

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; and
- 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; or

61 (b) enforcement by a governmental entity of a non-discretionary requirement 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.