

HB0152S02 compared with HB0152S01

~~{Omitted text}~~ shows text that was in HB0152S01 but was omitted in HB0152S02

inserted text shows text that was not in HB0152S01 but was inserted into HB0152S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Public Education Immunization Requirement}~~ **Repeal** Education Vaccine Exemption Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:

LONG TITLE

General Description:

This bill ~~{repeals the immunization requirement for }~~ amends provisions regarding a vaccination exemption form for required immunizations in the public education system.

Highlighted Provisions:

This bill:

- ~~{repeals Title 53G, Chapter 9, Part 3, Immunization Requirements; }~~
- repeals ~~{cross references and provisions related- }~~ a requirement to ~~{the immunization requirement for the public- }~~ complete an online education ~~{system }~~ module to access a vaccination exemption form; {and }
- requires the Department of Health and Human Services to:
 - provide an online vaccination exemption form; and
 - ensure the transmission of a completed online vaccination exemption form to the relevant school or LEA; and
- makes technical changes.

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Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

~~{26B-1-212, as renumbered and amended by Laws of Utah 2022, Chapter 255}~~

~~{26B-1-242, as last amended by Laws of Utah 2025, First Special Session, Chapter 9}~~

~~{26B-2-404, as last amended by Laws of Utah 2024, Chapter 235}~~

~~{26B-7-118, as renumbered and amended by Laws of Utah 2023, Chapter 308}~~

~~{34A-5-113, as enacted by Laws of Utah 2023, Chapter 275}~~

53G-9-301, as last amended by Laws of Utah 2024, Chapter 464

53G-9-304, as last amended by Laws of Utah 2023, Chapter 328

REPEALS:

~~{53G-9-301, as last amended by Laws of Utah 2024, Chapter 464}~~

~~{53G-9-302, as renumbered and amended by Laws of Utah 2018, Chapter 3}~~

~~{53G-9-303, as last amended by Laws of Utah 2025, Chapter 371}~~

~~{53G-9-304, as last amended by Laws of Utah 2023, Chapter 328}~~

~~{53G-9-305, as renumbered and amended by Laws of Utah 2018, Chapter 3}~~

~~{53G-9-306, as last amended by Laws of Utah 2025, Chapter 371}~~

~~{53G-9-308, as last amended by Laws of Utah 2022, Chapter 329}~~

~~{53G-9-309, as last amended by Laws of Utah 2022, Chapter 255}~~

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

~~{Section 1. Section 26B-1-212 is amended to read: }~~

26B-1-212. Confidential records.

(1) A record classified as confidential under this title shall remain confidential, and be released according to the provisions of this title, notwithstanding Section 63G-2-310.

(2) In addition to a person granted access to a private record described in Subsection 63G-2-302(1)(b), a school, school district, local health department, and the department may share [an immunization record as defined in Section 53G-9-301 or] any [other] record relating to a vaccination or

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immunization as necessary to ensure compliance with Title 53G, Chapter 8, Part 3, Physical Restraint of Students, and to prevent, investigate, and control the causes of epidemic, infectious, communicable, and other diseases affecting the public health.

~~{Section 2. Section 26B-1-242 is amended to read: }~~

26B-1-242. Prohibition on requiring immunity passports or vaccination -- Exceptions.

(1) As used in this section:

(a) "Governmental entity" means the same as that term is defined in Section 63D-2-102.

(b) "Immunity passport" means a document, digital record, or software application indicating that an individual is immune to a disease, whether through vaccination or infection and recovery.

(c) "Regulated entity" means an employer, as defined in Section 34A-6-103, that is subject to a regulation by the Centers for Medicare and Medicaid Services regarding a vaccine, unless the employer is:

(i) the state or a political subdivision of the state; and

(ii) not a health care facility as defined in Section 26B-2-201.

(d) "Vaccination status" means an indication of whether an individual has received one or more doses of a vaccine.

(2) A governmental entity may not:

(a) refuse, withhold from, or deny to an individual any local or state service, good, facility, advantage, privilege, license, educational opportunity, health care access, or employment opportunity based on the individual's vaccination status, including whether the individual has an immunity passport; or

(b) require any individual, directly or indirectly, to receive a vaccine.

(3) Subsection (2) does not apply to:

(a) a vaccination requirement by an institution of higher education, if the vaccination requirement is implemented in accordance with Section 53H-3-1302;

~~[(b) a vaccination requirement by a school if the vaccination requirement is implemented in accordance with Title 53G, Chapter 9, Part 3, Immunization Requirements;]~~

~~[(e)]~~ (b) a child care program as defined in Section 26B-2-401 if the vaccination requirement is implemented in accordance with applicable provisions of state and federal law;

~~[(d)]~~ (c) a regulated entity if compliance with Subsection (2) would result in a violation of binding, mandatory regulations or requirements that affect the regulated entity's funding issued by the

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Centers for Medicare and Medicaid Services or the United States Centers for Disease Control and Prevention;

[(e)] (d) a contract for goods or services entered into before May 3, 2023, if:

(i) application of this section would result in a substantial impairment of the contract; and

(ii) the contract is not between an employer and the employer's employee;

[(f)] (e) a federal contractor;

[(g)] (f) a governmental entity vaccination requirement of an employee who, as determined by the governmental entity:

(i) has, as part of the employee's duties, direct exposure to human blood, human fecal matter, or other potentially infectious materials that may expose the employee to hepatitis or tuberculosis; or

(ii) is acting in a public health or medical setting that requires the employee to receive vaccinations to perform the employee's assigned duties and responsibilities; or

[(h)] (g) a governmental entity that:

(i) establishes a nexus between a vaccination requirement and the employee's assigned duties and responsibilities; or

(ii) identifies an external requirement for vaccination that is not imposed by the governmental entity and is related to the employee's duties and responsibilities.

(4) Nothing in this section prohibits a governmental entity from recommending that an employee receive a vaccine.

~~{Section 3. Section 26B-2-404 is amended to read: }~~

26B-2-404. Residential Child Care Certificate.

(1) Except as provided in Section 26B-2-405, a person may request a Residential Child Care Certificate from the department if the person provides residential child care for eight or fewer qualifying children.

(2) The minimum qualifications for a Residential Child Care Certificate are:

(a) the submission of:

(i) an application in the form prescribed by the department;

(ii) a certification and criminal background fee established in accordance with Section 26B-1-209; and

(iii) in accordance with Section 26B-2-406, identifying information for each adult person and each juvenile age 12 through 17 years old who resides in the provider's home:

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(A) for processing by the Department of Public Safety to determine whether any such person has been convicted of a crime;

(B) to screen for a substantiated finding of child abuse or neglect by a juvenile court; and

(C) to discover whether the person is listed in the Licensing Information System described in Section 80-2-1002;

(b) an initial and annual inspection of the provider's home within 90 days of sending an intent to inspect notice to:

~~[(i) check the immunization record, as defined in Section 53G-9-301, of each qualifying child who receives child care in the provider's home;]~~

~~[(ii)]~~ (i) identify serious sanitation, fire, and health hazards to qualifying children; and

~~[(iii)]~~ (ii) make appropriate recommendations; and

(c) annual training consisting of 10 hours of department-approved training as specified by the department by administrative rule, including a current department-approved CPR and first aid course.

(3) If a serious sanitation, fire, or health hazard has been found during an inspection conducted ~~[pursuant to]~~ in accordance with Subsection (2)(b), the department shall require corrective action for the serious hazards found and make an unannounced follow up inspection to determine compliance.

(4) In addition to an inspection conducted ~~[pursuant to]~~ in accordance with Subsection (2)(b), the department may inspect the home of a certified provider in response to a complaint of:

(a) child abuse or neglect;

(b) serious health hazards in or around the provider's home; or

(c) providing residential child care without the appropriate certificate or license.

(5) With respect to residential child care, the department may only make and enforce rules necessary to implement this section.

~~{Section 4. Section 26B-7-118 is amended to read: }~~

26B-7-118. Online public health education module for vaccine-preventable diseases.

(1) As used in this section:

(a) "Health care provider" means the same as that term is defined in Section 78B-3-403.

(b) "Nonimmune" means that a child or an individual:

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- (i) has not received [each] a given vaccine [~~required in Section 53G-9-305~~] and has not developed a natural immunity through previous illness to a vaccine-preventable disease, as documented by a health care provider;
- 147 (ii) cannot receive [each] a given vaccine [~~required in Section 53G-9-305~~]; or
- 148 (iii) is otherwise known to not be immune to a vaccine-preventable disease.
- 149 (c) "Vaccine-preventable disease" means an infectious disease that can be prevented by a vaccination required in Section 53G-9-305.
- 151 (2) The department shall develop an online education module regarding vaccine-preventable diseases:
- 153 (a) to assist a parent of a nonimmune child to:
- 154 (i) recognize the symptoms of vaccine-preventable diseases;
- 155 (ii) respond in the case of an outbreak of a vaccine-preventable disease;
- 156 (iii) protect children who contract a vaccine-preventable disease; and
- 157 (iv) prevent the spread of vaccine-preventable diseases;
- 158 (b) that contains only the following:
- 159 (i) information about vaccine-preventable diseases necessary to achieve the goals stated in Subsection (2)(a), including the best practices to prevent the spread of vaccine-preventable diseases;
- 162 (ii) recommendations to reduce the likelihood of a nonimmune individual contracting or transmitting a vaccine-preventable disease; and
- 164 (iii) information about additional available resources related to vaccine-preventable diseases and the availability of low-cost vaccines;
- 166 (c) that includes interactive questions or activities; and
- 167 (d) that is expected to take an average user 20 minutes or less to complete, based on user testing.
- 169 (3) In developing the online education module described in Subsection (2), the department shall consult with individuals interested in vaccination or vaccine-preventable diseases, including:
- 172 (a) representatives from organizations of health care professionals; and
- 173 (b) parents of nonimmune children.
- 174 (4) The department shall make the online education module described in Subsection (2) publicly available to parents through:
- 176 (a) a link on the department's website;
- 177 (b) county health departments, as that term is defined in Section 26A-1-102;
- 178 (c) local health departments, as that term is defined in Section 26A-1-102;

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- (d) local education agencies, as that term is defined in Section 53E-1-102; and
(e) other public health programs or organizations.

~~{Section 5. Section 34A-5-113 is amended to read: }~~

34A-5-113. Prohibition on requiring immunity passports and discrimination based on immunity -- Exceptions.

(1) As used in this section:

(a) "Employer" means, notwithstanding Section 34A-5-102:

(i) the state;

(ii) a county, city, town, or school district in the state; and

(iii) a person, including a public utility, having one or more workers or operatives regularly employed in the same business, or in or about the same establishment, under any contract of hire.

(b) "Immunity passport" means a document, digital record, or software application indicating that an individual is immune to a disease, whether through vaccination or infection and recovery.

(c) "Regulated entity" means an employer, as defined in Section 34A-6-103, that is subject to a regulation by the Centers for Medicare and Medicaid Services regarding a vaccine, unless the employer is:

(i) the state or a political subdivision of the state; and

(ii) not a health care facility as defined in Section 26B-2-201.

~~[(d) "School" means the same as that term is defined in Section 53G-9-301.]~~

~~[(e)]~~ (d) "Vaccination status" means an indication of whether an individual has received one or more doses of a vaccine.

(2) It is a discriminatory or prohibited employment practice for an employer, on the basis of an individual's vaccination status or whether the individual has an immunity passport, to:

(a) refuse employment to an individual;

(b) bar an individual from employment; or

(c) discriminate against an individual in compensation or in a term, condition, or privilege of employment.

(3) Subsection (2) does not apply to:

(a) a vaccination requirement by a child care program as defined in Section 26B-2-401 if the vaccination requirement is implemented in accordance with applicable provisions of state and federal law;

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- 212 (b) a regulated entity if compliance with Subsection (2) would result in a violation of binding,
mandatory regulations or requirements that affect the regulated entity's funding issued by the
Centers for Medicare and Medicaid Services or the United States Centers for Disease Control and
Prevention;
- 216 (c) a contract for goods or services entered into before May 3, 2023, if:
- 217 (i) application of this section would result in a substantial impairment of the contract; and
- 219 (ii) the contract is not between an employer and the employer's employee;
- 220 (d) a federal contractor;
- 221 (e) an employer vaccination requirement of an employee who, as determined by the employer, has
direct exposure to human blood, human fecal matter, or other potentially infectious materials that
may expose the employee to hepatitis or tuberculosis; or
- 225 (f) an employer that:
- 226 (i) establishes a nexus between a vaccination requirement and the employee's assigned duties and
responsibilities; or
- 228 (ii) identifies an external requirement for vaccination that is not imposed by the employer and is related
to the employee's duties and responsibilities.
- 230 (4) Nothing in this section prohibits an employer from recommending that an employee receive a
vaccine.

Section 1. Section 53G-9-301 is amended to read:

53G-9-301. Definitions.

As used in this part:

- 29 (1) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- 31 (2) "Health official" means an individual designated by a local health department from within the local
health department to consult and counsel parents and licensed health care providers, in accordance
with Subsection 53G-9-304(2)(a).
- 34 (3) "Health official designee" means a licensed health care provider designated by a local health
department, in accordance with Subsection 53G-9-304(2)(b), to consult with parents, licensed health
care professionals, and school officials.
- 37 (4) "Immunization" or "immunize" means a process through which an individual develops an immunity
to a disease, through vaccination or natural exposure to the disease.
- 39 (5) "Immunization record" means a record relating to a student that includes:

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- 40 (a) information regarding each required vaccination that the student has received, including the date
each vaccine was administered, verified by:
- 42 (i) a licensed health care provider;
- 43 (ii) an authorized representative of a local health department;
- 44 (iii) an authorized representative of the department;
- 45 (iv) a registered nurse; or
- 46 (v) a pharmacist;
- 47 (b) information regarding each disease against which the student has been immunized by previously
contracting the disease; and
- 49 (c) an exemption form identifying each required vaccination from which the student is exempt,
including all required supporting documentation described in Section 53G-9-303.
- 52 (6) "Legally responsible individual" means:
- 53 (a) a student's parent;
- 54 (b) the student's legal guardian;
- 55 (c) an adult brother or sister of a student who has no legal guardian; or
- 56 (d) the student, if the student:
- 57 (i) is an adult; or
- 58 (ii) is a minor who may consent to treatment under Section 26B-4-321.
- 59 (7) "Licensed health care provider" means a health care provider who is licensed under Title 58,
Occupations and Professions, as:
- 61 (a) a medical doctor;
- 62 (b) an osteopathic doctor;
- 63 (c) a physician assistant; or
- 64 (d) an advanced practice registered nurse.
- 65 (8) "Local health department" means the same as that term is defined in Section 26A-1-102.
- 66 (9) "Required vaccines" means vaccines required by department rule described in Section 53G-9-305.
- 68 (10)
- (a) "School" means any public or private:
- 69 (i) elementary or secondary school through grade 12;
- 70 (ii) preschool;
- 71 (iii) child care program, as that term is defined in Section 26B-2-401;

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(iv) nursery school; or

(v) kindergarten.

(b) "School" does not include a:

(i) home school;

(ii) home-based microschool; or

(iii) micro-education entity.

(11) "Student" means an individual who attends a school.

(12) "Vaccinating" or "vaccination" means the administration of a vaccine.

(13) "Vaccination exemption form" means [a] an online form, described in Section 53G-9-304, that documents and verifies that a student is exempt from the requirement to receive one or more required vaccines.

(14) "Vaccine" means the substance licensed for use by the United States Food and Drug Administration that is injected into or otherwise administered to an individual to immunize the individual against a communicable disease.

Section 2. Section 53G-9-304 is amended to read:

53G-9-304. Vaccination exemption form.

(1) The department shall:

(a) develop [a] an online vaccination exemption form that includes only the following information:

(i) identifying information regarding:

(A) the student to whom an exemption applies; and

(B) the legally responsible individual who claims the exemption for the student and signs the vaccination exemption form;

(ii) an indication regarding the vaccines to which the exemption relates;

(iii) a statement that the claimed exemption is for:

(A) a medical reason; or

(B) a personal or religious belief; and

(iv) an explanation of the requirements, in the event of an outbreak of a disease for which a required vaccine exists, for a student who:

(A) has not received the required vaccine; and

(B) is not otherwise immune from the disease;[-and]

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(b) provide the vaccination exemption form created in this Subsection (1) ~~[to local health departments.]~~ in an online format; and

(c) ensure the transmission of a completed online vaccination exemption form to the relevant school or LEA.

(2)

(a) Each local health department shall designate one or more individuals from within the local health department as a health official to consult, regarding the requirements of this part, with:

(i) parents, upon the request of parents;

(ii) school principals and administrators; and

(iii) licensed health care providers.

(b) A local health department may designate a licensed health care provider as a health official designee to provide the services described in Subsection (2)(a).

~~[(3)]~~

~~(a) To receive a vaccination exemption form described in Subsection (1), a legally responsible individual shall complete the online education module described in Section 26B-7-118, permitting an individual to:]~~

~~[(i) complete any requirements online; and]~~

~~[(ii) download and print the vaccine exemption form immediately upon completion of the requirements.]~~

~~[(b) A legally responsible individual may decline to take the online education module and obtain a vaccination exemption form from a local health department if the individual:]~~

~~[(i) requests and receives an in-person consultation at a local health department from a health official or a health official designee regarding the requirements of this part; and]~~

~~[(ii) pays any fees established under Subsection (4)(b).]~~

~~[(4)]~~ (3)

(a) Neither the department nor any other person may charge a fee for the exemption form~~[- offered through the online education module in Subsection (3)(a)].~~

(b) A local health department may establish a fee of up to \$25 to cover the costs of providing an in-person consultation.

Section 3. Effective date.

Effective Date.

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This bill takes effect on {~~May 6,~~ July 1, 2026.

Section 8. **Repealer.**

This Bill Repeals:

- 234 Section **53G-9-301, Definitions.**
- 235 Section **53G-9-302, Immunization required -- Exception -- Weighted pupil unit funding.**
- 236 Section **53G-9-303, Grounds for exemption from required vaccines -- Renewal.**
- 237 Section **53G-9-304, Vaccination exemption form.**
- 238 Section **53G-9-305, Regulations of department.**
- 239 Section **53G-9-306, Immunization record part of student's record -- School review**
- 240 **process at enrollment -- Transfer.**
- 241 Section **53G-9-308, Conditional enrollment -- Suspension for noncompliance --**
- 242 **Procedure.**
- 243 Section **53G-9-309, School record of students' immunization status -- Confidentiality.**

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