



UTAH STATE

LEGISLATURE

MINUTES

HOUSE BUSINESS AND LABOR STANDING COMMITTEE

Tuesday, January 24, 2023 | 2:00 p.m. | 445 State Capitol

Members Present:

Rep. A. Cory Maloy, Chair
Rep. Stephen L. Whyte, Vice Chair
Rep. Carl R. Albrecht
Rep. Brady Brammer
Rep. Walt Brooks
Rep. Jefferson S. Burton
Rep. James A. Dunnigan
Rep. Brian S. King
Rep. Ashlee Matthews
Rep. Calvin R. Musselman

Rep. Thomas W. Peterson
Rep. Mike Schultz
Rep. Norman K Thurston
Rep. Ryan D. Wilcox

Members Absent:

Rep. Jon Hawkins

Staff Present:

Rohnin Randles, Policy Analyst
An Bradshaw, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Maloy called the meeting to order at 2:00 p.m.

MOTION: Rep. Brooks moved to approve the minutes of the January 19, 2023 meeting. The motion passed with a vote of 9 - 0 - 6.

Yeas - 9

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. A. Maloy
Rep. A. Matthews
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 6

Rep. C. Albrecht
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. B. King
Rep. C. Musselman
Rep. M. Schultz

1. H.B. 178 Post-employment Restrictions Revisions (Loubet, A.)

Rep. Anthony Loubet presented the bill with the assistance of Austin Hepworth, attorney.

Chelselyn Hunt, clinical director, spoke in support of the bill.

Nate Crippes, Disability Law Center, spoke to the bill.

Brandie Juber, parent of a child with disabilities, spoke in support of the bill.

Heather Smith, parent of a child with autism, spoke in support of the bill.

Corinne Fraser, parent and support coordinator, spoke in support of the bill.

Charlie Luke, Utah Association of Community Services, spoke in opposition to the bill.

Chris Reilly, citizen, spoke in opposition to the bill.

MOTION: Rep. Brammer moved to replace H.B. 178 with 1st Substitute H.B. 178. The motion passed with a vote of 11 - 0 - 4.

Yeas - 11

Nays - 0

Absent - 4

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. B. King
Rep. A. Maloy
Rep. A. Matthews
Rep. T. Peterson
Rep. M. Schultz
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Rep. C. Albrecht
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. C. Musselman

MOTION: Rep. Brammer moved to pass 1st Substitute H.B. 178 out favorably. The motion passed with a vote of 12 - 0 - 3.

Yeas - 12

Nays - 0

Absent - 3

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. B. King
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. M. Schultz
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Rep. C. Albrecht
Rep. J. Dunnigan
Rep. J. Hawkins

2. S.B. 12 Hearing Instrument Specialist Licensing Amendments (*Bramble, C.*)

Sen. Curtis Bramble presented the bill.

MOTION: Rep. Thurston moved to pass S.B. 12 out favorably. The motion passed with a vote of 12 - 0 - 3.

Yeas - 12

Nays - 0

Absent - 3

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. B. King
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. M. Schultz
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Rep. C. Albrecht
Rep. J. Dunnigan
Rep. J. Hawkins

3. H.B. 194 Motor Vehicle Dealer Requirements (*Jack, C.*)

Rep. Colin Jack presented the bill.

Craig Bickmore, New Car Dealers of Utah, spoke in support of the bill.

Gary Thorup, Copart, spoke in support of the bill.

Adams Jones, RV Dealers Association, spoke in support of the bill.

MOTION: Rep. Brammer moved to replace H.B. 194 with 1st Substitute H.B. 194. The motion passed with a vote of 14 - 0 - 1.

Yeas - 14

Rep. C. Albrecht
Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. J. Dunnigan
Rep. B. King
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. M. Schultz
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 1

Rep. J. Hawkins

MOTION: Rep. Brammer moved to pass 1st Substitute H.B. 194 out favorably. The motion passed with a vote of 13 - 0 - 2.

Yeas - 13

Rep. C. Albrecht
Rep. B. Brammer
Rep. W. Brooks
Rep. J. Dunnigan
Rep. B. King
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. M. Schultz
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. J. Burton
Rep. J. Hawkins

4. H.B. 211 Real Estate Amendments (*Musselman, C.R.*)

Rep. Musselman presented the bill with the assistance of Jonathan Stewart, Director, Division of Real Estate, Department of Commerce.

Erin Wynn, Utah Association of Realtors, spoke in support of the bill.

MOTION: Rep. Wilcox moved to replace H.B. 211 with 3rd Substitute H.B. 211. The motion passed with a vote of 12 - 0 - 3.

Yeas - 12

Rep. C. Albrecht
Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. J. Dunnigan
Rep. B. King
Rep. A. Maloy
Rep. C. Musselman
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. J. Hawkins
Rep. A. Matthews
Rep. M. Schultz

MOTION: Rep. Wilcox moved to pass 3rd Substitute H.B. 211 out favorably. The motion passed with a vote of 13 - 0 - 2.

Yeas - 13

Rep. C. Albrecht
Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. J. Dunnigan
Rep. B. King
Rep. A. Maloy
Rep. C. Musselman
Rep. T. Peterson
Rep. M. Schultz
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. J. Hawkins
Rep. A. Matthews

5. H.B. 131 Vaccine Passport Prohibition (Brooks, W.)

Rep. Brooks presented the bill with the assistance of Brent Maxwell, business owner, Michelle Meline Donald, employee, Doug Yeaman, business owner, and Kristen Chevrier, citizen. Handouts were provided.

[Handouts](#)

Maleah Bliss Caulford, business owner, spoke in support of the bill.

Melissa Butler, RN, spoke in support of the bill.

Mike Brown, citizen, spoke in support the bill.

Cristy Bokely, citizen, spoke in support of the bill.

Bob McEntee, citizen, spoke in support of the bill.

Greg Duerden, Independent American Party, spoke in support of the bill.

Maryann Christensen, Utah Eagle Forum, spoke in support of the bill.

Kelvyn Cullimore, BioUtah, spoke in support of the bill.

MOTION: Rep. Brooks moved to amend H.B. 131 with Amendment #1. The motion passed with a vote of 12 - 0 - 3.

Amendment 1
H.B. 0131

1. Page 3, Lines 82 through 84:
82 (3) Subsection (2) does not apply to:
83 (a) a vaccination requirement by ~~{a degree-granting}~~ an institution of higher education, if
84 the vaccination requirement is implemented in accordance with Section 53B-2-113;

2. Page 4, Lines 96 through 97:
96 (ii) the contract is not between an employer and the employer's employee;
97 (f) a federal contractor; ~~{or}~~

3. Page 4, Lines 103 through 104:
103 (ii) is acting in a public health or medical setting that requires the employee to receive
104 vaccinations to perform the employee's assigned duties and responsibilities~~{-}~~ ; or
(h) 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. Page 4, Lines 105 through 113:
105 ~~{(4) A governmental entity described in Subsection (3)(g) shall allow the employee to~~
106 ~~decline vaccination if the employee submits to the governmental entity a written statement that~~
107 ~~receiving the vaccine would:~~
108 ~~— (a) be injurious to the health and well-being of the employee;~~
109 ~~— (b) conflict with a sincerely held religious belief, practice, or observance of the~~
110 ~~employee; or~~
111 ~~— (c) conflict with a sincerely held personal belief of the employee.-}~~
112 ~~{(5)}~~ (4) Nothing in this section prohibits a governmental entity from recommending that an
113 employee receive a vaccine.

5. Page 6, Lines 155 through 158:
155 (e) an employer vaccination requirement of an employee~~{-}~~
156 ~~{(i)}~~ who, as determined by the employer, has direct exposure to human blood, human
157 fecal matter, or other potentially infectious materials that may expose the employee to hepatitis
158 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.

6. Page 6, Lines 159 through 173:
159 ~~{(ii) whose primary duties and responsibilities, as determined by the employer, require~~
160 ~~the employee:~~
161 ~~— (A) to enter into a regulated entity in Utah, or a facility in a state or territory of the~~
162 ~~United States outside of Utah, where vaccination is required under state or federal law to~~
163 ~~access the facility; or~~
164 ~~— (B) to travel to a country that requires vaccination as a condition of entry into the~~
165 ~~country;~~
166 ~~— (4) An employer described in Subsection (3)(e) shall allow the employee to decline~~
167 ~~vaccination if the employee submits to the employer a written statement that receiving the~~
168 ~~vaccine would:~~
169 ~~— (a) be injurious to the health and well-being of the employee;~~
170 ~~— (b) conflict with a sincerely held religious belief, practice, or observance of the~~
171 ~~employee; or~~
172 ~~— (c) conflict with a sincerely held personal belief of the employee.-}~~
173 ~~{(5)}~~ (4) Nothing in this section prohibits an employer from recommending that an employee

Yeas - 12

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. J. Dunnigan
Rep. B. King
Rep. A. Maloy
Rep. C. Musselman
Rep. T. Peterson
Rep. M. Schultz
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. C. Albrecht
Rep. J. Hawkins
Rep. A. Matthews

MOTION: Rep. Thurston moved to amend H.B. 131 with Amendment #2. The motion failed with a vote of 4 - 8 - 3.

Amendment 2
H.B. 131

1. Page 2, Lines 50 through 54:

50 (3) (a) Nothing in this section shall be construed to deny any person the right to regulate
51 the operation of a business establishment or place of public accommodation or an enterprise
52 regulated by the state in a manner which applies uniformly to all persons without regard to
53 immunity status, or to deny any religious organization the right to regulate the operation and
54 procedures of the religious organization's establishments.

(b) Notwithstanding this section, if a business requires a recently obtained negative infection test, the business may accept evidence of immunity status instead of the negative infection test.

Yeas - 4

Rep. J. Dunnigan
Rep. B. King
Rep. C. Musselman
Rep. N. Thurston

Nays - 8

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. A. Maloy
Rep. T. Peterson
Rep. M. Schultz
Rep. S. Whyte
Rep. R. Wilcox

Absent - 3

Rep. C. Albrecht
Rep. J. Hawkins
Rep. A. Matthews

MOTION: Rep. Brammer moved to pass H.B. 131 out favorably as amended.

The motion passed with a vote of 10 - 2 - 3.

Yeas - 10

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. J. Dunnigan
Rep. A. Maloy
Rep. C. Musselman
Rep. T. Peterson
Rep. M. Schultz
Rep. S. Whyte
Rep. R. Wilcox

Nays - 2

Rep. B. King
Rep. N. Thurston

Absent - 3

Rep. C. Albrecht
Rep. J. Hawkins
Rep. A. Matthews

MOTION: Rep. Peterson moved to adjourn. The motion passed with a vote of 12 - 0 - 3.

Yeas - 12

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. J. Dunnigan
Rep. B. King
Rep. A. Maloy
Rep. C. Musselman
Rep. T. Peterson
Rep. M. Schultz
Rep. N. Thurston
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. C. Albrecht
Rep. J. Hawkins
Rep. A. Matthews

Chair Maloy adjourned the meeting at 3:34 p.m.