

HB0294S03 compared with HB0294

~~text~~ shows text that was in HB0294 but was deleted in HB0294S03.

text shows text that was not in HB0294 but was inserted into HB0294S03.

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Representative Phil Lyman proposes the following substitute bill:

PANDEMIC EMERGENCY POWERS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for the termination of emergency powers and public health emergency powers related to COVID-19 upon reaching a certain threshold of vaccination and recovery.

Highlighted Provisions:

This bill:

- ▶ provides for the termination of emergency powers and public health emergency powers related to COVID-19 upon reaching the threshold of a total of 1,700,000 people in the state that have either:
 - received the first dose of the COVID-19 vaccine; or
 - contracted COVID-19 and recovered~~;~~

~~;~~ and

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- ▶ immediately terminates any public health order or executive order pertaining to COVID-19 that requires the wearing of a mask.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63I-2-226, as last amended by Laws of Utah 2020, Chapters 154, 187, 215, and 354

63I-2-253, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13

ENACTS:

26-6-33, Utah Code Annotated 1953

26A-1-130, Utah Code Annotated 1953

53-2a-218, Utah Code Annotated 1953

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

Section 1. Section **26-6-33** is enacted to read:

26-6-33. Termination of public health emergency powers pertaining to

COVID-19.

(1) As used in this section:

(a) "COVID-19" means:

(i) severe acute respiratory syndrome coronavirus 2; or

(ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

(b) "COVID-19 emergency" means the spread of COVID-19 that the World Health

Organization declared a pandemic on March 11, 2020.

(2) All public health emergency powers described in this title are suspended and restricted as pertaining to any response to COVID-19 and the COVID-19 emergency on the day on which the sum of the numbers below equals at least 1,700,000 people:

(a) the total number of people in the state who have contracted COVID-19 and recovered, as reported by the department; and

(b) the total number of people in the state who have received the first dose of the

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COVID-19 vaccine, as reported by the department.

(3) ~~{This section is repealed on July 1, 2024;}~~ Notwithstanding Subsection (2), any public health order pertaining to COVID-19 or the COVID-19 emergency that requires the wearing of a mask is terminated.

Section 2. Section **26A-1-130** is enacted to read:

26A-1-130. Termination of local public health emergency powers pertaining to COVID-19.

(1) As used in this section:

(a) "COVID-19" means:

(i) severe acute respiratory syndrome coronavirus 2; or

(ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

(b) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.

(2) All public health emergency powers described in this title are suspended and restricted as pertaining to any response to COVID-19 and the COVID-19 emergency on the day on which the sum of the numbers below equals at least 1,700,000 people:

(a) the total number of people in the state who have contracted COVID-19 and recovered, as reported by the department; and

(b) the total number of people in the state who have received the first dose of the COVID-19 vaccine, as reported by the department.

(3) ~~{This section is repealed on July 1, 2024;}~~ Notwithstanding Subsection (2), any public health order pertaining to COVID-19 or the COVID-19 emergency that requires the wearing of a mask is terminated.

Section 3. Section **53-2a-218** is enacted to read:

53-2a-218. Termination of emergency powers pertaining to COVID-19.

(1) As used in this section:

(a) "COVID-19" means:

(i) severe acute respiratory syndrome coronavirus 2; or

(ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

(b) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.

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(2) All emergency powers described in this title are suspended and restricted as pertaining to response to COVID-19 and the COVID-19 emergency on the day on which the sum of the numbers below equals at least 1,700,000 people:

(a) the total number of people in the state who have contracted COVID-19 and recovered, as reported by the department; and

(b) the total number of people in the state who have received the first dose of the COVID-19 vaccine, as reported by the department.

(3) ~~This section is repealed on July 1, 2024.~~ **Notwithstanding Subsection (2), any public health order or executive order pertaining to COVID-19 or the COVID-19 emergency that requires the wearing of a mask is terminated.**

Section 4. Section **63I-2-226** is amended to read:

63I-2-226. Repeal dates, Title 26.

(1) Subsection 26-1-7(1)(c), in relation to the Air Ambulance Committee, is repealed July 1, 2024.

(2) Section 26-6-33, in relation to termination of public health emergency powers pertaining to COVID-19, is repealed on July 1, 2024.

~~(2)~~ (3) Subsection 26-7-8(3) is repealed January 1, 2027.

~~(3)~~ (4) Section 26-8a-107 is repealed July 1, 2024.

~~(4)~~ (5) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

~~(5)~~ (6) Section 26-8a-211 is repealed July 1, 2023.

~~(6)~~ (7) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection 26-8a-602(1)(a) is amended to read:

"(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:

(i) which health insurers in the state the air medical transport provider contracts with;

(ii) if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and

(iii) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and".

~~(7)~~ (8) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

~~(8)~~ (9) Subsection 26-18-411(8), related to reporting on the health coverage

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improvement program, is repealed January 1, 2023.

~~[(9)]~~ (10) Subsection 26-18-420(5), related to reporting on coverage for in vitro fertilization and genetic testing, is repealed July 1, 2030.

~~[(10)]~~ (11) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

~~[(11)]~~ (12) In relation to the Air Ambulance Committee, July 1, 2024, Subsection 26-21-32(1)(a) is amended to read:

"(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:

(i) which health insurers in the state the air medical transport provider contracts with;
(ii) if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and

(iii) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and".

~~[(12)]~~ (13) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

~~[(13)]~~ (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance Program, is repealed July 1, 2027.

~~[(14)]~~ (15) Subsection 26-55-107(8) is repealed January 1, 2021.

~~[(15)]~~ (16) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

~~[(16)]~~ (17) Subsection 26-61-202(5) is repealed January 1, 2022.

(18) Section 26A-1-130, in relation to termination of public health emergency powers pertaining to COVID-19, is repealed on July 1, 2024.

Section 5. Section **63I-2-253** is amended to read:

63I-2-253. Repeal dates -- Titles 53 through 53G.

(1) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic emergency, is repealed on December 31, 2021.

(b) When repealing Section 53-2a-217, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(2) Section 53-2a-218, in relation to termination of emergency powers pertaining to COVID-19, is repealed on July 1, 2024.

~~[(2)]~~ (3) Section 53B-2a-103 is repealed July 1, 2021.

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~~[(3)]~~ (4) Section 53B-2a-104 is repealed July 1, 2021.

~~[(4)]~~ (5) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a technical college board of trustees, is repealed July 1, 2022.

(b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

~~[(5)]~~ (6) Section 53B-6-105.7 is repealed July 1, 2024.

~~[(6)]~~ (7) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

(b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's change in performance with the technical college's average performance, is repealed July 1, 2021.

~~[(7)]~~ (8) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as provided in Subsection (3)(b)," is repealed July 1, 2021.

(b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

~~[(8)]~~ (9) Section 53B-8-114 is repealed July 1, 2024.

~~[(9)]~~ (10) (a) The following sections, regarding the Regents' scholarship program, are repealed on July 1, 2023:

- (i) Section 53B-8-202;
- (ii) Section 53B-8-203;
- (iii) Section 53B-8-204; and
- (iv) Section 53B-8-205.

(b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

(ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

~~[(10)]~~ (11) Section 53B-10-101 is repealed on July 1, 2027.

~~[(11)]~~ (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.

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~~[(12)]~~ (13) Section 53E-3-519 regarding school counselor services is repealed July 1, 2020.

~~[(13)]~~ (14) Section 53E-3-520 is repealed July 1, 2021.

~~[(14)]~~ (15) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school performance and continued funding relating to the School Recognition and Reward Program, is repealed July 1, 2020.

~~[(15)]~~ (16) Section 53E-5-307 is repealed July 1, 2020.

~~[(16)]~~ (17) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed July 1, 2024.

~~[(17)]~~ (18) In Subsections 53F-2-205(4) and (5), regarding the State Board of Education's duties if contributions from the minimum basic tax rate are overestimated or underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(18)]~~ (19) Subsection 53F-2-301(1), relating to the years the section is not in effect, is repealed July 1, 2023.

~~[(19)]~~ (20) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(20)]~~ (21) Section 53F-4-207 is repealed July 1, 2022.

~~[(21)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(22)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(23)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(24)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(25)]~~ (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7), related to the civics engagement pilot program, are repealed on July 1, 2023.

~~[(26)]~~ (27) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections

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identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.

Section 6. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.