

Micro-education Entity Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Thomas W. Peterson

LONG TITLE

General Description:

This bill amends provisions regarding a facility in which a micro-education entity or home-based microschool operates.

Highlighted Provisions:

This bill:

- expands the types of facilities in which a micro-education entity or home-based microschool may operate by expanding the sets of occupancy requirements the facility may satisfy;
- removes certain square footage requirements; and
- excludes a micro-education entity or home-based microschool from a definition of "school" that subjects schools to certain administrative regulations.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-9a-305 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 464

17-27a-305 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 464

26B-7-201 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 152

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

29 Section 1. Section **10-9a-305** is amended to read:

30 **10-9a-305 (Effective upon governor's approval). Other entities required to**
 31 **conform to municipality's land use ordinances -- Exceptions -- School districts, charter**
 32 **schools, home-based microschoools, and micro-education entities -- Submission of**
 33 **development plan and schedule.**

34 (1)(a) Each county, municipality, school district, charter school, special district, special
 35 service district, and political subdivision of the state shall conform to any applicable
 36 land use ordinance of any municipality when installing, constructing, operating, or
 37 otherwise using any area, land, or building situated within that municipality.

38 (b) In addition to any other remedies provided by law, when a municipality's land use
 39 ordinance is violated or about to be violated by another political subdivision, that
 40 municipality may institute an injunction, mandamus, abatement, or other appropriate
 41 action or proceeding to prevent, enjoin, abate, or remove the improper installation,
 42 improvement, or use.

43 (2)(a) Except as provided in Subsection (3), a school district or charter school is subject
 44 to a municipality's land use ordinances.

45 (b)(i) Notwithstanding Subsection (3), a municipality may:

46 (A) subject a charter school to standards within each zone pertaining to setback,
 47 height, bulk and massing regulations, off-site parking, curb cut, traffic
 48 circulation, and construction staging; and

49 (B) impose regulations upon the location of a project that are necessary to avoid
 50 unreasonable risks to health or safety, as provided in Subsection (3)(f).

51 (ii) The standards to which a municipality may subject a charter school under
 52 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

53 (iii) Except as provided in Subsection (7)(d), the only basis upon which a
 54 municipality may deny or withhold approval of a charter school's land use
 55 application is the charter school's failure to comply with a standard imposed under
 56 Subsection (2)(b)(i).

57 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of
 58 an obligation to comply with a requirement of an applicable building or safety
 59 code to which it is otherwise obligated to comply.

60 (3) A municipality may not:

61 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction
 62 methods or materials, additional building inspections, municipal building codes,

- 63 building use for educational purposes, or the placement or use of temporary
64 classroom facilities on school property;
- 65 (b) except as otherwise provided in this section, require a school district or charter
66 school to participate in the cost of any roadway or sidewalk, or a study on the impact
67 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety
68 of school children and not located on or contiguous to school property, unless the
69 roadway or sidewalk is required to connect an otherwise isolated school site to an
70 existing roadway;
- 71 (c) require a district or charter school to pay fees not authorized by this section;
- 72 (d) provide for inspection of school construction or assess a fee or other charges for
73 inspection, unless the school district or charter school is unable to provide for
74 inspection by an inspector, other than the project architect or contractor, who is
75 qualified under criteria established by the state superintendent;
- 76 (e) require a school district or charter school to pay any impact fee for an improvement
77 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact
78 Fees Act;
- 79 (f) impose regulations upon the location of an educational facility except as necessary to
80 avoid unreasonable risks to health or safety; or
- 81 (g) for a land use or a structure owned or operated by a school district or charter school
82 that is not an educational facility but is used in support of providing instruction to
83 pupils, impose a regulation that:
- 84 (i) is not imposed on a similar land use or structure in the zone in which the land use
85 or structure is approved; or
- 86 (ii) uses the tax exempt status of the school district or charter school as criteria for
87 prohibiting or regulating the land use or location of the structure.
- 88 (4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the
89 siting of a new school with the municipality in which the school is to be located, to:
- 90 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the
91 impacts between the new school and future highways; and
- 92 (b) maximize school, student, and site safety.
- 93 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:
- 94 (a) provide a walk-through of school construction at no cost and at a time convenient to
95 the district or charter school; and
- 96 (b) provide recommendations based upon the walk-through.

- 97 (6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
- 98 (i) a municipal building inspector;
- 99 (ii)(A) for a school district, a school district building inspector from that school
100 district; or
- 101 (B) for a charter school, a school district building inspector from the school
102 district in which the charter school is located; or
- 103 (iii) an independent, certified building inspector who [~~is not~~] is not an employee of the
104 contractor, licensed to perform the inspection that the inspector is requested to
105 perform, and approved [~~by~~] by a municipal building inspector or:
- 106 (A) for a school district, a school district building inspector from that school
107 district; or
- 108 (B) for a charter school, a school district building inspector from the school
109 district in which the charter school is located.
- 110 (b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.
- 111 (c) If a school district or charter school uses a school district or independent building
112 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall
113 submit to the state superintendent of public instruction and municipal building
114 official, on a monthly basis during construction of the school building, a copy of each
115 inspection certificate regarding the school building.
- 116 (7)(a) A charter school, home-based microschool, or micro-education entity shall be
117 considered a permitted use in all zoning districts within a municipality.
- 118 (b) Each land use application for any approval required for a charter school, home-based
119 microschool, or micro-education entity, including an application for a building
120 permit, shall be processed on a first priority basis.
- 121 (c) Parking requirements for a charter school or a micro-education entity may not exceed
122 the minimum parking requirements for schools or other institutional public uses
123 throughout the municipality.
- 124 (d) If a municipality has designated zones for a sexually oriented business, or a business
125 which sells alcohol, a charter school or a micro-education entity may be prohibited
126 from a location which would otherwise defeat the purpose for the zone unless the
127 charter school or micro-education entity provides a waiver.
- 128 (e)(i) A school district, charter school, or micro-education entity may seek a
129 certificate authorizing permanent occupancy of a school building from:
- 130 (A) the state superintendent of public instruction, as provided in Subsection

- 131 53E-3-706(3), if the school district or charter school used an independent
 132 building inspector for inspection of the school building; or
 133 (B) a municipal official with authority to issue the certificate, if the school district,
 134 charter school, or micro-education entity used a municipal building inspector
 135 for inspection of the school building.
- 136 (ii) A school district may issue its own certificate authorizing permanent occupancy
 137 of a school building if it used its own building inspector for inspection of the
 138 school building, subject to the notification requirement of Subsection 53E-3-706
 139 (3)(a)(ii).
- 140 (iii) A charter school or micro-education entity may seek a certificate authorizing
 141 permanent occupancy of a school building from a school district official with
 142 authority to issue the certificate, if the charter school or micro-education entity
 143 used a school district building inspector for inspection of the school building.
- 144 (iv) A certificate authorizing permanent occupancy issued by the state superintendent
 145 of public instruction under Subsection 53E-3-706(3) or a school district official
 146 with authority to issue the certificate shall be considered to satisfy any municipal
 147 requirement for an inspection or a certificate of occupancy.
- 148 (f)(i) A micro-education entity may operate in a facility that meets Group E
 149 Occupancy requirements as defined by the International Building Code, as
 150 incorporated by Subsection 15A-2-103(1)(a).
- 151 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)[~~;~~]
 152 [~~(A)~~] may have up to 100 students in the facility[~~;~~ and] .
 153 [~~(B) shall have enough space for at least 20 net square feet per student.~~]
- 154 (g) A micro-education entity may operate in a facility that is subject to and complies
 155 with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as
 156 defined by the International Building Code, as incorporated by Subsection 15A-2-103
 157 (1)(a), if:
- 158 (i) the facility has a code compliant fire alarm system and carbon monoxide detection
 159 system;
- 160 (ii)(A) each classroom in the facility has an exit directly to the outside at the level
 161 of exit or discharge; or
 162 (B) the structure has a code compliant fire sprinkler system; and
- 163 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that
 164 are greater than 12,000 square feet[~~;~~ and] .

- 165 ~~[(iv) the facility has enough space for at least 20 net square feet per student.]~~
- 166 (h)(i) A home-based microschool is not subject to additional occupancy
167 requirements beyond occupancy requirements that apply to a primary dwelling[;
168 ~~except that the home-based microschool shall have enough space for at least 35~~
169 ~~net square feet per student].~~
- 170 (ii) If a floor that is below grade in a home-based microschool is used for home-based
171 microschool purposes, the below grade floor of the home-based microschool shall
172 have at least one emergency escape or rescue window that complies with the
173 requirements for emergency escape and rescue windows as defined by the
174 International Residential Code, as incorporated by Section 15A-1-210.
- 175 (8)(a) A specified public agency intending to develop its land shall submit to the land
176 use authority a development plan and schedule:
- 177 (i) as early as practicable in the development process, but no later than the
178 commencement of construction; and
- 179 (ii) with sufficient detail to enable the land use authority to assess:
- 180 (A) the specified public agency's compliance with applicable land use ordinances;
- 181 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
182 (c), (d), (e), and (g) caused by the development;
- 183 (C) the amount of any applicable fee described in Section 10-9a-510;
- 184 (D) any credit against an impact fee; and
- 185 (E) the potential for waiving an impact fee.
- 186 (b) The land use authority shall respond to a specified public agency's submission under
187 Subsection (8)(a) with reasonable promptness in order to allow the specified public
188 agency to consider information the municipality provides under Subsection (8)(a)(ii)
189 in the process of preparing the budget for the development.
- 190 (9) Nothing in this section may be construed to:
- 191 (a) modify or supersede Section 10-9a-304; or
- 192 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that
193 fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair
194 Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
195 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.
- 196 (10) Nothing in Subsection (7) prevents a political subdivision from:
- 197 (a) requiring a home-based microschool or micro-education entity to comply with
198 municipal zoning and land use regulations that do not conflict with this section,

- 199 including:
- 200 (i) parking;
- 201 (ii) traffic; and
- 202 (iii) hours of operation;
- 203 (b) requiring a home-based microschool or micro-education entity to obtain a business
- 204 license;
- 205 (c) enacting municipal ordinances and regulations consistent with this section;
- 206 (d) subjecting a micro-education entity to standards within each zone pertaining to
- 207 setback, height, bulk and massing regulations, off-site parking, curb cut, traffic
- 208 circulation, and construction staging; and
- 209 (e) imposing regulations on the location of a project that are necessary to avoid risks to
- 210 health or safety.

211 Section 2. Section **17-27a-305** is amended to read:

212 **17-27a-305 (Effective upon governor's approval). Other entities required to**
 213 **conform to county's land use ordinances -- Exceptions -- School districts, charter schools,**
 214 **home-based microschools, and micro-education entities -- Submission of development**
 215 **plan and schedule.**

216 (1)(a) Each county, municipality, school district, charter school, special district, special
 217 service district, and political subdivision of the state shall conform to any applicable
 218 land use ordinance of any county when installing, constructing, operating, or
 219 otherwise using any area, land, or building situated within a mountainous planning
 220 district or the unincorporated portion of the county, as applicable.

221 (b) In addition to any other remedies provided by law, when a county's land use
 222 ordinance is violated or about to be violated by another political subdivision, that
 223 county may institute an injunction, mandamus, abatement, or other appropriate action
 224 or proceeding to prevent, enjoin, abate, or remove the improper installation,
 225 improvement, or use.

226 (2)(a) Except as provided in Subsection (3), a school district or charter school is subject
 227 to a county's land use ordinances.

228 (b)(i) Notwithstanding Subsection (3), a county may:

229 (A) subject a charter school to standards within each zone pertaining to setback,
 230 height, bulk and massing regulations, off-site parking, curb cut, traffic
 231 circulation, and construction staging; and

232 (B) impose regulations upon the location of a project that are necessary to avoid

- 233 unreasonable risks to health or safety, as provided in Subsection (3)(f).
- 234 (ii) The standards to which a county may subject a charter school under Subsection
235 (2)(b)(i) shall be objective standards only and may not be subjective.
- 236 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may
237 deny or withhold approval of a charter school's land use application is the charter
238 school's failure to comply with a standard imposed under Subsection (2)(b)(i).
- 239 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of
240 an obligation to comply with a requirement of an applicable building or safety
241 code to which it is otherwise obligated to comply.
- 242 (3) A county may not:
- 243 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction
244 methods or materials, additional building inspections, county building codes,
245 building use for educational purposes, or the placement or use of temporary
246 classroom facilities on school property;
- 247 (b) except as otherwise provided in this section, require a school district or charter
248 school to participate in the cost of any roadway or sidewalk, or a study on the impact
249 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety
250 of school children and not located on or contiguous to school property, unless the
251 roadway or sidewalk is required to connect an otherwise isolated school site to an
252 existing roadway;
- 253 (c) require a district or charter school to pay fees not authorized by this section;
- 254 (d) provide for inspection of school construction or assess a fee or other charges for
255 inspection, unless the school district or charter school is unable to provide for
256 inspection by an inspector, other than the project architect or contractor, who is
257 qualified under criteria established by the state superintendent;
- 258 (e) require a school district or charter school to pay any impact fee for an improvement
259 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact
260 Fees Act;
- 261 (f) impose regulations upon the location of an educational facility except as necessary to
262 avoid unreasonable risks to health or safety; or
- 263 (g) for a land use or a structure owned or operated by a school district or charter school
264 that is not an educational facility but is used in support of providing instruction to
265 pupils, impose a regulation that:
- 266 (i) is not imposed on a similar land use or structure in the zone in which the land use

- 267 or structure is approved; or
- 268 (ii) uses the tax exempt status of the school district or charter school as criteria for
- 269 prohibiting or regulating the land use or location of the structure.
- 270 (4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the
- 271 siting of a new school with the county in which the school is to be located, to:
- 272 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the
- 273 impacts between the new school and future highways; and
- 274 (b) maximize school, student, and site safety.
- 275 (5) Notwithstanding Subsection (3)(d), a county may, at its discretion:
- 276 (a) provide a walk-through of school construction at no cost and at a time convenient to
- 277 the district or charter school; and
- 278 (b) provide recommendations based upon the walk-through.
- 279 (6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
- 280 (i) a county building inspector;
- 281 (ii)(A) for a school district, a school district building inspector from that school
- 282 district; or
- 283 (B) for a charter school, a school district building inspector from the school
- 284 district in which the charter school is located; or
- 285 (iii) an independent, certified building inspector who ~~is not~~ is not an employee of the
- 286 contractor, licensed to perform the inspection that the inspector is requested to
- 287 perform, ~~[and approved by a]~~ and approved by a county building inspector or:
- 288 (A) for a school district, a school district building inspector from that school
- 289 district; or
- 290 (B) for a charter school, a school district building inspector from the school
- 291 district in which the charter school is located.
- 292 (b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.
- 293 (c) If a school district or charter school uses a school district or independent building
- 294 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall
- 295 submit to the state superintendent of public instruction and county building official,
- 296 on a monthly basis during construction of the school building, a copy of each
- 297 inspection certificate regarding the school building.
- 298 (7)(a) A charter school, home-based microschool, or micro-education entity shall be
- 299 considered a permitted use in all zoning districts within a county.
- 300 (b) Each land use application for any approval required for a charter school, home-based

- 301 microschool, or micro-education entity, including an application for a building
302 permit, shall be processed on a first priority basis.
- 303 (c) Parking requirements for a charter school or micro-education entity may not exceed
304 the minimum parking requirements for schools or other institutional public uses
305 throughout the county.
- 306 (d) If a county has designated zones for a sexually oriented business, or a business which
307 sells alcohol, a charter school or micro-education entity may be prohibited from a
308 location which would otherwise defeat the purpose for the zone unless the charter
309 school or micro-education entity provides a waiver.
- 310 (e)(i) A school district , charter school, or micro-education entity may seek a
311 certificate authorizing permanent occupancy of a school building from:
- 312 (A) the state superintendent of public instruction, as provided in Subsection
313 53E-3-706(3), if the school district, charter school, or micro-education entity
314 used an independent building inspector for inspection of the school building; or
315 (B) a county official with authority to issue the certificate, if the school district,
316 charter school, or micro-education entity used a county building inspector for
317 inspection of the school building.
- 318 (ii) A school district may issue its own certificate authorizing permanent occupancy
319 of a school building if it used its own building inspector for inspection of the
320 school building, subject to the notification requirement of Subsection 53E-3-706
321 (3)(a)(ii).
- 322 (iii) A charter school or micro-education entity may seek a certificate authorizing
323 permanent occupancy of a school building from a school district official with
324 authority to issue the certificate, if the charter school or micro-education entity
325 used a school district building inspector for inspection of the school building.
- 326 (iv) A certificate authorizing permanent occupancy issued by the state superintendent
327 of public instruction under Subsection 53E-3-706(3) or a school district official
328 with authority to issue the certificate shall be considered to satisfy any county
329 requirement for an inspection or a certificate of occupancy.
- 330 (f)(i) A micro-education entity may operate a facility that meets Group E Occupancy
331 requirements as defined by the International Building Code, as incorporated by
332 Subsection 15A-2-103(1)(a).
- 333 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)[:]
334 [~~(A)~~] may have up to 100 students in the facility[; and] .

- 335 ~~[(B) shall have enough space for at least 20 net square feet per student;]~~
- 336 (g) A micro-education entity may operate a facility that is subject to and complies with
- 337 the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined
- 338 by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a),
- 339 if:
- 340 (i) the facility has a code compliant fire alarm system and carbon monoxide detection
- 341 system;
- 342 (ii)(A) each classroom in the facility has an exit directly to the outside at the level
- 343 of exit discharge; or
- 344 (B) the structure has a code compliant fire sprinkler system; and
- 345 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that
- 346 are greater than 12,000 square feet~~[-and]~~ .
- 347 ~~[(iv) the facility has enough space for at least 20 net square feet per student.]~~
- 348 (h)(i) A home-based microschool is not subject to additional occupancy requirements
- 349 beyond occupancy requirements that apply to a primary dwelling~~[-except that the~~
- 350 ~~home-based microschool shall have enough space for at least 35 square feet per~~
- 351 ~~student]~~.
- 352 (ii) If a floor that is below grade in a home-based microschool is used for home-based
- 353 microschool purposes, the below grade floor of the home-based microschool shall
- 354 have at least one emergency escape or rescue window that complies with the
- 355 requirements for emergency escape and rescue windows as defined by the
- 356 International Residential Code, as incorporated in Section 15A-1-210.
- 357 (8)(a) A specified public agency intending to develop its land shall submit to the land
- 358 use authority a development plan and schedule:
- 359 (i) as early as practicable in the development process, but no later than the
- 360 commencement of construction; and
- 361 (ii) with sufficient detail to enable the land use authority to assess:
- 362 (A) the specified public agency's compliance with applicable land use ordinances;
- 363 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
- 364 (c), (d), (e), and (g) caused by the development;
- 365 (C) the amount of any applicable fee described in Section 17-27a-509;
- 366 (D) any credit against an impact fee; and
- 367 (E) the potential for waiving an impact fee.
- 368 (b) The land use authority shall respond to a specified public agency's submission under

369 Subsection (8)(a) with reasonable promptness in order to allow the specified public
 370 agency to consider information the municipality provides under Subsection (8)(a)(ii)
 371 in the process of preparing the budget for the development.

372 (9) Nothing in this section may be construed to:

373 (a) modify or supersede Section 17-27a-304; or

374 (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails
 375 to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing
 376 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
 377 Disabilities Act of 1990, 42 U.S.C. 12102, or any other provision of federal law.

378 (10) Nothing in Subsection (7) prevents a political subdivision from:

379 (a) requiring a home-based microschool or micro-education entity to comply with local
 380 zoning and land use regulations that do not conflict with this section, including:

381 (i) parking;

382 (ii) traffic; and

383 (iii) hours of operation;

384 (b) requiring a home-based microschool or micro-education entity to obtain a business
 385 license;

386 (c) enacting county ordinances and regulations consistent with this section;

387 (d) subjecting a micro-education entity to standards within each zone pertaining to
 388 setback, height, bulk and massing regulations, off-site parking, curb cut, traffic
 389 circulation, and construction staging; and

390 (e) imposing regulations on the location of a project that are necessary to avoid risks to
 391 health or safety.

392 (11) Notwithstanding any other provision of law, the proximity restrictions that apply to
 393 community locations do not apply to a micro-education entity.

394 Section 3. Section **26B-7-201** is amended to read:

395 **26B-7-201 (Effective upon governor's approval). Definitions.**

396 As used in this part:

397 (1) "Ambulatory surgical center" means the same as that term is defined in Section
 398 26B-2-201.

399 (2) "Carrier" means an infected individual or animal who harbors a specific infectious agent
 400 in the absence of discernible clinical disease and serves as a potential source of infection
 401 for man. The carrier state may occur in an individual with an infection that is inapparent
 402 throughout its course, commonly known as healthy or asymptomatic carrier, or during

- 403 the incubation period, convalescence, and postconvalescence of an individual with a
404 clinically recognizable disease, commonly known as incubatory carrier or convalescent
405 carrier. Under either circumstance the carrier state may be of short duration, as a
406 temporary or transient carrier, or long duration, as a chronic carrier.
- 407 (3) "Communicable disease" means illness due to a specific infectious agent or its toxic
408 products which arises through transmission of that agent or its products from a reservoir
409 to a susceptible host, either directly, as from an infected individual or animal, or
410 indirectly, through an intermediate plant or animal host, vector, or the inanimate
411 environment.
- 412 (4) "Communicable period" means the time or times during which an infectious agent may
413 be transferred directly or indirectly from an infected individual to another individual,
414 from an infected animal to a human, or from an infected human to an animal, including
415 arthropods.
- 416 (5) "Contact" means an individual or animal having had association with an infected
417 individual, animal, or contaminated environment so as to have had an opportunity to
418 acquire the infection.
- 419 (6) "End stage renal disease facility" is as defined in Section 26B-2-201.
- 420 (7)(a) "Epidemic" means the occurrence or outbreak in a community or region of cases
421 of an illness clearly in excess of normal expectancy and derived from a common or
422 propagated source.
- 423 (b) The number of cases indicating an epidemic will vary according to the infectious
424 agent, size, and type of population exposed, previous experience or lack of exposure
425 to the disease, and time and place of occurrence.
- 426 (c) Epidemicity is considered to be relative to usual frequency of the disease in the same
427 area, among the specified population, at the same season of the year.
- 428 (8) "General acute hospital" is as defined in Section 26B-2-201.
- 429 (9) "Incubation period" means the time interval between exposure to an infectious agent
430 and appearance of the first sign or symptom of the disease in question.
- 431 (10) "Infected individual" means an individual who harbors an infectious agent and who
432 has manifest disease or inapparent infection. An infected individual is one from whom
433 the infectious agent can be naturally acquired.
- 434 (11) "Infection" means the entry and development or multiplication of an infectious agent
435 in the body of man or animals. Infection is not synonymous with infectious disease; the
436 result may be inapparent or manifest. The presence of living infectious agents on

- 437 exterior surfaces of the body, or upon articles of apparel or soiled articles, is not
438 infection, but contamination of such surfaces and articles.
- 439 (12) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus,
440 protozoan, or helminth that is capable of producing infection or infectious disease.
- 441 (13) "Infectious disease" means a disease of man or animals resulting from an infection.
- 442 (14) "Isolation" means the separation, for the period of communicability, of infected
443 individuals or animals from others, in such places and under such conditions as to
444 prevent the direct or indirect conveyance of the infectious agent from those infected to
445 those who are susceptible or who may spread the agent to others.
- 446 (15) "Local food" means the same as that term is defined in Section 4-1-109.
- 447 (16) "Order of constraint" means the same as that term is defined in Section 26B-7-301.
- 448 (17) "Quarantine" means the restriction of the activities of well individuals or animals who
449 have been exposed to a communicable disease during its period of communicability to
450 prevent disease transmission.
- 451 (18)(a) "School" means a public, private, or parochial nursery school, licensed or
452 unlicensed day care center, child care facility, family care home, Head Start program,
453 kindergarten, elementary, or secondary school through grade 12.
- 454 (b) "School" does not mean a micro-education entity or a home-based microschool as
455 those terms are defined in Section 53G-6-201.
- 456 (19) "Sexually transmitted disease" means those diseases transmitted through sexual
457 intercourse or any other sexual contact.
- 458 (20) "Specialty hospital" is as defined in Section 26B-2-201.
- 459 Section 4. **Effective Date.**
- 460 This bill takes effect:
- 461 (1) except as provided in Subsection (2), May 7, 2025; or
- 462 (2) if approved by two-thirds of all members elected to each house:
- 463 (a) upon approval by the governor;
- 464 (b) without the governor's signature, the day following the constitutional time limit of
465 Utah Constitution, Article VII, Section 8; or
- 466 (c) in the case of a veto, the date of veto override.