

SB0070S01 compared with SB0070

{Omitted text} shows text that was in SB0070 but was omitted in SB0070S01

inserted text shows text that was not in SB0070 but was inserted into SB0070S01

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1

Natural Disaster Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor:

2

LONG TITLE

4 General Description:

5 This bill amends provisions related to a natural disaster.

6 Highlighted Provisions:

7 This bill:

8 ▶ requires a county, city, or town emergency operations plan to designate at least one emergency shelter in the county, city, or town, or a nearby county, city, or town, to accommodate an individual and an individual's household pet during an emergency subject to rules and guidelines established in the emergency operations plan;

12 ▶ {~~amends the offense of aggravated cruelty to an animal to include restraining a personal animal outside during a natural disaster; and~~}

12 ▶ ~~clarifies that a county, city, or town has immunity regarding an emergency operations plan; and~~

14 ▶ makes technical and conforming changes.

15 Money Appropriated in this Bill:

16 None

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17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **53-2a-1403** ~~{(Effective 05/06/26)}~~, as last amended by Laws of Utah 2024, Chapter 438

22 **63G-7-201 , as last amended by Laws of Utah 2025, First Special Session, Chapter 15**

22 **{76-13-203 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 173}**

23 **REPEALS:**

24 **53-2a-1401** , as enacted by Laws of Utah 2021, Chapter 106

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

27 Section 1. Section **53-2a-1403** is amended to read:

28 **53-2a-1403. ~~{(Effective 05/06/26)}~~Emergency operations plan.**

29 (1) As used in this section:

30 (a)

32 (i) "Household pet" means a domesticated animal, such as a dog, cat, bird, rabbit, rodent, or turtle, that:

34 (A) is traditionally kept in the home as a pet rather than for commercial purposes; and

36 (B) can be housed in temporary facilities.

38 (ii) "Household pet" does not include:

39 (A) livestock or other farm animals;

40 (B) a reptile that is not a turtle;

41 (C) an amphibian;

42 (D) a fish;

43 (E) an insect;

44 (F) an arachnid; or

45 (G) an animal kept for racing purposes.

46 (b) "Livestock" means the same as that term is defined in Section 11-46b-101.

47 (2) Each county shall create and maintain an emergency operations plan.

48 [②] (3) Each city and town shall:

49 (a) create and maintain an emergency operations plan; or

50 (b) adopt the emergency operations plan created by the county in which the city or town is located.

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49 (4)

54 (a) Subject to {Subsection } Subsections (4)(c)and (5), an emergency operations plan created and maintained in accordance with this section shall designate at least one shelter to be available to individuals who are within the area covered by the emergency operations plan that allows for the accommodation of an individual and the individual's household pet.

58 (b) A county, city, or town creating an emergency operations plan may, in collaboration with another nearby county, city, or town, designate the shelter described in Subsection (4)(a) to be located outside of the county, city, or town creating the emergency operations plan.

61 (c) An emergency operations plan may establish rules and guidelines regarding the appropriate housing, care, and other related issues of household pets within or at the shelter designated under Subsection (4)(a).

63 (5) A county, city, or town is not required to build a facility to comply with the requirements under Subsection (4)(a) to designate a shelter.

64 Section 2. Section 63G-7-201 is amended to read:

65 **63G-7-201. Immunity of governmental entities and employees from suit.**

68 (1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from suit for any injury that results from the exercise of a governmental function.

70 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a governmental entity, its officers, and its employees are immune from suit:

71 (a) as provided in Section 78B-4-517; and

73 (b) for any injury or damage resulting from the implementation of or the failure to implement measures to:

76 (i) control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health or necessary to protect the public health as set out in Title 26A, Chapter 1, Local Health Departments;

78 (ii) investigate and control suspected bioterrorism and disease as set out in Sections 26B-7-316 through 26B-7-324;

78 (iii) respond to a national, state, or local emergency, a public health emergency as defined in Section 26B-7-301, or a declaration by the President of the United States or other federal official requesting public health related activities, including the use, provision, operation, and management of:

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82 (A) an emergency shelter;

83 (B) housing;

84 (C) a staging place; or

85 (D) a medical facility; and

86 (iv) adopt methods or measures, in accordance with Section 26B-1-202, for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve.

89 (3)

92 (a) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury if the injury arises out of or in connection with, or results from:

93 (i) a latent dangerous or latent defective condition of:

95 (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct; or

97 (B) another structure located on any of the items listed in this Subsection (3)(a)(i); or

99 (ii) a latent dangerous or latent defective condition of any public building, structure, dam, reservoir, or other public improvement.

100 (b)

102 (i) As used in this Subsection (3)(b):

105 (A) "Contaminated land" means the same as that term is defined in Section 11-58-102.

107 (B) "Contamination" means the condition of land that results from the placement, disposal, or release of hazardous matter on, in, or under the land, including any seeping or escaping of the hazardous matter from the land.

(C) "Damage" means any property damage, personal injury, or other injury or any loss of any kind, however denominated.

(D) "Environmentally compliant" means, as applicable, obtaining a certificate of completion from the Department of Environmental Quality under Section 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter 8, Voluntary Cleanup Program, obtaining an administrative letter from the Department of Environmental Quality for a discrete phase of a voluntary cleanup that is conducted under a remedial action plan as defined in Section 11-58-605, or complying with the terms of an environmental covenant, as defined in Section 57-25-102, signed by an agency, as defined in Section 57-25-102, and duly recorded in the office of the recorder of the county in which the contaminated land is located.

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117 (E) "Government owner" means a governmental entity, including an independent entity, as defined
in Section 63E-1-102, that acquires an ownership interest in land that was contaminated land
before the governmental entity or independent entity acquired an ownership interest in the land.

121 (F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302, [-]hazardous
substances, as defined in Section 19-6-302, or landfill material, as defined in Section 11-58-102.

124 (G) "Remediation" means the same as that term is defined in Section 11-58-102.

125 (ii)

129 (A) A government owner and the government owner's officers and employees are immune from suit,
and immunity is not waived, for any claim for damage that arises out of or in connection with, or
results from, contamination of contaminated land.

132 (B) A government owner's ownership of contaminated land may not be the basis of a claim against
the government owner for damage that arises out of or in connection with, or results from,
contamination of contaminated land.

135 (iii) Subsection (3)(b)(ii) does not limit or affect:

137 (A) the liability of a person that placed, disposed of, or released hazardous matter on, in, or under the
land; or

135 (B) a worker compensation claim of an employee of an entity that conducts work on or related to
contaminated land.

137 (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's remediation of
contaminated land if the government owner is environmentally compliant.

140 (4) A governmental entity, its officers, and its employees are immune from suit, and immunity is not
waived, for any injury proximately caused by a negligent act or omission of an employee committed
within the scope of employment, if the injury arises out of or in connection with, or results from:

144 (a) the exercise or performance, or the failure to exercise or perform, a discretionary function, whether[
or not] the discretion is abused;

146 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery, false imprisonment,
false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit,
interference with contract rights, infliction of mental anguish, or violation of civil rights;

150 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue, deny, suspend, or
revoke, any permit, license, certificate, approval, order, or similar authorization;

153 (d) a failure to make an inspection or making an inadequate or negligent inspection;

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- 154 (e) the institution or prosecution of any judicial or administrative proceeding, even if malicious or
without probable cause;
- 156 (f) a misrepresentation by an employee whether[or not] the misrepresentation is negligent or
intentional;
- 158 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;
- 159 (h) the collection or assessment of taxes;
- 160 (i) an activity of the Utah National Guard;
- 161 (j) the incarceration of a person in a state prison, county or city jail, or other place of legal confinement;
- 163 (k) a natural condition on publicly owned or controlled land;
- 164 (l) a condition existing in connection with an abandoned mine or mining operation;
- 165 (m) an activity authorized by the School and Institutional Trust Lands Administration or the Division of
Forestry, Fire, and State Lands;
- 167 (n) the operation or existence of a trail that is along a water facility, as defined in Section 73-1-8,
stream, or river, regardless of ownership or operation of the water facility, stream, or river, if:
 - 170 (i) the trail is designated under a general plan adopted by a municipality under Section 10-20-401 or by
a county under Section 17-79-401;
 - 172 (ii) the trail right-of-way or the right-of-way where the trail is located is open to public use as evidenced
by a written agreement between:
 - 174 (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail is located; and
 - 176 (B) the municipality or county where the trail is located; and
 - 177 (iii) the written agreement:
 - 178 (A) contains a plan for operation and maintenance of the trail; and
 - 179 (B) provides that an owner or operator of the trail right-of-way or of the right-of-way where the trail
is located has, at a minimum, the same level of immunity from suit as the governmental entity in
connection with or resulting from the use of the trail;
- 183 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 184 (p) the management of flood waters, earthquakes, or natural disasters;
- 185 (q) the construction, repair, or operation of flood or storm systems;
- 186 (r) the operation of an emergency vehicle, while being driven in accordance with the requirements of
Section 41-6a-212;
- 188 (s) the activity of:

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- 189 (i) providing emergency medical assistance;
- 190 (ii) fighting fire;
- 191 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 192 (iv) an emergency evacuation;
- 193 (v) transporting or removing an injured person to a place where emergency medical assistance can be rendered or where the person can be transported by a licensed ambulance service; or
- 196 (vi) intervening during a dam emergency;
- 197 (t) the exercise or performance, or the failure to exercise or perform, any function in accordance with Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;
- 200 (u) an unauthorized access to government records, data, or electronic information systems by any person or entity;
- 202 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of a public or private road;
- 204 (w) a communication between employees of one or more law enforcement agencies related to the employment, disciplinary history, character, professional competence, or physical or mental health of a peace officer, or a former, current, or prospective employee of a law enforcement agency, including any communication made in accordance with Section 53-14-103;[-or]
- 209 (x) providing or failing to provide information under Section 53-27-102 or Subsection 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5)[.] ; or
- 211 (y) an emergency operations plan described in Section 53-2a-1403;
- 212 (5) The following are immune from suit, and immunity is not waived for an action or failure to act within the scope of duties or employment, if the injury arises out of, in connection with, or results from the implementation of Section 17E-7-401 to the extent it addresses evaluating and classifying high risk wildland urban interface property, Section 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface Property:
 - 218 (a) the Division of Forestry, Fire, and State Lands;
 - 219 (b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;
 - 220 (c) a county;
 - 221 (d) a wildland urban interface coordinator, as defined in Section 65A-8-401;
 - 222 (e) the Insurance Department; or
 - 223 (f) an officer, employee, or consultant of the Insurance Department.

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224 Section 3. Repealer.

225 This Bill Repeals:

226 This bill repeals:

227 **Section 53-2a-1401, Title.**

228 ~~{Section 2. Section 76-13-203 is amended to read: }~~

229 **76-13-203. Aggravated cruelty to an animal.**

230 (1)

231 (a) As used in this section:

232 (i) "Abandon" means the same as that term is defined in Section 76-13-202.

233 [(i)] (ii) "Animal" means the same as that term is defined in Section 76-13-202.

234 [(ii)] (iii) "Custody" means the same as that term is defined in Section 76-13-202.

235 [(iii)] (iv) "Legal privilege" means the same as that term is defined in Section 76-13-202.

236 (v) "Natural disaster" means the same as that term is defined in Section 63G-6a-803.

237 (vi) "Personal animal" means the same as that term is defined in Section 78B-6-812.

238 [(iv)] (vii) "Torture" means the same as that term is defined in Section 76-13-202.

239 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

240 (2) Except as provided in Subsection (4), an actor commits aggravated cruelty to an animal if the actor:

241 (a) tortures an animal;

242 (b) administers, or causes to be administered, poison or a poisonous substance to an animal;[-or]

243 (c) kills an animal or causes an animal to be killed without having a legal privilege to do so[-] ; or

244 (d) during a natural disaster:

245 (i) attaches a personal animal outside to a stationary object or trolley system using a chain, rope, tether,
leash, cable, or other device; and

246 (ii) abandons the personal animal.

247 (3) A violation of Subsection (2) is:

248 (a) a class A misdemeanor if committed intentionally or knowingly;

249 (b) a class B misdemeanor if committed recklessly; or

250 (c) a class C misdemeanor if committed with criminal negligence.

251 (4) If an actor's conduct in violation of this section also constitutes a violation of Section 76-13-204,
Torturing a companion animal, the actor's conduct shall be prosecuted under Section 76-13-204.

252 (5) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:

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- 94 (a) performed by a licensed veterinarian using accepted veterinary practice;
- 95 (b) directly related to bona fide experimentation for scientific research, provided that if the animal is to
be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the
veterinary purpose or scientific research involved;
- 98 (c) permitted under Section 18-1-3;
- 99 (d) performed by an actor who humanely destroys an animal found suffering past recovery for any
useful purpose; or
- 101 (e) performed by an actor who humanely destroys an apparently abandoned animal found on the actor's
property.
- 103 (6) For purposes of Subsection (5)(d), before destroying the suffering animal, an actor who is not the
owner of the animal shall obtain:
 - 105 (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
 - 106 (b) the judgment of two other individuals called by the actor to view the unrecoverable condition of the
animal in the actor's presence;
 - 108 (c) the consent from the owner of the animal to the destruction of the animal; or
 - 109 (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the actor's own
observation, if the actor is in a location or circumstance where the actor is unable to contact another
individual.
- 112 (7) Upon conviction under this section, the court may in the court's discretion, in addition to other
penalties:
 - 114 (a) order the actor to be evaluated to determine the need for psychiatric or psychological counseling, to
receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation
and counseling;
 - 117 (b) require the actor to forfeit any rights the actor has to the animal subjected to a violation of this
section and to repay the reasonable costs incurred by any person in caring for each animal subjected
to a violation of this section;
 - 120 (c) order the actor to no longer possess or retain custody of any animal, as specified by the court, during
the period of the actor's probation or parole or other period as designated by the court; and
 - 123 (d) order the animal to be placed for the purpose of adoption or care in the custody of a county or
municipal animal control agency or an animal welfare agency registered with the state to be sold at
public auction or humanely destroyed.

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126 (8) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may
not be held civilly liable for making the report.

227 **Section 4. Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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