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PROFESSIONAL LICENSING MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Kwan

House Sponsor: Walt Brooks

LONG TITLE

General Description:

This bill modifies the Division of Professional Licensing Act.

Highlighted Provisions:

This bill:

- requires annual review of the guidelines published by the Division of Professional Licensing to verify the guidelines reflect current provisions of the Utah Criminal Code.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-1-301.5, as last amended by Laws of Utah 2023, Chapters 222, 223 and 225

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

Section 1. Section **58-1-301.5** is amended to read:

58-1-301.5 . Division access to Bureau of Criminal Identification records.

- (1) The division shall have direct access to local files maintained by the Bureau of Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background screening of individuals who are applying for licensure, licensure renewal, licensure reinstatement, or relicensure, as required in:
 - (a) Sections 58-17b-306 and 58-17b-307;
 - (b) Sections 58-24b-302 and 58-24b-302.1;
 - (c) Section 58-31b-302;
 - (d) Sections 58-42a-302 and 58-42a-302.1, of Chapter 42a, Occupational Therapy

- 29 Practice Act;
- 30 (e) Section 58-44a-302.1;
- 31 (f) Sections 58-47b-302 and 58-47b-302.1;
- 32 (g) Section 58-55-302, as Section 58-55-302 applies to alarm companies and alarm
- 33 company agents, and Section 58-55-302.1;
- 34 (h) Sections 58-60-103.1, 58-60-205, 58-60-305, and 58-60-405, of Chapter 60, Mental
- 35 Health Professional Practice Act;
- 36 (i) Sections 58-61-304 and 58-61-304.1;
- 37 (j) Sections 58-63-302 and 58-63-302.1;
- 38 (k) Sections 58-64-302 and 58-64-302.1;
- 39 (l) Sections 58-67-302 and 58-67-302.1;
- 40 (m) Sections 58-68-302 and 58-68-302.1; and
- 41 (n) Sections 58-70a-301.1 and 58-70a-302, of Chapter 70a, Utah Physician Assistant Act.
- 42 (2) The division's access to criminal background information under this section:
- 43 (a) shall meet the requirements of Section 53-10-108; and
- 44 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere
- 45 held in abeyance, dismissed charges, and charges without a known disposition.
- 46 (3) The division may not disseminate outside of the division any criminal history record
- 47 information that the division obtains from the Bureau of Criminal Identification or the
- 48 Federal Bureau of Investigation under the criminal background check requirements of
- 49 this section.
- 50 (4) The division shall annually verify that criminal history guidelines published by the
- 51 division accurately reflect the most current provisions of the Utah Criminal Code.
- 52 Section 2. **Effective date.**
- 53 This bill takes effect on May 1, 2024.