

**Infectious Disease Procedures Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matt MacPherson**

Senate Sponsor: Wayne A. Harper

|                  |               |                 |
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| Cosponsor:       | Colin W. Jack | Logan J. Monson |
| Kristen Chevrier | Jason B. Kyle |                 |
| Doug Fiefia      | Trevor Lee    |                 |

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**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

24       **26B-7-301**, as last amended by Laws of Utah 2024, Chapters 152, 283  
25       **26B-7-303**, as renumbered and amended by Laws of Utah 2023, Chapter 308  
26       **26B-7-304**, as last amended by Laws of Utah 2024, Chapter 283  
27       **26B-7-305**, as renumbered and amended by Laws of Utah 2023, Chapter 308  
28       **26B-7-306**, as renumbered and amended by Laws of Utah 2023, Chapter 308  
29       **26B-7-307**, as last amended by Laws of Utah 2024, Chapter 283  
30       **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

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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.

45       (b) "Health care facility" means the same as that term is defined in Section 78B-3-403.

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

49    (2) Except as provided in Subsection (3)(a), a place of public accommodation or enterprise  
50       regulated by the state may not require a qualified individual to wear a face covering as a  
51       condition for entering a premises owned or operated by the entity described in this  
52       Subsection (2).

53    (3)(a) Subject to Subsection (3)(b), a health care facility or a physician's office may  
54       require the use of face coverings in an area in the health care facility where patient  
55       care or treatment is provided.

56       (b) Consistent with applicable federal law, nothing in Subsection (3)(a) allows a health  
57       care facility or a physician's office to deny services to a qualified individual who is

not able to wear a face covering.

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

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

As used in this part:

- (1) "Board" means a local board of health established under Section 26A-1-109.
- (2) "County governing body" means one of the types of county government provided for in Title 17, Chapter 52a, Part 2, Forms of County Government.
- (3) "County health department" means a local health department that serves a county and municipalities located within that county.
- (4) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- (5) "Local food" means the same as that term is defined in Section 4-1-109.
- (6) "Local health department" means:
  - (a) a single county local health department;
  - (b) a multicounty local health department;
  - (c) a united local health department; or
  - (d) a multicounty united local health department.
- (7) "Mental health authority" means a local mental health authority created in Section 17-43-301.
- (8) "Multicounty local health department" means a local health department that is formed under Section 26A-1-105 and that serves two or more contiguous counties and municipalities within those counties.
- (9) "Multicounty united local health department" means a united local health department that is formed under Section 26A-1-105.5 and that serves two or more contiguous counties and municipalities within those counties.
- (10)[(a)] "Order of constraint" means [~~an order, rule, or regulation issued by a local health department in response to a declared public health emergency under this chapter that:~~] the same as that term is defined in Section 26B-7-301.
  - [(i) ~~applies to all or substantially all:~~]
    - [(A) ~~individuals or a certain group of individuals; or~~
    - [(B) ~~public places or certain types of public places; and~~
  - [(ii) ~~for the protection of the public health and in response to the declared public health emergency:~~]
    - [(A) ~~establishes, maintains, or enforces isolation or quarantine;~~

~~[(B) establishes, maintains, or enforces a stay-at-home order;]~~

~~[(C) exercises physical control over property or individuals;]~~

~~[(D) requires an individual to perform a certain action or engage in a certain behavior; or]~~

~~[(E) closes theaters, schools, or other public places or prohibits gatherings of people to protect the public health.]~~

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

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

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

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

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

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

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

(15) "United local health department":

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

(b) includes a multicounty united local health department.

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

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

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

~~[(b) Notwithstanding Subsection (1)(a), a local health department's jurisdiction or authority to issue an order of constraint pursuant to a declared public health~~

emergency does not apply to any facility, property, or area owned or leased by the state, including capitol hill, as defined in Section 63O-1-101.]

(2)(a) Each local health department shall register and maintain the local health

department's registration as a limited purpose entity, in accordance with Section 67-1a-15.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

persons attending public and private schools;

(b) exclude from school attendance any person, including teachers, who is suffering from any communicable or infectious disease, whether acute or chronic, if the person is likely to convey the disease to those in attendance; and

(c)(i) make regular inspections of the health-related condition of all school buildings and premises;

(ii) report the inspections on forms furnished by the department to those responsible for the condition and provide instructions for correction of any conditions that impair or endanger the health or life of those attending the schools; and

(iii) provide a copy of the report to the department at the time the report is made.

(4) If those responsible for the health-related condition of the school buildings and premises do not carry out any instructions for corrections provided in a report in Subsection (3)(c), the local health board shall cause the conditions to be corrected at the expense of the persons responsible.

(5) The local health department may exercise incidental authority as necessary to carry out the provisions and purposes of this part.

(6) This part does not authorize a local health department to:

(a) require the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling; or

(b) control the production, processing distribution, or sale price of local food in response to a public health emergency.

(7)(a) Except as provided in Subsection (7)(c), a local health department may not declare a public health emergency ~~[or issue an order of constraint]~~ until the local health department has provided notice of the proposed action to the chief executive officer of the relevant county no later than 24 hours before the local health department issues the order or declaration.

(b) The local health department:

(i) shall provide the notice required by Subsection (7)(a) using the best available method under the circumstances as determined by the local health department;

(ii) may provide the notice required by Subsection (7)(a) in electronic format; and

(iii) shall provide the notice in written form, if practicable.

(c)(i) Notwithstanding Subsection (7)(a), a local health department may declare a public health emergency ~~[or issue an order of constraint]~~ without approval of the chief executive officer of the relevant county if the passage of time necessary to



262 obtain approval of the chief executive officer of the relevant county as required in  
263 Subsection (7)(a) would substantially increase the likelihood of loss of life due to  
264 an imminent threat.

265 (ii) If a local health department declares a public health emergency [~~or issues an order~~  
266 ~~of constraint~~] as described in Subsection (7)(c)(i), the local health department  
267 shall notify the chief executive officer of the relevant county before [~~issuing the~~  
268 ~~order of constraint~~] declaring a public health emergency.

269 (iii) The chief executive officer of the relevant county may terminate a declaration of  
270 a public health emergency [~~or an order of constraint issued~~] as described in  
271 Subsection (7)(c)(i) within 72 hours of declaration of the public health emergency [  
272 ~~or issuance of the order of constraint~~].

273 (d)(i) The relevant county governing body may at any time terminate a public health  
274 emergency [~~or an order of constraint~~] issued by the local health department by  
275 majority vote of the county governing body [~~in response to a declared public~~  
276 ~~health emergency~~].

277 (ii) A vote by the relevant county governing body to terminate a public health  
278 emergency [~~or an order of constraint~~] as described in Subsection (7)(d)(i) is not  
279 subject to veto by the relevant chief executive officer.

280 (8)(a) Except as provided in Subsection (8)(b), a public health emergency declared by a  
281 local health department expires at the earliest of:

282 (i) the local health department or the chief executive officer of the relevant county  
283 finding that the threat or danger has passed or the public health emergency  
284 reduced to the extent that emergency conditions no longer exist;

285 (ii) 30 days after the date on which the local health department declared the public  
286 health emergency; or

287 (iii) the day on which the public health emergency is terminated by majority vote of  
288 the county governing body.

289 (b)(i) The relevant county legislative body, by majority vote, may extend a public  
290 health emergency for a time period designated by the county legislative body.

291 (ii) If the county legislative body extends a public health emergency as described in  
292 Subsection (8)(b)(i), the public health emergency expires on the date designated  
293 by the county legislative body.

294 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a  
295 local health department expires as described in Subsection (8)(a), the local health

department may not declare a public health emergency for the same illness or occurrence that precipitated the previous public health emergency declaration.

(d)(i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local health department finds that exigent circumstances exist, after providing notice to the county legislative body, the department may declare a new public health emergency for the same illness or occurrence that precipitated a previous public health emergency declaration.

(ii) A public health emergency declared as described in Subsection (8)(d)(i) expires in accordance with Subsection (8)(a) or (b).

(e) For a public health emergency declared by a local health department under this chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable Diseases, the Legislature may terminate by joint resolution a public health emergency that was declared based on exigent circumstances or that has been in effect for more than 30 days.

(f) If the Legislature or county legislative body terminates a public health emergency declared due to exigent circumstances as described in Subsection (8)(d)(i), the local health department may not declare a new public health emergency for the same illness, occurrence, or exigent circumstances.

~~[(9)(a) During a public health emergency declared under this chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable Diseases:]~~

~~[(i) except as provided in Subsection (9)(b), a local health department may not issue an order of constraint without approval of the chief executive officer of the relevant county;]~~

~~[(ii) the Legislature may at any time terminate by joint resolution an order of constraint issued by a local health department in response to a declared public health emergency that has been in effect for more than 30 days; and]~~

~~[(iii) a county governing body may at any time terminate by majority vote of the governing body an order of constraint issued by a local health department in response to a declared public health emergency.]~~

[(b)(i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an order of constraint without approval of the chief executive officer of the relevant county if the passage of time necessary to obtain approval of the chief executive officer of the relevant county as required in Subsection (9)(a)(i) would

substantially increase the likelihood of loss of life due to an imminent threat.]

[(ii) If a local health department issues an order of constraint as described in Subsection (9)(b), the local health department shall notify the chief executive officer of the relevant county before issuing the order of constraint.]

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

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

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

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

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

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

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

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

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

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

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

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

[(d)] (b) Notwithstanding [Subsections (10)(a) and (e)] Subsection (9)(a), the department or a local health department shall allow reasonable accommodations for an individual

to perform or participate in a religious practice or rite.

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

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

- (a) require a person to obtain an inspection, license, or permit from the local health department to engage in a practice described in Subsection 58-11a-304(5); ~~[or]~~
- (b) prevent or limit a person's ability to engage in a practice described in Subsection 58-11a-304(5) by:
  - (i) requiring the person to engage in the practice at a specific location or at a particular type of facility or location; or
  - (ii) enforcing a regulation applicable to a facility or location where the person chooses to engage in the practice~~[-]~~ ; or
- (c) issue an order of constraint under any circumstance.

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

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

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

- (i) not in conflict with rules of the department or the Department of Environmental Quality; and
  - (ii) necessary for the promotion of public health, environmental health quality, injury control, and the prevention of outbreaks and spread of communicable and infectious diseases.
- (b) The standards and regulations under Subsection (1)(a):
- (i) supersede existing local standards, regulations, and ordinances pertaining to similar subject matter;
  - (ii) except where specifically allowed by federal law or state statute, may not be more stringent than those established by federal law, state statute, or administrative rules adopted by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  - (iii) notwithstanding Subsection (1)(b)(ii), may be more stringent than those established by federal law, state statute, or administrative rule adopted by the department if the standard or regulation is:

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

would substantially increase the likelihood of loss of life due to an imminent threat.]

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

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

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

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

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

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

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

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

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

~~[(iv)]~~ (ii) Notwithstanding ~~[Subsections (1)(i)(i) and (ii), the department or]~~

Subsection (1)(g)(i), a local health department shall allow reasonable accommodations for an individual to perform or participate in a religious practice or rite.

~~[(j)]~~ (h) If a local health department declares a public health emergency as described in this chapter, and the local health department finds that the public health emergency conditions warrant an extension of the public health emergency beyond the 30-day

term or another date designated by the local legislative body, the local health department shall provide written notice to the local legislative body at least 10 days before the expiration of the public health emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Subject to ~~[Subsection (4) and]~~the restrictions in this title, the department has authority

to investigate and control the causes of epidemic infections and communicable disease, and shall provide for the detection, reporting, prevention, and control of communicable diseases and epidemic infections or any other health hazard which may affect the public health.

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

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

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

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

(B) medically accepted treatment for sexually transmitted diseases;

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

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

(ii) information about:

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

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

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

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

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

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

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

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



- (c)(i) Except as provided in Subsection (3)(c)(ii), the department shall develop written material that includes the information described in this Subsection (3).
- (ii) In addition to the written materials described in Subsection (3)(c)(i), the department may distribute the information described in this Subsection (3) by any other methods the department determines is appropriate to educate the public, excluding public schools, including websites, toll free telephone numbers, and the media.
- (iii) If the information described in Subsection (3)(b)(ii)(A) is not included in the written pamphlet developed by the department, the written material shall include either a website, or a 24-hour toll free telephone number that the public may use to obtain that information.

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

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

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

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

As used in this part:

(1) "Bioterrorism" means:

- (a) the intentional use of any microorganism, virus, infectious substance, or biological product to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence, intimidate, or coerce the conduct of government or a civilian population; and
- (b) includes anthrax, botulism, small pox, plague, tularemia, and viral hemorrhagic fevers.

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

(a) a health condition that is:

- (i) directly or indirectly caused by an act of bioterrorism, natural disaster, or human created accident; and

(ii) transmittable to another individual;

(b) cholera;

~~[(b)]~~ (c) pneumonic plague;

568       ~~[(e)]~~ (d) severe acute respiratory syndrome;  
 569       ~~[(d)]~~ ~~(e)~~ smallpox;  
 570       ~~[(e)]~~ ~~(f)~~ tuberculosis;  
 571       ~~[(f)]~~ ~~(g)~~ any viral hemorrhagic fever;  
 572       ~~[(g)]~~ ~~(h)~~ measles; or  
 573       ~~[(h)]~~ ~~(i)~~ any infection:  
 574               (i) that is new, drug resistant, or reemerging;  
 575               (ii) that evidence suggests is likely to cause either high mortality or morbidity; and  
 576               (iii) only if the relevant legislative body of the county where the infection is located  
 577               approves as needing containment.

578       (3) "Diagnostic information" means a clinical facility's record of individuals who present  
 579       for treatment, including the reason for the visit, chief complaint, presenting diagnosis,  
 580       final diagnosis, and any pertinent lab results.

581       (4)~~(a)~~ "Epidemic or pandemic disease"~~[:]~~

582               ~~[(a)]~~ \_means the occurrence in a community or region of cases of an illness clearly in  
 583               excess of normal expectancy~~[:and]~~ .

584       (b) "Epidemic or pandemic disease" includes diseases designated by the department  
 585       which have the potential to cause serious illness or death.

586       (5) "Exigent circumstances" means a significant change in circumstances following the  
 587       expiration of a public health emergency declared in accordance with this title that:

588       (a) substantially increases the danger to public safety or health relative to the  
 589       circumstances in existence when the public health emergency expired;  
 590       (b) poses an imminent danger to public safety or health; and  
 591       (c) was not known or foreseen and could not have been known or foreseen at the time  
 592       the public health emergency expired.

593       (6) "First responder" means:

594       (a) a law enforcement officer as defined in Section 53-13-103;  
 595       (b) emergency medical service personnel as defined in Section 26B-4-101;  
 596       (c) firefighters; and  
 597       (d) public health personnel having jurisdiction over the location where an individual  
 598       subject to an order of restriction is found.

599       (7) "Health care provider" means the same as that term is defined in Section 78B-3-403.

600       (8) "Legislative emergency response committee" means the same as that term is defined in  
 601       Section 53-2a-203.

- 602 (9) "Local food" means the same as that term is defined in Section 4-1-109.
- 603 (10)(a) "Order of constraint" means an order, rule, or regulation ~~[issued in response to a~~  
604 ~~declared public health emergency under this part, ]~~that:
- 605 (i) applies to all or substantially all:
- 606 (A) individuals or a certain group of individuals; or
- 607 (B) public places or certain types of public places; and
- 608 (ii) for the protection of the public health and in response to the declared public  
609 health emergency:
- 610 (A) establishes, maintains, or enforces isolation or quarantine;
- 611 (B) establishes, maintains, or enforces a stay-at-home order;
- 612 (C) exercises physical control over property or individuals;
- 613 (D) requires an individual to perform a certain action or engage in certain  
614 behavior; or
- 615 (E) closes theaters, schools, or other public places or prohibits gatherings of  
616 people to protect the public health.
- 617 (b) "Order of constraint" includes a stay-at-home order.
- 618 (11) "Order of restriction" means an order issued by [a] the department, a local health  
619 department, or a district court which requires an individual~~[ or group of individuals who~~  
620 ~~are subject to restriction]~~ to:
- 621 (a) [-]submit to an examination, treatment, isolation, or quarantine[-] ; or
- 622 (b) perform a certain action or engage in certain behavior.
- 623 (12)(a) "Public health emergency" means an occurrence or imminent credible threat of  
624 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease,  
625 or novel and highly fatal infectious agent or biological toxin, that poses a substantial  
626 risk of a significant number of human fatalities or incidents of permanent or  
627 long-term disability.
- 628 (b) "Public health emergency" includes an illness or health condition resulting from a  
629 natural disaster.
- 630 (13) "Public health official" means:
- 631 (a) the executive director or the executive director's authorized representative; or
- 632 (b) the executive director of a local health department or the executive director's  
633 authorized representative.
- 634 (14) "Reportable emergency illness and health condition" includes the diseases, conditions,  
635 or syndromes designated by the department.

(15) "Stay-at-home order" means an order of constraint that:

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

- (b) may include exceptions for certain essential tasks.

(16) "Threat to public health" means a situation where a dangerous public health condition could spread to other individuals.

(17) "Subject to restriction" as applied to an individual~~[, or a group of individuals,]~~ means the individual ~~[or group of individuals]~~ could create a threat to public health.

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

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

(1) Sections 26B-7-304 through 26B-7-315 apply to involuntary ~~[examination, treatment, isolation, and quarantine actions]~~ orders of restriction applied to ~~[individuals or groups of individuals]~~ an individual by the department or a local health department.

(2) The provisions of Sections 26B-7-304 through 26B-7-315 supersede the provisions of Title 63G, Chapter 4, Administrative Procedures Act.

(3) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to administer the provisions of Sections 26B-7-304 through 26B-7-315.

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

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

(1) Subject to Subsection (5), the department or a local health department having jurisdiction over the location where an individual ~~[or a group of individuals who are]~~ who is subject to restriction ~~[are]~~ is found may:

- (a) issue a written order of restriction for the individual ~~[or group of individuals]~~ pursuant to Section 26B-1-202 or Subsection 26A-1-114(1)(b) upon compliance with the requirements of Sections 26B-7-304 through 26B-7-314; and

- (b) issue a verbal order of restriction for an individual ~~[or group of individuals]~~ pursuant to Subsection (2)(c).

(2)(a) ~~[A]~~ The department or local health department's determination to issue an order of restriction shall be based upon the totality of circumstances reported to and known by the department or local health department, including:

- (i) observation;

- (ii) information that the department or local health department determines is credible

- 670 and reliable information; and
- 671 (iii) knowledge of current public health risks based on medically accepted guidelines
- 672 as may be established by the department by administrative rule.
- 673 (b) An order of restriction issued by the department or a local health department shall:
- 674 (i) in the opinion of the public health official, be for the shortest reasonable period of
- 675 time necessary to protect the public health;
- 676 (ii) use the least intrusive method of restriction that, in the opinion of the department
- 677 or local health department, is reasonable based on the totality of circumstances
- 678 known to the department or local health department issuing the order of restriction;
- 679 (iii) be in writing unless the provisions of Subsection (2)(c) apply; and
- 680 (iv) contain notice of an individual's rights as required in Section 26B-7-307.
- 681 (c)(i) The department or a local health department may issue a verbal order of
- 682 restriction, without prior notice to the individual~~[or group of individuals]~~ if the
- 683 delay in imposing a written order of restriction would significantly jeopardize the
- 684 department or local health department's ability to prevent or limit a threat to public
- 685 health.
- 686 (ii) A verbal order of restriction issued under Subsection (2)(c)(i):
- 687 (A) is valid for 24 hours from the time the order of restriction is issued;
- 688 (B) may be verbally communicated to the ~~[individuals or group of individuals]~~
- 689 individual subject to restriction by a first responder;
- 690 (C) may be enforced by the first responder until the department or local health
- 691 department is able to establish and maintain the place of restriction; and
- 692 (D) may only be continued beyond the initial 24 hours if a written order of
- 693 restriction is issued pursuant to the provisions of Section 26B-7-307.
- 694 (d) The department or a local health department may not issue an order of restriction that
- 695 applies to more than one individual.
- 696 (3) Pending issuance of a written order of restriction under Section 26B-7-307, or judicial
- 697 review of an order of restriction under Section 26B-7-311, an individual who is subject
- 698 to the order of restriction may be required to submit to involuntary examination,
- 699 quarantine, isolation, or treatment in the individual's home, a hospital, or any other
- 700 suitable facility under reasonable conditions prescribed by the department or local health
- 701 department.
- 702 (4) The department or local health department that issued the order of restriction shall take
- 703 reasonable measures, including the provision of medical care, as may be necessary to

704 assure proper care related to the reason for the involuntary examination, treatment,  
705 isolation, or quarantine of an individual ordered to submit to an order of restriction.

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

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

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

713 **26B-7-304.5 . Order of constraint prohibited.**

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

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

717 **26B-7-305 . Consent to order of restriction -- Periodic review.**

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

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

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

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

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

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

730 (A) the order of restriction will not be reviewed by the court unless the individual  
731 withdraws consent to the order of restriction in accordance with Subsection  
732 (1)(b)(iv)(B); and

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

736 (v) that a breach of a consent agreement prior to the end of the order of restriction  
737 may subject the individual to an involuntary order of restriction under Section

26B-7-306.

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

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

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

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

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

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

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

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

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

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

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

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

(i) the order of restriction and any supporting documentation; and

(ii) the individual's right to a judicial review of the order of restriction; and

(b) file a petition for a judicial review of the order of restriction under Section 26B-7-309 in court within:

(i) five business days after issuing the written notice of the order of restriction; or

(ii) if consent has been withdrawn under Subsection 26B-7-305(1)(b)(iv)(B), within five business days after receiving notice of the individual's withdrawal of consent.

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

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

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

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

(1) A written order of restriction issued by a department or local health department shall include the following information:

(a) the identity of the individual [~~or a description of the group of individuals~~]subject to the order of restriction;

(b) the identity or location of any premises that may be subject to restriction;

(c) the date and time for which the restriction begins and the expected duration of the restriction;

(d) the suspected dangerous public health condition that poses a threat to public health;

(e) the requirements for termination of the order of restriction, such as necessary laboratory reports, the expiration of an incubation period, or the completion of treatment for the communicable disease;

(f) any conditions on the restriction, such as limitation of visitors or requirements for medical monitoring;

(g) the medical or scientific information upon which the restriction is based;

(h) a statement advising of the right to a judicial review of the order of restriction by the court; and

(i) pursuant to Subsection (2), the rights of each individual subject to restriction.

(2) An individual subject to restriction has the following rights:

(a) the right to be represented by legal counsel in any judicial review of the order of restriction in accordance with Subsection 26B-7-309(3);

(b) the right to be provided with prior notice of the date, time, and location of any hearing concerning the order of restriction;

(c) the right to participate in any hearing, in a manner established by the court based on



precautions necessary to prevent additional exposure to communicable or possibly communicable diseases or to protect the public health;

(d) the right to respond and present evidence and arguments on the individual's own behalf in any hearing;

(e) the right to cross examine witnesses; and

(f) the right to review and copy all records in the possession of the department that issued the order of restriction which relate to the subject of the written order of restriction.

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

~~[(i) protect the privacy of medical information of individuals in the group; or]~~

~~[(ii) provide notice to the group in a manner that will efficiently and effectively notify the individuals in the group within the period of time necessary to protect the public health.]~~

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

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

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

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

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

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

(1)(a) A department may petition for a judicial review of the department's order of

840 restriction for an individual [~~or group of individuals who are~~] who is subject to  
841 restriction by filing a written petition with the court of the county in which the  
842 individual [~~or group of individuals reside~~] resides or [~~are~~] is located.

- 843 (b)(i) The county attorney for the county where the individual [~~or group of~~  
844 ~~individuals reside or are~~] resides or is located shall represent the local health  
845 department in any proceedings under Sections 26B-7-304 through 26B-7-314.  
846 (ii) The Office of the Attorney General shall represent the department when the  
847 petitioner is the department in any proceedings under Sections 26B-7-304 through  
848 26B-7-314.

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

850 (a) written affidavit of the department stating:

- 851 (i) a belief the individual [~~or group of individuals are~~] is subject to restriction;  
852 (ii) a belief that the individual [~~or group of individuals who are subject to restriction~~  
853 ~~are~~] is likely to fail to submit to examination, treatment, quarantine, or isolation if  
854 not immediately restrained;  
855 (iii) this failure would pose a threat to the public health; and  
856 (iv) the personal knowledge of the individual's [~~or group of individuals'~~] condition or  
857 the circumstances that lead to that belief; and

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

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

- 864 (a) there is a reasonable basis to believe that the individual's [~~or group of individuals'~~]  
865 condition requires involuntary examination, quarantine, treatment, or isolation  
866 pending examination and hearing; or  
867 (b) the individual [~~or group of individuals have~~] has refused to submit to examination by  
868 a health professional as directed by the department or to voluntarily submit to  
869 examination, treatment, quarantine, or isolation.

870 (4) If the individual [~~or group of individuals who are~~] who is subject to restriction [~~are~~] is not  
871 in custody, the court may make [its] the court's determination and issue [its] an order of  
872 restriction in an ex parte hearing.

873 (5) At least 24 hours prior to the hearing required by Section 26B-7-311, the department

which is the petitioner, shall report to the court, in writing, the opinion of qualified health care providers:

- (a) regarding whether the individual [~~or group of individuals are~~] is infected by or contaminated with a dangerous public health condition;
- (b) that despite the exercise of reasonable diligence, the diagnostic studies have not been completed;
- (c) whether the individual [~~or group of individuals have~~] has agreed to voluntarily comply with necessary examination, treatment, quarantine, or isolation; and
- (d) whether the petitioner believes the individual [~~or group of individuals~~] will comply without court proceedings.

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

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

- (1) The court shall set a hearing regarding the involuntary order of restriction of an individual [~~or group of individuals~~], to be held within 10 business days of the issuance of its order of restriction issued pursuant to Section 26B-7-310, unless the petitioner informs the court prior to this hearing that the individual [~~or group of individuals~~]:
  - (a) [~~are~~] is not subject to restriction; or
  - (b) [~~have~~] has stipulated to the issuance of an order of restriction.
- (2) If the individual [~~or an individual in a group of individuals~~] has stipulated to the issuance of an order of restriction, the court may issue an order as provided in Subsection (6) for those individuals without further hearing.
- (3)(a) If the examination report required in Section 26B-7-310 proves the individual [~~or group of individuals are~~] is not subject to restriction, the court may without further hearing terminate the proceedings and dismiss the petition.
- (b) The court may, after a hearing at which the individual [~~or group of individuals are~~] is present in person or by telephonic or other electronic means and [~~have~~] has had the opportunity to be represented by counsel, extend [~~its~~] the court's order of restriction for a reasonable period, not to exceed 90 days, if the court has reason to believe the individual [~~or group of individuals are~~] is infected by or contaminated with a dangerous public health condition.
- (4) The petitioner shall, at the time of the hearing, provide the court with the following items, to the extent that they have been issued or are otherwise available:
  - (a) the order of restriction issued by the petitioner;

(b) admission notes if any individual was hospitalized; and

(c) medical records pertaining to the current order of restriction.

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

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

(i) the individual ~~[or group of individuals are]~~ is infected with a dangerous public health condition that poses a threat to public health;

(ii) there is no appropriate and less restrictive alternative to a court order of examination, quarantine, isolation, and treatment, or any of them;

(iii) the petitioner can provide the individual or group of individuals with treatment that is adequate and appropriate to the individual's ~~[or group of individuals' conditions]~~ condition and needs; and

(iv) it is in the public interest to order the individual ~~[or group of individuals]~~ to submit to involuntary examination, quarantine, isolation, and treatment, or any of them after weighing the following factors:

(A) the personal or religious beliefs, if any, of the individual that are opposed to medical examination or treatment;

(B) the ability of the department to control the public health threat with treatment alternatives that are requested by the individual;

(C) the economic impact for the department if the individual is permitted to use an alternative to the treatment recommended by the department; and

(D) other relevant factors as determined by the court.

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

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

(8)(a) The order of restriction may not exceed six months without benefit of a court review hearing.

(b)(i) The court review hearing shall be held prior to the expiration of the order of restriction issued under Subsection (7).

- (ii) At the review hearing the court may issue an order of restriction for up to an indeterminate period, if the court enters a written finding in the record determining by clear and convincing evidence that the required conditions in Subsection (6) will continue for an indeterminate period.

Section 16. Section **26B-7-317** is amended to read:

**26B-7-317 . Authorization to report -- Declaration of a public health emergency -- Termination of a public health emergency.**

- (1) A health care provider is authorized to report to the department any case of a ~~[reportable emergency illness or health]~~ dangerous public health condition in any person when:

- (a) the health care provider knows of a confirmed case; or
- (b) the health care provider believes, based on the health care provider's professional judgment that a person likely harbors a ~~[reportable emergency illness or]~~ dangerous public health condition.

- (2) A report pursuant to this section shall include, if known:

- (a) the name of the facility submitting the report;
- (b) a patient identifier that allows linkage with the patient's record for follow-up investigation if needed;
- (c) the date and time of visit;
- (d) the patient's age and sex;
- (e) the zip code of the patient's residence;
- (f) the reportable illness or condition detected or suspected;
- (g) diagnostic information and, if available, diagnostic codes assigned to the visit; and
- (h) whether the patient was admitted to the hospital.

- (3)(a) Subject to ~~[Subsections (3)(b) and]~~ Subsection (4), if the department determines that a public health emergency exists, the department may, with the concurrence of the governor and the executive director or in the absence of the executive director, the executive director's designee, declare a public health emergency~~[-issue an order of constraint,]~~ and mandate reporting under this section for a limited reasonable period of time, as necessary to respond to the public health emergency.

- ~~[(b)(i) During a public health emergency that has been in effect for more than 30 days, the department may not issue an order of constraint until the department has provided notice of the proposed action to the legislative emergency response committee no later than 24 hours before the department issues the order of constraint.]~~

976           ~~[(ii) The department:]~~

977                   ~~[(A) shall provide the notice required by Subsection (3)(b)(i) using the best~~  
978                   ~~available method under the circumstances as determined by the executive~~  
979                   ~~director;]~~

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

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

983       ~~[(e)]~~ (b) The department may not mandate reporting under this subsection for more than  
984       90 days.

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

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

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

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

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

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

999       (c) Except as provided in Subsection (4)(d), if a public health emergency declared by the  
1000       department expires as described in Subsection (4)(a) or (b), the department may not  
1001       declare a public health emergency for the same illness or occurrence that precipitated  
1002       the previous public health emergency declaration.

1003       (d)(i) Notwithstanding Subsection (4)(c), subject to Subsection (4)(e), if the  
1004       department finds that exigent circumstances exist, after providing notice to the  
1005       Legislature, the department may declare a new public health emergency for the  
1006       same illness or occurrence that precipitated a previous public health emergency  
1007       declaration.

1008           (ii) A public health emergency declared as described in Subsection (4)(d)(i) expires  
1009       in accordance with Subsection (4)(a) or (b).

(e) If the Legislature terminates a public health emergency declared due to exigent circumstances as described in Subsection (4)(d)(i), the department may not declare a new public health emergency for the same illness, occurrence, or exigent circumstances.

~~[(5) During a declared public health emergency declared under this title:]~~

~~[(a) the Legislature may:]~~

~~[(i) at any time by joint resolution terminate an order of constraint issued by the department; or]~~

~~[(ii) by joint resolution terminate an order of constraint issued by a local health department in response to a public health emergency that has been in effect for more than 30 days; and]~~

~~[(b) a county legislative body may at any time terminate an order of constraint issued by a local health department in response to a declared public health emergency.]~~

~~[(6)]~~ (5)(a)(i) If the department declares a public health emergency as described in this part, and the department finds that the public health emergency conditions warrant an extension of the public health emergency beyond the 30-day term or another date designated by the Legislature as described in this section, the department shall provide written notice to the speaker of the House of Representatives and the president of the Senate at least 10 days before the expiration of the public health emergency.

(ii) If a local health department declares a public health emergency as described in [this part] Title 26A, Local Health Authorities, and the local health department finds that the public health emergency conditions warrant an extension of the public health emergency beyond the 30-day term or another date designated by the county governing body as described in this section, the local health department shall provide written notice to the county governing body at least 10 days before the expiration of the public health emergency.

(b) If the department provides notice as described in Subsection ~~[(6)(a)(i)]~~ (5)(a)(i) for a public health emergency within the first 30 days from the initial declaration of the public health emergency, the speaker of the House of Representatives and the president of the Senate:

(i) shall poll the members of their respective bodies to determine whether the Legislature will extend the public health emergency; and

(ii) may jointly convene the committee created in Section 53-2a-218.

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

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

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

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

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

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

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

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

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

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

- (i) is in furtherance of a compelling government interest; and
- (ii) is the least restrictive means of furthering that compelling government interest.



1078       ~~[(d)]~~ (b) Notwithstanding ~~[Subsections (8)(a) and (e)]~~ Subsection (7)(a), the department  
1079           or a local health department shall allow reasonable accommodations for an individual  
1080           to perform or participate in a religious practice or rite.

1081       ~~[(9)]~~ (8)(a) Unless the provisions of Subsection (3) apply, a health care provider is not  
1082           subject to penalties for failing to submit a report under this section.

1083       (b) If the provisions of Subsection (3) apply, a health care provider is subject to the  
1084           penalties of Subsection 26B-7-316(3) for failure to make a report under this section.

1085       Section 17. Section **26B-7-321** is amended to read:

1086           **26B-7-321 . Investigation of suspected bioterrorism and diseases -- Termination**  
1087       **of orders of constraint.**

1088       (1) ~~[Subject to Subsection (6), the]~~ The department shall:

- 1089           (a) ascertain the existence of cases of an illness or condition caused by the factors  
1090           described in Subsections 26B-7-316(1) and 26B-7-317(1);  
1091           (b) investigate all such cases for sources of infection or exposure;  
1092           (c) ensure that any cases, suspected cases, and exposed persons are subject to proper  
1093           control measures; and  
1094           (d) define the distribution of the suspected illness or health condition.

1095       (2)(a) Acting on information received from the reports required by Sections 26B-7-316  
1096           through 26B-7-320, or other reliable information, the department shall identify all  
1097           individuals thought to have been exposed to an illness or condition described in  
1098           Subsection 26B-7-316(1).

1099       (b) The department may request information from a health care provider concerning an  
1100           individual's identifying information as described in Subsection 26B-7-316(2)(b)  
1101           when:

- 1102           (i) the department is investigating a potential illness or condition described in  
1103           Subsection 26B-7-316(1) and the health care provider has not submitted a report  
1104           to the department with the information requested; or  
1105           (ii) the department has received a report from a pharmacist under Section 26B-7-318,  
1106           a medical laboratory under Section 26B-7-319, or another health care provider  
1107           under Subsection 26B-7-317(1) and the department believes that further  
1108           investigation is necessary to protect the public health.

1109       (c) A health care provider shall submit the information requested under this section to  
1110           the department within 24 hours after receiving a request from the department.

1111       (3) The department shall counsel and interview identified individuals as appropriate to:

- 1112 (a) assist in the positive identification of other cases and exposed individuals;  
1113 (b) develop information relating to the source and spread of the illness or condition; and  
1114 (c) obtain the names, addresses, phone numbers, or other identifying information of any  
1115 other person from whom the illness or health condition may have been contracted and  
1116 to whom the illness or condition may have spread.

1117 (4) The department shall, for examination purposes, close, evacuate, or decontaminate any  
1118 facility when the department reasonably believes that such facility or material may  
1119 endanger the public health due to a condition or illness described in Subsection  
1120 26B-7-316(1).

1121 (5) The department shall destroy personally identifying health information about an  
1122 individual collected by the department as a result of a report under Sections 26B-7-316  
1123 through 26B-7-322 upon the earlier of:

- 1124 (a) the department's determination that the information is no longer necessary to carry  
1125 out an investigation under Sections 26B-7-316 through 26B-7-324; or  
1126 (b) 180 days after the information is collected.

1127 [~~(6)(a) The Legislature may at any time terminate by joint resolution an order of~~  
1128 ~~constraint issued by the department in response to a declared public health~~  
1129 ~~emergency.]~~

1130 [~~(b) A county governing body may at any time terminate by majority vote an order of~~  
1131 ~~constraint issued by the relevant local health department in response to a declared~~  
1132 ~~public health emergency.]~~

1133 Section 18. **Effective date.**

1134 This bill takes effect on May 7, 2025.