

Trevor Lee proposes the following substitute bill:

Public Education Immunization Requirement Repeal

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:

LONG TITLE

General Description:

This bill repeals the immunization requirement for the public education system.

Highlighted Provisions:

This bill:

- repeals Title 53G, Chapter 9, Part 3, Immunization Requirements;
- repeals cross references and provisions related to the immunization requirement for the public education system; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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

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

30 **53G-9-308**, as last amended by Laws of Utah 2022, Chapter 329

31 **53G-9-309**, as last amended by Laws of Utah 2022, Chapter 255

32
33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **26B-1-212** is amended to read:

35 **26B-1-212 . Confidential records.**

- 36 (1) A record classified as confidential under this title shall remain confidential, and be
37 released according to the provisions of this title, notwithstanding Section 63G-2-310.
- 38 (2) In addition to a person granted access to a private record described in Subsection
39 63G-2-302(1)(b), a school, school district, local health department, and the department
40 may share ~~[an immunization record as defined in Section 53G-9-301 or]~~any [other-]
41 record relating to a vaccination or immunization as necessary to ensure compliance with
42 Title 53G, Chapter 8, Part 3, Physical Restraint of Students, and to prevent, investigate,
43 and control the causes of epidemic, infectious, communicable, and other diseases
44 affecting the public health.

45 Section 2. Section **26B-1-242** is amended to read:

46 **26B-1-242 . Prohibition on requiring immunity passports or vaccination --**
47 **Exceptions.**

- 48 (1) As used in this section:
- 49 (a) "Governmental entity" means the same as that term is defined in Section 63D-2-102.
- 50 (b) "Immunity passport" means a document, digital record, or software application
51 indicating that an individual is immune to a disease, whether through vaccination or
52 infection and recovery.
- 53 (c) "Regulated entity" means an employer, as defined in Section 34A-6-103, that is
54 subject to a regulation by the Centers for Medicare and Medicaid Services regarding
55 a vaccine, unless the employer is:
- 56 (i) the state or a political subdivision of the state; and
57 (ii) not a health care facility as defined in Section 26B-2-201.
- 58 (d) "Vaccination status" means an indication of whether an individual has received one
59 or more doses of a vaccine.
- 60 (2) A governmental entity may not:
- 61 (a) refuse, withhold from, or deny to an individual any local or state service, good,
62 facility, advantage, privilege, license, educational opportunity, health care access, or
63 employment opportunity based on the individual's vaccination status, including

- 64 whether the individual has an immunity passport; or
- 65 (b) require any individual, directly or indirectly, to receive a vaccine.
- 66 (3) Subsection (2) does not apply to:
- 67 (a) a vaccination requirement by an institution of higher education, if the vaccination
- 68 requirement is implemented in accordance with Section 53H-3-1302;
- 69 ~~[(b) a vaccination requirement by a school if the vaccination requirement is implemented~~
- 70 ~~in accordance with Title 53G, Chapter 9, Part 3, Immunization Requirements;]~~
- 71 ~~[(e)]~~ (b) a child care program as defined in Section 26B-2-401 if the vaccination
- 72 requirement is implemented in accordance with applicable provisions of state and
- 73 federal law;
- 74 ~~[(d)]~~ (c) a regulated entity if compliance with Subsection (2) would result in a violation
- 75 of binding, mandatory regulations or requirements that affect the regulated entity's
- 76 funding issued by the Centers for Medicare and Medicaid Services or the United
- 77 States Centers for Disease Control and Prevention;
- 78 ~~[(e)]~~ (d) a contract for goods or services entered into before May 3, 2023, if:
- 79 (i) application of this section would result in a substantial impairment of the contract;
- 80 and
- 81 (ii) the contract is not between an employer and the employer's employee;
- 82 ~~[(f)]~~ (e) a federal contractor;
- 83 ~~[(g)]~~ (f) a governmental entity vaccination requirement of an employee who, as
- 84 determined by the governmental entity:
- 85 (i) has, as part of the employee's duties, direct exposure to human blood, human fecal
- 86 matter, or other potentially infectious materials that may expose the employee to
- 87 hepatitis or tuberculosis; or
- 88 (ii) is acting in a public health or medical setting that requires the employee to
- 89 receive vaccinations to perform the employee's assigned duties and
- 90 responsibilities; or
- 91 ~~[(h)]~~ (g) a governmental entity that:
- 92 (i) establishes a nexus between a vaccination requirement and the employee's
- 93 assigned duties and responsibilities; or
- 94 (ii) identifies an external requirement for vaccination that is not imposed by the
- 95 governmental entity and is related to the employee's duties and responsibilities.
- 96 (4) Nothing in this section prohibits a governmental entity from recommending that an
- 97 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:
 - (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:
 - (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;
 - (ii) cannot receive [each] a given vaccine [~~required in Section 53G-9-305~~]; or
 - (iii) is otherwise known to not be immune to a vaccine-preventable disease.
- (c) "Vaccine-preventable disease" means an infectious disease that can be prevented by a vaccination required in Section 53G-9-305.

(2) The department shall develop an online education module regarding vaccine-preventable diseases:

- (a) to assist a parent of a nonimmune child to:
 - (i) recognize the symptoms of vaccine-preventable diseases;
 - (ii) respond in the case of an outbreak of a vaccine-preventable disease;
 - (iii) protect children who contract a vaccine-preventable disease; and
 - (iv) prevent the spread of vaccine-preventable diseases;
- (b) that contains only the following:
 - (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;
 - (ii) recommendations to reduce the likelihood of a nonimmune individual contracting or transmitting a vaccine-preventable disease; and
 - (iii) information about additional available resources related to vaccine-preventable diseases and the availability of low-cost vaccines;

- (c) that includes interactive questions or activities; and
- (d) that is expected to take an average user 20 minutes or less to complete, based on user testing.

(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:

- (a) representatives from organizations of health care professionals; and
- (b) parents of nonimmune children.

(4) The department shall make the online education module described in Subsection (2) publicly available to parents through:

- (a) a link on the department's website;
- (b) county health departments, as that term is defined in Section 26A-1-102;
- (c) local health departments, as that term is defined in Section 26A-1-102;
- (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;

(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;

(c) 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;

(d) a federal contractor;

(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

(f) an employer 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 employer and is related to the employee's duties and responsibilities.

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

Section 6. **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.**
244 Section 7. **Effective Date.**
245 This bill takes effect on May 6, 2026.