

Senator Ronald M. Winterton proposes the following substitute bill:

LOCAL EDUCATION AGENCY POLICIES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor: Norman K. Thurston

LONG TITLE

General Description:

This bill creates certain requirements for public health orders that directly affect local education agencies.

Highlighted Provisions:

This bill:

- ▶ requires the governor, the chief executive of a municipality or county, the Department of Health, or a local health department (authority) to:
 - consult with a local education agency (LEA) that is directly affected by a public health order (affected LEA) before issuing the order; and
 - notify an affected LEA at least 10 calendar days before a public health order expires if the authority intends to extend the public health order;
- ▶ provides that a public health order that directly affects an LEA is unenforceable unless the issuing authority consults with the affected LEA before issuing the public health order; and
- ▶ defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **53G-9-210**, Utah Code Annotated 1953



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

32 Section 1. Section **53G-9-210** is enacted to read:

33 **53G-9-210. Mask requirement during COVID-19 emergency.**

34 (1) As used in this section:

35 (a) "Authority" means the governor, the chief executive of a municipality or county, the
36 Department of Health, or a local health department.

37 (b) "Local emergency" means a local emergency that the chief executive officer of a
38 municipality or county declares by proclamation under Section [53-2a-208](#).

39 (c) "Public health order" means an order issued in response to a public health
40 emergency that is:

41 (i) an executive order that the governor issues:

42 (A) declaring a state of emergency; or

43 (B) under a state of emergency;

44 (ii) a declaration of local emergency;

45 (iii) an order the chief executive officer of a municipality or county issues under a local
46 emergency;

47 (iv) an order that the Department of Health issues under:

48 (A) a state of emergency; or

49 (B) a local emergency; or

50 (v) an order that a local health department issues under:

51 (A) a state of emergency; or

52 (B) a local emergency.

53 (d) "State of emergency" means a state of emergency the governor declares under
54 Section [53-2a-206](#).

55 (2) (a) An authority may not issue a public health order unless, before the authority
56 issues the public health order, the authority consults with an LEA that is directly affected by the

57 public health order.

58 (b) The consultation described in Subsection (2)(a) shall include a meeting, in person
59 or via a virtual platform, of a representative of the authority issuing the public health order and:

60 (i) if the affected LEA is a school district, the president of the local school board;

61 (ii) if the affected LEA is a charter school, the chair of the charter school governing
62 board; or

63 (iii) if the affected LEA is the Utah Schools for the Deaf and the Blind, the chair of the
64 state board.

65 (c) The individuals described in Subsection (2)(b) shall, at the meeting described in
66 Subsection (2)(b), discuss the public health order the authority intends to issue, including

67 (i) the justification for the public health order;

68 (ii) who and what the public health order governs;

69 (iii) what entity is responsible for enforcing the public health order; and

70 (iv) planned enforcement measures.

71 (3) An authority shall notify an LEA that is directly affected by a public health order, at
72 least 10 calendar days before the public health order expires, if the authority intends to extend
73 the public health order.

74 (4) A public health order that directly affects an LEA is unenforceable if the issuing
75 authority does not comply with the requirements described in Subsection (2).