

Effective 5/4/2022

**Part 1
General Provisions**

34-56-101 Definitions.

As used in this chapter:

- (1)
 - (a) "Adverse action" means:
 - (i) an action that results in:
 - (A) the refusal to hire a potential employee; or
 - (B) the termination of employment, demotion, or reduction of wages of an employee; or
 - (ii) a governmental entity separating an employee from another employee solely because of the COVID-19 vaccination status of the employee.
 - (b) "Adverse action" does not include an employer's reassignment of an employee, if the employee's COVID-19 vaccination status is not the only reason for the reassignment.
- (2) "COVID-19 vaccine" means a substance that is:
 - (a)
 - (i) approved for use by the United States Food and Drug Administration; or
 - (ii) authorized for use by the United States Food and Drug Administration under an emergency use authorization under 21 U.S.C. Sec. 360bbb-3;
 - (b) injected into or otherwise administered to an individual; and
 - (c) intended to immunize an individual against COVID-19 as defined in Section 78B-4-517.
- (3) "COVID-19 vaccination status" means the state of whether an individual has received a COVID-19 vaccine.
- (4) "Employee" means an individual suffered or permitted to work by an employer.
- (5)
 - (a) Except as provided in Subsection (5)(c), "employer" means the same as that term is defined in Section 34A-6-103.
 - (b) Except as provided in Subsection (5)(c), "employer" includes a federal contractor.
 - (c) "Employer" does not include:
 - (i) a person that is subject to a regulation by the Centers for Medicare and Medicaid Services regarding a COVID-19 vaccine, during the period that the regulation is in effect; or
 - (ii) a health care provider, as defined in Section 78B-3-403, that is a participating provider for the Centers for Medicare and Medicaid Services.
- (6) "Governmental entity" means:
 - (a) an executive branch agency as defined in Section 63A-16-102;
 - (b) the legislative branch;
 - (c) the judicial branch;
 - (d) the State Board of Education;
 - (e) the Utah Board of Higher Education;
 - (f) an institution of higher education; and
 - (g) a political subdivision of the state:
 - (i) as defined in Section 17B-1-102; and
 - (ii) including a school district.
- (7) "Nurse practitioner" means an individual who is licensed to practice as an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act.

- (8) "Physician" means an individual licensed to practice as a physician or osteopath under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (9) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- (10) "Primary care provider" means a nurse practitioner, physician, or physician assistant.
- (11) "Workplace" means the same as that term is defined in Section 34A-6-103.

Renumbered and Amended by Chapter 119, 2022 General Session

34-56-102 Scope.

If a requirement imposed on an employer under this chapter substantially impairs the fulfillment of a contract entered into before May 4, 2022, to which the employer is a party, the requirement does not apply to the employer.

Enacted by Chapter 119, 2022 General Session