

28 AMENDS:

29 **26-1-30**, as last amended by Laws of Utah 2011, Chapter 177

30 **63G-7-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382

31

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

33 Section 1. Section **26-1-30** is amended to read:

34 **26-1-30. Powers and duties of department.**

35 (1) The department shall:

36 (a) enter into cooperative agreements with the Department of Environmental Quality to
37 delineate specific responsibilities to assure that assessment and management of risk to human
38 health from the environment are properly administered; and

39 (b) consult with the Department of Environmental Quality and enter into cooperative
40 agreements, as needed, to ensure efficient use of resources and effective response to potential
41 health and safety threats from the environment, and to prevent gaps in protection from potential
42 risks from the environment to specific individuals or population groups.

43 (2) In addition to all other powers and duties of the department, it shall have and
44 exercise the following powers and duties:

45 (a) promote and protect the health and wellness of the people within the state;

46 (b) establish, maintain, and enforce rules necessary or desirable to carry out the
47 provisions and purposes of this title to promote and protect the public health or to prevent
48 disease and illness;

49 (c) investigate and control the causes of epidemic, infectious, communicable, and other
50 diseases affecting the public health;

51 (d) provide for the detection, reporting, prevention, and control of communicable,
52 infectious, acute, chronic, or any other disease or health hazard which the department considers
53 to be dangerous, important, or likely to affect the public health;

54 (e) collect and report information on causes of injury, sickness, death, and disability
55 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
56 the state;

57 (f) collect, prepare, publish, and disseminate information to inform the public
58 concerning the health and wellness of the population, specific hazards, and risks that may affect

59 the health and wellness of the population and specific activities which may promote and protect
60 the health and wellness of the population;

61 (g) establish and operate programs necessary or desirable for the promotion or
62 protection of the public health and the control of disease or which may be necessary to
63 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
64 programs may not be established if adequate programs exist in the private sector;

65 (h) establish, maintain, and enforce isolation and quarantine, and for this purpose only,
66 exercise physical control over property and individuals as the department finds necessary for
67 the protection of the public health;

68 (i) close theaters, schools, and other public places and forbid gatherings of people
69 when necessary to protect the public health;

70 (j) abate nuisances when necessary to eliminate sources of filth and infectious and
71 communicable diseases affecting the public health;

72 (k) make necessary sanitary and health investigations and inspections in cooperation
73 with local health departments as to any matters affecting the public health;

74 (l) establish laboratory services necessary to support public health programs and
75 medical services in the state;

76 (m) establish and enforce standards for laboratory services which are provided by any
77 laboratory in the state when the purpose of the services is to protect the public health;

78 (n) cooperate with the Labor Commission to conduct studies of occupational health
79 hazards and occupational diseases arising in and out of employment in industry, and make
80 recommendations for elimination or reduction of the hazards;

81 (o) cooperate with the local health departments, the Department of Corrections, the
82 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
83 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
84 convicted sexual offenders, and any victims of a sexual offense;

85 (p) investigate the cause of maternal and infant mortality;

86 (q) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
87 and drivers of motor vehicles killed in highway accidents be examined for the presence and
88 concentration of alcohol;

89 (r) provide the commissioner of public safety with monthly statistics reflecting the

90 results of the examinations provided for in Subsection (2)(q) and provide safeguards so that
91 information derived from the examinations is not used for a purpose other than the compilation
92 of statistics authorized in this Subsection (2)(r);

93 (s) establish qualifications for individuals permitted to draw blood pursuant to Section
94 41-6a-523, and to issue permits to individuals it finds qualified, which permits may be
95 terminated or revoked by the department;

96 (t) establish a uniform public health program throughout the state which includes
97 continuous service, employment of qualified employees, and a basic program of disease
98 control, vital and health statistics, sanitation, public health nursing, and other preventive health
99 programs necessary or desirable for the protection of public health;

100 (u) adopt rules and enforce minimum sanitary standards for the operation and
101 maintenance of:

102 (i) orphanages;

103 (ii) boarding homes;

104 (iii) summer camps for children;

105 (iv) lodging houses;

106 (v) hotels;

107 (vi) restaurants and all other places where food is handled for commercial purposes,
108 sold, or served to the public;

109 (vii) tourist and trailer camps;

110 (viii) service stations;

111 (ix) public conveyances and stations;

112 (x) public and private schools;

113 (xi) factories;

114 (xii) private sanatoria;

115 (xiii) barber shops;

116 (xiv) beauty shops;

117 (xv) physicians' offices;

118 (xvi) dentists' offices;

119 (xvii) workshops;

120 (xviii) industrial, labor, or construction camps;

- 121 (xix) recreational resorts and camps;
122 (xx) swimming pools, public baths, and bathing beaches;
123 (xxi) state, county, or municipal institutions, including hospitals and other buildings,
124 centers, and places used for public gatherings; and
125 (xxii) of any other facilities in public buildings and on public grounds;
126 (v) conduct health planning for the state;
127 (w) monitor the costs of health care in the state and foster price competition in the
128 health care delivery system;
129 (x) adopt rules for the licensure of health facilities within the state pursuant to Title 26,
130 Chapter 21, Health Care Facility Licensing and Inspection Act;
131 (y) license the provision of child care;
132 (z) accept contributions to and administer the funds contained in the Organ Donation
133 Contribution Fund created in Section 26-18b-101; [~~and~~]
134 (aa) serve as the collecting agent, on behalf of the state, for the nursing care facility
135 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,
136 and adopt rules for the enforcement and administration of the nursing facility assessment
137 consistent with the provisions of Title 26, Chapter 35a[-]; and
138 (bb) establish methods or measures for health care providers, public health entities, and
139 health care insurers to coordinate among themselves to verify the identity of the individuals
140 they serve.

141 Section 2. Section **63G-7-201** is amended to read:

142 **63G-7-201. Immunity of governmental entities from suit.**

143 (1) Except as may be otherwise provided in this chapter, each governmental entity and
144 each employee of a governmental entity are immune from suit for any injury that results from
145 the exercise of a governmental function.

146 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a
147 governmental entity, its officers, and its employees are immune from suit for any injury or
148 damage resulting from the implementation of or the failure to implement measures to:

149 (a) control the causes of epidemic and communicable diseases and other conditions
150 significantly affecting the public health or necessary to protect the public health as set out in
151 Title 26A, Chapter 1, Local Health Departments;

152 (b) investigate and control suspected bioterrorism and disease as set out in Title 26,
153 Chapter 23b, Detection of Public Health Emergencies Act; [~~and~~]
154 (c) respond to a national, state, or local emergency, a public health emergency as
155 defined in Section 26-23b-102, or a declaration by the President of the United States or other
156 federal official requesting public health related activities[-]; and
157 (d) adopt methods or measures, in accordance with Section 26-1-30, for health care
158 providers, public health entities, and health care insurers to coordinate among themselves to
159 verify the identity of the individuals they serve.

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Office of Legislative Research and General Counsel