

SB0187S03 compared with SB0187S02

~~{deleted text}~~ shows text that was in SB0187S02 but was deleted in SB0187S03.

inserted text shows text that was not in SB0187S02 but was inserted into SB0187S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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 ~~{requires the governor, the Department of Health, or a local health department to consult with a}~~ creates certain requirements for public health orders that directly affect local education ~~{agency affected by a public health order requiring individuals to wear a face mask on school grounds before issuing the order}~~ 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 ~~{requiring individuals to wear a face mask on school grounds}~~ (affected LEA) before issuing the order; and

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- 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:

None

Utah Code Sections Affected:

ENACTS:

53G-9-210, Utah Code Annotated 1953

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

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

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

(1) As used in this section:

(a) ~~{“Authority”}~~ “Authority” means the governor, the chief executive of a municipality or county, the Department of Health, or a local health department.

(b) ~~“{Face mask}” means the same as that term is defined in a mask order.~~

~~“{Mask order}” means a public health order requiring individuals to wear a face mask on school grounds.~~

~~“{Local emergency}” means a local emergency that the chief executive officer of a municipality or county declares by proclamation under Section 53-2a-208.~~

(c) “Public health order” means an order issued in response to a public health emergency that is:

(i) an executive order that the governor issues:

(A) declaring a state of emergency ~~{under Section 53-2a-206}~~; or

(B) under a state of emergency ~~{declared under Section 53-2a-206}~~;

~~“{ii}”;~~

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(ii) a declaration of local emergency;

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

(iv) an order that the Department of Health issues ~~under~~;

(A) a state of emergency; or

~~(iii)~~(B) a local emergency; or

(v) an order that a local health department issues ~~f~~;

~~(2) Before an ~~f~~~~ under:

(A) a state of emergency; or

(B) a local emergency.

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

(2) (a) An authority may not issue a public health order unless, before the authority issues ~~a mask~~ the public health order, the authority ~~shall consult~~ consults with an LEA that is directly affected by the ~~mask order~~ public health order.

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

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

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

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

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

(i) the justification for the public health order;

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

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

(iv) planned enforcement measures.

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

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the public health order.

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