

Infectious Disease Procedures Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor: Wayne A. Harper

LONG TITLE**General Description:**

This bill modifies provisions related to infectious disease procedures.

Highlighted Provisions:

This bill:

- modifies definitions;
- requires a place of public accommodation and certain other entities to provide an accommodation related to face coverings for certain people;
- prohibits the issuance of orders of constraint; and
- limits an order of restriction to be issued for individuals, not groups of individuals.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

26A-1-102, as last amended by Laws of Utah 2024, Chapter 152

26A-1-108, as last amended by Laws of Utah 2024, Chapter 425

26A-1-114, as last amended by Laws of Utah 2024, Chapter 259

26A-1-121, as last amended by Laws of Utah 2023, Chapter 327

26B-7-202, as last amended by Laws of Utah 2024, Chapter 152

26B-7-301, as last amended by Laws of Utah 2024, Chapters 152, 283

26B-7-303, as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-7-304, as last amended by Laws of Utah 2024, Chapter 283

26B-7-305, as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-7-306, as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-7-307, as last amended by Laws of Utah 2024, Chapter 283

26B-7-310, as last amended by Laws of Utah 2024, Chapter 283

31 **26B-7-311**, as last amended by Laws of Utah 2024, Chapter 283
 32 **26B-7-317**, as renumbered and amended by Laws of Utah 2023, Chapter 308
 33 **26B-7-321**, as renumbered and amended by Laws of Utah 2023, Chapter 308

34 ENACTS:

35 **13-7-6**, Utah Code Annotated 1953
 36 **26B-7-304.5**, Utah Code Annotated 1953



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

39 Section 1. Section **13-7-6** is enacted to read:

40 **13-7-6 . Face coverings and qualified individuals.**

41 (1) As used in this section:

42 (a) "Face covering" means a mask, shield, or other device that is intended to be worn in
 43 a manner to cover the mouth, nose, or face to prevent the spread of an infectious
 44 disease.

44a ~~Ĥ~~→ (b) **"Health care facility" means the same as that term is defined in Section**
 44b **78B-3-403.**

45 [~~(b)~~] (c) ←Ĥ "Qualified individual" means an individual who experiences physical or
 45a emotional
 46 distress when wearing a face covering if the physical or emotional distress is caused
 47 by a diagnosed medical condition, mental health condition, or disability.

48 (2) ~~Ĥ~~→ [~~A~~] **Except as provided in Subsection (3)(a), a ←Ĥ** place of public accommodation or
 48a enterprise regulated by the state may not require a
 49 qualified individual to wear a face covering as a condition for entering a premises owned
 50 or operated by the entity described in this Subsection (2).

50a ~~Ĥ~~→ (3)(a) **Subject to Subsection (3)(b), a health care facility ←Ĥ** ~~Ĥ~~→ **or a physician's**
office ←Ĥ ~~Ĥ~~→

50ai **may require the use**
 50b **of face coverings in an area in the health care facility where patient care or treatment**
 50c **is provided.**

50d (b) **Consistent with applicable federal law, nothing in Subsection (3)(a) allows a**
 50e **health care facility ←Ĥ** ~~Ĥ~~→ **or a physician's office ←Ĥ** ~~Ĥ~~→ **to deny services to a qualified**
individual

50eii **who is not able to wear a**
 50f **face covering.** ←Ĥ

51 Section 2. Section **26A-1-102** is amended to read:

52 **26A-1-102 . Definitions.**

53 As used in this part:

- 54 (1) "Board" means a local board of health established under Section 26A-1-109.
- 55 (2) "County governing body" means one of the types of county government provided for in
56 Title 17, Chapter 52a, Part 2, Forms of County Government.
- 57 (3) "County health department" means a local health department that serves a county and
58 municipalities located within that county.
- 59 (4) "Department" means the Department of Health and Human Services created in Section
60 26B-1-201.
- 61 (5) "Local food" means the same as that term is defined in Section 4-1-109.
- 62 (6) "Local health department" means:
- 63 (a) a single county local health department;
- 64 (b) a multicounty local health department;
- 65 (c) a united local health department; or
- 66 (d) a multicounty united local health department.
- 67 (7) "Mental health authority" means a local mental health authority created in Section
68 17-43-301.
- 69 (8) "Multicounty local health department" means a local health department that is formed
70 under Section 26A-1-105 and that serves two or more contiguous counties and
71 municipalities within those counties.
- 72 (9) "Multicounty united local health department" means a united local health department
73 that is formed under Section 26A-1-105.5 and that serves two or more contiguous
74 counties and municipalities within those counties.
- 75 (10)~~(a)~~ "Order of constraint" means~~[an order, rule, or regulation issued by a local health~~
76 ~~department in response to a declared public health emergency under this chapter that:]~~ the
77 same as that term is defined in Section 26B-7-301.
- 78 ~~[(i) applies to all or substantially all:]~~
- 79 ~~[(A) individuals or a certain group of individuals; or]~~
- 80 ~~[(B) public places or certain types of public places; and]~~
- 81 ~~[(ii) for the protection of the public health and in response to the declared public health~~
82 ~~emergency:]~~
- 83 ~~[(A) establishes, maintains, or enforces isolation or quarantine;]~~
- 84 ~~[(B) establishes, maintains, or enforces a stay-at-home order;]~~

85 ~~[(C) exercises physical control over property or individuals;]~~
 86 ~~[(D) requires an individual to perform a certain action or engage in a certain behavior; or]~~
 87 ~~[(E) closes theaters, schools, or other public places or prohibits gatherings of people to~~
 protect
 88 the public health.]

89 ~~[(b) "Order of constraint" includes a stay-at-home order.]~~

90 (11) "Public health emergency" means the same as that term is defined in Section
 91 26B-7-301.

92 (12) "Single county local health department" means a local health department that is created
 93 by the governing body of one county to provide services to the county and the
 94 municipalities within that county.

95 (13) "Stay-at-home order" means ~~[an order of constraint that:]~~

96 ~~[(a) restricts movement of the general population to suppress or mitigate an epidemic or~~
 97 pandemic disease by directing individuals within a defined geographic area to remain in
 98 their respective residences; and]

99 ~~[(b) may include exceptions for certain essential tasks.]~~ the same as that term is defined in
 100 Section 26B-7-301.

101 (14) "Substance abuse authority" means a local substance abuse authority created in Section
 102 17-43-201.

103 (15) "United local health department":

104 (a) means a substance abuse authority, a mental health authority, and a local health
 105 department that join together under Section 26A-1-105.5; and

106 (b) includes a multicounty united local health department.

107 Section 3. Section **26A-1-108** is amended to read:

108 **26A-1-108 . Jurisdiction and duties of local health departments -- Registration as**
 109 **a limited purpose entity.**

110 (1)~~[(a) Except as provided in Subsection (1)(b), a]~~ A local health department has jurisdiction in
 111 all unincorporated and incorporated areas of the county or counties in which it is
 112 established and shall enforce state health laws, Department of Health and Human Services,
 113 Department of Environmental Quality, and local health department rules, regulations, and
 114 standards within those areas.

115 ~~[(b) Notwithstanding Subsection (1)(a), a local health department's jurisdiction or authority to~~
 116 issue an order of constraint pursuant to a declared public health emergency does not apply
 117 to any facility, property, or area owned or leased by the state, including capitol hill, as

118 defined in Section ~~63O-1-101.~~]

119 (2)(a) Each local health department shall register and maintain the local health
120 department's registration as a limited purpose entity, in accordance with Section
121 67-1a-15.

122 (b) A local health department that fails to comply with Subsection (2)(a) or Section
123 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section
124 67-3-1.

125 Section 4. Section **26A-1-114** is amended to read:

126 **26A-1-114 . Powers and duties of departments.**

127 (1) Subject to Subsections (7), (8), and ~~[(11)]~~ (10), a local health department may:

128 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
129 department rules, and local health department standards and regulations relating to
130 public health and sanitation, including the plumbing code administered by the
131 Division of Professional Licensing under Title 15A, Chapter 1, Part 2, State
132 Construction Code Administration Act, and under Title 26B, Chapter 7, Part 4,
133 General Sanitation and Food Safety, in all incorporated and unincorporated areas
134 served by the local health department;

135 (b) establish, maintain, and enforce isolation and quarantine, over an individual in
136 accordance with an order of restriction issued under Title 26B, Chapter 7, Part 3,
137 Treatment, Isolation, and Quarantine Procedures for Communicable Diseases;

138 (c) establish and maintain medical, environmental, occupational, and other laboratory
139 services considered necessary or proper for the protection of the public health;

140 (d) establish and operate reasonable health programs or measures not in conflict with
141 state law which:

142 (i) are necessary or desirable for the promotion or protection of the public health and
143 the control of disease; or

144 (ii) may be necessary to ameliorate the major risk factors associated with the major
145 causes of injury, sickness, death, and disability in the state;

146 (e) close theaters, schools, and other public places and prohibit gatherings of people
147 when necessary to protect the public health;

148 (f) exercise physical control of property to abate nuisances or eliminate sources of filth
149 and infectious and communicable diseases affecting the public health and bill the
150 owner or other person in charge of the premises upon which this nuisance occurs for
151 the cost of abatement;

- 152 (g) make necessary sanitary and health investigations and inspections on the local health
153 department's own initiative or in cooperation with the Department of Health and
154 Human Services or the Department of Environmental Quality, or both, as to any
155 matters affecting the public health;
- 156 (h) pursuant to county ordinance or interlocal agreement:
- 157 (i) establish and collect appropriate fees for the performance of services and
158 operation of authorized or required programs and duties;
- 159 (ii) accept, use, and administer all federal, state, or private donations or grants of
160 funds, property, services, or materials for public health purposes; and
- 161 (iii) make agreements not in conflict with state law which are conditional to receiving
162 a donation or grant;
- 163 (i) prepare, publish, and disseminate information necessary to inform and advise the
164 public concerning:
- 165 (i) the health and wellness of the population, specific hazards, and risk factors that
166 may adversely affect the health and wellness of the population; and
- 167 (ii) specific activities individuals and institutions can engage in to promote and
168 protect the health and wellness of the population;
- 169 (j) investigate the causes of morbidity and mortality;
- 170 (k) issue notices and orders necessary to carry out this part;
- 171 (l) conduct studies to identify injury problems, establish injury control systems, develop
172 standards for the correction and prevention of future occurrences, and provide public
173 information and instruction to special high risk groups;
- 174 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
175 within the jurisdiction of the boards;
- 176 (n) cooperate with the state health department, the Department of Corrections, the
177 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
178 Services, and the Crime Victim Reparations Board to conduct testing for HIV
179 infection of alleged sexual offenders, convicted sexual offenders, and any victims of
180 a sexual offense;
- 181 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321;
- 182 (p) provide public health assistance in response to a national, state, or local emergency, a
183 public health emergency as defined in Section 26B-7-301, or a declaration by the
184 President of the United States or other federal official requesting public health-related
185 activities; and

- 186 (q) when conducting routine inspections of businesses regulated by the local health
187 department, notify the Department of Agriculture and Food of a potential violation of
188 Title 4, Chapter 41, Hemp and Cannabinoid Act.
- 189 (2) The local health department shall:
- 190 (a) establish programs or measures to promote and protect the health and general
191 wellness of the people within the boundaries of the local health department;
- 192 (b) investigate infectious and other diseases of public health importance and implement
193 measures to control the causes of epidemic and communicable diseases and other
194 conditions significantly affecting the public health which may include involuntary
195 testing of alleged sexual offenders for the HIV infection pursuant to Section
196 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection
197 pursuant to Section 53-10-803;
- 198 (c) cooperate with the department in matters pertaining to the public health and in the
199 administration of state health laws;
- 200 (d) coordinate implementation of environmental programs to maximize efficient use of
201 resources by developing with the Department of Environmental Quality a
202 Comprehensive Environmental Service Delivery Plan which:
- 203 (i) recognizes that the Department of Environmental Quality and local health
204 departments are the foundation for providing environmental health programs in
205 the state;
- 206 (ii) delineates the responsibilities of the department and each local health department
207 for the efficient delivery of environmental programs using federal, state, and local
208 authorities, responsibilities, and resources;
- 209 (iii) provides for the delegation of authority and pass through of funding to local
210 health departments for environmental programs, to the extent allowed by
211 applicable law, identified in the plan, and requested by the local health
212 department; and
- 213 (iv) is reviewed and updated annually; and
- 214 (e) investigate a report made in accordance with Section 59-14-811 to determine
215 whether a product is sold in violation of law.
- 216 (3) The local health department has the following duties regarding public and private
217 schools within the local health department's boundaries:
- 218 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
219 persons attending public and private schools;

- 220 (b) exclude from school attendance any person, including teachers, who is suffering
221 from any communicable or infectious disease, whether acute or chronic, if the person
222 is likely to convey the disease to those in attendance; and
- 223 (c)(i) make regular inspections of the health-related condition of all school buildings
224 and premises;
- 225 (ii) report the inspections on forms furnished by the department to those responsible
226 for the condition and provide instructions for correction of any conditions that
227 impair or endanger the health or life of those attending the schools; and
- 228 (iii) provide a copy of the report to the department at the time the report is made.
- 229 (4) If those responsible for the health-related condition of the school buildings and premises
230 do not carry out any instructions for corrections provided in a report in Subsection
231 (3)(c), the local health board shall cause the conditions to be corrected at the expense of
232 the persons responsible.
- 233 (5) The local health department may exercise incidental authority as necessary to carry out
234 the provisions and purposes of this part.
- 235 (6) This part does not authorize a local health department to:
- 236 (a) require the installation or maintenance of a carbon monoxide detector in a residential
237 dwelling against anyone other than the occupant of the dwelling; or
- 238 (b) control the production, processing distribution, or sale price of local food in response
239 to a public health emergency.
- 240 (7)(a) Except as provided in Subsection (7)(c), a local health department may not declare
241 a public health emergency [~~or issue an order of constraint~~]until the local health
242 department has provided notice of the proposed action to the chief executive officer
243 of the relevant county no later than 24 hours before the local health department issues
244 the order or declaration.
- 245 (b) The local health department:
- 246 (i) shall provide the notice required by Subsection (7)(a) using the best available
247 method under the circumstances as determined by the local health department;
- 248 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and
- 249 (iii) shall provide the notice in written form, if practicable.
- 250 (c)(i) Notwithstanding Subsection (7)(a), a local health department may declare a
251 public health emergency [~~or issue an order of constraint~~]without approval of the
252 chief executive officer of the relevant county if the passage of time necessary to
253 obtain approval of the chief executive officer of the relevant county as required in

- 254 Subsection (7)(a) would substantially increase the likelihood of loss of life due to
 255 an imminent threat.
- 256 (ii) If a local health department declares a public health emergency [~~or issues an order~~
 257 ~~of constraint~~] as described in Subsection (7)(c)(i), the local health department
 258 shall notify the chief executive officer of the relevant county before [~~issuing the~~
 259 ~~order of constraint~~] declaring a public health emergency.
- 260 (iii) The chief executive officer of the relevant county may terminate a declaration of
 261 a public health emergency [~~or an order of constraint issued~~] as described in
 262 Subsection (7)(c)(i) within 72 hours of declaration of the public health emergency [
 263 ~~or issuance of the order of constraint~~].
- 264 (d)(i) The relevant county governing body may at any time terminate a public health
 265 emergency [~~or an order of constraint~~] issued by the local health department by
 266 majority vote of the county governing body [~~in response to a declared public~~
 267 ~~health emergency~~].
- 268 (ii) A vote by the relevant county governing body to terminate a public health
 269 emergency [~~or an order of constraint~~] as described in Subsection (7)(d)(i) is not
 270 subject to veto by the relevant chief executive officer.
- 271 (8)(a) Except as provided in Subsection (8)(b), a public health emergency declared by a
 272 local health department expires at the earliest of:
- 273 (i) the local health department or the chief executive officer of the relevant county
 274 finding that the threat or danger has passed or the public health emergency
 275 reduced to the extent that emergency conditions no longer exist;
- 276 (ii) 30 days after the date on which the local health department declared the public
 277 health emergency; or
- 278 (iii) the day on which the public health emergency is terminated by majority vote of
 279 the county governing body.
- 280 (b)(i) The relevant county legislative body, by majority vote, may extend a public
 281 health emergency for a time period designated by the county legislative body.
- 282 (ii) If the county legislative body extends a public health emergency as described in
 283 Subsection (8)(b)(i), the public health emergency expires on the date designated
 284 by the county legislative body.
- 285 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a
 286 local health department expires as described in Subsection (8)(a), the local health
 287 department may not declare a public health emergency for the same illness or

- 288 occurrence that precipitated the previous public health emergency declaration.
- 289 (d)(i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local
 290 health department finds that exigent circumstances exist, after providing notice to
 291 the county legislative body, the department may declare a new public health
 292 emergency for the same illness or occurrence that precipitated a previous public
 293 health emergency declaration.
- 294 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires
 295 in accordance with Subsection (8)(a) or (b).
- 296 (e) For a public health emergency declared by a local health department under this
 297 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine
 298 Procedures for Communicable Diseases, the Legislature may terminate by joint
 299 resolution a public health emergency that was declared based on exigent
 300 circumstances or that has been in effect for more than 30 days.
- 301 (f) If the Legislature or county legislative body terminates a public health emergency
 302 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local
 303 health department may not declare a new public health emergency for the same
 304 illness, occurrence, or exigent circumstances.
- 305 ~~[(9)(a) During a public health emergency declared under this chapter or under Title 26B,
 306 Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable
 307 Diseases:]~~
- 308 ~~[(i) except as provided in Subsection (9)(b), a local health department may not issue an order
 309 of constraint without approval of the chief executive officer of the relevant county;]~~
- 310 ~~[(ii) the Legislature may at any time terminate by joint resolution an order of constraint issued
 311 by a local health department in response to a declared public health emergency that has
 312 been in effect for more than 30 days; and]~~
- 313 ~~[(iii) a county governing body may at any time terminate by majority vote of the governing
 314 body an order of constraint issued by a local health department in response to a declared
 315 public health emergency.]~~
- 316 ~~[(b)(i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an order of
 317 constraint without approval of the chief executive officer of the relevant county if the
 318 passage of time necessary to obtain approval of the chief executive officer of the relevant
 319 county as required in Subsection (9)(a)(i) would substantially increase the likelihood of loss
 320 of life due to an imminent threat.]~~
- 321 ~~[(ii) If a local health department issues an order of constraint as described in Subsection (9)(b),~~

322 the local health department shall notify the chief executive officer of the relevant county
323 before issuing the order of constraint.]

324 [(iii) The chief executive officer of the relevant county may terminate an order of constraint
325 issued as described in Subsection (9)(b) within 72 hours of issuance of the order of
326 constraint.]

327 [(e)(i) For a local health department that serves more than one county, the approval described
328 in Subsection (9)(a)(i) is required for the chief executive officer for which the order of
329 constraint is applicable.]

330 [(ii) For a local health department that serves more than one county, a county governing body
331 may only terminate an order of constraint as described in Subsection (9)(a)(iii) for the
332 county served by the county governing body.]

333 [(10)(a) During a public health emergency declared as described in this title:]

334 [(i) the department or a local health department may not impose an order of constraint on a
335 religious gathering that is more restrictive than an order of constraint that applies to any
336 other relevantly similar gathering; and]

337 [(ii) an individual, while acting or purporting to act within the course and scope of the
338 individual's official department or local health department capacity, may not:]

339 [(A) prevent a religious gathering that is held in a manner consistent with any order of
340 constraint issued pursuant to this title; or]

341 [(B) impose a penalty for a previous religious gathering that was held in a manner
342 consistent
343 with any order of constraint issued pursuant to this title.]

344 [(b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to prevent
345 the violation of this Subsection (10).]

346 [(e)] (9)(a) During a public health emergency declared as described in this title, the
347 department or a local health department [shall] may not issue a public health order or
348 impose or implement a regulation that substantially burdens an individual's exercise
349 of religion unless the department or local health department demonstrates that the
350 application of the burden to the individual:

350 (i) is in furtherance of a compelling government interest; and

351 (ii) is the least restrictive means of furthering that compelling government interest.

352 [(d)] (b) Notwithstanding [~~Subsections (10)(a) and (e)~~] Subsection (9)(a), the department
353 or a local health department shall allow reasonable accommodations for an individual
354 to perform or participate in a religious practice or rite.

355 [(11) An order of constraint issued by a local health department pursuant to a declared public
 356 health emergency does not apply to a facility, property, or area owned or leased by the
 357 state, including capitol hill, as defined in Section 63O-1-101.]

358 [(12)] (10) A local health department may not:

359 (a) require a person to obtain an inspection, license, or permit from the local health
 360 department to engage in a practice described in Subsection 58-11a-304(5); [or]

361 (b) prevent or limit a person's ability to engage in a practice described in Subsection
 362 58-11a-304(5) by:

363 (i) requiring the person to engage in the practice at a specific location or at a
 364 particular type of facility or location; or

365 (ii) enforcing a regulation applicable to a facility or location where the person
 366 chooses to engage in the practice[-] ; or

367 (c) issue an order of constraint under any circumstance.

368 Section 5. Section **26A-1-121** is amended to read:

369 **26A-1-121 . Standards and regulations adopted by local board -- Local standards**
 370 **not more stringent than federal or state standards -- Administrative and judicial review**
 371 **of actions -- Regulations affecting religious practice.**

372 (1)(a) [~~Subject to Subsection (1)(g), the~~] The board may make standards and regulations:

373 (i) not in conflict with rules of the department or the Department of Environmental
 374 Quality; and

375 (ii) necessary for the promotion of public health, environmental health quality, injury
 376 control, and the prevention of outbreaks and spread of communicable and
 377 infectious diseases.

378 (b) The standards and regulations under Subsection (1)(a):

379 (i) supersede existing local standards, regulations, and ordinances pertaining to
 380 similar subject matter;

381 (ii) except where specifically allowed by federal law or state statute, may not be more
 382 stringent than those established by federal law, state statute, or administrative
 383 rules adopted by the department in accordance with Title 63G, Chapter 3, Utah
 384 Administrative Rulemaking Act; and

385 (iii) notwithstanding Subsection (1)(b)(ii), may be more stringent than those
 386 established by federal law, state statute, or administrative rule adopted by the
 387 department if the standard or regulation is:

388 (A) in effect on February 1, 2022; and

- 389 (B) not modified or amended after February 1, 2022.
- 390 (c) The board shall provide public hearings prior to the adoption of any regulation or
391 standard.
- 392 (d) Notice of any public hearing shall be published at least twice throughout the county
393 or counties served by the local health department. The publication may be in one or
394 more newspapers, if the notice is provided in accordance with this Subsection (1)(d).
- 395 (e) The hearings may be conducted by the board at a regular or special meeting, or the
396 board may appoint hearing officers who may conduct hearings in the name of the
397 board at a designated time and place.
- 398 (f) A record or summary of the proceedings of a hearing shall be taken and filed with the
399 board.
- 400 ~~[(g)(i) During a declared public health emergency declared under this chapter or under Title~~
401 ~~26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable~~
402 ~~Diseases:]~~
- 403 ~~[(A) except as provided in Subsection (1)(h), a local health department may not issue an~~
404 ~~order~~
405 ~~of constraint without approval of the chief executive officer of the relevant county;]~~
- 406 ~~[(B) the Legislature may at any time terminate by joint resolution an order of constraint~~
407 ~~issued~~
408 ~~by a local health department in response to a declared public health emergency that has~~
409 ~~been in effect for more than 30 days; and]~~
- 410 ~~[(C) a county governing body may at any time terminate, by majority vote of the governing~~
411 ~~body, an order of constraint issued by a local health department in response to a~~
412 ~~declared~~
413 ~~public health emergency.]~~
- 414 ~~[(ii)(A) For a local health department that serves more than one county, the approval~~
415 ~~described in Subsection (1)(g)(i)(A) is required for the chief executive officer for which the~~
416 ~~order of constraint is applicable.]~~
- 417 ~~[(B) For a local health department that serves more than one county, a county governing~~
418 ~~body~~
419 ~~may only terminate an order of constraint as described in Subsection (1)(g)(i)(C) for the~~
420 ~~county served by the county governing body.]~~
- 421 ~~[(h)(i) Notwithstanding Subsection (1)(g)(i)(A), a local health department may issue an order~~
422 ~~of constraint without approval of the chief executive officer of the relevant county if the~~

419 passage of time necessary to obtain approval of the chief executive officer of the relevant
 420 county as required in Subsection (1)(g)(i)(A) would substantially increase the likelihood of
 421 loss of life due to an imminent threat.]

422 [(ii) If a local health department issues an order of constraint as described in Subsection
 423 (1)(h)(i), the local health department shall notify the chief executive officer of the relevant
 424 county before issuing the order of constraint.]

425 [(iii) The chief executive officer of the relevant county may terminate an order of constraint
 426 issued as described in Subsection (1)(h)(i) within 72 hours of issuance of the order of
 427 constraint.]

428 [(i)(i) During a public health emergency declared as described in this title:]

429 [(A) a local health department may not impose an order of constraint on a public gathering
 that
 430 applies to a religious gathering differently than the order of constraint applies to any
 other
 431 relevantly similar gathering; and]

432 [(B) an individual, while acting or purporting to act within the course and scope of the
 433 individual's official local health department capacity, may not prevent a religious
 gathering
 434 that is held in a manner consistent with any order of constraint issued pursuant to this
 title;
 435 or impose a penalty for a previous religious gathering that was held in a manner
 consistent
 436 with any order of constraint issued pursuant to this title.]

437 [(ii) Upon proper grounds, a court of competent jurisdiction may grant an injunction to prevent
 438 the violation of this Subsection (1)(i).]

439 [(iii)] (g)(i) During a public health emergency declared as described in this title, [the
 440 department or] a local health department [shall] may not issue a public health order
 441 or impose or implement a regulation that substantially burdens an individual's
 442 exercise of religion unless the department or local health department demonstrates
 443 that the application of the burden to the individual:

444 (A) is in furtherance of a compelling government interest; and
 445 (B) is the least restrictive means of furthering that compelling government interest.

446 [(iv)] (ii) Notwithstanding [Subsections (1)(i)(i) and (ii), the department or]
 447 Subsection (1)(g)(i), a local health department shall allow reasonable

448 accommodations for an individual to perform or participate in a religious practice
449 or rite.

450 [(j)] (h) If a local health department declares a public health emergency as described in
451 this chapter, and the local health department finds that the public health emergency
452 conditions warrant an extension of the public health emergency beyond the 30-day
453 term or another date designated by the local legislative body, the local health
454 department shall provide written notice to the local legislative body at least 10 days
455 before the expiration of the public health emergency.

456 (2)(a) A person aggrieved by an action or inaction of the local health department relating
457 to the public health shall have an opportunity for a hearing with the local health
458 officer or a designated representative of the local health department. The board shall
459 grant a subsequent hearing to the person upon the person's written request.

460 (b) In an adjudicative hearing, a member of the board or the hearing officer may
461 administer oaths, examine witnesses, and issue notice of the hearings or subpoenas in
462 the name of the board requiring the testimony of witnesses and the production of
463 evidence relevant to a matter in the hearing. The local health department shall make a
464 written record of the hearing, including findings of facts and conclusions of law.

465 (c) Judicial review of a final determination of the local board may be secured by a
466 person adversely affected by the final determination, or by the department or the
467 Department of Environmental Quality, by filing a petition in the district court within
468 30 days after receipt of notice of the board's final determination.

469 (d) The petition shall be served upon the secretary of the board and shall state the
470 grounds upon which review is sought.

471 (e) The board's answer shall certify and file with the court all documents and papers and
472 a transcript of all testimony taken in the matter together with the board's findings of
473 fact, conclusions of law, and order.

474 (f) The appellant and the board are parties to the appeal.

475 (g) The department and the Department of Environmental Quality may become a party
476 by intervention as in a civil action upon showing cause.

477 (h) A further appeal may be taken to the Court of Appeals under Section 78A-4-103.

478 (3) Nothing in the provisions of Subsection (1)(b)(ii) or (c), shall limit the ability of a local
479 health department board to make standards and regulations in accordance with
480 Subsection (1)(a) for:

481 (a) emergency rules made in accordance with Section 63G-3-304; or

482 (b) items not regulated under federal law, state statute, or state administrative rule.

483 Section 6. Section **26B-7-202** is amended to read:

484 **26B-7-202 . Authority to investigate and control epidemic infections and**
485 **communicable disease.**

486 (1) Subject to [~~Subsection (4) and~~] the restrictions in this title, the department has authority
487 to investigate and control the causes of epidemic infections and communicable disease,
488 and shall provide for the detection, reporting, prevention, and control of communicable
489 diseases and epidemic infections or any other health hazard which may affect the public
490 health.

491 (2) This part does not authorize the department to control the production, processing,
492 distribution, or sale price of local food in response to a public health emergency, as that
493 term is defined in Section 26B-7-301.

494 (3)(a) As part of the requirements of Subsection (1), the department shall distribute to
495 the public and to health care professionals:

496 (i) medically accurate information about sexually transmitted diseases that may cause
497 infertility and sterility if left untreated, including descriptions of:

498 (A) the probable side effects resulting from an untreated sexually transmitted
499 disease, including infertility and sterility;

500 (B) medically accepted treatment for sexually transmitted diseases;

501 (C) the medical risks commonly associated with the medical treatment of sexually
502 transmitted diseases; and

503 (D) suggested screening by a private physician or physician assistant; and

504 (ii) information about:

505 (A) public services and agencies available to assist individuals with obtaining
506 treatment for the sexually transmitted disease;

507 (B) medical assistance benefits that may be available to the individual with the
508 sexually transmitted disease; and

509 (C) abstinence before marriage and fidelity after marriage being the surest
510 prevention of sexually transmitted disease.

511 (b) The information described in Subsection (3)(a):

512 (i) shall be distributed by the department and by local health departments free of
513 charge; and

514 (ii) shall be relevant to the geographic location in which the information is distributed
515 by:

516 (A) listing addresses and telephone numbers for public clinics and agencies
 517 providing services in the geographic area in which the information is
 518 distributed; and

519 (B) providing the information in English as well as other languages that may be
 520 appropriate for the geographic area.

521 (c)(i) Except as provided in Subsection (3)(c)(ii), the department shall develop
 522 written material that includes the information described in this Subsection (3).

523 (ii) In addition to the written materials described in Subsection (3)(c)(i), the
 524 department may distribute the information described in this Subsection (3) by any
 525 other methods the department determines is appropriate to educate the public,
 526 excluding public schools, including websites, toll free telephone numbers, and the
 527 media.

528 (iii) If the information described in Subsection (3)(b)(ii)(A) is not included in the
 529 written pamphlet developed by the department, the written material shall include
 530 either a website, or a 24-hour toll free telephone number that the public may use to
 531 obtain that information.

532 ~~[(4)(a) The Legislature may at any time terminate by joint resolution an order of constraint~~
 533 ~~issued by the department as described in this section in response to a declared public health~~
 534 ~~emergency.]~~

535 ~~[(b) A county governing body may at any time terminate by majority vote an order of~~
 536 ~~constraint issued by the relevant local health department as described in this section in~~
 537 ~~response to a declared public health emergency.]~~

538 Section 7. Section **26B-7-301** is amended to read:

539 **26B-7-301 . Definitions.**

540 As used in this part:

541 (1) "Bioterrorism" means:

542 (a) the intentional use of any microorganism, virus, infectious substance, or biological
 543 product to cause death, disease, or other biological malfunction in a human, an
 544 animal, a plant, or another living organism in order to influence, intimidate, or coerce
 545 the conduct of government or a civilian population; and

546 (b) includes anthrax, botulism, small pox, plague, tularemia, and viral hemorrhagic
 547 fevers.

548 (2) "Dangerous public health condition" means any of the following:

549 (a) a health condition that is:

- 550 (i) directly or indirectly caused by an act of bioterrorism, natural disaster, or human
551 created accident; and
- 552 (ii) transmittable to another individual;
- 553 (b) cholera;
554 ~~[(b)]~~ (c) pneumonic plague;
555 ~~[(e)]~~ (d) severe acute respiratory syndrome;
556 ~~[(d)]~~ (e) smallpox;
557 ~~[(e)]~~ (f) tuberculosis;
558 ~~[(f)]~~ (g) any viral hemorrhagic fever;
559 ~~[(g)]~~ (h) measles; or
560 ~~[(h)]~~ (i) any infection:
- 561 (i) that is new, drug resistant, or reemerging;
562 (ii) that evidence suggests is likely to cause either high mortality or morbidity; and
563 (iii) only if the relevant legislative body of the county where the infection is located
564 approves as needing containment.
- 565 (3) "Diagnostic information" means a clinical facility's record of individuals who present
566 for treatment, including the reason for the visit, chief complaint, presenting diagnosis,
567 final diagnosis, and any pertinent lab results.
- 568 (4)(a) "Epidemic or pandemic disease"~~[:]~~
- 569 ~~[(a)]~~ _means the occurrence in a community or region of cases of an illness clearly in excess of
570 normal expectancy.~~[:; and]~~
- 571 (b) "Epidemic or pandemic disease" includes diseases designated by the department
572 which have the potential to cause serious illness or death.
- 573 (5) "Exigent circumstances" means a significant change in circumstances following the
574 expiration of a public health emergency declared in accordance with this title that:
- 575 (a) substantially increases the danger to public safety or health relative to the
576 circumstances in existence when the public health emergency expired;
577 (b) poses an imminent danger to public safety or health; and
578 (c) was not known or foreseen and could not have been known or foreseen at the time
579 the public health emergency expired.
- 580 (6) "First responder" means:
- 581 (a) a law enforcement officer as defined in Section 53-13-103;
582 (b) emergency medical service personnel as defined in Section 26B-4-101;
583 (c) firefighters; and

- 584 (d) public health personnel having jurisdiction over the location where an individual
585 subject to an order of restriction is found.
- 586 (7) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 587 (8) "Legislative emergency response committee" means the same as that term is defined in
588 Section 53-2a-203.
- 589 (9) "Local food" means the same as that term is defined in Section 4-1-109.
- 590 (10)(a) "Order of constraint" means an order, rule, or regulation [~~issued in response to a~~
591 ~~declared public health emergency under this part,~~]that:
- 592 (i) applies to all or substantially all:
- 593 (A) individuals or a certain group of individuals; or
- 594 (B) public places or certain types of public places; and
- 595 (ii) for the protection of the public health and in response to the declared public
596 health emergency:
- 597 (A) establishes, maintains, or enforces isolation or quarantine;
- 598 (B) establishes, maintains, or enforces a stay-at-home order;
- 599 (C) exercises physical control over property or individuals;
- 600 (D) requires an individual to perform a certain action or engage in certain
601 behavior; or
- 602 (E) closes theaters, schools, or other public places or prohibits gatherings of
603 people to protect the public health.
- 604 (b) "Order of constraint" includes a stay-at-home order.
- 605 (11) "Order of restriction" means an order issued by [~~a~~] the department, a local health
606 department, or a district court which requires an individual [~~or group of individuals who~~
607 ~~are subject to restriction~~] to:
- 608 (a) submit to an examination, treatment, isolation, or quarantine[-] ; or
- 609 (b) perform a certain action or engage in certain behavior.
- 610 (12)(a) "Public health emergency" means an occurrence or imminent credible threat of
611 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease,
612 or novel and highly fatal infectious agent or biological toxin, that poses a substantial
613 risk of a significant number of human fatalities or incidents of permanent or
614 long-term disability.
- 615 (b) "Public health emergency" includes an illness or health condition resulting from a
616 natural disaster.
- 617 (13) "Public health official" means:

- 618 (a) the executive director or the executive director's authorized representative; or
 619 (b) the executive director of a local health department or the executive director's
 620 authorized representative.
- 621 (14) "Reportable emergency illness and health condition" includes the diseases, conditions,
 622 or syndromes designated by the department.
- 623 (15) "Stay-at-home order" means an order of constraint that:
- 624 (a) restricts movement of the general population to suppress or mitigate an epidemic or
 625 pandemic disease by directing individuals within a defined geographic area to remain
 626 in their respective residences; and
- 627 (b) may include exceptions for certain essential tasks.
- 628 (16) "Threat to public health" means a situation where a dangerous public health condition
 629 could spread to other individuals.
- 630 (17) "Subject to restriction" as applied to an individual~~[, or a group of individuals,]~~ means
 631 the individual ~~[or group of individuals]~~ could create a threat to public health.

632 Section 8. Section **26B-7-303** is amended to read:

633 **26B-7-303 . Applicability -- Administrative procedures.**

- 634 (1) Sections 26B-7-304 through 26B-7-315 apply to involuntary ~~[examination, treatment,~~
 635 ~~isolation, and quarantine actions]~~ orders of restriction applied to ~~[individuals or groups of~~
 636 ~~individuals]~~ an individual by the department or a local health department.
- 637 (2) The provisions of Sections 26B-7-304 through 26B-7-315 supersede the provisions of
 638 Title 63G, Chapter 4, Administrative Procedures Act.
- 639 (3) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah
 640 Administrative Rulemaking Act, as necessary to administer the provisions of Sections
 641 26B-7-304 through 26B-7-315.

642 Section 9. Section **26B-7-304** is amended to read:

643 **26B-7-304 . Order of restriction.**

- 644 (1) Subject to Subsection (5), the department or a local health department having
 645 jurisdiction over the location where an individual ~~[or a group of individuals who are]~~
 646 who is subject to restriction ~~[are]~~ is found may:
- 647 (a) issue a written order of restriction for the individual ~~[or group of individuals]~~
 648 pursuant to Section 26B-1-202 or Subsection 26A-1-114(1)(b) upon compliance with
 649 the requirements of Sections 26B-7-304 through 26B-7-314; and
- 650 (b) issue a verbal order of restriction for an individual ~~[or group of individuals]~~ pursuant
 651 to Subsection (2)(c).

- 652 (2)(a) [A] The department or local health department's determination to issue an order of
653 restriction shall be based upon the totality of circumstances reported to and known by
654 the department or local health department, including:
- 655 (i) observation;
 - 656 (ii) information that the department or local health department determines is credible
657 and reliable information; and
 - 658 (iii) knowledge of current public health risks based on medically accepted guidelines
659 as may be established by the department by administrative rule.
- 660 (b) An order of restriction issued by the department or a local health department shall:
- 661 (i) in the opinion of the public health official, be for the shortest reasonable period of
662 time necessary to protect the public health;
 - 663 (ii) use the least intrusive method of restriction that, in the opinion of the department
664 or local health department, is reasonable based on the totality of circumstances
665 known to the department or local health department issuing the order of restriction;
 - 666 (iii) be in writing unless the provisions of Subsection (2)(c) apply; and
 - 667 (iv) contain notice of an individual's rights as required in Section 26B-7-307.
- 668 (c)(i) The department or a local health department may issue a verbal order of
669 restriction, without prior notice to the individual~~[or group of individuals]~~ if the
670 delay in imposing a written order of restriction would significantly jeopardize the
671 department or local health department's ability to prevent or limit a threat to public
672 health.
- 673 (ii) A verbal order of restriction issued under Subsection (2)(c)(i):
 - 674 (A) is valid for 24 hours from the time the order of restriction is issued;
 - 675 (B) may be verbally communicated to the ~~[individuals or group of individuals]~~
676 individual subject to restriction by a first responder;
 - 677 (C) may be enforced by the first responder until the department or local health
678 department is able to establish and maintain the place of restriction; and
 - 679 (D) may only be continued beyond the initial 24 hours if a written order of
680 restriction is issued pursuant to the provisions of Section 26B-7-307.
- 681 (d) The department or a local health department may not issue an order of restriction that
682 applies to more than one individual.
- 683 (3) Pending issuance of a written order of restriction under Section 26B-7-307, or judicial
684 review of an order of restriction under Section 26B-7-311, an individual who is subject
685 to the order of restriction may be required to submit to involuntary examination,

686 quarantine, isolation, or treatment in the individual's home, a hospital, or any other
 687 suitable facility under reasonable conditions prescribed by the department or local health
 688 department.

689 (4) The department or local health department that issued the order of restriction shall take
 690 reasonable measures, including the provision of medical care, as may be necessary to
 691 assure proper care related to the reason for the involuntary examination, treatment,
 692 isolation, or quarantine of an individual ordered to submit to an order of restriction.

693 (5)(a) The Legislature may at any time terminate by joint resolution an order of
 694 restriction issued by the department or local health department as described in this
 695 section in response to a declared public health emergency.

696 (b) A county governing body may at any time terminate by majority vote an order of
 697 restriction issued by the relevant local health department under this section issued in
 698 response to a declared public health emergency.

699 Section 10. Section **26B-7-304.5** is enacted to read:

700 **26B-7-304.5 . Order of constraint prohibited.**

701 The department and a local health department may not issue an order of constraint under
 702 any circumstance.

703 Section 11. Section **26B-7-305** is amended to read:

704 **26B-7-305 . Consent to order of restriction -- Periodic review.**

705 (1)(a) The department or a local health department shall either seek judicial review of an
 706 order of restriction under Sections 26B-7-309 through 26B-7-311, or obtain the
 707 consent of an individual subject to an order of restriction.

708 (b) If the department or a local health department obtains consent, the consent shall be in
 709 writing and shall inform the individual~~[-or group of individuals]:~~

710 (i) of the terms and duration of the order of restriction;

711 (ii) of the importance of complying with the order of restriction to protect the public's
 712 health;

713 (iii) that ~~[each]~~ the individual has the right to agree to the order of restriction, or
 714 refuse to agree to the order of restriction and seek a judicial review of the order of
 715 restriction;

716 (iv) that for any individual who consents to the order of restriction:

717 (A) the order of restriction will not be reviewed by the court unless the individual
 718 withdraws consent to the order of restriction in accordance with Subsection

719 (1)(b)(iv)(B); and

720 (B) the individual shall notify the department or local health department in
 721 writing, with at least five business day's notice, if the individual intends to
 722 withdraw consent to the order of restriction; and

723 (v) that a breach of a consent agreement prior to the end of the order of restriction
 724 may subject the individual to an involuntary order of restriction under Section
 725 26B-7-306.

726 (2)(a) The department or local health department responsible for the care of an
 727 individual who has consented to the order of restriction shall periodically reexamine
 728 the reasons upon which the order of restriction was based. This reexamination shall
 729 occur at least once every six months.

730 (b)(i) If at any time, the department or local health department determines that the
 731 conditions justifying the order of restriction for ~~[either a group or]~~ an individual
 732 no longer exist, the department or local health department shall immediately
 733 discharge the individual~~[-or group]~~ from the order of restriction.

734 (ii) If the department or local health department determines that the conditions
 735 justifying the order of restriction continue to exist, the department or local health
 736 department shall send to the individual a written notice of:

737 (A) the department or local health department's findings, the expected duration of
 738 the order of restriction, and the reason for the decision; and

739 (B) the individual's right to a judicial review of the order of restriction by the court
 740 if requested by the individual.

741 (iii) Upon request for judicial review by an individual, the department or local health
 742 department shall:

743 (A) file a petition with the court within five business days after the individual's
 744 request for a judicial review; and

745 (B) proceed under Sections 26B-7-309 through 26B-7-311.

746 Section 12. Section **26B-7-306** is amended to read:

747 **26B-7-306 . Involuntary order of restriction -- Notice -- Effect of order during**
 748 **judicial review.**

749 (1) If the department or local health department cannot obtain consent to the order of
 750 restriction from an individual, or if an individual withdraws consent to an order under
 751 Subsection 26B-7-305(1)(b)(iv)(B), the department or local health department shall:

752 (a) give the individual~~[-or group of individuals]~~ subject to the order of restriction a
 753 written notice of:

- 754 (i) the order of restriction and any supporting documentation; and
755 (ii) the individual's right to a judicial review of the order of restriction; and
756 (b) file a petition for a judicial review of the order of restriction under Section 26B-7-309
757 in court within:
758 (i) five business days after issuing the written notice of the order of restriction; or
759 (ii) if consent has been withdrawn under Subsection 26B-7-305(1)(b)(iv)(B), within
760 five business days after receiving notice of the individual's withdrawal of consent.

761 (2)(a) An order of restriction remains in effect during any judicial proceedings to review
762 the order of restriction if the department or local health department files a petition for
763 judicial review of the order of restriction within the period of time required by this
764 section.

765 (b) Law enforcement officers with jurisdiction in the area where the individual who is
766 subject to the order of restriction can be located shall assist the department or local
767 health department with enforcing the order of restriction.

768 Section 13. Section **26B-7-307** is amended to read:

769 **26B-7-307 . Contents of notice of order of restriction -- Rights of individuals.**

- 770 (1) A written order of restriction issued by a department or local health department shall
771 include the following information:
772 (a) the identity of the individual [~~or a description of the group of individuals~~]subject to
773 the order of restriction;
774 (b) the identity or location of any premises that may be subject to restriction;
775 (c) the date and time for which the restriction begins and the expected duration of the
776 restriction;
777 (d) the suspected dangerous public health condition that poses a threat to public health;
778 (e) the requirements for termination of the order of restriction, such as necessary
779 laboratory reports, the expiration of an incubation period, or the completion of
780 treatment for the communicable disease;
781 (f) any conditions on the restriction, such as limitation of visitors or requirements for
782 medical monitoring;
783 (g) the medical or scientific information upon which the restriction is based;
784 (h) a statement advising of the right to a judicial review of the order of restriction by the
785 court; and
786 (i) pursuant to Subsection (2), the rights of each individual subject to restriction.
787 (2) An individual subject to restriction has the following rights:

- 788 (a) the right to be represented by legal counsel in any judicial review of the order of
 789 restriction in accordance with Subsection 26B-7-309(3);
- 790 (b) the right to be provided with prior notice of the date, time, and location of any
 791 hearing concerning the order of restriction;
- 792 (c) the right to participate in any hearing, in a manner established by the court based on
 793 precautions necessary to prevent additional exposure to communicable or possibly
 794 communicable diseases or to protect the public health;
- 795 (d) the right to respond and present evidence and arguments on the individual's own
 796 behalf in any hearing;
- 797 (e) the right to cross examine witnesses; and
- 798 (f) the right to review and copy all records in the possession of the department that
 799 issued the order of restriction which relate to the subject of the written order of
 800 restriction.

801 ~~[(3)(a) Notwithstanding the provisions of Subsection (1), if the department or a local health~~
 802 ~~department issues an order of restriction for a group of individuals, the department or local~~
 803 ~~health department may modify the method of providing notice to the group or modify the~~
 804 ~~information contained in the notice, if the public health official determines the modification~~
 805 ~~of the notice is necessary to:]~~

- 806 ~~[(i) protect the privacy of medical information of individuals in the group; or]~~
 807 ~~[(ii) provide notice to the group in a manner that will efficiently and effectively notify the~~
 808 ~~individuals in the group within the period of time necessary to protect the public health.]~~

809 ~~[(b) When the department or a local health department modifies notice to a group of~~
 810 ~~individuals under Subsection (3)(a), the department or local health department shall provide~~
 811 ~~each individual in the group with notice that complies with the provisions of Subsection (1)~~
 812 ~~as soon as reasonably practical.]~~

813 ~~[(4)]~~ (3)(a) In addition to the rights of an individual described in Subsections (1) and (2),
 814 an individual subject to an order of restriction may not be terminated from
 815 employment if the reason for termination is based solely on the fact that the
 816 individual is or was subject to an order of restriction.

817 (b) The department or local health department issuing the order of restriction shall give
 818 the individual subject to the order of restriction notice of the individual's employment
 819 rights under Subsection ~~[(4)(a)]~~ (3)(a).

820 (c) An employer in the state, including an employer who is the state or a political
 821 subdivision of the state, may not violate the provisions of Subsection ~~[(4)(a)]~~ (3)(a).

822 Section 14. Section **26B-7-310** is amended to read:

823 **26B-7-310 . Petition for judicial review of order of restriction -- Court-ordered**
824 **examination period.**

825 (1)(a) A department may petition for a judicial review of the department's order of
826 restriction for an individual [~~or group of individuals who are~~] who is subject to
827 restriction by filing a written petition with the court of the county in which the
828 individual [~~or group of individuals reside~~] resides or [~~are~~] is located.

829 (b)(i) The county attorney for the county where the individual [~~or group of~~
830 ~~individuals reside or are~~] resides or is located shall represent the local health
831 department in any proceedings under Sections 26B-7-304 through 26B-7-314.

832 (ii) The Office of the Attorney General shall represent the department when the
833 petitioner is the department in any proceedings under Sections 26B-7-304 through
834 26B-7-314.

835 (2) The petition under Subsection (1) shall be accompanied by:

836 (a) written affidavit of the department stating:

837 (i) a belief the individual [~~or group of individuals are~~] is subject to restriction;

838 (ii) a belief that the individual [~~or group of individuals who are subject to restriction~~
839 ~~are~~] is likely to fail to submit to examination, treatment, quarantine, or isolation if
840 not immediately restrained;

841 (iii) this failure would pose a threat to the public health; and

842 (iv) the personal knowledge of the individual's [~~or group of individuals'~~]condition or
843 the circumstances that lead to that belief; and

844 (b) a written statement by a licensed physician or physician assistant indicating the
845 physician or physician assistant finds the individual [~~or group of individuals are~~] is
846 subject to restriction.

847 (3) The court shall issue an order of restriction requiring the individual[~~or group of~~
848 ~~individuals~~] to submit to involuntary restriction to protect the public health if the court
849 finds:

850 (a) there is a reasonable basis to believe that the individual's [~~or group of individuals'~~]
851 condition requires involuntary examination, quarantine, treatment, or isolation
852 pending examination and hearing; or

853 (b) the individual [~~or group of individuals have~~] has refused to submit to examination by
854 a health professional as directed by the department or to voluntarily submit to
855 examination, treatment, quarantine, or isolation.

- 856 (4) If the individual [~~or group of individuals who are~~] who is subject to restriction [~~are~~] is not
 857 in custody, the court may make [~~its~~] the court's determination and issue [~~its~~] an order of
 858 restriction in an ex parte hearing.
- 859 (5) At least 24 hours prior to the hearing required by Section 26B-7-311, the department
 860 which is the petitioner, shall report to the court, in writing, the opinion of qualified
 861 health care providers:
- 862 (a) regarding whether the individual [~~or group of individuals are~~] is infected by or
 863 contaminated with a dangerous public health condition;
- 864 (b) that despite the exercise of reasonable diligence, the diagnostic studies have not been
 865 completed;
- 866 (c) whether the individual [~~or group of individuals have~~] has agreed to voluntarily
 867 comply with necessary examination, treatment, quarantine, or isolation; and
- 868 (d) whether the petitioner believes the individual [~~or group of individuals~~] will comply
 869 without court proceedings.

870 Section 15. Section **26B-7-311** is amended to read:

871 **26B-7-311 . Court determination for an order of restriction after examination**
 872 **period.**

- 873 (1) The court shall set a hearing regarding the involuntary order of restriction of an
 874 individual[~~or group of individuals~~], to be held within 10 business days of the issuance
 875 of its order of restriction issued pursuant to Section 26B-7-310, unless the petitioner
 876 informs the court prior to this hearing that the individual[~~or group of individuals~~]:
- 877 (a) are not subject to restriction; or
- 878 (b) [~~have~~] has stipulated to the issuance of an order of restriction.
- 879 (2) If the individual [~~or an individual in a group of individuals~~] has stipulated to the
 880 issuance of an order of restriction, the court may issue an order as provided in
 881 Subsection (6) for those individuals without further hearing.
- 882 (3)(a) If the examination report required in Section 26B-7-310 proves the individual [~~or~~
 883 ~~group of individuals are~~] is not subject to restriction, the court may without further
 884 hearing terminate the proceedings and dismiss the petition.
- 885 (b) The court may, after a hearing at which the individual [~~or group of individuals are~~] is
 886 present in person or by telephonic or other electronic means and have had the
 887 opportunity to be represented by counsel, extend [~~its~~] the court's order of restriction
 888 for a reasonable period, not to exceed 90 days, if the court has reason to believe the
 889 individual [~~or group of individuals are~~] is infected by or contaminated with a

890 dangerous public health condition.

891 (4) The petitioner shall, at the time of the hearing, provide the court with the following
892 items, to the extent that they have been issued or are otherwise available:

- 893 (a) the order of restriction issued by the petitioner;
894 (b) admission notes if any individual was hospitalized; and
895 (c) medical records pertaining to the current order of restriction.

896 (5) The information provided to the court under Subsection (4) shall also be provided to the
897 individual's [~~or group of individual's~~]counsel at the time of the hearing, and at any time
898 prior to the hearing upon request of counsel.

899 (6)(a) The court shall order the individual [~~and each individual in a group of individuals~~]
900 to submit to the order of restriction if, upon completion of the hearing and
901 consideration of the record, [it] the court finds by clear and convincing evidence that:

- 902 (i) the individual [~~or group of individuals are~~] is infected with a dangerous public
903 health condition that poses a threat to public health;
904 (ii) there is no appropriate and less restrictive alternative to a court order of
905 examination, quarantine, isolation, and treatment, or any of them;
906 (iii) the petitioner can provide the individual [~~or group of individuals~~] with treatment
907 that is adequate and appropriate to the individual's [~~or group of individuals'~~
908 ~~conditions~~] condition and needs; and
909 (iv) it is in the public interest to order the individual [~~or group of individuals~~]to
910 submit to involuntary examination, quarantine, isolation, and treatment, or any of
911 them after weighing the following factors:
912 (A) the personal or religious beliefs, if any, of the individual that are opposed to
913 medical examination or treatment;
914 (B) the ability of the department to control the public health threat with treatment
915 alternatives that are requested by the individual;
916 (C) the economic impact for the department if the individual is permitted to use an
917 alternative to the treatment recommended by the department; and
918 (D) other relevant factors as determined by the court.

919 (b) If upon completion of the hearing the court does not find all of the conditions listed
920 in Subsection (6)(a) exist, the court shall immediately dismiss the petition.

921 (7) The order of restriction shall designate the period, subject to Subsection (8), for which
922 the individual [~~or group of individuals~~]shall be examined, treated, isolated, or
923 quarantined.

- 924 (8)(a) The order of restriction may not exceed six months without benefit of a court
 925 review hearing.
- 926 (b)(i) The court review hearing shall be held prior to the expiration of the order of
 927 restriction issued under Subsection (7).
- 928 (ii) At the review hearing the court may issue an order of restriction for up to an
 929 indeterminate period, if the court enters a written finding in the record
 930 determining by clear and convincing evidence that the required conditions in
 931 Subsection (6) will continue for an indeterminate period.
- 932 Section 16. Section **26B-7-317** is amended to read:
- 933 **26B-7-317 . Authorization to report -- Declaration of a public health emergency**
 934 **-- Termination of a public health emergency.**
- 935 (1) A health care provider is authorized to report to the department any case of a [~~reportable~~
 936 ~~emergency illness or health~~] dangerous public health condition in any person when:
- 937 (a) the health care provider knows of a confirmed case; or
 938 (b) the health care provider believes, based on the health care provider's professional
 939 judgment that a person likely harbors a [~~reportable emergency illness or~~] dangerous
 940 public health condition.
- 941 (2) A report pursuant to this section shall include, if known:
- 942 (a) the name of the facility submitting the report;
 943 (b) a patient identifier that allows linkage with the patient's record for follow-up
 944 investigation if needed;
 945 (c) the date and time of visit;
 946 (d) the patient's age and sex;
 947 (e) the zip code of the patient's residence;
 948 (f) the reportable illness or condition detected or suspected;
 949 (g) diagnostic information and, if available, diagnostic codes assigned to the visit; and
 950 (h) whether the patient was admitted to the hospital.
- 951 (3)(a) Subject to [~~Subsections (3)(b) and~~] Subsection (4), if the department determines
 952 that a public health emergency exists, the department may, with the concurrence of
 953 the governor and the executive director or in the absence of the executive director,
 954 the executive director's designee, declare a public health emergency[~~, issue an order~~
 955 ~~of constraint,~~] and mandate reporting under this section for a limited reasonable
 956 period of time, as necessary to respond to the public health emergency.
- 957 [~~(b)(i) During a public health emergency that has been in effect for more than 30 days, the~~

958 department may not issue an order of constraint until the department has provided notice of
959 the proposed action to the legislative emergency response committee no later than 24 hours
960 before the department issues the order of constraint.]

961 [(ii) The department:]

962 [(A) shall provide the notice required by Subsection (3)(b)(i) using the best available
method

963 under the circumstances as determined by the executive director;]

964 [(B) may provide the notice required by Subsection (3)(b)(i) in electronic format; and]

965 [(C) shall provide the notice in written form, if practicable.]

966 [(e)] (b) The department may not mandate reporting under this subsection for more than
967 90 days.

968 (4)(a) Except as provided in Subsection (4)(b), a public health emergency declared by
969 the department as described in Subsection (3) expires at the earliest of:

970 (i) the day on which the department or the governor finds that the threat or danger has
971 passed or the public health emergency reduced to the extent that emergency
972 conditions no longer exist;

973 (ii) 30 days after the date on which the department declared the public health
974 emergency; or

975 (iii) the day on which the public health emergency is terminated by a joint resolution
976 of the Legislature.

977 (b)(i) The Legislature, by joint resolution, may extend a public health emergency for
978 a time period designated in the joint resolution.

979 (ii) If the Legislature extends a public health emergency as described in Subsection
980 (4)(b)(i), the public health emergency expires on the date designated by the
981 Legislature.

982 (c) Except as provided in Subsection (4)(d), if a public health emergency declared by the
983 department expires as described in Subsection (4)(a) or (b), the department may not
984 declare a public health emergency for the same illness or occurrence that precipitated
985 the previous public health emergency declaration.

986 (d)(i) Notwithstanding Subsection (4)(c), subject to Subsection (4)(e), if the
987 department finds that exigent circumstances exist, after providing notice to the
988 Legislature, the department may declare a new public health emergency for the
989 same illness or occurrence that precipitated a previous public health emergency
990 declaration.

- 991 (ii) A public health emergency declared as described in Subsection (4)(d)(i) expires
 992 in accordance with Subsection (4)(a) or (b).
- 993 (e) If the Legislature terminates a public health emergency declared due to exigent
 994 circumstances as described in Subsection (4)(d)(i), the department may not declare a
 995 new public health emergency for the same illness, occurrence, or exigent
 996 circumstances.
- 997 [~~(5) During a declared public health emergency declared under this title:]~~
 998 [~~(a) the Legislature may:]~~
 999 [~~(i) at any time by joint resolution terminate an order of constraint issued by the department; or]~~
 1000 [~~(ii) by joint resolution terminate an order of constraint issued by a local health department in~~
 1001 ~~response to a public health emergency that has been in effect for more than 30 days; and]~~
 1002 [~~(b) a county legislative body may at any time terminate an order of constraint issued by a~~
 1003 ~~local health department in response to a declared public health emergency.]~~
- 1004 [(6)] (5)(a)(i) If the department declares a public health emergency as described in this
 1005 part, and the department finds that the public health emergency conditions warrant
 1006 an extension of the public health emergency beyond the 30-day term or another
 1007 date designated by the Legislature as described in this section, the department
 1008 shall provide written notice to the speaker of the House of Representatives and the
 1009 president of the Senate at least 10 days before the expiration of the public health
 1010 emergency.
- 1011 (ii) If a local health department declares a public health emergency as described in [
 1012 ~~this part]~~ Title 26A, Local Health Authorities, and the local health department
 1013 finds that the public health emergency conditions warrant an extension of the
 1014 public health emergency beyond the 30-day term or another date designated by the
 1015 county governing body as described in this section, the local health department
 1016 shall provide written notice to the county governing body at least 10 days before
 1017 the expiration of the public health emergency.
- 1018 (b) If the department provides notice as described in Subsection [~~(6)(a)(i)] (5)(a)(i) for a
 1019 public health emergency within the first 30 days from the initial declaration of the
 1020 public health emergency, the speaker of the House of Representatives and the
 1021 president of the Senate:~~
- 1022 (i) shall poll the members of their respective bodies to determine whether the
 1023 Legislature will extend the public health emergency; and
 1024 (ii) may jointly convene the committee created in Section 53-2a-218.

1025 (c) If the department provides notice as described in Subsection ~~[(6)(a)(i)]~~ (5)(a)(i) for a
 1026 public health emergency that has been extended beyond the 30 days from the initial
 1027 declaration of the public health emergency, the speaker of the House of
 1028 Representatives and the president of the Senate shall jointly convene the committee
 1029 created in Section 53-2a-218.

1030 ~~[(7)]~~ (6) If the committee created in Section 53-2a-218 is convened as described in
 1031 Subsection ~~[(6)]~~ (5), the committee shall conduct a public meeting to:

- 1032 (a) discuss the nature of the public health emergency and conditions of the public health
 1033 emergency;
- 1034 (b) evaluate options for public health emergency response;
- 1035 (c) receive testimony from individuals with expertise relevant to the current public
 1036 health emergency;
- 1037 (d) receive testimony from members of the public; and
- 1038 (e) provide a recommendation to the Legislature whether to extend the public health
 1039 emergency by joint resolution.

1040 ~~[(8)(a) During a public health emergency declared as described in this title:]~~

1041 ~~[(i) the department or a local health department may not impose an order of constraint on a
 1042 religious gathering that is more restrictive than an order of constraint that applies to any
 1043 other relevantly similar gathering; and]~~

1044 ~~[(ii) an individual, while acting or purporting to act within the course and scope of the
 1045 individual's official department or local health department capacity, may not:]~~

1046 ~~[(A) prevent a religious gathering that is held in a manner consistent with any order of
 1047 constraint issued pursuant to this title; or]~~

1048 ~~[(B) impose a penalty for a previous religious gathering that was held in a manner
 1049 consistent
 with any order of constraint issued pursuant to this title.]~~

1050 ~~[(b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to prevent
 1051 the violation of this Subsection (8).]~~

1052 ~~[(e)]~~ (7)(a) During a public health emergency declared as described in this title, the
 1053 department or a local health department ~~[shall]~~ may not issue a public health order or
 1054 impose or implement a regulation that substantially burdens an individual's exercise
 1055 of religion unless the department or local health department demonstrates that the
 1056 application of the burden to the individual:

- 1057 (i) is in furtherance of a compelling government interest; and

1058 (ii) is the least restrictive means of furthering that compelling government interest.
 1059 [(d)] (b) Notwithstanding [~~Subsections (8)(a) and (e)~~] Subsection (7)(a), the department
 1060 or a local health department shall allow reasonable accommodations for an individual
 1061 to perform or participate in a religious practice or rite.

1062 [(9)] (8)(a) Unless the provisions of Subsection (3) apply, a health care provider is not
 1063 subject to penalties for failing to submit a report under this section.

1064 (b) If the provisions of Subsection (3) apply, a health care provider is subject to the
 1065 penalties of Subsection 26B-7-316(3) for failure to make a report under this section.

1066 Section 17. Section **26B-7-321** is amended to read:

1067 **26B-7-321 . Investigation of suspected bioterrorism and diseases -- Termination**
 1068 **of orders of constraint.**

1069 (1) [~~Subject to Subsection (6), the~~] The department shall:

1070 (a) ascertain the existence of cases of an illness or condition caused by the factors
 1071 described in Subsections 26B-7-316(1) and 26B-7-317(1);

1072 (b) investigate all such cases for sources of infection or exposure;

1073 (c) ensure that any cases, suspected cases, and exposed persons are subject to proper
 1074 control measures; and

1075 (d) define the distribution of the suspected illness or health condition.

1076 (2)(a) Acting on information received from the reports required by Sections 26B-7-316
 1077 through 26B-7-320, or other reliable information, the department shall identify all
 1078 individuals thought to have been exposed to an illness or condition described in
 1079 Subsection 26B-7-316(1).

1080 (b) The department may request information from a health care provider concerning an
 1081 individual's identifying information as described in Subsection 26B-7-316(2)(b)
 1082 when:

1083 (i) the department is investigating a potential illness or condition described in
 1084 Subsection 26B-7-316(1) and the health care provider has not submitted a report
 1085 to the department with the information requested; or

1086 (ii) the department has received a report from a pharmacist under Section 26B-7-318,
 1087 a medical laboratory under Section 26B-7-319, or another health care provider
 1088 under Subsection 26B-7-317(1) and the department believes that further
 1089 investigation is necessary to protect the public health.

1090 (c) A health care provider shall submit the information requested under this section to
 1091 the department within 24 hours after receiving a request from the department.

- 1092 (3) The department shall counsel and interview identified individuals as appropriate to:
1093 (a) assist in the positive identification of other cases and exposed individuals;
1094 (b) develop information relating to the source and spread of the illness or condition; and
1095 (c) obtain the names, addresses, phone numbers, or other identifying information of any
1096 other person from whom the illness or health condition may have been contracted and
1097 to whom the illness or condition may have spread.
- 1098 (4) The department shall, for examination purposes, close, evacuate, or decontaminate any
1099 facility when the department reasonably believes that such facility or material may
1100 endanger the public health due to a condition or illness described in Subsection
1101 26B-7-316(1).
- 1102 (5) The department shall destroy personally identifying health information about an
1103 individual collected by the department as a result of a report under Sections 26B-7-316
1104 through 26B-7-322 upon the earlier of:
- 1105 (a) the department's determination that the information is no longer necessary to carry
1106 out an investigation under Sections 26B-7-316 through 26B-7-324; or
1107 (b) 180 days after the information is collected.
- 1108 [~~(6)(a) The Legislature may at any time terminate by joint resolution an order of constraint~~
1109 ~~issued by the department in response to a declared public health emergency.]~~
- 1110 [~~(b) A county governing body may at any time terminate by majority vote an order of~~
1111 ~~constraint issued by the relevant local health department in response to a declared public~~
1112 ~~health emergency.]~~
- 1113 Section 18. **Effective date.**
- 1114 This bill takes effect on May 7, 2025.