

1 **COVID-19 VACCINE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Robert M. Spendlove**

5 Senate Sponsor: Daniel McCay

7 **LONG TITLE**

8 **General Description:**

9 This bill prohibits a governmental entity from requiring that an individual receive a
10 vaccine for COVID-19.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ prohibits a governmental entity from requiring that an individual receive a vaccine
15 for COVID-19; ~~H→ [and]~~

15a ▶ provides exceptions to the prohibition in this bill; and ←H

- 16 ▶ provides a sunset date.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **63I-1-226**, as last amended by Laws of Utah 2020, Chapters 19, 154, 172, 181, 221,
24 232, 303, 347, and 429

25 ENACTS:

26 **26-68-101**, Utah Code Annotated 1953

27 **26-68-102**, Utah Code Annotated 1953



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

Section 1. Section **26-68-101** is enacted to read:

CHAPTER 68. COVID-19 VACCINE RESTRICTIONS ACT

26-68-101. Title.

This chapter is known as the "COVID-19 Vaccine Restrictions Act."

Section 2. Section **26-68-102** is enacted to read:

26-68-102. Governmental entities prohibited from requiring a COVID-19 vaccine.

(1) As used in this section:

(a) "Governmental entity" means the same as that term is defined in Section

[63D-2-102](#).

(b) "Emergency COVID-19 vaccine" means a substance that is:

(i) authorized for use by the United States Food and Drug Administration under an emergency use authorization under 21 U.S.C. Sec. 360bbb-3;

(ii) injected into or otherwise administered to an individual; and

(iii) intended to immunize an individual against COVID-19 as defined in Section [78B-4-517](#).

(2) Except as provided in Subsection (4), a governmental entity may not require, directly or indirectly, that an individual receive an emergency COVID-19 vaccine.

(3) The prohibited activities under Subsection (2) include:

(a) making rules that require, directly or indirectly, that an individual receive an emergency COVID-19 vaccine;

(b) requiring that an individual receive an emergency COVID-19 vaccine as a condition of:

(i) employment;

(ii) participation in an activity of the governmental entity, including outside or extracurricular activities; or

(iii) attendance at events that are hosted or sponsored by the governmental entity; and

(c) any action that a reasonable person would not be able to deny without significant harm to the individual.

(4) Subsection (2) does not include:

- 59 (a) facilitating the distribution, dispensing, administration, coordination, or provision
 60 of an emergency COVID-19 vaccine; ~~H~~→ [or]
- 60a (b) an employee of a governmental entity who is:
 60b (i) acting in a public health or medical setting; and
 60c (ii) required to receive vaccinations in order to perform the employee's assigned duties
 60d and responsibilities; or ~~H~~
 61 ~~H~~→ [(b)] (c) ~~H~~ enforcement by a governmental entity of a non-discretionary requirement
 61a under
 62 federal law.
- 63 (5) This section may not be suspended or modified by the governor or any other chief
 64 executive officer under Title 53, Chapter 2a, Emergency Management Act.
- 65 Section 3. Section **63I-1-226** is amended to read:
 66 **63I-1-226. Repeal dates, Title 26.**
- 67 (1) Subsection **26-1-7(1)(f)**, related to the Residential Child Care Licensing Advisory
 68 Committee, is repealed July 1, 2024.
- 69 (2) Subsection **26-1-7(1)(h)**, related to the Primary Care Grant Committee, is repealed
 70 July 1, 2025.
- 71 (3) Section **26-1-7.5**, which creates the Utah Health Advisory Council, is repealed July
 72 1, 2025.
- 73 (4) Section **26-1-40** is repealed July 1, 2022.
- 74 (5) Section **26-1-41** is repealed July 1, 2026.
- 75 (6) Section **26-7-10** is repealed July 1, 2025.
- 76 (7) Subsection **26-7-11(5)**, regarding reports to the Legislature, is repealed July 1,
 77 2028.
- 78 (8) Section **26-7-14** is repealed December 31, 2027.
- 79 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
 80 1, 2025.
- 81 (10) Subsection **26-10-6(5)**, which creates the Newborn Hearing Screening Committee,
 82 is repealed July 1, 2026.
- 83 (11) Section **26-10-11** is repealed July 1, 2025.
- 84 (12) Section **26-10b-106**, which creates the Primary Care Grant Committee, is repealed
 85 July 1, 2025.
- 86 (13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
 87 2027.
- 88 (14) Subsection **26-18-417(3)** relating to a report to the Health and Human services
 89 Interim Committee is repealed July 1, 2020.

- 90 (15) Subsection [26-18-418\(2\)](#), the language that states "and the Behavioral Health
91 Crisis Response Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.
- 92 (16) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant Coordinating
93 Committee, is repealed July 1, 2021.
- 94 (17) Section [26-33a-117](#) is repealed on December 31, 2023.
- 95 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 96 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
97 2024.
- 98 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
99 July 1, 2024.
- 100 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 101 (22) Section [26-39-201](#), which creates the Residential Child Care Licensing Advisory
102 Committee, is repealed July 1, 2024.
- 103 (23) Section [26-40-104](#), which creates the Utah Children's Health Insurance Program
104 Advisory Council, is repealed July 1, 2025.
- 105 (24) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory
106 Committee, is repealed July 1, 2025.
- 107 (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
108 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 109 (26) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed
110 July 1, 2026.
- 111 (27) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1,
112 2026.
- 113 (28) Title 26, Chapter 68, COVID-19 Vaccine Restrictions, is repealed July 1, 2024.