

**Infectious Disease Procedures Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matt MacPherson**

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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

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

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

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

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

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

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

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

**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

37

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

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

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

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

53 As used in this part:

54 (1) "Board" means a local board of health established under Section 26A-1-109.

55 (2) "County governing body" means one of the types of county government provided for in  
 56 Title 17, Chapter 52a, Part 2, Forms of County Government.

57 (3) "County health department" means a local health department that serves a county and  
 58 municipalities located within that county.

59 (4) "Department" means the Department of Health and Human Services created in Section  
 60 26B-1-201.

61 (5) "Local food" means the same as that term is defined in Section 4-1-109.

62 (6) "Local health department" means:

63 (a) a single county local health department;

64 (b) a multicounty local health department;

65 (c) a united local health department; or

- 66 (d) a multicounty united local health department.
- 67 (7) "Mental health authority" means a local mental health authority created in Section  
68 17-43-301.
- 69 (8) "Multicounty local health department" means a local health department that is formed  
70 under Section 26A-1-105 and that serves two or more contiguous counties and  
71 municipalities within those counties.
- 72 (9) "Multicounty united local health department" means a united local health department  
73 that is formed under Section 26A-1-105.5 and that serves two or more contiguous  
74 counties and municipalities within those counties.
- 75 (10)~~(a)~~ "Order of constraint" means~~[an order, rule, or regulation issued by a local health~~  
76 ~~department in response to a declared public health emergency under this chapter that:]~~ the  
77 same as that term is defined in Section 26B-7-301.
- 78 ~~[(i) applies to all or substantially all:]~~
- 79 ~~[(A) individuals or a certain group of individuals; or]~~
- 80 ~~[(B) public places or certain types of public places; and]~~
- 81 ~~[(ii) for the protection of the public health and in response to the declared public health~~  
82 ~~emergency:]~~
- 83 ~~[(A) establishes, maintains, or enforces isolation or quarantine;]~~
- 84 ~~[(B) establishes, maintains, or enforces a stay-at-home order;]~~
- 85 ~~[(C) exercises physical control over property or individuals;]~~
- 86 ~~[(D) requires an individual to perform a certain action or engage in a certain behavior; or]~~
- 87 ~~[(E) closes theaters, schools, or other public places or prohibits gatherings of people to~~  
88 ~~protect~~  
89 ~~the public health.]~~
- 89 ~~[(b) "Order of constraint" includes a stay-at-home order.]~~
- 90 (11) "Public health emergency" means the same as that term is defined in Section  
91 26B-7-301.
- 92 (12) "Single county local health department" means a local health department that is created  
93 by the governing body of one county to provide services to the county and the  
94 municipalities within that county.
- 95 (13) "Stay-at-home order" means ~~[an order of constraint that:]~~
- 96 ~~[(a) restricts movement of the general population to suppress or mitigate an epidemic or~~  
97 ~~pandemic disease by directing individuals within a defined geographic area to remain in~~  
98 ~~their respective residences; and]~~

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

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

103 (15) "United local health department":

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

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

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

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

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

115       ~~[(b) Notwithstanding Subsection (1)(a), a local health department's jurisdiction or authority to~~  
 116       ~~issue an order of constraint pursuant to a declared public health emergency does not apply~~  
 117       ~~to any facility, property, or area owned or leased by the state, including capitol hill, as~~  
 118       ~~defined in Section 630-1-101.]~~

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

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

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

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

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

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

- 133           General Sanitation and Food Safety, in all incorporated and unincorporated areas  
134           served by the local health department;
- 135       (b) establish, maintain, and enforce isolation and quarantine, over an individual in  
136           accordance with an order of restriction issued under Title 26B, Chapter 7, Part 3,  
137           Treatment, Isolation, and Quarantine Procedures for Communicable Diseases;
- 138       (c) establish and maintain medical, environmental, occupational, and other laboratory  
139           services considered necessary or proper for the protection of the public health;
- 140       (d) establish and operate reasonable health programs or measures not in conflict with  
141           state law which:
- 142           (i) are necessary or desirable for the promotion or protection of the public health and  
143               the control of disease; or
- 144           (ii) may be necessary to ameliorate the major risk factors associated with the major  
145               causes of injury, sickness, death, and disability in the state;
- 146       (e) close theaters, schools, and other public places and prohibit gatherings of people  
147           when necessary to protect the public health;
- 148       (f) exercise physical control of property to abate nuisances or eliminate sources of filth  
149           and infectious and communicable diseases affecting the public health and bill the  
150           owner or other person in charge of the premises upon which this nuisance occurs for  
151           the cost of abatement;
- 152       (g) make necessary sanitary and health investigations and inspections on the local health  
153           department's own initiative or in cooperation with the Department of Health and  
154           Human Services or the Department of Environmental Quality, or both, as to any  
155           matters affecting the public health;
- 156       (h) pursuant to county ordinance or interlocal agreement:
- 157           (i) establish and collect appropriate fees for the performance of services and  
158               operation of authorized or required programs and duties;
- 159           (ii) accept, use, and administer all federal, state, or private donations or grants of  
160               funds, property, services, or materials for public health purposes; and
- 161           (iii) make agreements not in conflict with state law which are conditional to receiving  
162               a donation or grant;
- 163       (i) prepare, publish, and disseminate information necessary to inform and advise the  
164           public concerning:
- 165           (i) the health and wellness of the population, specific hazards, and risk factors that  
166               may adversely affect the health and wellness of the population; and

- 167 (ii) specific activities individuals and institutions can engage in to promote and  
168 protect the health and wellness of the population;
- 169 (j) investigate the causes of morbidity and mortality;
- 170 (k) issue notices and orders necessary to carry out this part;
- 171 (l) conduct studies to identify injury problems, establish injury control systems, develop  
172 standards for the correction and prevention of future occurrences, and provide public  
173 information and instruction to special high risk groups;
- 174 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules  
175 within the jurisdiction of the boards;
- 176 (n) cooperate with the state health department, the Department of Corrections, the  
177 Administrative Office of the Courts, the Division of Juvenile Justice and Youth  
178 Services, and the Crime Victim Reparations Board to conduct testing for HIV  
179 infection of alleged sexual offenders, convicted sexual offenders, and any victims of  
180 a sexual offense;
- 181 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321;
- 182 (p) provide public health assistance in response to a national, state, or local emergency, a  
183 public health emergency as defined in Section 26B-7-301, or a declaration by the  
184 President of the United States or other federal official requesting public health-related  
185 activities; and
- 186 (q) when conducting routine inspections of businesses regulated by the local health  
187 department, notify the Department of Agriculture and Food of a potential violation of  
188 Title 4, Chapter 41, Hemp and Cannabinoid Act.
- 189 (2) The local health department shall:
- 190 (a) establish programs or measures to promote and protect the health and general  
191 wellness of the people within the boundaries of the local health department;
- 192 (b) investigate infectious and other diseases of public health importance and implement  
193 measures to control the causes of epidemic and communicable diseases and other  
194 conditions significantly affecting the public health which may include involuntary  
195 testing of alleged sexual offenders for the HIV infection pursuant to Section  
196 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection  
197 pursuant to Section 53-10-803;
- 198 (c) cooperate with the department in matters pertaining to the public health and in the  
199 administration of state health laws;
- 200 (d) coordinate implementation of environmental programs to maximize efficient use of

- 201 resources by developing with the Department of Environmental Quality a  
202 Comprehensive Environmental Service Delivery Plan which:
- 203 (i) recognizes that the Department of Environmental Quality and local health  
204 departments are the foundation for providing environmental health programs in  
205 the state;
  - 206 (ii) delineates the responsibilities of the department and each local health department  
207 for the efficient delivery of environmental programs using federal, state, and local  
208 authorities, responsibilities, and resources;
  - 209 (iii) provides for the delegation of authority and pass through of funding to local  
210 health departments for environmental programs, to the extent allowed by  
211 applicable law, identified in the plan, and requested by the local health  
212 department; and
  - 213 (iv) is reviewed and updated annually; and
  - 214 (e) investigate a report made in accordance with Section 59-14-811 to determine  
215 whether a product is sold in violation of law.
- 216 (3) The local health department has the following duties regarding public and private  
217 schools within the local health department's boundaries:
- 218 (a) enforce all ordinances, standards, and regulations pertaining to the public health of  
219 persons attending public and private schools;
  - 220 (b) exclude from school attendance any person, including teachers, who is suffering  
221 from any communicable or infectious disease, whether acute or chronic, if the person  
222 is likely to convey the disease to those in attendance; and
  - 223 (c)(i) make regular inspections of the health-related condition of all school buildings  
224 and premises;
  - 225 (ii) report the inspections on forms furnished by the department to those responsible  
226 for the condition and provide instructions for correction of any conditions that  
227 impair or endanger the health or life of those attending the schools; and
  - 228 (iii) provide a copy of the report to the department at the time the report is made.
- 229 (4) If those responsible for the health-related condition of the school buildings and premises  
230 do not carry out any instructions for corrections provided in a report in Subsection  
231 (3)(c), the local health board shall cause the conditions to be corrected at the expense of  
232 the persons responsible.
- 233 (5) The local health department may exercise incidental authority as necessary to carry out  
234 the provisions and purposes of this part.

- 235 (6) This part does not authorize a local health department to:
- 236 (a) require the installation or maintenance of a carbon monoxide detector in a residential  
237 dwelling against anyone other than the occupant of the dwelling; or
- 238 (b) control the production, processing distribution, or sale price of local food in response  
239 to a public health emergency.
- 240 (7)(a) Except as provided in Subsection (7)(c), a local health department may not declare  
241 a public health emergency [~~or issue an order of constraint~~] until the local health  
242 department has provided notice of the proposed action to the chief executive officer  
243 of the relevant county no later than 24 hours before the local health department issues  
244 the order or declaration.
- 245 (b) The local health department:
- 246 (i) shall provide the notice required by Subsection (7)(a) using the best available  
247 method under the circumstances as determined by the local health department;
- 248 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and
- 249 (iii) shall provide the notice in written form, if practicable.
- 250 (c)(i) Notwithstanding Subsection (7)(a), a local health department may declare a  
251 public health emergency [~~or issue an order of constraint~~] without approval of the  
252 chief executive officer of the relevant county if the passage of time necessary to  
253 obtain approval of the chief executive officer of the relevant county as required in  
254 Subsection (7)(a) would substantially increase the likelihood of loss of life due to  
255 an imminent threat.
- 256 (ii) If a local health department declares a public health emergency [~~or issues an order  
257 of constraint~~] as described in Subsection (7)(c)(i), the local health department  
258 shall notify the chief executive officer of the relevant county before [~~issuing the  
259 order of constraint~~] declaring a public health emergency.
- 260 (iii) The chief executive officer of the relevant county may terminate a declaration of  
261 a public health emergency [~~or an order of constraint issued~~] as described in  
262 Subsection (7)(c)(i) within 72 hours of declaration of the public health emergency [  
263 ~~or issuance of the order of constraint~~].
- 264 (d)(i) The relevant county governing body may at any time terminate a public health  
265 emergency [~~or an order of constraint~~] issued by the local health department by  
266 majority vote of the county governing body [~~in response to a declared public  
267 health emergency~~].
- 268 (ii) A vote by the relevant county governing body to terminate a public health



269 emergency [~~or an order of constraint~~] as described in Subsection (7)(d)(i) is not  
270 subject to veto by the relevant chief executive officer.

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

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

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

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

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

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

285 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a  
286 local health department expires as described in Subsection (8)(a), the local health  
287 department may not declare a public health emergency for the same illness or  
288 occurrence that precipitated the previous public health emergency declaration.

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

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

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

301 (f) If the Legislature or county legislative body terminates a public health emergency  
302 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local

303 health department may not declare a new public health emergency for the same  
304 illness, occurrence, or exigent circumstances.

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

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

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

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

316 ~~[(b)(i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an order of  
317 constraint without approval of the chief executive officer of the relevant county if the  
318 passage of time necessary to obtain approval of the chief executive officer of the relevant  
319 county as required in Subsection (9)(a)(i) would substantially increase the likelihood of loss  
320 of life due to an imminent threat.]~~

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

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

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

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

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

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

337           ~~[(ii) an individual, while acting or purporting to act within the course and scope of the~~  
338           ~~individual's official department or local health department capacity, may not:]~~  
339           ~~[(A) prevent a religious gathering that is held in a manner consistent with any order of~~  
340           ~~constraint issued pursuant to this title; or]~~  
341           ~~[(B) impose a penalty for a previous religious gathering that was held in a manner~~  
342           ~~consistent~~  
343           ~~with any order of constraint issued pursuant to this title.]~~  
344           ~~[(b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to prevent~~  
345           ~~the violation of this Subsection (10).]~~  
346           ~~[(e)]~~ (9)(a) During a public health emergency declared as described in this title, the  
347           department or a local health department ~~[shall]~~ may not issue a public health order or  
348           impose or implement a regulation that substantially burdens an individual's exercise  
349           of religion unless the department or local health department demonstrates that the  
350           application of the burden to the individual:  
351           (i) is in furtherance of a compelling government interest; and  
352           (ii) is the least restrictive means of furthering that compelling government interest.  
353           ~~[(d)]~~ (b) Notwithstanding ~~[Subsections (10)(a) and (e)]~~ Subsection (9)(a), the department  
354           or a local health department shall allow reasonable accommodations for an individual  
355           to perform or participate in a religious practice or rite.  
356           ~~[(11) An order of constraint issued by a local health department pursuant to a declared public~~  
357           ~~health emergency does not apply to a facility, property, or area owned or leased by the~~  
358           ~~state, including capitol hill, as defined in Section 63O-1-101.]~~  
359           ~~[(12)]~~ (10) A local health department may not:  
360           (a) require a person to obtain an inspection, license, or permit from the local health  
361           department to engage in a practice described in Subsection 58-11a-304(5); ~~[or]~~  
362           (b) prevent or limit a person's ability to engage in a practice described in Subsection  
363           58-11a-304(5) by:  
364           (i) requiring the person to engage in the practice at a specific location or at a  
365           particular type of facility or location; or  
366           (ii) enforcing a regulation applicable to a facility or location where the person  
367           chooses to engage in the practice~~[-]~~ ; or  
368           (c) issue an order of constraint under any circumstance.  
369           Section 5. Section **26A-1-121** is amended to read:  
**26A-1-121 . Standards and regulations adopted by local board -- Local standards**

370 **not more stringent than federal or state standards -- Administrative and judicial review**  
371 **of actions -- Regulations affecting religious practice.**

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

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

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

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

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

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

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

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

389 (B) not modified or amended after February 1, 2022.

390 (c) The board shall provide public hearings prior to the adoption of any regulation or  
391 standard.

392 (d) Notice of any public hearing shall be published at least twice throughout the county  
393 or counties served by the local health department. The publication may be in one or  
394 more newspapers, if the notice is provided in accordance with this Subsection (1)(d).

395 (e) The hearings may be conducted by the board at a regular or special meeting, or the  
396 board may appoint hearing officers who may conduct hearings in the name of the  
397 board at a designated time and place.

398 (f) A record or summary of the proceedings of a hearing shall be taken and filed with the  
399 board.

400 [~~(g)(i) During a declared public health emergency declared under this chapter or under Title~~  
401 ~~26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable~~  
402 ~~Diseases:]~~

403

~~[(A) except as provided in Subsection (1)(h), a local health department may not issue an order~~

404 ~~of constraint without approval of the chief executive officer of the relevant county;]~~

405 ~~[(B) the Legislature may at any time terminate by joint resolution an order of constraint issued~~

406 ~~by a local health department in response to a declared public health emergency that has~~  
407 ~~been in effect for more than 30 days; and]~~

408 ~~[(C) a county governing body may at any time terminate, by majority vote of the governing~~  
409 ~~body, an order of constraint issued by a local health department in response to a~~  
410 ~~declared~~

410 ~~public health emergency.]~~

411 ~~[(ii)(A) For a local health department that serves more than one county, the approval~~  
412 ~~described in Subsection (1)(g)(i)(A) is required for the chief executive officer for which the~~  
413 ~~order of constraint is applicable.]~~

414 ~~[(B) For a local health department that serves more than one county, a county governing~~  
415 ~~body~~

415 ~~may only terminate an order of constraint as described in Subsection (1)(g)(i)(C) for the~~  
416 ~~county served by the county governing body.]~~

417 ~~[(h)(i) Notwithstanding Subsection (1)(g)(i)(A), a local health department may issue an order~~  
418 ~~of constraint without approval of the chief executive officer of the relevant county if the~~  
419 ~~passage of time necessary to obtain approval of the chief executive officer of the relevant~~  
420 ~~county as required in Subsection (1)(g)(i)(A) would substantially increase the likelihood of~~  
421 ~~loss of life due to an imminent threat.]~~

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

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

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

429 ~~[(A) a local health department may not impose an order of constraint on a public gathering~~  
430 ~~that~~

430 ~~applies to a religious gathering differently than the order of constraint applies to any~~  
431 ~~other~~

431 relevantly similar gathering; and]

432 [~~(B) an individual, while acting or purporting to act within the course and scope of the~~

433 ~~individual's official local health department capacity, may not prevent a religious~~

434 ~~gathering~~

435 ~~that is held in a manner consistent with any order of constraint issued pursuant to this~~

436 ~~title,~~

437 ~~or impose a penalty for a previous religious gathering that was held in a manner~~

438 ~~consistent~~

439 ~~with any order of constraint issued pursuant to this title.]~~

440 [(ii) Upon proper grounds, a court of competent jurisdiction may grant an injunction to prevent

441 the violation of this Subsection (1)(i).]

442 [(iii)] (g)(i) During a public health emergency declared as described in this title, [the

443 ~~department or ]a local health department [shall] may not issue a public health order~~

444 or impose or implement a regulation that substantially burdens an individual's

445 exercise of religion unless the department or local health department demonstrates

446 that the application of the burden to the individual:

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

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

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

450 Subsection (1)(g)(i), a local health department shall allow reasonable

451 accommodations for an individual to perform or participate in a religious practice

452 or rite.

453 [(j)] (h) If a local health department declares a public health emergency as described in

454 this chapter, and the local health department finds that the public health emergency

455 conditions warrant an extension of the public health emergency beyond the 30-day

456 term or another date designated by the local legislative body, the local health

457 department shall provide written notice to the local legislative body at least 10 days

458 before the expiration of the public health emergency.

459 (2)(a) A person aggrieved by an action or inaction of the local health department relating

460 to the public health shall have an opportunity for a hearing with the local health

461 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

462 the name of the board requiring the testimony of witnesses and the production of  
463 evidence relevant to a matter in the hearing. The local health department shall make a  
464 written record of the hearing, including findings of facts and conclusions of law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 496 (i) medically accurate information about sexually transmitted diseases that may cause  
497 infertility and sterility if left untreated, including descriptions of:
- 498 (A) the probable side effects resulting from an untreated sexually transmitted  
499 disease, including infertility and sterility;
  - 500 (B) medically accepted treatment for sexually transmitted diseases;
  - 501 (C) the medical risks commonly associated with the medical treatment of sexually  
502 transmitted diseases; and
  - 503 (D) suggested screening by a private physician or physician assistant; and
- 504 (ii) information about:
- 505 (A) public services and agencies available to assist individuals with obtaining  
506 treatment for the sexually transmitted disease;
  - 507 (B) medical assistance benefits that may be available to the individual with the  
508 sexually transmitted disease; and
  - 509 (C) abstinence before marriage and fidelity after marriage being the surest  
510 prevention of sexually transmitted disease.
- 511 (b) The information described in Subsection (3)(a):
- 512 (i) shall be distributed by the department and by local health departments free of  
513 charge; and
  - 514 (ii) shall be relevant to the geographic location in which the information is distributed  
515 by:
    - 516 (A) listing addresses and telephone numbers for public clinics and agencies  
517 providing services in the geographic area in which the information is  
518 distributed; and
    - 519 (B) providing the information in English as well as other languages that may be  
520 appropriate for the geographic area.
- 521 (c)(i) Except as provided in Subsection (3)(c)(ii), the department shall develop  
522 written material that includes the information described in this Subsection (3).
- 523 (ii) In addition to the written materials described in Subsection (3)(c)(i), the  
524 department may distribute the information described in this Subsection (3) by any  
525 other methods the department determines is appropriate to educate the public,  
526 excluding public schools, including websites, toll free telephone numbers, and the  
527 media.
  - 528 (iii) If the information described in Subsection (3)(b)(ii)(A) is not included in the  
529 written pamphlet developed by the department, the written material shall include



530 either a website, or a 24-hour toll free telephone number that the public may use to  
531 obtain that information.

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

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

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

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

540 As used in this part:

541 (1) "Bioterrorism" means:

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

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

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

549 (a) a health condition that is:

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

552 (ii) transmittable to another individual;

553 (b) cholera;

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

555 ~~[(e)]~~ (d) severe acute respiratory syndrome;

556 ~~[(d)]~~ (e) smallpox;

557 ~~[(e)]~~ (f) tuberculosis;

558 ~~[(f)]~~ (g) any viral hemorrhagic fever;

559 ~~[(g)]~~ (h) measles; or

560 ~~[(h)]~~ (i) any infection:

561 (i) that is new, drug resistant, or reemerging;

562 (ii) that evidence suggests is likely to cause either high mortality or morbidity; and

563 (iii) only if the relevant legislative body of the county where the infection is located

- 564 approves as needing containment.
- 565 (3) "Diagnostic information" means a clinical facility's record of individuals who present  
566 for treatment, including the reason for the visit, chief complaint, presenting diagnosis,  
567 final diagnosis, and any pertinent lab results.
- 568 (4)(a) "Epidemic or pandemic disease"~~[:]~~  
569 ~~[(a)]~~ means the occurrence in a community or region of cases of an illness clearly in excess of  
570 normal expectancy.~~[; and]~~
- 571 (b) "Epidemic or pandemic disease" includes diseases designated by the department  
572 which have the potential to cause serious illness or death.
- 573 (5) "Exigent circumstances" means a significant change in circumstances following the  
574 expiration of a public health emergency declared in accordance with this title that:  
575 (a) substantially increases the danger to public safety or health relative to the  
576 circumstances in existence when the public health emergency expired;  
577 (b) poses an imminent danger to public safety or health; and  
578 (c) was not known or foreseen and could not have been known or foreseen at the time  
579 the public health emergency expired.
- 580 (6) "First responder" means:  
581 (a) a law enforcement officer as defined in Section 53-13-103;  
582 (b) emergency medical service personnel as defined in Section 26B-4-101;  
583 (c) firefighters; and  
584 (d) public health personnel having jurisdiction over the location where an individual  
585 subject to an order of restriction is found.
- 586 (7) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 587 (8) "Legislative emergency response committee" means the same as that term is defined in  
588 Section 53-2a-203.
- 589 (9) "Local food" means the same as that term is defined in Section 4-1-109.
- 590 (10)(a) "Order of constraint" means an order, rule, or regulation ~~[issued in response to a~~  
591 ~~declared public health emergency under this part,]~~that:  
592 (i) applies to all or substantially all:  
593 (A) individuals or a certain group of individuals; or  
594 (B) public places or certain types of public places; and  
595 (ii) for the protection of the public health and in response to the declared public  
596 health emergency:  
597 (A) establishes, maintains, or enforces isolation or quarantine;

- 598 (B) establishes, maintains, or enforces a stay-at-home order;
- 599 (C) exercises physical control over property or individuals;
- 600 (D) requires an individual to perform a certain action or engage in certain
- 601 behavior; or
- 602 (E) closes theaters, schools, or other public places or prohibits gatherings of
- 603 people to protect the public health.
- 604 (b) "Order of constraint" includes a stay-at-home order.
- 605 (11) "Order of restriction" means an order issued by [a] the department, a local health
- 606 department, or a district court which requires an individual~~[-or group of individuals who~~
- 607 ~~are subject to restriction]~~ to:
- 608 (a) submit to an examination, treatment, isolation, or quarantine~~[-]~~; or
- 609 (b) perform a certain action or engage in certain behavior.
- 610 (12)(a) "Public health emergency" means an occurrence or imminent credible threat of
- 611 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease,
- 612 or novel and highly fatal infectious agent or biological toxin, that poses a substantial
- 613 risk of a significant number of human fatalities or incidents of permanent or
- 614 long-term disability.
- 615 (b) "Public health emergency" includes an illness or health condition resulting from a
- 616 natural disaster.
- 617 (13) "Public health official" means:
- 618 (a) the executive director or the executive director's authorized representative; or
- 619 (b) the executive director of a local health department or the executive director's
- 620 authorized representative.
- 621 (14) "Reportable emergency illness and health condition" includes the diseases, conditions,
- 622 or syndromes designated by the department.
- 623 (15) "Stay-at-home order" means an order of constraint that:
- 624 (a) restricts movement of the general population to suppress or mitigate an epidemic or
- 625 pandemic disease by directing individuals within a defined geographic area to remain
- 626 in their respective residences; and
- 627 (b) may include exceptions for certain essential tasks.
- 628 (16) "Threat to public health" means a situation where a dangerous public health condition
- 629 could spread to other individuals.
- 630 (17) "Subject to restriction" as applied to an individual~~[-or a group of individuals,]~~ means
- 631 the individual ~~[or group of individuals]~~ could create a threat to public health.

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

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

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

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

639 (3) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah  
640 Administrative Rulemaking Act, as necessary to administer the provisions of Sections  
641 26B-7-304 through 26B-7-315.

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

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

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

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

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

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

655 (i) observation;

656 (ii) information that the department or local health department determines is credible  
657 and reliable information; and

658 (iii) knowledge of current public health risks based on medically accepted guidelines  
659 as may be established by the department by administrative rule.

660 (b) An order of restriction issued by the department or a local health department shall:

661 (i) in the opinion of the public health official, be for the shortest reasonable period of  
662 time necessary to protect the public health;

663 (ii) use the least intrusive method of restriction that, in the opinion of the department  
664 or local health department, is reasonable based on the totality of circumstances  
665 known to the department or local health department issuing the order of restriction;

- 666 (iii) be in writing unless the provisions of Subsection (2)(c) apply; and  
667 (iv) contain notice of an individual's rights as required in Section 26B-7-307.
- 668 (c)(i) The department or a local health department may issue a verbal order of  
669 restriction, without prior notice to the individual~~[or group of individuals]~~ if the  
670 delay in imposing a written order of restriction would significantly jeopardize the  
671 department or local health department's ability to prevent or limit a threat to public  
672 health.
- 673 (ii) A verbal order of restriction issued under Subsection (2)(c)(i):  
674 (A) is valid for 24 hours from the time the order of restriction is issued;  
675 (B) may be verbally communicated to the ~~[individuals or group of individuals]~~  
676 individual subject to restriction by a first responder;  
677 (C) may be enforced by the first responder until the department or local health  
678 department is able to establish and maintain the place of restriction; and  
679 (D) may only be continued beyond the initial 24 hours if a written order of  
680 restriction is issued pursuant to the provisions of Section 26B-7-307.
- 681 (d) The department or a local health department may not issue an order of restriction that  
682 applies to more than one individual.
- 683 (3) Pending issuance of a written order of restriction under Section 26B-7-307, or judicial  
684 review of an order of restriction under Section 26B-7-311, an individual who is subject  
685 to the order of restriction may be required to submit to involuntary examination,  
686 quarantine, isolation, or treatment in the individual's home, a hospital, or any other  
687 suitable facility under reasonable conditions prescribed by the department or local health  
688 department.
- 689 (4) The department or local health department that issued the order of restriction shall take  
690 reasonable measures, including the provision of medical care, as may be necessary to  
691 assure proper care related to the reason for the involuntary examination, treatment,  
692 isolation, or quarantine of an individual ordered to submit to an order of restriction.
- 693 (5)(a) The Legislature may at any time terminate by joint resolution an order of  
694 restriction issued by the department or local health department as described in this  
695 section in response to a declared public health emergency.
- 696 (b) A county governing body may at any time terminate by majority vote an order of  
697 restriction issued by the relevant local health department under this section issued in  
698 response to a declared public health emergency.
- 699 Section 10. Section **26B-7-304.5** is enacted to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 734 (ii) If the department or local health department determines that the conditions  
 735 justifying the order of restriction continue to exist, the department or local health  
 736 department shall send to the individual a written notice of:
- 737 (A) the department or local health department's findings, the expected duration of  
 738 the order of restriction, and the reason for the decision; and
- 739 (B) the individual's right to a judicial review of the order of restriction by the court  
 740 if requested by the individual.
- 741 (iii) Upon request for judicial review by an individual, the department or local health  
 742 department shall:
- 743 (A) file a petition with the court within five business days after the individual's  
 744 request for a judicial review; and
- 745 (B) proceed under Sections 26B-7-309 through 26B-7-311.

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

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

- 749 (1) If the department or local health department cannot obtain consent to the order of  
 750 restriction from an individual, or if an individual withdraws consent to an order under  
 751 Subsection 26B-7-305(1)(b)(iv)(B), the department or local health department shall:
- 752 (a) give the individual~~[-or group of individuals]~~ subject to the order of restriction a  
 753 written notice of:
- 754 (i) the order of restriction and any supporting documentation; and
- 755 (ii) the individual's right to a judicial review of the order of restriction; and
- 756 (b) file a petition for a judicial review of the order of restriction under Section 26B-7-309  
 757 in court within:
- 758 (i) five business days after issuing the written notice of the order of restriction; or
- 759 (ii) if consent has been withdrawn under Subsection 26B-7-305(1)(b)(iv)(B), within  
 760 five business days after receiving notice of the individual's withdrawal of consent.
- 761 (2)(a) An order of restriction remains in effect during any judicial proceedings to review  
 762 the order of restriction if the department or local health department files a petition for  
 763 judicial review of the order of restriction within the period of time required by this  
 764 section.
- 765 (b) Law enforcement officers with jurisdiction in the area where the individual who is  
 766 subject to the order of restriction can be located shall assist the department or local  
 767 health department with enforcing the order of restriction.

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

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

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

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

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

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

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

778 (e) the requirements for termination of the order of restriction, such as necessary  
779 laboratory reports, the expiration of an incubation period, or the completion of

780 treatment for the communicable disease;

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

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

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

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

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

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

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

792 (c) the right to participate in any hearing, in a manner established by the court based on  
793 precautions necessary to prevent additional exposure to communicable or possibly  
794 communicable diseases or to protect the public health;

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

797 (e) the right to cross examine witnesses; and

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

801 [~~(3)(a) Notwithstanding the provisions of Subsection (1), if the department or a local health~~



802 department issues an order of restriction for a group of individuals, the department or local  
 803 health department may modify the method of providing notice to the group or modify the  
 804 information contained in the notice, if the public health official determines the modification  
 805 of the notice is necessary to:]

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

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

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

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

820 (c) An employer in the state, including an employer who is the state or a political  
 821 subdivision of the state, may not violate the provisions of Subsection [(4)(a)] (3)(a).  
 822 Section 14. Section **26B-7-310** is amended to read:

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

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

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

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

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

- 836 (a) written affidavit of the department stating:
- 837 (i) a belief the individual [~~or group of individuals are~~] is subject to restriction;
- 838 (ii) a belief that the individual [~~or group of individuals who are subject to restriction~~  
839 ~~are~~] is likely to fail to submit to examination, treatment, quarantine, or isolation if  
840 not immediately restrained;
- 841 (iii) this failure would pose a threat to the public health; and
- 842 (iv) the personal knowledge of the individual's [~~or group of individuals'~~]condition or  
843 the circumstances that lead to that belief; and
- 844 (b) a written statement by a licensed physician or physician assistant indicating the  
845 physician or physician assistant finds the individual [~~or group of individuals are~~] is  
846 subject to restriction.
- 847 (3) The court shall issue an order of restriction requiring the individual[~~or group of~~  
848 ~~individuals~~] to submit to involuntary restriction to protect the public health if the court  
849 finds:
- 850 (a) there is a reasonable basis to believe that the individual's [~~or group of individuals'~~]  
851 condition requires involuntary examination, quarantine, treatment, or isolation  
852 pending examination and hearing; or
- 853 (b) the individual [~~or group of individuals have~~] has refused to submit to examination by  
854 a health professional as directed by the department or to voluntarily submit to  
855 examination, treatment, quarantine, or isolation.
- 856 (4) If the individual [~~or group of individuals who are~~] who is subject to restriction [~~are~~] is not  
857 in custody, the court may make [~~its~~] the court's determination and issue [~~its~~] an order of  
858 restriction in an ex parte hearing.
- 859 (5) At least 24 hours prior to the hearing required by Section 26B-7-311, the department  
860 which is the petitioner, shall report to the court, in writing, the opinion of qualified  
861 health care providers:
- 862 (a) regarding whether the individual [~~or group of individuals are~~] is infected by or  
863 contaminated with a dangerous public health condition;
- 864 (b) that despite the exercise of reasonable diligence, the diagnostic studies have not been  
865 completed;
- 866 (c) whether the individual [~~or group of individuals have~~] has agreed to voluntarily  
867 comply with necessary examination, treatment, quarantine, or isolation; and
- 868 (d) whether the petitioner believes the individual [~~or group of individuals-~~]will comply  
869 without court proceedings.

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

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

873 (1) The court shall set a hearing regarding the involuntary order of restriction of an  
874 individual~~[or group of individuals]~~, to be held within 10 business days of the issuance  
875 of its order of restriction issued pursuant to Section 26B-7-310, unless the petitioner  
876 informs the court prior to this hearing that the individual~~[or group of individuals]~~:

877 (a) are not subject to restriction; or

878 (b) ~~[have]~~ has stipulated to the issuance of an order of restriction.

879 (2) If the individual ~~[or an individual in a group of individuals]~~ has stipulated to the  
880 issuance of an order of restriction, the court may issue an order as provided in  
881 Subsection (6) for those individuals without further hearing.

882 (3)(a) If the examination report required in Section 26B-7-310 proves the individual ~~[or~~  
883 ~~group of individuals are]~~ is not subject to restriction, the court may without further  
884 hearing terminate the proceedings and dismiss the petition.

885 (b) The court may, after a hearing at which the individual ~~[or group of individuals are]~~ is  
886 present in person or by telephonic or other electronic means and have had the  
887 opportunity to be represented by counsel, extend ~~[its]~~ the court's order of restriction  
888 for a reasonable period, not to exceed 90 days, if the court has reason to believe the  
889 individual ~~[or group of individuals are]~~ is infected by or contaminated with a  
890 dangerous public health condition.

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

893 (a) the order of restriction issued by the petitioner;

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

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

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

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

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

- 904 (ii) there is no appropriate and less restrictive alternative to a court order of  
 905 examination, quarantine, isolation, and treatment, or any of them;
- 906 (iii) the petitioner can provide the individual [~~or group of individuals~~] with treatment  
 907 that is adequate and appropriate to the individual's [~~or group of individuals'~~  
 908 ~~conditions~~] condition and needs; and
- 909 (iv) it is in the public interest to order the individual [~~or group of individuals~~]to  
 910 submit to involuntary examination, quarantine, isolation, and treatment, or any of  
 911 them after weighing the following factors:
- 912 (A) the personal or religious beliefs, if any, of the individual that are opposed to  
 913 medical examination or treatment;
- 914 (B) the ability of the department to control the public health threat with treatment  
 915 alternatives that are requested by the individual;
- 916 (C) the economic impact for the department if the individual is permitted to use an  
 917 alternative to the treatment recommended by the department; and
- 918 (D) other relevant factors as determined by the court.
- 919 (b) If upon completion of the hearing the court does not find all of the conditions listed  
 920 in Subsection (6)(a) exist, the court shall immediately dismiss the petition.
- 921 (7) The order of restriction shall designate the period, subject to Subsection (8), for which  
 922 the individual [~~or group of individuals~~]shall be examined, treated, isolated, or  
 923 quarantined.
- 924 (8)(a) The order of restriction may not exceed six months without benefit of a court  
 925 review hearing.
- 926 (b)(i) The court review hearing shall be held prior to the expiration of the order of  
 927 restriction issued under Subsection (7).
- 928 (ii) At the review hearing the court may issue an order of restriction for up to an  
 929 indeterminate period, if the court enters a written finding in the record  
 930 determining by clear and convincing evidence that the required conditions in  
 931 Subsection (6) will continue for an indeterminate period.
- 932 Section 16. Section **26B-7-317** is amended to read:
- 933 **26B-7-317 . Authorization to report -- Declaration of a public health emergency**  
 934 **-- Termination of a public health emergency.**
- 935 (1) A health care provider is authorized to report to the department any case of a [~~reportable~~  
 936 ~~emergency illness or health~~] dangerous public health condition in any person when:
- 937 (a) the health care provider knows of a confirmed case; or

938 (b) the health care provider believes, based on the health care provider's professional  
 939 judgment that a person likely harbors a [~~reportable emergency illness or~~] dangerous  
 940 public health condition.

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

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

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

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

961 [(ii) The department:]

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

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

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

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

967 [(e)] (b) The department may not mandate reporting under this subsection for more than  
 968 90 days.

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

- (i) the day on which the department or the governor finds that the threat or danger has

971 passed or the public health emergency reduced to the extent that emergency  
972 conditions no longer exist;

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

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

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

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

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

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

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

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

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

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

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

1000 [~~(ii) by joint resolution terminate an order of constraint issued by a local health department in  
1001 response to a public health emergency that has been in effect for more than 30 days; and]~~

1002 [~~(b) a county legislative body may at any time terminate an order of constraint issued by a  
1003 local health department in response to a declared public health emergency.]~~

1004 [(6)] (5)(a)(i) If the department declares a public health emergency as described in this

1005 part, and the department finds that the public health emergency conditions warrant  
 1006 an extension of the public health emergency beyond the 30-day term or another  
 1007 date designated by the Legislature as described in this section, the department  
 1008 shall provide written notice to the speaker of the House of Representatives and the  
 1009 president of the Senate at least 10 days before the expiration of the public health  
 1010 emergency.

1011 (ii) If a local health department declares a public health emergency as described in [  
 1012 ~~this part~~] Title 26A, Local Health Authorities, and the local health department  
 1013 finds that the public health emergency conditions warrant an extension of the  
 1014 public health emergency beyond the 30-day term or another date designated by the  
 1015 county governing body as described in this section, the local health department  
 1016 shall provide written notice to the county governing body at least 10 days before  
 1017 the expiration of the public health emergency.

1018 (b) If the department provides notice as described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) for a  
 1019 public health emergency within the first 30 days from the initial declaration of the  
 1020 public health emergency, the speaker of the House of Representatives and the  
 1021 president of the Senate:

1022 (i) shall poll the members of their respective bodies to determine whether the  
 1023 Legislature will extend the public health emergency; and

1024 (ii) may jointly convene the committee created in Section 53-2a-218.

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

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

1032 (a) discuss the nature of the public health emergency and conditions of the public health  
 1033 emergency;

1034 (b) evaluate options for public health emergency response;

1035 (c) receive testimony from individuals with expertise relevant to the current public  
 1036 health emergency;

1037 (d) receive testimony from members of the public; and

1038 (e) provide a recommendation to the Legislature whether to extend the public health

1039 emergency by joint resolution.

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

1041 [~~(i) the department or a local health department may not impose an order of constraint on a~~

1042 ~~religious gathering that is more restrictive than an order of constraint that applies to any~~

1043 ~~other relevantly similar gathering; and]~~

1044 [~~(ii) an individual, while acting or purporting to act within the course and scope of the~~

1045 ~~individual's official department or local health department capacity, may not:~~]

1046 [~~(A) prevent a religious gathering that is held in a manner consistent with any order of~~

1047 ~~constraint issued pursuant to this title; or]~~

1048 [~~(B) impose a penalty for a previous religious gathering that was held in a manner~~

1049 ~~consistent~~

1050 ~~with any order of constraint issued pursuant to this title.]~~

1051 [(b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to prevent

1052 the violation of this Subsection (8).]

1053 [(e)] (7)(a) During a public health emergency declared as described in this title, the

1054 department or a local health department ~~[shall]~~ may not issue a public health order or

1055 impose or implement a regulation that substantially burdens an individual's exercise

1056 of religion unless the department or local health department demonstrates that the

1057 application of the burden to the individual:

1058 (i) is in furtherance of a compelling government interest; and

1059 (ii) is the least restrictive means of furthering that compelling government interest.

1060 [(d)] (b) Notwithstanding [~~Subsections (8)(a) and (e)~~] Subsection (7)(a), the department

1061 or a local health department shall allow reasonable accommodations for an individual

1062 to perform or participate in a religious practice or rite.

1063 [(9)] (8)(a) Unless the provisions of Subsection (3) apply, a health care provider is not

1064 subject to penalties for failing to submit a report under this section.

1065 (b) If the provisions of Subsection (3) apply, a health care provider is subject to the

1066 penalties of Subsection 26B-7-316(3) for failure to make a report under this section.

1067 Section 17. Section **26B-7-321** is amended to read:

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

1069 **of orders of constraint.**

1070 (1) [~~Subject to Subsection (6), the-~~] The department shall:

1071 (a) ascertain the existence of cases of an illness or condition caused by the factors

described in Subsections 26B-7-316(1) and 26B-7-317(1);



- 1072 (b) investigate all such cases for sources of infection or exposure;
- 1073 (c) ensure that any cases, suspected cases, and exposed persons are subject to proper
- 1074 control measures; and
- 1075 (d) define the distribution of the suspected illness or health condition.
- 1076 (2)(a) Acting on information received from the reports required by Sections 26B-7-316
- 1077 through 26B-7-320, or other reliable information, the department shall identify all
- 1078 individuals thought to have been exposed to an illness or condition described in
- 1079 Subsection 26B-7-316(1).
- 1080 (b) The department may request information from a health care provider concerning an
- 1081 individual's identifying information as described in Subsection 26B-7-316(2)(b)
- 1082 when:
- 1083 (i) the department is investigating a potential illness or condition described in
- 1084 Subsection 26B-7-316(1) and the health care provider has not submitted a report
- 1085 to the department with the information requested; or
- 1086 (ii) the department has received a report from a pharmacist under Section 26B-7-318,
- 1087 a medical laboratory under Section 26B-7-319, or another health care provider
- 1088 under Subsection 26B-7-317(1) and the department believes that further
- 1089 investigation is necessary to protect the public health.
- 1090 (c) A health care provider shall submit the information requested under this section to
- 1091 the department within 24 hours after receiving a request from the department.
- 1092 (3) The department shall counsel and interview identified individuals as appropriate to:
- 1093 (a) assist in the positive identification of other cases and exposed individuals;
- 1094 (b) develop information relating to the source and spread of the illness or condition; and
- 1095 (c) obtain the names, addresses, phone numbers, or other identifying information of any
- 1096 other person from whom the illness or health condition may have been contracted and
- 1097 to whom the illness or condition may have spread.
- 1098 (4) The department shall, for examination purposes, close, evacuate, or decontaminate any
- 1099 facility when the department reasonably believes that such facility or material may
- 1100 endanger the public health due to a condition or illness described in Subsection
- 1101 26B-7-316(1).
- 1102 (5) The department shall destroy personally identifying health information about an
- 1103 individual collected by the department as a result of a report under Sections 26B-7-316
- 1104 through 26B-7-322 upon the earlier of:
- 1105 (a) the department's determination that the information is no longer necessary to carry

1106 out an investigation under Sections 26B-7-316 through 26B-7-324; or

1107 (b) 180 days after the information is collected.

1108 [~~(6)(a) The Legislature may at any time terminate by joint resolution an order of constraint~~

1109 issued by the department in response to a declared public health emergency.]

1110 [~~(b) A county governing body may at any time terminate by majority vote an order of~~

1111 constraint issued by the relevant local health department in response to a declared public

1112 health emergency.]

1113 Section 18. **Effective date.**

1114 This bill takes effect on May 7, 2025.