

SB0172S01 compared with SB0172

{Omitted text} shows text that was in SB0172 but was omitted in SB0172S01

inserted text shows text that was not in SB0172 but was inserted into SB0172S01

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Local Health Department Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Michael L. Kohler

LONG TITLE

General Description:

This bill addresses provisions related to local health departments and the Department of Environmental Quality.

Highlighted Provisions:

This bill:

- defines terms;
- requires {~~DEQ~~} the Department of Environmental Quality (department) and each local health department to enter into a cooperative agreement for providing environmental health services;
- requires that the governance committee comprised of {~~DEQ~~} department and local health department personnel:
 - review all {~~environmental quality~~} department funding;
 - review whether funds allocated by contract or cooperative agreement are subject to requirements meeting or exceeding the minimum performance standards created by {~~DEQ~~} the department; and
-

SB0172 compared with SB0172S01

create a process for exempting certain applications for federal funding from committee review;

- 20 ▶ requires {[DEQ](#)} [the department](#) to reimburse a local health department for all costs associated with collecting a civil penalty under Title 19, Environmental Quality Code; and
- 22 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 None

29 **AMENDS:**

30 **19-1-102** , as enacted by Laws of Utah 1991, Chapter 112 , as enacted by Laws of Utah 1991, Chapter 112

31 **19-1-201** , as last amended by Laws of Utah 2024, Chapter 178 , as last amended by Laws of Utah 2024, Chapter 178

32 **19-1-303** , as last amended by Laws of Utah 1995, Chapter 324 , as last amended by Laws of Utah 1995, Chapter 324

33 **26A-1-114** , as last amended by Laws of Utah 2024, Chapter 259 , as last amended by Laws of Utah 2024, Chapter 259

34 **ENACTS:**

35 **19-1-111** , Utah Code Annotated 1953 , Utah Code Annotated 1953

36

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

38 Section 1. Section **19-1-102** is amended to read:

39 **19-1-102. Purposes.**

 The purpose of this title is to:

- 40 (1) clarify the powers and duties of the Department of Environmental Quality in relationship to local health departments;
- 42 (2) provide effective, coordinated management of state environmental concerns;
- 43 (3) safeguard public health and quality of life by protecting and improving environmental quality while considering the benefits to public health, the impacts on economic development, property, wildlife, tourism, business, agriculture, forests, and other interests, and the costs to the public and to industry;[-and]

SB0172 compared with SB0172S01

- 47 (4)
 . [~~(a)~~] strengthen local health departments' environmental programs;
- 48 (5) promote coordination and cooperation between the Department of Environmental Quality and local
 health departments;
- 50 [~~(b)~~] (6) build consensus among the public, industry, and local governments in developing
 environmental protection goals; and
- 52 [~~(c)~~] (7) appropriately balance the need for environmental protection with the need for economic and
 industrial development.

55 Section 2. Section 2 is enacted to read:

56 **19-1-111. Governance committee with local health departments.**

56 (1) As used in this section:

57 (a) "Exempt application" means an application for federal funding that meets the criteria established
 under Subsection (3)(g).

59 (b) "Federal funding" means a grant, contract, or other funding from the federal government that could
 provide funds for a local health department to fulfill the duties and responsibilities of the local
 health department.

62 (c) "Governance committee" means the committee created in Subsection (2).

63 (2) The department shall establish a committee that consists of:

64 (a) the executive director or the executive director's designee;

65 (b) two representatives of the department appointed by the executive director; and

66 (c) three representatives of local health departments appointed by a group representing all the local
 health departments in the state.

68 (3) The governance committee shall:

69 (a) review all state and federal funding to the department to identify funding that the department may
 use to support:

71 (i) the requirements of Subsection 26A-1-106(3); and

72 (ii) the minimum performance standards created by the department under Subsection 26A-1-106(4);

74 (b) review the allocation of environmental quality resources between the department and the local
 health departments, including whether funds allocated by contract or cooperative agreement were:

77 (i) allocated in accordance with the formula described in Section 26A-1-116; and

78

SB0172 compared with SB0172S01

- (ii) subject to requirements satisfying {~~and~~} or exceeding the minimum performance standards created by the department under Subsection 26A-1-106;
- 80 (c) evaluate rules and department policies that affect a local health department in accordance with Subsection (4);
- 82 (d) consider policy changes proposed by the department or by a local health department;
- 83 (e) coordinate the implementation of environmental quality programs to maximize environmental quality resources;
- 85 (f) except as provided by Subsection (3)(g), review each department application for any federal funding that affects a local health department before the department submits the application; and
- 88 (g) establish a process by which the committee may exempt an application for federal funding from the review required under Subsection (3)(f).
- 90 (4) When evaluating a policy or rule that affects a local health department, the governance committee shall:
- 92 (a) compute an estimate of the cost a local health department will bear to comply with the policy or rule;
- 94 (b) specify whether there is any funding provided to a local health department to implement the policy or rule; and
- 96 (c) advise whether the policy or rule is needed.
- 97 (5) The governance committee shall create bylaws to govern the committee's operations.
- 98 (6) Before November 1 of each year, the department shall provide a report to the Rules Review and General Oversight Committee regarding the determinations made under Subsection (4).

102 Section 3. Section **19-1-201** is amended to read:

103 **19-1-201. Powers and duties of department -- Rulemaking authority -- Committee --**
Monitoring environmental impacts of inland port.

- 104 (1) The department shall:
- 105 (a) enter into cooperative agreements with the Department of Health and Human Services to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered;
- 108 (b) consult with the Department of Health and Human Services and enter into cooperative agreements, as needed, to ensure efficient use of resources and effective response to potential health and safety

SB0172 compared with SB0172S01

threats from the environment, and to prevent gaps in protection from potential risks from the environment to specific individuals or population groups;

- 113 (c) [~~coordinate implementation of environmental programs to maximize efficient use of resources by~~
developing, in consultation with local health departments, a Comprehensive Environmental Service
Delivery Plan] enter into a cooperative agreement with each local health department that:
- 117 (i) recognizes that the department and local health departments are the foundation for providing
environmental health programs in [the] this state;
- 119 (ii) delineates the responsibilities of the department and each local health department, including those
described in Subsection 26A-1-106(3), for the efficient delivery of environmental programs using
federal, state, and local authorities, responsibilities, and resources;
- 123 (iii) provides for the delegation of authority [~~and pass through of funding~~] to local health departments
for environmental programs, to the extent allowed by applicable law, identified in the plan, and
requested by the local health department; [~~and~~]
- 127 (iv) recognizes the authority granted to a local health department under Section 26A-1-108;
- 129 (v) passes through any federal, state, or other funding and resources to local health departments, as
necessary and to the extent allowed by applicable law, for the efficient delivery of environmental
programs; and
- 132 [(iv)] (vi) is reviewed and updated annually;
- 133 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as
follows:
- 135 (i) for a board created in Section 19-1-106, rules regarding:
- 136 (A) board meeting attendance; and
- 137 (B) conflicts of interest procedures; and
- 138 (ii) procedural rules that govern:
- 139 (A) an adjudicative proceeding, consistent with Section 19-1-301; and
- 140 (B) a special adjudicative proceeding, consistent with Section 19-1-301.5;
- 141 (e) ensure that training or certification required of a public official or public employee, as those terms
are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and
Certification Requirements, if the training or certification is required:
- 145 (i) under this title;
- 146 (ii) by the department; or

SB0172 compared with SB0172S01

- 147 (iii) by an agency or division within the department; and
- 148 (f) subject to Subsection (2), establish annual fees that conform with Title V of the Clean Air Act for
each regulated pollutant as defined in Section 19-2-109.1, applicable to a source subject to the Title
V program.
- 151 (2)
- . (a) A fee established under Subsection (1)(f) is in addition to a fee assessed under Subsection (6)(i) for
issuance of an approval order.
- 153 (b) In establishing a fee under Subsection (1)(f), the department shall comply with Section 63J-1-504
that requires a public hearing and requires the established fee to be submitted to the Legislature for
the Legislature's approval as part of the department's annual appropriations request.
- 157 (c) A fee established under this section shall cover the reasonable direct and indirect costs required to
develop and administer the Title V program and the small business assistance program established
under Section 19-2-109.2.
- 160 (d) A fee established under Subsection (1)(f) shall be established for all sources subject to the Title V
program and for all regulated pollutants.
- 162 (e) An emission fee may not be assessed for a regulated pollutant if the emissions are already accounted
for within the emissions of another regulated pollutant.
- 164 (f) An emission fee may not be assessed for any amount of a regulated pollutant emitted by any source
in excess of 4,000 tons per year of that regulated pollutant.
- 166 (g) An emission fee shall be based on actual emissions for a regulated pollutant unless a source elects,
before the issuance or renewal of a permit, to base the fee during the period of the permit on
allowable emissions for that regulated pollutant.
- 169 (h) The fees collected by the department under Subsection (1)(f) and penalties collected under
Subsection 19-2-109.1(4) shall be deposited into the General Fund as the Air Pollution Operating
Permit Program dedicated credit to be used solely to pay for the reasonable direct and indirect costs
incurred by the department in developing and administering the program and the small business
assistance program under Section 19-2-109.2.
- 175 [~~(3) The department shall establish a committee that consists of:~~]
- 176 [~~(a) the executive director or the executive director's designee;~~]
- 177 [~~(b) two representatives of the department appointed by the executive director; and~~]
- 178

SB0172 compared with SB0172S01

[~~(e) three representatives of local health departments appointed by a group of all the local health departments in the state.~~]

180 [(4)

. (a) ~~The committee established in Subsection (3) shall:~~]

181 [(i) ~~review the allocation of environmental quality resources between the department and the local health departments, including whether funds allocated by contract were allocated in accordance with the formula described in Section 26A-1-116;~~]

184 [(ii) ~~evaluate rules and department policies that affect local health departments in accordance with Subsection (4)(b);~~]

186 [(iii) ~~consider policy changes proposed by the department or by local health departments;~~]

188 [(iv) ~~coordinate the implementation of environmental quality programs to maximize environmental quality resources; and~~]

190 [(v) ~~review each department application for any grant from the federal government that affects a local health department before the department submits the application.~~]

193 [(b) ~~When evaluating a policy or rule that affects a local health department, the committee shall:~~]

195 [(i) ~~compute an estimate of the cost a local health department will bear to comply with the policy or rule;~~]

197 [(ii) ~~specify whether there is any funding provided to a local health department to implement the policy or rule; and~~]

199 [(iii) ~~advise whether the policy or rule is still needed.~~]

200 [(e) ~~Before November 1 of each year, the department shall provide a report to the Rules Review and General Oversight Committee regarding the determinations made under Subsection (4)(b).~~]

203 [(5) ~~The committee shall create bylaws to govern the committee's operations.~~]

204 [(6)] (3) The department may:

205 (a) investigate matters affecting the environment;

206 (b) investigate and control matters affecting the public health when caused by environmental hazards;

208 (c) prepare, publish, and disseminate information to inform the public concerning issues involving environmental quality;

210 (d) establish and operate programs, as authorized by this title, necessary for protection of the environment and public health from environmental hazards;

212

SB0172 compared with SB0172S01

- (e) use local health departments in the delivery of environmental health programs to the extent provided by law;
- 214 (f) enter into contracts with local health departments, in addition to a cooperative agreement required under Subsection (1)(c), or others to meet responsibilities established under this title;
- 217 (g) acquire real and personal property by purchase, gift, devise, and other lawful means;
- 218 (h) prepare and submit to the governor a proposed budget to be included in the budget submitted by the governor to the Legislature;
- 220 (i) in accordance with Section 63J-1-504, establish a schedule of fees that may be assessed for actions and services of the department that are reasonable, fair, and reflect the cost of services provided;
- 223 (j) for an owner or operator of a source subject to a fee established by Subsection [~~(6)(i)~~] (3)(i) who fails to timely pay that fee, assess a penalty of not more than 50% of the fee, in addition to the fee, plus interest on the fee computed at 12% annually;
- 226 (k) prescribe by rule reasonable requirements not inconsistent with law relating to environmental quality for local health departments;
- 228 (l) perform the administrative functions of the boards established by Section 19-1-106, including the acceptance and administration of grants from the federal government and from other sources, public or private, to carry out the board's functions;
- 231 (m) upon the request of a board or a division director, provide professional, technical, and clerical staff and field and laboratory services, the extent of which are limited by the money available to the department for the staff and services; and
- 234 (n) establish a supplementary fee, not subject to Section 63J-1-504, to provide service that the person paying the fee agrees by contract to be charged for the service to efficiently use department resources, protect department permitting processes, address extraordinary or unanticipated stress on permitting processes, or make use of specialized expertise.
- 239 [~~(7)~~] (4) In providing service under Subsection [~~(6)(n)~~] (3)(n), the department may not provide service in a manner that impairs another person's service from the department.
- 241 [~~(8)~~] (5)
- . (a) As used in this Subsection [~~(8)~~] (5):
- 242 (i) "Environmental impacts" means:
- 243 (A) impacts on air quality, including impacts associated with air emissions; and
- 244 (B) impacts on water quality, including impacts associated with storm water runoff.

SB0172 compared with SB0172S01

- 246 (ii) "Inland port" means the same as that term is defined in Section 11-58-102.
- 247 (iii) "Inland port area" means the area in and around the inland port that bears the environmental impacts of destruction, construction, development, and operational activities within the inland port.
- 250 (iv) "Monitoring facilities" means:
- 251 (A) for monitoring air quality, a sensor system consisting of monitors to measure levels of research-grade particulate matter, ozone, and oxides of nitrogen, and data logging equipment with internal data storage that are interconnected at all times to capture air quality readings and store data; and
- 255 (B) for monitoring water quality, facilities to collect groundwater samples, including in existing conveyances and outfalls, to evaluate sediment, metals, organics, and nutrients due to storm water.
- 258 (b) The department shall:
- 259 (i) develop and implement a sampling and analysis plan to:
- 260 (A) characterize the environmental baseline for air quality and water quality in the inland port area;
- 262 (B) characterize the environmental baseline for only air quality for the Salt Lake International Airport; and
- 264 (C) define the frequency, parameters, and locations for monitoring;
- 265 (ii) establish and maintain monitoring facilities to measure the environmental impacts in the inland port area arising from destruction, construction, development, and operational activities within the inland port;
- 268 (iii) publish the monitoring data on the department's website; and
- 269 (iv) provide at least annually before November 30 a written report summarizing the monitoring data to:
- 271 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part 3, Port Authority Board; and
- 273 (B) the Legislative Management Committee.
- 275 Section 4. Section **19-1-303** is amended to read:
- 276 **19-1-303. Criminal and civil penalties -- Liability for violations-- Reimbursement.**
- 276 (1)
- . (a) Any person who violates any provision of this title or lawful orders or rules adopted under this title by the department{-or a local health department} shall:
- 278 (i) in a civil proceeding be assessed a penalty not to exceed the sum of \$5,000; or
- 279 (ii) in a criminal proceeding:

SB0172 compared with SB0172S01

- 280 (A) for the first violation, be guilty of a class B misdemeanor; and
- 281 (B) for a subsequent similar violation within two years, be guilty of a class A misdemeanor.
- 283 (b) In addition, a person is liable for any expense incurred by the department{~~or a local health~~
department} in removing or abating any violation.
- 285 (2) Assessment or conviction under this title does not relieve the person assessed or convicted from
civil liability for any act which was also a violation of the public health laws.
- 288 (3) Each day of violation of this title or rules made by the department [~~under it~~{or local health
department}] may be considered a separate violation.
- 290 (4) The enforcement procedures and penalties provided in Subsections (1) through (3) do not apply to
chapters in this title which provide for other specific enforcement procedures and penalties.
- 293 (5)
- . (a) [~~Unless otherwise specified in statute~~] Except as provided in this Subsection (5) or otherwise in this
title, the department shall deposit all civil penalties and fines imposed and collected under this title
into the General Fund.
- 296 (b) The department shall reimburse a local health department for costs associated with collecting a civil
penalty under this title by the local health department.
- 298 (c) The department may reimburse the department, a local government, or a local health department
from money collected:
- 300 (i) from a civil penalty for a qualifying extraordinary expense incurred in a qualifying environmental
enforcement activity; and
- 302 (ii) notwithstanding the provisions of Section 78A-5-110, from a criminal fine for a qualifying
extraordinary expense incurred in a prosecution for a violation of this title.
- 305 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall
make rules to define:
- 307 (i) a qualifying environmental enforcement activity; and
- 308 (ii) a qualifying extraordinary expense.
- 311 Section 5. Section **26A-1-114** is amended to read:
- 312 **26A-1-114. Powers and duties of departments.**
- 311 (1) Subject to Subsections (7), (8), and (11), a local health department may:
- 312 (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,

SB0172 compared with SB0172S01

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;

- 319 (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;
- 322 (c) establish and maintain medical, environmental, occupational, and other laboratory services considered necessary or proper for the protection of the public health;
- 324 (d) establish and operate reasonable health programs or measures not in conflict with state law which:
- 326 (i) are necessary or desirable for the promotion or protection of the public health and the control of disease; or
- 328 (ii) may be necessary to ameliorate the major risk factors associated with the major causes of injury, sickness, death, and disability in the state;
- 330 (e) close theaters, schools, and other public places and prohibit gatherings of people when necessary to protect the public health;
- 332 (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 the cost of abatement;
- 336 (g) make necessary sanitary and health investigations and inspections on the local health department's own initiative or in cooperation with the Department of Health and Human Services or the Department of Environmental Quality, or both, as to any matters affecting the public health;
- 340 (h) pursuant to county ordinance or interlocal agreement:
- 341 (i) establish and collect appropriate fees for the performance of services and operation of authorized or required programs and duties;
- 343 (ii) accept, use, and administer all federal, state, or private donations or grants of funds, property, services, or materials for public health purposes; and
- 345 (iii) make agreements not in conflict with state law which are conditional to receiving a donation or grant;
- 347 (i) prepare, publish, and disseminate information necessary to inform and advise the public concerning:
- 349

SB0172 compared with SB0172S01

- (i) the health and wellness of the population, specific hazards, and risk factors that may adversely affect the health and wellness of the population; and
- 351 (ii) specific activities individuals and institutions can engage in to promote and protect the health and wellness of the population;
- 353 (j) investigate the causes of morbidity and mortality;
- 354 (k) issue notices and orders necessary to carry out this part;
- 355 (l) conduct studies to identify injury problems, establish injury control systems, develop standards for the correction and prevention of future occurrences, and provide public information and instruction to special high risk groups;
- 358 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules within the jurisdiction of the boards;
- 360 (n) cooperate with the state health department, the Department of Corrections, the Administrative Office of the Courts, the Division of Juvenile Justice and Youth Services, and the Crime Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual offense;
- 365 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321;
- 366 (p) provide public health assistance in response to a national, state, or local emergency, a public health emergency as defined in Section 26B-7-301, or a declaration by the President of the United States or other federal official requesting public health-related activities; and
- 370 (q) when conducting routine inspections of businesses regulated by the local health department, notify the Department of Agriculture and Food of a potential violation of Title 4, Chapter 41, Hemp and Cannabinoid Act.
- 373 (2) The local health department shall:
- 374 (a) establish programs or measures to promote and protect the health and general wellness of the people within the boundaries of the local health department;
- 376 (b) investigate infectious and other diseases of public health importance and implement measures to control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health which may include involuntary testing of alleged sexual offenders for the HIV infection pursuant to Section 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection pursuant to Section 53-10-803;

382

SB0172 compared with SB0172S01

- (c) cooperate with the department in matters pertaining to the public health and in the administration of state health laws;
- 384 (d) enter into a cooperative agreement with the Department of Environmental Quality as described in Subsection 19-1-201(1)(c); and
- 386 [~~(d) coordinate implementation of environmental programs to maximize efficient use of resources by developing with the Department of Environmental Quality a Comprehensive Environmental Service Delivery Plan which;~~]
- 389 [(i) recognizes that the Department of Environmental Quality and local health departments are the foundation for providing environmental health programs in the state;]
- 392 [(ii) delineates the responsibilities of the department and each local health department for the efficient delivery of environmental programs using federal, state, and local authorities, responsibilities, and resources;]
- 395 [(iii) provides for the delegation of authority and pass through of funding to local health departments for environmental programs, to the extent allowed by applicable law, identified in the plan, and requested by the local health department; and]
- 399 [(iv) is reviewed and updated annually; and]
- 400 (e) investigate a report made in accordance with Section 59-14-811 to determine whether a product is sold in violation of law.
- 402 (3) The local health department has the following duties regarding public and private schools within the local health department's boundaries:
- 404 (a) enforce all ordinances, standards, and regulations pertaining to the public health of persons attending public and private schools;
- 406 (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
- 409 (c)
- . (i) make regular inspections of the health-related condition of all school buildings and premises;
- 411 (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
- 414 (iii) provide a copy of the report to the department at the time the report is made.

SB0172 compared with SB0172S01

- 415 (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.
- 419 (5) The local health department may exercise incidental authority as necessary to carry out the
provisions and purposes of this part.
- 421 (6) This part does not authorize a local health department to:
- 422 (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
- 424 (b) control the production, processing distribution, or sale price of local food in response to a public
health emergency.
- 426 (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.
- 431 (b) The local health department:
- 432 (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;
- 434 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and
- 435 (iii) shall provide the notice in written form, if practicable.
- 436 (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 obtain approval of the chief executive officer of the relevant
county as required in Subsection (7)(a) would substantially increase the likelihood of loss of life due
to an imminent threat.
- 442 (ii) If a local health department declares a public health emergency or issues an order of constraint as
described in Subsection (7)(c)(i), the local health department shall notify the chief executive officer
of the relevant county before issuing the order of constraint.

446

SB0172 compared with SB0172S01

- (iii) The chief executive officer of the relevant county may terminate a declaration of a public health emergency or an order of constraint issued as described in Subsection (7)(c)(i) within 72 hours of declaration of the public health emergency or issuance of the order of constraint.
- 450 (d)
- . (i) The relevant county governing body may at any time terminate a public health emergency or an order of constraint issued by the local health department by majority vote of the county governing body in response to a declared public health emergency.
- 454 (ii) A vote by the relevant county governing body to terminate a public health emergency or an order of constraint as described in Subsection (7)(d)(i) is not subject to veto by the relevant chief executive officer.
- 457 (8)
- . (a) Except as provided in Subsection (8)(b), a public health emergency declared by a local health department expires at the earliest of:
- 459 (i) the local health department or the chief executive officer of the relevant county finding that the threat or danger has passed or the public health emergency reduced to the extent that emergency conditions no longer exist;
- 462 (ii) 30 days after the date on which the local health department declared the public health emergency; or
- 464 (iii) the day on which the public health emergency is terminated by majority vote of the county governing body.
- 466 (b)
- . (i) The relevant county legislative body, by majority vote, may extend a public health emergency for a time period designated by the county legislative body.
- 468 (ii) If the county legislative body extends a public health emergency as described in Subsection (8)(b) (i), the public health emergency expires on the date designated by the county legislative body.
- 471 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a 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.
- 475 (d)
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SB0172 compared with SB0172S01

- (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.
- 480 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires in accordance with Subsection (8)(a) or (b).
- 482 (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.
- 487 (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.
- 491 (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:
- 494 (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;
- 497 (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
- 500 (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.
- 503 (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.

508

SB0172 compared with SB0172S01

- (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.
- 511 (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.
- 514 (c)
- . (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.
- 517 (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.
- 520 (10)
- . (a) During a public health emergency declared as described in this title:
- 521 (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
- 524 (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:
- 526 (A) prevent a religious gathering that is held in a manner consistent with any order of constraint issued pursuant to this title; or
- 528 (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.
- 530 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to prevent the violation of this Subsection (10).
- 532 (c) During a public health emergency declared as described in this title, the department or a local health department shall 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:
- 537 (i) is in furtherance of a compelling government interest; and
- 538 (ii) is the least restrictive means of furthering that compelling government interest.
- 539

SB0172 compared with SB0172S01

- (d) Notwithstanding Subsections (10)(a) and (c), the department or a local health department shall allow reasonable accommodations for an individual to perform or participate in a religious practice or rite.
- 542 (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.
- 545 (12) A local health department may not:
- 546 (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
- 548 (b) prevent or limit a person's ability to engage in a practice described in Subsection 58-11a-304(5) by:
- 550 (i) requiring the person to engage in the practice at a specific location or at a particular type of facility or location; or
- 552 (ii) enforcing a regulation applicable to a facility or location where the person chooses to engage in the practice.

556 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

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