

1 **EDUCATION IMMUNIZATION MODIFICATIONS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mark A. Strong**

5 Senate Sponsor: Michael S. Kennedy

7 **LONG TITLE**

8 **General Description:**

9 This bill ensures the availability of vaccination exemptions in higher education.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ prohibits the Utah Board of Higher Education and institutions within the higher
13 education system from requiring proof of vaccination unless certain vaccination
14 exemptions are available; and

15 ▶ prohibits higher education institutions and local education agencies that offer both
16 remote and in-person learning from requiring a vaccine-exempt student to
17 participate remotely rather than in-person.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53B-3-103**, as last amended by Laws of Utah 2014, Chapter 298

25 **53G-9-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3

26 ENACTS:

27 **53B-2-112**, Utah Code Annotated 1953



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

Section 1. Section **53B-2-112** is enacted to read:

53B-2-112. Vaccination requirements -- Exemptions.

(1) An institution of higher education described in Section [53B-2-101](#) may not require proof of vaccination as a condition for enrollment or attendance unless the institution allows for the following exemptions:

(a) a medical exemption if the student provides to the institution a statement that the claimed exemption is for a medical reason; and

(b) a personal exemption if the student provides to the institution a statement that the claimed exemption is for a personal or religious belief.

(2) An institution that offers both remote and in-person learning options may not deny a student who is exempt from a requirement to receive a vaccine under Subsection (1) to participate in an in-person learning option based upon the student's vaccination status.

Ĥ→ (3) Subsections (1) and (2) do not apply to a student studying in a medical setting at an institution of higher education.

(4) Nothing in this section restricts a state or local health department from acting under applicable law to contain the spread of an infectious disease. ←Ĥ

Section 2. Section **53B-3-103** is amended to read:

53B-3-103. Power of board to adopt rules and enact regulations.

(1) The board may enact regulations governing the conduct of university and college students, faculty, and employees.

(2) (a) The board may:

(i) enact and authorize higher education institutions to enact traffic, parking, and related regulations governing all individuals on campuses and other facilities owned or controlled by the institutions or the board; and

(ii) acknowledging that the Legislature has the authority to regulate, by law, firearms at higher education institutions:

(A) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room as prescribed in Section [76-8-311.1](#), but not otherwise restrict the lawful possession or carrying of firearms; and

(B) authorize a higher education institution to make a rule that allows a resident of a dormitory located at the institution to request only roommates who are not licensed to carry a concealed firearm under Section [53-5-704](#) or [53-5-705](#).

(b) In addition to the requirements and penalty prescribed in Subsections

59 76-8-311.1(3), (4), (5), and (6), the board shall make rules to ensure that:

60 (i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used
61 to detect firearms, ammunition, or dangerous weapons contained in the personal property of or
62 on the person of any individual attempting to enter a secure area hearing room;

63 (ii) an individual required or requested to attend a hearing in a secure area hearing
64 room is notified in writing of the requirements related to entering a secured area hearing room
65 under this Subsection (2)(b) and Section 76-8-311.1;

66 (iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area
67 hearing room is in effect only during the time the secure area hearing room is in use for
68 hearings and for a reasonable time before and after its use; and

69 (iv) reasonable space limitations are applied to the secure area hearing room as
70 warranted by the number of individuals involved in a typical hearing.

71 (c) (i) The board may not require proof of vaccination as a condition for enrollment or
72 attendance within the system of higher education unless the board allows for the following
73 exemptions:

74 (A) a medical exemption if the student provides to the institution a statement that the
75 claimed exemption is for a medical reason; and

76 (B) a personal exemption if the student provides to the institution a statement that the
77 claimed exemption is for a personal or religious belief.

78 (ii) An institution that offers both remote and in-person learning options may not deny
79 a student who is exempt from a requirement to receive a vaccine under Subsection (1) to
80 participate in an in-person learning option based upon the student's vaccination status.

80a **H→ (iii) Subsections (1) and (2) do not apply to a student studying in a medical setting**
80b **at an institution of higher education.**

80c **(iv) Nothing in this section restricts a state or local health department from acting**
80d **under applicable law to contain the spread of an infectious disease. ←H**

81 (3) The board shall enact regulations that require all testimony be given under oath
82 during an employee grievance hearing for a non-faculty employee of an institution of higher
83 education if the grievance hearing relates to the non-faculty employee's:

84 (a) demotion; or

85 (b) termination.

86 (4) The board and institutions may enforce these rules and regulations in any
87 reasonable manner, including the assessment of fees, fines, and forfeitures, the collection of
88 which may be by withholding from money owed the violator, the imposition of probation,
89 suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue

90 certificates, degrees, and diplomas, through judicial process or any reasonable combination of
91 these alternatives.

92 Section 3. Section **53G-9-303** is amended to read:

93 **53G-9-303. Grounds for exemption from required vaccines -- Renewal.**

94 (1) A student is exempt from the requirement to receive a vaccine required under
95 Section **53G-9-305** if the student qualifies for a medical or personal exemption from the
96 vaccination under Subsection (2) or (3).

97 (2) A student qualifies for a medical exemption from a vaccination required under
98 Section **53G-9-305** if the student's legally responsible individual provides to the student's
99 school:

100 (a) a completed vaccination exemption form; and

101 (b) a written notice signed by a licensed health care provider stating that, due to the
102 physical condition of the student, administration of the vaccine would endanger the student's
103 life or health.

104 (3) A student qualifies for a personal exemption from a vaccination required under
105 Section **53G-9-305** if the student's legally responsible individual provides to the student's
106 school a completed vaccination exemption form, stating that the student is exempt from the
107 vaccination because of a personal or religious belief.

108 (4) (a) A vaccination exemption form submitted under this section is valid for as long
109 as the student remains at the school to which the form first is presented.

110 (b) If the student changes schools before the student is old enough to enroll in
111 kindergarten, the vaccination exemption form accepted as valid at the student's previous school
112 is valid until the earlier of the day on which:

113 (i) the student enrolls in kindergarten; or

114 (ii) the student turns six years old.

115 (c) If the student changes schools after the student is old enough to enroll in
116 kindergarten but before the student is eligible to enroll in grade 7, the vaccination exemption
117 form accepted as valid at the student's previous school is valid until the earlier of the day on
118 which:

119 (i) the student enrolls in grade 7; or

120 (ii) the student turns 12 years old.

121 (d) If the student changes schools after the student is old enough to enroll in grade 7,
122 the vaccination exemption form accepted as valid at the student's previous school is valid until
123 the student completes grade 12.

124 (e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained
125 through completion of the online education module created in Section 26-7-9 is valid for at
126 least two years.

127 (5) An LEA that offers both remote and in-person learning options may not deny a
128 student who is exempt from a requirement to receive a vaccine under Subsection (1) to
129 participate in an in-person learning option based upon the student's vaccination status.

129a Ĥ→ (6) Nothing in this section restricts a state or local health department from acting
129b under applicable law to contain the spread of an infectious disease. ←Ĥ