Subsection 76-5-102.1(2)(b);

(G) Subsection 76-5-207(2)(b);~~[-or]~~

(H) Subsection 76-9-110(2); or

(I) an offense described in a statute previously in effect in this state that is the 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.**

If a minor is adjudicated under Section 80-6-701, the minor may be given a choice by the juvenile court to serve in the National Guard in lieu of other sanctions described in this part if:

- (1) the minor meets the current entrance qualifications for service in the National Guard as determined by a recruiter, whose determination is final;
- (2) the offense:
  - (a) would be a felony if committed by an adult;
  - (b) is a violation of ~~[Title 58, Chapter 37, Utah Controlled Substances Act]~~ Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of an offense described in Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances; or
  - (c) was committed with a weapon; and
- (3) the juvenile court retains jurisdiction over the minor's case under conditions set by the juvenile court and agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.

Section 240. Section **81-9-204** is amended to read:

**81-9-204 (Effective 05/06/26). Custody and parent-time of a minor child --  
Custody factors -- Preferences.**

- (1) In a proceeding between parents in which the custody and parent-time of a minor child is at issue, the court shall consider the best interests of the minor child in determining any form of custody and parent-time.
- (2) The court shall determine whether an order for custody or parent-time is in the best interests of the minor child by a preponderance of the evidence.
- (3) In determining any form of custody and parent-time under Subsection (1), the court shall consider:
  - (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic violence, physical abuse, or sexual abuse involving the minor child, the parent, or a household member of the parent;
  - (b) whether the parent has intentionally exposed the minor child to:
    - (i) pornography; or
    - (ii) material harmful to minors, as "material" and "harmful to minors" are defined in Section 76-5c-101; and

(c) whether custody and parent-time would endanger the minor child's health or physical or psychological safety.

(4) In determining the form of custody and parent-time that is in the best interests of the minor child, the court may consider, among other factors the court finds relevant, the following for each parent:

(a) evidence of psychological maltreatment;

(b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the developmental needs of the minor child, including the minor child's:

(i) physical needs;

(ii) emotional needs;

(iii) educational needs;

(iv) medical needs; and

(v) any special needs;

(c) the parent's capacity and willingness to function as a parent, including:

(i) parenting skills;

(ii) co-parenting skills, including:

(A) ability to appropriately communicate with the other parent;

(B) ability to encourage the sharing of love and affection; and

(C) willingness to allow frequent and continuous contact between the minor child and the other parent, except that, if the court determines that the parent is acting to protect the minor child from domestic violence, neglect, or abuse, the parent's protective actions may be taken into consideration; and

(iii) ability to provide personal care rather than surrogate care;

(d) the past conduct and demonstrated moral character of the parent as described in Subsection (9);

(e) the emotional stability of the parent;

(f) the parent's inability to function as a parent because of drug abuse, excessive drinking, or other causes;

(g) the parent's reason for having relinquished custody or parent-time in the past;

(h) duration and depth of desire for custody or parent-time;

(i) the parent's religious compatibility with the minor child;

(j) the parent's financial responsibility;

(k) the child's interaction and relationship with step-parents, extended family members of other individuals who may significantly affect the minor child's best interests;

- (l) who has been the primary caretaker of the minor child;
- (m) previous parenting arrangements in which the minor child has been happy and well-adjusted in the home, school, and community;
- (n) the relative benefit of keeping siblings together;
- (o) the stated wishes and concerns of the minor child, taking into consideration the minor child's cognitive ability and emotional maturity;
- (p) the relative strength of the minor child's bond with the parent, meaning the depth, quality, and nature of the relationship between the parent and the minor child; and
- (q) any other factor the court finds relevant.
- (5)(a) A minor child may not be required by either party to testify unless the trier of fact determines that extenuating circumstances exist that would necessitate the testimony of the minor child be heard and there is no other reasonable method to present the minor child's testimony.
- (b)(i) The court may inquire and take into consideration the minor child's desires regarding future custody or parent-time schedules, but the expressed desires are not controlling and the court may determine the minor child's custody or parent-time otherwise.
- (ii) The desires of a minor child who is 14 years old or older shall be given added weight, but is not the single controlling factor.
- (c)(i) If an interview with a minor child is conducted by the court in accordance with Subsection (5)(b), the interview shall be conducted by the court in camera.
- (ii) The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with a minor child is the only method to ascertain the minor child's desires regarding custody.
- (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.
- (b) The court may not consider the disability of a parent as a factor in awarding custody or modifying an award of custody based on a determination of a substantial change in circumstances, unless the court makes specific findings that:
- (i) the disability significantly or substantially inhibits the parent's ability to provide for the physical and emotional needs of the minor child at issue; and
- (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.**

This bill repeals:

Section **58-37-1, Short title.**

Section **58-37-8, Prohibited acts -- Penalties.**

Section **58-37a-1, Short title.**

Section **58-37a-2, Purpose.**

Section **58-37a-7, Sentencing requirements for minors.**

Section **58-37b-1, Short title.**

Section **58-37b-9, Sentencing requirements for minors.**

Section **58-37c-1, Short title.**

Section **58-37c-2, Purpose.**

Section **58-37c-16, Civil penalties.**

Section **58-37d-1, Short title.**

Section **58-37d-5, Prohibited acts -- First degree felony.**

Section **58-37d-8, Applicability of Title 76 prosecutions under this chapter.**

Section **58-37e-1, Title.**

Section 242. **Effective Date.**

This bill takes effect on May 6, 2026.

Section 243. **Coordinating H.B. 301 with S.B. 117.**

If H.B. 301, Drug Recodification, and S.B. 117, Occupational and Professional Licensing Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, the amendments to Subsections 58-37-205(2)(a) and (2)(c) (renumbered from Section 58-37-10) in H.B. 301 supersede the amendments to Subsections 58-37-10(2)(a) and (2)(c) in S.B. 117.

Section 244. **Coordinating H.B. 301 with other 2026 General Session legislation.**

The Legislature intends that all statutory numbering and renumbering in H.B. 301, Drug Recodification, be reflected in any new language added to the Utah Code by legislation that passes in the 2026 General Session and becomes law.