

**26-6b-3.3 Contents of notice of order of restriction -- Rights of individuals.**

- (1) A written order of restriction issued by a department shall include the following information:
  - (a) the identity of the individual or a description of the group of individuals subject to the order of restriction;
  - (b) the identity or location of any premises that may be subject to restriction;
  - (c) the date and time for which the restriction begins and the expected duration of the restriction;
  - (d) the suspected communicable disease, infectious, chemical or biological agent, or other condition that poses a threat to public health;
  - (e) the requirements for termination of the order of restriction, such as necessary laboratory reports, the expiration of an incubation period, or the completion of treatment for the communicable disease;
  - (f) any conditions on the restriction, such as limitation of visitors or requirements for medical monitoring;
  - (g) the medical or scientific information upon which the restriction is based;
  - (h) a statement advising of the right to a judicial review of the order of restriction by the district court; and
  - (i) pursuant to Subsection (2), the rights of each individual subject to restriction.
- (2) An individual subject to restriction has the following rights:
  - (a) the right to be represented by legal counsel in any judicial review of the order of restriction in accordance with Subsection 26-6b-4(3);
  - (b) the right to be provided with prior notice of the date, time, and location of any hearing concerning the order of restriction;
  - (c) the right to participate in any hearing, in a manner established by the court based on precautions necessary to prevent additional exposure to communicable or possibly communicable diseases or to protect the public health;
  - (d) the right to respond and present evidence and arguments on the individual's own behalf in any hearing;
  - (e) the right to cross examine witnesses; and
  - (f) the right to review and copy all records in the possession of the department that issued the order of restriction which relate to the subject of the written order of restriction.
- (3)
  - (a) Notwithstanding the provisions of Subsection (1), if a department issues an order of restriction for a group of individuals, the department may modify the method of providing notice to the group or modify the information contained in the notice, if the public health official determines the modification of the notice is necessary to:
    - (i) protect the privacy of medical information of individuals in the group; or
    - (ii) provide notice to the group in a manner that will efficiently and effectively notify the individuals in the group within the period of time necessary to protect the public health.
  - (b) When a department modifies notice to a group of individuals under Subsection (3)(a), the department shall provide each individual in the group with notice that complies with the provisions of Subsection (1) as soon as reasonably practical.
- (4)
  - (a) In addition to the rights of an individual described in Subsections (1) and (2), an individual subject to an order of restriction may not be terminated from employment if the reason for termination is based solely on the fact that the individual is or was subject to an order of restriction.
  - (b) The department issuing the order of restriction shall give the individual subject to the order of restriction notice of the individual's employment rights under Subsection (4)(a).

(c) An employer in the state, including an employer who is the state or a political subdivision of the state, may not violate the provisions of Subsection (4)(a).

Amended by Chapter 115, 2008 General Session