

1 **Local Health Department Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: Michael L. Kohler

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2  
3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

- 9     ▸ defines terms;
- 10     ▸ requires DEQ and each local health department to enter into a cooperative agreement for  
11 providing environmental health services;
- 12     ▸ requires that the governance committee comprised of DEQ and local health department  
13 personnel:
- 14         • review all environmental quality funding;
  - 15         • review whether funds allocated by contract or cooperative agreement are subject to  
16 requirements meeting or exceeding the minimum performance standards created by  
17 DEQ; and
  - 18         • create a process for exempting certain applications for federal funding from committee  
19 review;
- 20     ▸ requires DEQ to reimburse a local health department for all costs associated with  
21 collecting a civil penalty under Title 19, Environmental Quality Code; and
- 22     ▸ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **19-1-102**, as enacted by Laws of Utah 1991, Chapter 112

30 **19-1-201**, as last amended by Laws of Utah 2024, Chapter 178

31 **19-1-303**, as last amended by Laws of Utah 1995, Chapter 324  
 32 **26A-1-114**, as last amended by Laws of Utah 2024, Chapter 259

33 ENACTS:

34 **19-1-111**, Utah Code Annotated 1953

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

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

38 **19-1-102 . Purposes.**

39 The purpose of this title is to:

- 40 (1) clarify the powers and duties of the Department of Environmental Quality in  
 41 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  
 44 quality while considering the benefits to public health, the impacts on economic  
 45 development, property, wildlife, tourism, business, agriculture, forests, and other  
 46 interests, and the costs to the public and to industry; [~~and~~]
- 47 (4)[~~(a)~~] strengthen local health departments' environmental programs;
- 48 (5) promote coordination and cooperation between the Department of Environmental  
 49 Quality and local health departments;
- 50 [~~(b)~~] (6) build consensus among the public, industry, and local governments in developing  
 51 environmental protection goals; and
- 52 [~~(c)~~] (7) appropriately balance the need for environmental protection with the need for  
 53 economic and industrial development.

54 Section 2. Section **19-1-111** is enacted to read:

55 **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  
 58 established under Subsection (3)(g).
- 59 (b) "Federal funding" means a grant, contract, or other funding from the federal  
 60 government that could provide funds for a local health department to fulfill the duties  
 61 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  
67        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  
70        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  
73            26A-1-106(4);
- 74        (b) review the allocation of environmental quality resources between the department and  
75        the local health departments, including whether funds allocated by contract or  
76        cooperative agreement were:
- 77            (i) allocated in accordance with the formula described in Section 26A-1-116; and  
78            (ii) subject to requirements satisfying and exceeding the minimum performance  
79            standards created by the department under Subsection 26A-1-106;
- 80        (c) evaluate rules and department policies that affect a local health department in  
81        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  
84        environmental quality resources;
- 85        (f) except as provided by Subsection (3)(g), review each department application for any  
86        federal funding that affects a local health department before the department submits  
87        the application; and
- 88        (g) establish a process by which the committee may exempt an application for federal  
89        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  
91        committee shall:
- 92        (a) compute an estimate of the cost a local health department will bear to comply with  
93        the policy or rule;
- 94        (b) specify whether there is any funding provided to a local health department to  
95        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

99 Review and General Oversight Committee regarding the determinations made under  
 100 Subsection (4).

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

102 **19-1-201 . Powers and duties of department -- Rulemaking authority --**  
 103 **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  
 106 Services to delineate specific responsibilities to assure that assessment and  
 107 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  
 109 cooperative agreements, as needed, to ensure efficient use of resources and effective  
 110 response to potential health and safety threats from the environment, and to prevent  
 111 gaps in protection from potential risks from the environment to specific individuals  
 112 or population groups;

113 (c) ~~[coordinate implementation of environmental programs to maximize efficient use of~~  
 114 ~~resources by developing, in consultation with local health departments, a~~  
 115 ~~Comprehensive Environmental Service Delivery Plan]~~ enter into a cooperative  
 116 agreement with each local health department that:

117 (i) recognizes that the department and local health departments are the foundation for  
 118 providing environmental health programs in ~~[the]~~ this state;

119 (ii) delineates the responsibilities of the department and each local health department,  
 120 including those described in Subsection 26A-1-106(3), for the efficient delivery of  
 121 environmental programs using federal, state, and local authorities, responsibilities,  
 122 and resources;

123 (iii) provides for the delegation of authority ~~[and pass through of funding]~~ to local  
 124 health departments for environmental programs, to the extent allowed by  
 125 applicable law, identified in the plan, and requested by the local health department;  
 126 ~~and]~~

127 (iv) recognizes the authority granted to a local health department under Section  
 128 26A-1-108;

129 (v) passes through any federal, state, or other funding and resources to local health  
 130 departments, as necessary and to the extent allowed by applicable law, for the  
 131 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  
134 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,  
142 as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
143 22, State Training and Certification Requirements, if the training or certification is  
144 required:
- 145 (i) under this title;  
146 (ii) by the department; or  
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  
149 Air Act for each regulated pollutant as defined in Section 19-2-109.1, applicable to a  
150 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  
152 Subsection (6)(i) for issuance of an approval order.
- 153 (b) In establishing a fee under Subsection (1)(f), the department shall comply with  
154 Section 63J-1-504 that requires a public hearing and requires the established fee to be  
155 submitted to the Legislature for the Legislature's approval as part of the department's  
156 annual appropriations request.
- 157 (c) A fee established under this section shall cover the reasonable direct and indirect  
158 costs required to develop and administer the Title V program and the small business  
159 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  
161 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  
163 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  
165 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

167 source elects, before the issuance or renewal of a permit, to base the fee during the  
168 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  
170 under Subsection 19-2-109.1(4) shall be deposited into the General Fund as the Air  
171 Pollution Operating Permit Program dedicated credit to be used solely to pay for the  
172 reasonable direct and indirect costs incurred by the department in developing and  
173 administering the program and the small business assistance program under Section  
174 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 [~~(c) three representatives of local health departments appointed by a group of all the  
179 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  
182 and the local health departments, including whether funds allocated by contract  
183 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  
185 accordance with Subsection (4)(b);]~~

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

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

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

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

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

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

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

200 [~~(c) Before November 1 of each year, the department shall provide a report to the Rules~~

- 201           Review and General Oversight Committee regarding the determinations made under  
202           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  
207           environmental hazards;
- 208       (c) prepare, publish, and disseminate information to inform the public concerning issues  
209           involving environmental quality;
- 210       (d) establish and operate programs, as authorized by this title, necessary for protection of  
211           the environment and public health from environmental hazards;
- 212       (e) use local health departments in the delivery of environmental health programs to the  
213           extent provided by law;
- 214       (f) enter into contracts with local health departments, in addition to a cooperative  
215           agreement required under Subsection (1)(c), or others to meet responsibilities  
216           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  
219           submitted by the governor to the Legislature;
- 220       (i) in accordance with Section 63J-1-504, establish a schedule of fees that may be  
221           assessed for actions and services of the department that are reasonable, fair, and  
222           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)]~~  
224           (3)(i) who fails to timely pay that fee, assess a penalty of not more than 50% of the  
225           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  
227           environmental quality for local health departments;
- 228       (l) perform the administrative functions of the boards established by Section 19-1-106,  
229           including the acceptance and administration of grants from the federal government  
230           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,  
232           and clerical staff and field and laboratory services, the extent of which are limited by  
233           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

235 that the person paying the fee agrees by contract to be charged for the service to  
236 efficiently use department resources, protect department permitting processes,  
237 address extraordinary or unanticipated stress on permitting processes, or make use of  
238 specialized expertise.

239 [(7)] (4) In providing service under Subsection [(6)(n)] (3)(n), the department may not  
240 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  
245 runoff.

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  
248 environmental impacts of destruction, construction, development, and operational  
249 activities within the inland port.

250 (iv) "Monitoring facilities" means:

251 (A) for monitoring air quality, a sensor system consisting of monitors to measure  
252 levels of research-grade particulate matter, ozone, and oxides of nitrogen, and  
253 data logging equipment with internal data storage that are interconnected at all  
254 times to capture air quality readings and store data; and

255 (B) for monitoring water quality, facilities to collect groundwater samples,  
256 including in existing conveyances and outfalls, to evaluate sediment, metals,  
257 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  
261 inland port area;

262 (B) characterize the environmental baseline for only air quality for the Salt Lake  
263 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  
266 in the inland port area arising from destruction, construction, development, and  
267 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  
 270 monitoring data to:

271 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58,  
 272 Part 3, Port Authority Board; and

273 (B) the Legislative Management Committee.

274 Section 4. Section **19-1-303** is amended to read:

275 **19-1-303 . Criminal and civil penalties -- Liability for violations.**

276 (1)(a) Any person who violates any provision of this title or lawful orders or rules  
 277 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:

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  
 282 misdemeanor.

283 (b) In addition, a person is liable for any expense incurred by the department or a local  
 284 health department in removing or abating any violation.

285 (2) Assessment or conviction under this title does not relieve the person assessed or  
 286 convicted from civil liability for any act which was also a violation of the public health  
 287 laws.

288 (3) Each day of violation of this title or rules made by the department [~~under it~~] or local  
 289 health department may be considered a separate violation.

290 (4) The enforcement procedures and penalties provided in Subsections (1) through (3) do  
 291 not apply to chapters in this title which provide for other specific enforcement  
 292 procedures and penalties.

293 (5)(a) [~~Unless otherwise specified in statute~~] Except as provided in this Subsection (5) or  
 294 otherwise in this title, the department shall deposit all civil penalties and fines  
 295 imposed and collected under this title into the General Fund.

296 (b) The department shall reimburse a local health department for costs associated with  
 297 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  
 299 department from money collected:

300 (i) from a civil penalty for a qualifying extraordinary expense incurred in a qualifying  
 301 environmental enforcement activity; and

302 (ii) notwithstanding the provisions of Section 78A-5-110, from a criminal fine for a

303 qualifying extraordinary expense incurred in a prosecution for a violation of this  
304 title.

305 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
306 department shall make rules to define:

307 (i) a qualifying environmental enforcement activity; and

308 (ii) a qualifying extraordinary expense.

309 Section 5. Section **26A-1-114** is amended to read:

310 **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,  
313 department rules, and local health department standards and regulations relating to  
314 public health and sanitation, including the plumbing code administered by the  
315 Division of Professional Licensing under Title 15A, Chapter 1, Part 2, State  
316 Construction Code Administration Act, and under Title 26B, Chapter 7, Part 4,  
317 General Sanitation and Food Safety, in all incorporated and unincorporated areas  
318 served by the local health department;

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

322 (c) establish and maintain medical, environmental, occupational, and other laboratory  
323 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  
325 state law which:

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

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

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

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

336 (g) make necessary sanitary and health investigations and inspections on the local health

- 337 department's own initiative or in cooperation with the Department of Health and  
338 Human Services or the Department of Environmental Quality, or both, as to any  
339 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  
342 operation of authorized or required programs and duties;
- 343 (ii) accept, use, and administer all federal, state, or private donations or grants of  
344 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  
346 a donation or grant;
- 347 (i) prepare, publish, and disseminate information necessary to inform and advise the  
348 public concerning:
- 349 (i) the health and wellness of the population, specific hazards, and risk factors that  
350 may adversely affect the health and wellness of the population; and
- 351 (ii) specific activities individuals and institutions can engage in to promote and  
352 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  
356 standards for the correction and prevention of future occurrences, and provide public  
357 information and instruction to special high risk groups;
- 358 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules  
359 within the jurisdiction of the boards;
- 360 (n) cooperate with the state health department, the Department of Corrections, the  
361 Administrative Office of the Courts, the Division of Juvenile Justice and Youth  
362 Services, and the Crime Victim Reparations Board to conduct testing for HIV  
363 infection of alleged sexual offenders, convicted sexual offenders, and any victims of  
364 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  
367 public health emergency as defined in Section 26B-7-301, or a declaration by the  
368 President of the United States or other federal official requesting public health-related  
369 activities; and
- 370 (q) when conducting routine inspections of businesses regulated by the local health

371 department, notify the Department of Agriculture and Food of a potential violation of  
 372 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  
 375 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  
 377 measures to control the causes of epidemic and communicable diseases and other  
 378 conditions significantly affecting the public health which may include involuntary  
 379 testing of alleged sexual offenders for the HIV infection pursuant to Section  
 380 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection  
 381 pursuant to Section 53-10-803;

382 (c) cooperate with the department in matters pertaining to the public health and in the  
 383 administration of state health laws;

384 (d) enter into a cooperative agreement with the Department of Environmental Quality as  
 385 described in Subsection 19-1-201(1)(c); and

386 [~~(d) coordinate implementation of environmental programs to maximize efficient use of~~  
 387 ~~resources by developing with the Department of Environmental Quality a~~  
 388 ~~Comprehensive Environmental Service Delivery Plan which:]~~

389 [~~(i) recognizes that the Department of Environmental Quality and local health~~  
 390 ~~departments are the foundation for providing environmental health programs in~~  
 391 ~~the state;]~~

392 [~~(ii) delineates the responsibilities of the department and each local health department~~  
 393 ~~for the efficient delivery of environmental programs using federal, state, and local~~  
 394 ~~authorities, responsibilities, and resources;]~~

395 [~~(iii) provides for the delegation of authority and pass through of funding to local~~  
 396 ~~health departments for environmental programs, to the extent allowed by~~  
 397 ~~applicable law, identified in the plan, and requested by the local health~~  
 398 ~~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  
 401 whether a product is sold in violation of law.

402 (3) The local health department has the following duties regarding public and private  
 403 schools within the local health department's boundaries:

404 (a) enforce all ordinances, standards, and regulations pertaining to the public health of

- 405 persons attending public and private schools;
- 406 (b) exclude from school attendance any person, including teachers, who is suffering  
407 from any communicable or infectious disease, whether acute or chronic, if the person  
408 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  
410 and premises;
- 411 (ii) report the inspections on forms furnished by the department to those responsible  
412 for the condition and provide instructions for correction of any conditions that  
413 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.
- 415 (4) If those responsible for the health-related condition of the school buildings and premises  
416 do not carry out any instructions for corrections provided in a report in Subsection  
417 (3)(c), the local health board shall cause the conditions to be corrected at the expense of  
418 the persons responsible.
- 419 (5) The local health department may exercise incidental authority as necessary to carry out  
420 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  
423 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  
425 to a public health emergency.
- 426 (7)(a) Except as provided in Subsection (7)(c), a local health department may not declare  
427 a public health emergency or issue an order of constraint until the local health  
428 department has provided notice of the proposed action to the chief executive officer  
429 of the relevant county no later than 24 hours before the local health department issues  
430 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  
433 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  
437 public health emergency or issue an order of constraint without approval of the  
438 chief executive officer of the relevant county if the passage of time necessary to

- 439 obtain approval of the chief executive officer of the relevant county as required in  
440 Subsection (7)(a) would substantially increase the likelihood of loss of life due to  
441 an imminent threat.
- 442 (ii) If a local health department declares a public health emergency or issues an order  
443 of constraint as described in Subsection (7)(c)(i), the local health department shall  
444 notify the chief executive officer of the relevant county before issuing the order of  
445 constraint.
- 446 (iii) The chief executive officer of the relevant county may terminate a declaration of  
447 a public health emergency or an order of constraint issued as described in  
448 Subsection (7)(c)(i) within 72 hours of declaration of the public health emergency  
449 or issuance of the order of constraint.
- 450 (d)(i) The relevant county governing body may at any time terminate a public health  
451 emergency or an order of constraint issued by the local health department by  
452 majority vote of the county governing body in response to a declared public health  
453 emergency.
- 454 (ii) A vote by the relevant county governing body to terminate a public health  
455 emergency or an order of constraint as described in Subsection (7)(d)(i) is not  
456 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  
458 local health department expires at the earliest of:
- 459 (i) the local health department or the chief executive officer of the relevant county  
460 finding that the threat or danger has passed or the public health emergency  
461 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  
463 health emergency; or
- 464 (iii) the day on which the public health emergency is terminated by majority vote of  
465 the county governing body.
- 466 (b)(i) The relevant county legislative body, by majority vote, may extend a public  
467 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  
469 Subsection (8)(b)(i), the public health emergency expires on the date designated  
470 by the county legislative body.
- 471 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a  
472 local health department expires as described in Subsection (8)(a), the local health

- 473 department may not declare a public health emergency for the same illness or  
474 occurrence that precipitated the previous public health emergency declaration.
- 475 (d)(i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local  
476 health department finds that exigent circumstances exist, after providing notice to  
477 the county legislative body, the department may declare a new public health  
478 emergency for the same illness or occurrence that precipitated a previous public  
479 health emergency declaration.
- 480 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires  
481 in accordance with Subsection (8)(a) or (b).
- 482 (e) For a public health emergency declared by a local health department under this  
483 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine  
484 Procedures for Communicable Diseases, the Legislature may terminate by joint  
485 resolution a public health emergency that was declared based on exigent  
486 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  
488 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local  
489 health department may not declare a new public health emergency for the same  
490 illness, occurrence, or exigent circumstances.
- 491 (9)(a) During a public health emergency declared under this chapter or under Title 26B,  
492 Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for  
493 Communicable Diseases:
- 494 (i) except as provided in Subsection (9)(b), a local health department may not issue  
495 an order of constraint without approval of the chief executive officer of the  
496 relevant county;
- 497 (ii) the Legislature may at any time terminate by joint resolution an order of  
498 constraint issued by a local health department in response to a declared public  
499 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  
501 governing body an order of constraint issued by a local health department in  
502 response to a declared public health emergency.
- 503 (b)(i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an  
504 order of constraint without approval of the chief executive officer of the relevant  
505 county if the passage of time necessary to obtain approval of the chief executive  
506 officer of the relevant county as required in Subsection (9)(a)(i) would

- 507 substantially increase the likelihood of loss of life due to an imminent threat.
- 508 (ii) If a local health department issues an order of constraint as described in
- 509 Subsection (9)(b), the local health department shall notify the chief executive
- 510 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
- 512 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of
- 513 the order of constraint.
- 514 (c)(i) For a local health department that serves more than one county, the approval
- 515 described in Subsection (9)(a)(i) is required for the chief executive officer for
- 516 which the order of constraint is applicable.
- 517 (ii) For a local health department that serves more than one county, a county
- 518 governing body may only terminate an order of constraint as described in
- 519 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
- 522 on a religious gathering that is more restrictive than an order of constraint that
- 523 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
- 525 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
- 527 of constraint issued pursuant to this title; or
- 528 (B) impose a penalty for a previous religious gathering that was held in a manner
- 529 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
- 531 prevent the violation of this Subsection (10).
- 532 (c) During a public health emergency declared as described in this title, the department
- 533 or a local health department shall not issue a public health order or impose or
- 534 implement a regulation that substantially burdens an individual's exercise of religion
- 535 unless the department or local health department demonstrates that the application of
- 536 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 (d) Notwithstanding Subsections (10)(a) and (c), the department or a local health
- 540 department shall allow reasonable accommodations for an individual to perform or

- 541           participate in a religious practice or rite.
- 542   (11) An order of constraint issued by a local health department pursuant to a declared  
543       public health emergency does not apply to a facility, property, or area owned or leased  
544       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  
547           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  
549           58-11a-304(5) by:
- 550           (i) requiring the person to engage in the practice at a specific location or at a  
551               particular type of facility or location; or
- 552           (ii) enforcing a regulation applicable to a facility or location where the person  
553               chooses to engage in the practice.
- 554       Section 6. **Effective Date.**
- 555       This bill takes effect on May 7, 2025.