

The Salt Lake Tribune

How stifling is Utah? A new libertarian study says it is the 22nd ‘freest state in America’

Lee Davidson

August 21, 2018

Does Utah, its culture and laws cramp freedom?

A new study says it does in some areas — such as gambling, drinking and medical marijuana. But it offers wide liberty in others, such as gun rights or driving while using a hand-held cell phone or riding a motorcycle without a helmet.

“Personal freedoms are a mixed bag, consistent with the state’s religious and ideological background,” says the Cato Institute, a Washington, D.C.-based libertarian think tank that pushes for individual liberty.

Overall, a study it released Tuesday puts Utah in the middle of the pack among states for freedom: ranking it No. 22 out of 50.

The study is designed to measure how public policies in each state promote freedom, and the latest version uses data from 2016.

It gave scores in three main categories. Utah ranked No. 12 in regulatory policy, No. 31 in fiscal policy and No. 32 in personal freedom.

About the personal freedom category, the Cato report says Utah “does quite poorly on alcohol, cannabis, gambling and tobacco. The state was also very bad on marriage, but it was forced to legalize same-sex marriage in 2014.”

On the other hand, it said, “Utah unsurprisingly does well on gun rights, travel freedom [including allowing cell phones while driving and not requiring motorcycle helmets], education liberty [such as allowing home schooling without too-tight control of curriculum] ... and campaign finance freedom,” with no donation limits.

It added, “Utah actually does generally well on criminal justice policy. Its crime-adjusted incarceration rate is below the national average.” Also, “Non-drug victimless crime arrests used to be way above average but have come down to national norms.”

In other areas, the libertarian study said, “Utah does well on regulatory policy overall despite some decline over time. On land-use freedom, the Beehive State is much better than average, but appears to be tightening zoning rules over time.”

It added, “Eminent domain reform was watered down in 2007. Labor law is solid but not at the very top. The state has a right-to-work law,” but said it is weak on minimum wage laws.

The Cato study also praised Utah for passing anti-discrimination laws for gays in 2016, and for requiring use of E-Verify to ensure citizenship or green-card statuses of employees since 2010.

On fiscal freedom, the study said, “Utah’s tax burden is a bit below average. We show a dramatic stop in state revenues with the onset of the Great Recession, which was never replaced. In fact, there were further cuts in fiscal 2014. Local taxes, meanwhile, have remained generally steady right around the national average.”

Nationally, Florida, New Hampshire, Indiana, Colorado and Nevada were at the top of the rankings as being most free, according to the study.

At the bottom, New York was declared the least free state in the nation. Others near the cellar were Hawaii, California, New Jersey and Vermont.