

**Effective 5/3/2023**

**Effective until 5/1/2024**

**26B-1-207 Policymaking responsibilities -- Regulations for local health departments prescribed by department -- Local standards not more stringent than federal or state standards -- Consultation with local health departments -- Committee to evaluate health policies and to review federal grants.**

- (1) In establishing public health policy, the department shall consult with the local health departments established under Title 26A, Chapter 1, Local Health Departments.
- (2)
  - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may prescribe by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, reasonable requirements not inconsistent with law for a local health department as defined in Section 26A-1-102.
  - (b) Except where specifically allowed by federal law or state statute, a local health department, as defined in Section 26A-1-102, may not establish standards or regulations that are more stringent than those established by federal law, state statute, or administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
  - (c) Nothing in this Subsection (2), limits the ability of a local health department to make standards and regulations in accordance with Subsection 26A-1-121(1)(a) for:
    - (i) emergency rules made in accordance with Section 63G-3-304; or
    - (ii) items not regulated under federal law, state statute, or state administrative rule.
- (3)
  - (a) As used in this Subsection (3):
    - (i) "Committee" means the committee established under Subsection (3)(b).
    - (ii) "Exempt application" means an application for a federal grant that meets the criteria established under Subsection (3)(c)(iii).
    - (iii) "Expedited application" means an application for a federal grant that meets the criteria established under Subsection (3)(c)(iv).
    - (iv) "Federal grant" means a grant from the federal government that could provide funds for local health departments to help them fulfill their duties and responsibilities.
    - (v) "Reviewable application" means an application for a federal grant that is not an exempt application.
  - (b) The department shall establish a committee consisting of:
    - (i) the executive director, or the executive director's designee;
    - (ii) two representatives of the department, appointed by the executive director; and
    - (iii) three representatives of local health departments, appointed by all local health departments.
  - (c) The committee shall:
    - (i) evaluate the allocation of public health resources between the department and local health departments, including whether funds allocated by contract were allocated in accordance with the formula described in Section 26A-1-116;
    - (ii) evaluate policies and rules that affect local health departments in accordance with Subsection (3)(g);
    - (iii) consider department policy and rule changes proposed by the department or local health departments;
    - (iv) establish criteria by which an application for a federal grant may be judged to determine whether it should be exempt from the requirements under Subsection (3)(d); and
    - (v) establish criteria by which an application for a federal grant may be judged to determine whether committee review under Subsection (3)(d)(i) should be delayed until after the

application is submitted because the application is required to be submitted under a timetable that makes committee review before it is submitted impracticable if the submission deadline is to be met.

- (d)
  - (i) The committee shall review the goals and budget for each reviewable application:
    - (A) before the application is submitted, except for an expedited application; and
    - (B) for an expedited application, after the application is submitted but before funds from the federal grant for which the application was submitted are disbursed or encumbered.
  - (ii) Funds from a federal grant under a reviewable application may not be disbursed or encumbered before the goals and budget for the federal grant are established by:
    - (A) a two-thirds vote of the committee, following the committee review under Subsection (3)(d)(i); or
    - (B) if two-thirds of the committee cannot agree on the goals and budget, the chair of the health advisory council, after consultation with the committee in a manner that the committee determines.
- (e) An exempt application is exempt from the requirements of Subsection (3)(d).
- (f) The department may use money from a federal grant to pay administrative costs incurred in implementing this Subsection (3).
- (g) When evaluating a policy or rule that affects a local health department, the committee shall determine:
  - (i) whether the department has the authority to promulgate the policy or rule;
  - (ii) an estimate of the cost a local health department will bear to comply with the policy or rule;
  - (iii) whether there is any funding provided to a local health department to implement the policy or rule; and
  - (iv) whether the policy or rule is still needed.
- (h) Before November 1 of each year, the department shall provide a report to the Administrative Rules Review and General Oversight Committee regarding the determinations made under Subsection (3)(g).