

Scott D. Sandall proposes the following substitute bill:

Local Health Department Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Michael L. Kohler

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- requires the Department of Environmental Quality (department) and each local health department to enter into a cooperative agreement for providing environmental health services;
- requires that the governance committee comprised of department and local health department personnel:
 - review all department funding;
 - review whether funds allocated by contract or cooperative agreement are subject to requirements meeting or exceeding the minimum performance standards created by the department; and
 - create a process for exempting certain applications for federal funding from committee review;
- requires the department to reimburse a local health department for all costs associated with collecting a civil penalty under Title 19, Environmental Quality Code; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

29 AMENDS:

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

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

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

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

34 ENACTS:

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



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

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

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

40 The purpose of this title is to:

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

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

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

57 (1) As used in this section:

- 58 (a) "Exempt application" means an application for federal funding that meets the criteria
- 59 established under Subsection (3)(g).
- 60 (b) "Federal funding" means a grant, contract, or other funding from the federal
- 61 government that could provide funds for a local health department to fulfill the duties
- 62 and responsibilities of the local health department.

- 63 (c) "Governance committee" means the committee created in Subsection (2).
- 64 (2) The department shall establish a committee that consists of:
- 65 (a) the executive director or the executive director's designee;
- 66 (b) two representatives of the department appointed by the executive director; and
- 67 (c) three representatives of local health departments appointed by a group representing
- 68 all the local health departments in the state.
- 69 (3) The governance committee shall:
- 70 (a) review all state and federal funding to the department to identify funding that the
- 71 department may use to support:
- 72 (i) the requirements of Subsection 26A-1-106(3); and
- 73 (ii) the minimum performance standards created by the department under Subsection
- 74 26A-1-106(4);
- 75 (b) review the allocation of environmental quality resources between the department and
- 76 the local health departments, including whether funds allocated by contract or
- 77 cooperative agreement were:
- 78 (i) allocated in accordance with the formula described in Section 26A-1-116; and
- 79 (ii) subject to requirements satisfying or exceeding the minimum performance
- 80 standards created by the department under Subsection 26A-1-106;
- 81 (c) evaluate rules and department policies that affect a local health department in
- 82 accordance with Subsection (4);
- 83 (d) consider policy changes proposed by the department or by a local health department;
- 84 (e) coordinate the implementation of environmental quality programs to maximize
- 85 environmental quality resources;
- 86 (f) except as provided by Subsection (3)(g), review each department application for any
- 87 federal funding that affects a local health department before the department submits
- 88 the application; and
- 89 (g) establish a process by which the committee may exempt an application for federal
- 90 funding from the review required under Subsection (3)(f).
- 91 (4) When evaluating a policy or rule that affects a local health department, the governance
- 92 committee shall:
- 93 (a) compute an estimate of the cost a local health department will bear to comply with
- 94 the policy or rule;
- 95 (b) specify whether there is any funding provided to a local health department to
- 96 implement the policy or rule; and

- 97 (c) advise whether the policy or rule is needed.
- 98 (5) The governance committee shall create bylaws to govern the committee's operations.
- 99 (6) Before November 1 of each year, the department shall provide a report to the Rules
 100 Review and General Oversight Committee regarding the determinations made under
 101 Subsection (4).

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

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

105 (1) The department shall:

- 106 (a) enter into cooperative agreements with the Department of Health and Human
 107 Services to delineate specific responsibilities to assure that assessment and
 108 management of risk to human health from the environment are properly administered;
- 109 (b) consult with the Department of Health and Human Services and enter into
 110 cooperative agreements, as needed, to ensure efficient use of resources and effective
 111 response to potential health and safety threats from the environment, and to prevent
 112 gaps in protection from potential risks from the environment to specific individuals
 113 or population groups;
- 114 (c) ~~[coordinate implementation of environmental programs to maximize efficient use of~~
 115 ~~resources by developing, in consultation with local health departments, a~~
 116 ~~Comprehensive Environmental Service Delivery Plan-]~~ enter into a cooperative
 117 agreement with each local health department that:
- 118 (i) recognizes that the department and local health departments are the foundation for
 119 providing environmental health programs in ~~[the]~~ this state;
- 120 (ii) delineates the responsibilities of the department and each local health department,
 121 including those described in Subsection 26A-1-106(3), for the efficient delivery of
 122 environmental programs using federal, state, and local authorities, responsibilities,
 123 and resources;
- 124 (iii) provides for the delegation of authority ~~[and pass through of funding-]~~ to local
 125 health departments for environmental programs, to the extent allowed by
 126 applicable law, identified in the plan, and requested by the local health department;
 127 ~~and]~~
- 128 (iv) recognizes the authority granted to a local health department under Section
 129 26A-1-108;
- 130 (v) passes through any federal, state, or other funding and resources to local health

- 131 departments, as necessary and to the extent allowed by applicable law, for the
132 efficient delivery of environmental programs; and
133 ~~[(iv)]~~ (vi) is reviewed and updated annually;
- 134 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
135 Rulemaking Act, as follows:
- 136 (i) for a board created in Section 19-1-106, rules regarding:
137 (A) board meeting attendance; and
138 (B) conflicts of interest procedures; and
139 (ii) procedural rules that govern:
140 (A) an adjudicative proceeding, consistent with Section 19-1-301; and
141 (B) a special adjudicative proceeding, consistent with Section 19-1-301.5;
- 142 (e) ensure that training or certification required of a public official or public employee,
143 as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
144 22, State Training and Certification Requirements, if the training or certification is
145 required:
146 (i) under this title;
147 (ii) by the department; or
148 (iii) by an agency or division within the department; and
149 (f) subject to Subsection (2), establish annual fees that conform with Title V of the Clean
150 Air Act for each regulated pollutant as defined in Section 19-2-109.1, applicable to a
151 source subject to the Title V program.
- 152 (2)(a) A fee established under Subsection (1)(f) is in addition to a fee assessed under
153 Subsection (6)(i) for issuance of an approval order.
- 154 (b) In establishing a fee under Subsection (1)(f), the department shall comply with
155 Section 63J-1-504 that requires a public hearing and requires the established fee to be
156 submitted to the Legislature for the Legislature's approval as part of the department's
157 annual appropriations request.
- 158 (c) A fee established under this section shall cover the reasonable direct and indirect
159 costs required to develop and administer the Title V program and the small business
160 assistance program established under Section 19-2-109.2.
- 161 (d) A fee established under Subsection (1)(f) shall be established for all sources subject
162 to the Title V program and for all regulated pollutants.
- 163 (e) An emission fee may not be assessed for a regulated pollutant if the emissions are
164 already accounted for within the emissions of another regulated pollutant.

- 165 (f) An emission fee may not be assessed for any amount of a regulated pollutant emitted
 166 by any source in excess of 4,000 tons per year of that regulated pollutant.
- 167 (g) An emission fee shall be based on actual emissions for a regulated pollutant unless a
 168 source elects, before the issuance or renewal of a permit, to base the fee during the
 169 period of the permit on allowable emissions for that regulated pollutant.
- 170 (h) The fees collected by the department under Subsection (1)(f) and penalties collected
 171 under Subsection 19-2-109.1(4) shall be deposited into the General Fund as the Air
 172 Pollution Operating Permit Program dedicated credit to be used solely to pay for the
 173 reasonable direct and indirect costs incurred by the department in developing and
 174 administering the program and the small business assistance program under Section
 175 19-2-109.2.
- 176 [~~(3) The department shall establish a committee that consists of:~~]
 177 [~~(a) the executive director or the executive director's designee;~~]
 178 [~~(b) two representatives of the department appointed by the executive director; and]~~
 179 [~~(c) three representatives of local health departments appointed by a group of all the~~
 180 [~~local health departments in the state.]~~]
- 181 [~~(4)(a) The committee established in Subsection (3) shall:~~]
 182 [~~(i) review the allocation of environmental quality resources between the department~~
 183 [~~and the local health departments, including whether funds allocated by contract~~
 184 [~~were allocated in accordance with the formula described in Section 26A-1-116;]~~]
 185 [~~(ii) evaluate rules and department policies that affect local health departments in~~
 186 [~~accordance with Subsection (4)(b);]~~]
 187 [~~(iii) consider policy changes proposed by the department or by local health~~
 188 [~~departments;]~~]
 189 [~~(iv) coordinate the implementation of environmental quality programs to maximize~~
 190 [~~environmental quality resources; and]~~]
 191 [~~(v) review each department application for any grant from the federal government~~
 192 [~~that affects a local health department before the department submits the~~
 193 [~~application.]~~]
- 194 [~~(b) When evaluating a policy or rule that affects a local health department, the~~
 195 [~~committee shall:~~]
 196 [~~(i) compute an estimate of the cost a local health department will bear to comply~~
 197 [~~with the policy or rule;]~~]
 198 [~~(ii) specify whether there is any funding provided to a local health department to~~

- 199 implement the policy or rule; and]
- 200 [(iii) advise whether the policy or rule is still needed.]
- 201 [(e) Before November 1 of each year, the department shall provide a report to the Rules
- 202 Review and General Oversight Committee regarding the determinations made under
- 203 Subsection (4)(b).]
- 204 [(5) The committee shall create bylaws to govern the committee's operations.]
- 205 [(6)] (3) The department may:
- 206 (a) investigate matters affecting the environment;
- 207 (b) investigate and control matters affecting the public health when caused by
- 208 environmental hazards;
- 209 (c) prepare, publish, and disseminate information to inform the public concerning issues
- 210 involving environmental quality;
- 211 (d) establish and operate programs, as authorized by this title, necessary for protection of
- 212 the environment and public health from environmental hazards;
- 213 (e) use local health departments in the delivery of environmental health programs to the
- 214 extent provided by law;
- 215 (f) enter into contracts with local health departments, in addition to a cooperative
- 216 agreement required under Subsection (1)(c), or others to meet responsibilities
- 217 established under this title;
- 218 (g) acquire real and personal property by purchase, gift, devise, and other lawful means;
- 219 (h) prepare and submit to the governor a proposed budget to be included in the budget
- 220 submitted by the governor to the Legislature;
- 221 (i) in accordance with Section 63J-1-504, establish a schedule of fees that may be
- 222 assessed for actions and services of the department that are reasonable, fair, and
- 223 reflect the cost of services provided;
- 224 (j) for an owner or operator of a source subject to a fee established by Subsection [(6)(i)]
- 225 (3)(i) who fails to timely pay that fee, assess a penalty of not more than 50% of the
- 226 fee, in addition to the fee, plus interest on the fee computed at 12% annually;
- 227 (k) prescribe by rule reasonable requirements not inconsistent with law relating to
- 228 environmental quality for local health departments;
- 229 (l) perform the administrative functions of the boards established by Section 19-1-106,
- 230 including the acceptance and administration of grants from the federal government
- 231 and from other sources, public or private, to carry out the board's functions;
- 232 (m) upon the request of a board or a division director, provide professional, technical,

233 and clerical staff and field and laboratory services, the extent of which are limited by
234 the money available to the department for the staff and services; and

235 (n) establish a supplementary fee, not subject to Section 63J-1-504, to provide service
236 that the person paying the fee agrees by contract to be charged for the service to
237 efficiently use department resources, protect department permitting processes,
238 address extraordinary or unanticipated stress on permitting processes, or make use of
239 specialized expertise.

240 [(7)] (4) In providing service under Subsection [(6)(n)] (3)(n), the department may not
241 provide service in a manner that impairs another person's service from the department.

242 [(8)] (5)(a) As used in this Subsection [(8)] (5):

243 (i) "Environmental impacts" means:

244 (A) impacts on air quality, including impacts associated with air emissions; and

245 (B) impacts on water quality, including impacts associated with storm water
246 runoff.

247 (ii) "Inland port" means the same as that term is defined in Section 11-58-102.

248 (iii) "Inland port area" means the area in and around the inland port that bears the
249 environmental impacts of destruction, construction, development, and operational
250 activities within the inland port.

251 (iv) "Monitoring facilities" means:

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

256 (B) for monitoring water quality, facilities to collect groundwater samples,
257 including in existing conveyances and outfalls, to evaluate sediment, metals,
258 organics, and nutrients due to storm water.

259 (b) The department shall:

260 (i) develop and implement a sampling and analysis plan to:

261 (A) characterize the environmental baseline for air quality and water quality in the
262 inland port area;

263 (B) characterize the environmental baseline for only air quality for the Salt Lake
264 International Airport; and

265 (C) define the frequency, parameters, and locations for monitoring;

266 (ii) establish and maintain monitoring facilities to measure the environmental impacts

- 267 in the inland port area arising from destruction, construction, development, and
 268 operational activities within the inland port;
- 269 (iii) publish the monitoring data on the department's website; and
- 270 (iv) provide at least annually before November 30 a written report summarizing the
 271 monitoring data to:
- 272 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58,
 273 Part 3, Port Authority Board; and
- 274 (B) the Legislative Management Committee.

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

276 **19-1-303 . Criminal and civil penalties -- Liability for violations --**

277 **Reimbursement.**

- 278 (1)(a) Any person who violates any provision of this title or lawful orders or rules
 279 adopted under this title by the department shall:
- 280 (i) in a civil proceeding be assessed a penalty not to exceed the sum of \$5,000; or
 281 (ii) in a criminal proceeding:
- 282 (A) for the first violation, be guilty of a class B misdemeanor; and
 283 (B) for a subsequent similar violation within two years, be guilty of a class A
 284 misdemeanor.
- 285 (b) In addition, a person is liable for any expense incurred by the department in
 286 removing or abating any violation.
- 287 (2) Assessment or conviction under this title does not relieve the person assessed or
 288 convicted from civil liability for any act which was also a violation of the public health
 289 laws.
- 290 (3) Each day of violation of this title or rules made by the department [~~under it~~] may be
 291 considered a separate violation.
- 292 (4) The enforcement procedures and penalties provided in Subsections (1) through (3) do
 293 not apply to chapters in this title which provide for other specific enforcement
 294 procedures and penalties.
- 295 (5)(a) [~~Unless otherwise specified in statute~~] Except as provided in this Subsection (5) or
 296 otherwise in this title, the department shall deposit all civil penalties and fines
 297 imposed and collected under this title into the General Fund.
- 298 (b) The department shall reimburse a local health department for costs associated with
 299 collecting a civil penalty under this title by the local health department.
- 300 (c) The department may reimburse the department, a local government, or a local health

301 department from money collected:
302 (i) from a civil penalty for a qualifying extraordinary expense incurred in a qualifying
303 environmental enforcement activity; and
304 (ii) notwithstanding the provisions of Section 78A-5-110, from a criminal fine for a
305 qualifying extraordinary expense incurred in a prosecution for a violation of this
306 title.

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

309 (i) a qualifying environmental enforcement activity; and
310 (ii) a qualifying extraordinary expense.

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

312 **26A-1-114 . Powers and duties of departments.**

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

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

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

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

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

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

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

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

334 (f) exercise physical control of property to abate nuisances or eliminate sources of filth

- 335 and infectious and communicable diseases affecting the public health and bill the
336 owner or other person in charge of the premises upon which this nuisance occurs for
337 the cost of abatement;
- 338 (g) make necessary sanitary and health investigations and inspections on the local health
339 department's own initiative or in cooperation with the Department of Health and
340 Human Services or the Department of Environmental Quality, or both, as to any
341 matters affecting the public health;
- 342 (h) pursuant to county ordinance or interlocal agreement:
- 343 (i) establish and collect appropriate fees for the performance of services and
344 operation of authorized or required programs and duties;
- 345 (ii) accept, use, and administer all federal, state, or private donations or grants of
346 funds, property, services, or materials for public health purposes; and
- 347 (iii) make agreements not in conflict with state law which are conditional to receiving
348 a donation or grant;
- 349 (i) prepare, publish, and disseminate information necessary to inform and advise the
350 public concerning:
- 351 (i) the health and wellness of the population, specific hazards, and risk factors that
352 may adversely affect the health and wellness of the population; and
- 353 (ii) specific activities individuals and institutions can engage in to promote and
354 protect the health and wellness of the population;
- 355 (j) investigate the causes of morbidity and mortality;
- 356 (k) issue notices and orders necessary to carry out this part;
- 357 (l) conduct studies to identify injury problems, establish injury control systems, develop
358 standards for the correction and prevention of future occurrences, and provide public
359 information and instruction to special high risk groups;
- 360 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
361 within the jurisdiction of the boards;
- 362 (n) cooperate with the state health department, the Department of Corrections, the
363 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
364 Services, and the Crime Victim Reparations Board to conduct testing for HIV
365 infection of alleged sexual offenders, convicted sexual offenders, and any victims of
366 a sexual offense;
- 367 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321;
- 368 (p) provide public health assistance in response to a national, state, or local emergency, a

- 369 public health emergency as defined in Section 26B-7-301, or a declaration by the
370 President of the United States or other federal official requesting public health-related
371 activities; and
- 372 (q) when conducting routine inspections of businesses regulated by the local health
373 department, notify the Department of Agriculture and Food of a potential violation of
374 Title 4, Chapter 41, Hemp and Cannabinoid Act.
- 375 (2) The local health department shall:
- 376 (a) establish programs or measures to promote and protect the health and general
377 wellness of the people within the boundaries of the local health department;
- 378 (b) investigate infectious and other diseases of public health importance and implement
379 measures to control the causes of epidemic and communicable diseases and other
380 conditions significantly affecting the public health which may include involuntary
381 testing of alleged sexual offenders for the HIV infection pursuant to Section
382 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection
383 pursuant to Section 53-10-803;
- 384 (c) cooperate with the department in matters pertaining to the public health and in the
385 administration of state health laws;
- 386 (d) enter into a cooperative agreement with the Department of Environmental Quality as
387 described in Subsection 19-1-201(1)(c); and
- 388 ~~[(d) coordinate implementation of environmental programs to maximize efficient use of~~
389 ~~resources by developing with the Department of Environmental Quality a~~
390 ~~Comprehensive Environmental Service Delivery Plan which:]~~
- 391 ~~[(i) recognizes that the Department of Environmental Quality and local health~~
392 ~~departments are the foundation for providing environmental health programs in~~
393 ~~the state;]~~
- 394 ~~[(ii) delineates the responsibilities of the department and each local health department~~
395 ~~for the efficient delivery of environmental programs using federal, state, and local~~
396 ~~authorities, responsibilities, and resources;]~~
- 397 ~~[(iii) provides for the delegation of authority and pass through of funding to local~~
398 ~~health departments for environmental programs, to the extent allowed by~~
399 ~~applicable law, identified in the plan, and requested by the local health~~
400 ~~department; and]~~
- 401 ~~[(iv) is reviewed and updated annually; and]~~
- 402 (e) investigate a report made in accordance with Section 59-14-811 to determine

- 403 whether a product is sold in violation of law.
- 404 (3) The local health department has the following duties regarding public and private
405 schools within the local health department's boundaries:
- 406 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
407 persons attending public and private schools;
- 408 (b) exclude from school attendance any person, including teachers, who is suffering
409 from any communicable or infectious disease, whether acute or chronic, if the person
410 is likely to convey the disease to those in attendance; and
- 411 (c)(i) make regular inspections of the health-related condition of all school buildings
412 and premises;
- 413 (ii) report the inspections on forms furnished by the department to those responsible
414 for the condition and provide instructions for correction of any conditions that
415 impair or endanger the health or life of those attending the schools; and
- 416 (iii) provide a copy of the report to the department at the time the report is made.
- 417 (4) If those responsible for the health-related condition of the school buildings and premises
418 do not carry out any instructions for corrections provided in a report in Subsection
419 (3)(c), the local health board shall cause the conditions to be corrected at the expense of
420 the persons responsible.
- 421 (5) The local health department may exercise incidental authority as necessary to carry out
422 the provisions and purposes of this part.
- 423 (6) This part does not authorize a local health department to:
- 424 (a) require the installation or maintenance of a carbon monoxide detector in a residential
425 dwelling against anyone other than the occupant of the dwelling; or
- 426 (b) control the production, processing distribution, or sale price of local food in response
427 to a public health emergency.
- 428 (7)(a) Except as provided in Subsection (7)(c), a local health department may not declare
429 a public health emergency or issue an order of constraint until the local health
430 department has provided notice of the proposed action to the chief executive officer
431 of the relevant county no later than 24 hours before the local health department issues
432 the order or declaration.
- 433 (b) The local health department:
- 434 (i) shall provide the notice required by Subsection (7)(a) using the best available
435 method under the circumstances as determined by the local health department;
- 436 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and

- 437 (iii) shall provide the notice in written form, if practicable.
- 438 (c)(i) Notwithstanding Subsection (7)(a), a local health department may declare a
439 public health emergency or issue an order of constraint without approval of the
440 chief executive officer of the relevant county if the passage of time necessary to
441 obtain approval of the chief executive officer of the relevant county as required in
442 Subsection (7)(a) would substantially increase the likelihood of loss of life due to
443 an imminent threat.
- 444 (ii) If a local health department declares a public health emergency or issues an order
445 of constraint as described in Subsection (7)(c)(i), the local health department shall
446 notify the chief executive officer of the relevant county before issuing the order of
447 constraint.
- 448 (iii) The chief executive officer of the relevant county may terminate a declaration of
449 a public health emergency or an order of constraint issued as described in
450 Subsection (7)(c)(i) within 72 hours of declaration of the public health emergency
451 or issuance of the order of constraint.
- 452 (d)(i) The relevant county governing body may at any time terminate a public health
453 emergency or an order of constraint issued by the local health department by
454 majority vote of the county governing body in response to a declared public health
455 emergency.
- 456 (ii) A vote by the relevant county governing body to terminate a public health
457 emergency or an order of constraint as described in Subsection (7)(d)(i) is not
458 subject to veto by the relevant chief executive officer.
- 459 (8)(a) Except as provided in Subsection (8)(b), a public health emergency declared by a
460 local health department expires at the earliest of:
- 461 (i) the local health department or the chief executive officer of the relevant county
462 finding that the threat or danger has passed or the public health emergency
463 reduced to the extent that emergency conditions no longer exist;
- 464 (ii) 30 days after the date on which the local health department declared the public
465 health emergency; or
- 466 (iii) the day on which the public health emergency is terminated by majority vote of
467 the county governing body.
- 468 (b)(i) The relevant county legislative body, by majority vote, may extend a public
469 health emergency for a time period designated by the county legislative body.
- 470 (ii) If the county legislative body extends a public health emergency as described in

471 Subsection (8)(b)(i), the public health emergency expires on the date designated
472 by the county legislative body.

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

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

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

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

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

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

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

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

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

- 505 (b)(i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an
506 order of constraint without approval of the chief executive officer of the relevant
507 county if the passage of time necessary to obtain approval of the chief executive
508 officer of the relevant county as required in Subsection (9)(a)(i) would
509 substantially increase the likelihood of loss of life due to an imminent threat.
- 510 (ii) If a local health department issues an order of constraint as described in
511 Subsection (9)(b), the local health department shall notify the chief executive
512 officer of the relevant county before issuing the order of constraint.
- 513 (iii) The chief executive officer of the relevant county may terminate an order of
514 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of
515 the order of constraint.
- 516 (c)(i) For a local health department that serves more than one county, the approval
517 described in Subsection (9)(a)(i) is required for the chief executive officer for
518 which the order of constraint is applicable.
- 519 (ii) For a local health department that serves more than one county, a county
520 governing body may only terminate an order of constraint as described in
521 Subsection (9)(a)(iii) for the county served by the county governing body.
- 522 (10)(a) During a public health emergency declared as described in this title:
- 523 (i) the department or a local health department may not impose an order of constraint
524 on a religious gathering that is more restrictive than an order of constraint that
525 applies to any other relevantly similar gathering; and
- 526 (ii) an individual, while acting or purporting to act within the course and scope of the
527 individual's official department or local health department capacity, may not:
- 528 (A) prevent a religious gathering that is held in a manner consistent with any order
529 of constraint issued pursuant to this title; or
- 530 (B) impose a penalty for a previous religious gathering that was held in a manner
531 consistent with any order of constraint issued pursuant to this title.
- 532 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
533 prevent the violation of this Subsection (10).
- 534 (c) During a public health emergency declared as described in this title, the department
535 or a local health department shall not issue a public health order or impose or
536 implement a regulation that substantially burdens an individual's exercise of religion
537 unless the department or local health department demonstrates that the application of
538 the burden to the individual:

- 539 (i) is in furtherance of a compelling government interest; and
540 (ii) is the least restrictive means of furthering that compelling government interest.
- 541 (d) Notwithstanding Subsections (10)(a) and (c), the department or a local health
542 department shall allow reasonable accommodations for an individual to perform or
543 participate in a religious practice or rite.
- 544 (11) An order of constraint issued by a local health department pursuant to a declared
545 public health emergency does not apply to a facility, property, or area owned or leased
546 by the state, including capitol hill, as defined in Section 63O-1-101.
- 547 (12) A local health department may not:
- 548 (a) require a person to obtain an inspection, license, or permit from the local health
549 department to engage in a practice described in Subsection 58-11a-304(5); or
- 550 (b) prevent or limit a person's ability to engage in a practice described in Subsection
551 58-11a-304(5) by:
- 552 (i) requiring the person to engage in the practice at a specific location or at a
553 particular type of facility or location; or
- 554 (ii) enforcing a regulation applicable to a facility or location where the person
555 chooses to engage in the practice.

556 Section 6. **Effective Date.**

557 This bill takes effect on May 7, 2025.