

PANDEMIC EMERGENCY POWERS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for the termination of emergency powers and public health emergency powers related to COVID-19 upon reaching a certain threshold of vaccination and recovery.

Highlighted Provisions:

This bill:

▶ provides for the termination of emergency powers and public health emergency powers related to COVID-19 upon reaching the threshold of a total of 1,700,000 people in the state that have either:

- received the first dose of the COVID-19 vaccine; or
- contracted COVID-19 and recovered.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-226, as last amended by Laws of Utah 2020, Chapters 154, 187, 215, and 354

63I-2-253, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13

ENACTS:

26-6-33, Utah Code Annotated 1953



29 [26A-1-130](#), Utah Code Annotated 1953
30 [53-2a-218](#), Utah Code Annotated 1953



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **26-6-33** is enacted to read:

34 **26-6-33. Termination of public health emergency powers pertaining to COVID-19.**

35 (1) As used in this section:

36 (a) "COVID-19" means:

37 (i) severe acute respiratory syndrome coronavirus 2; or

38 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

39 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health
40 Organization declared a pandemic on March 11, 2020.

41 (2) All public health emergency powers described in this title are suspended and
42 restricted as pertaining to any response to COVID-19 and the COVID-19 emergency on the day
43 on which the sum of the numbers below equals at least 1,700,000 people:

44 (a) the total number of people in the state who have contracted COVID-19 and
45 recovered, as reported by the department; and

46 (b) the total number of people in the state who have received the first dose of the
47 COVID-19 vaccine, as reported by the department.

48 (3) This section is repealed on July 1, 2024.

49 Section 2. Section **26A-1-130** is enacted to read:

50 **26A-1-130. Termination of local public health emergency powers pertaining to**
51 **COVID-19.**

52 (1) As used in this section:

53 (a) "COVID-19" means:

54 (i) severe acute respiratory syndrome coronavirus 2; or

55 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

56 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health
57 Organization declared a pandemic on March 11, 2020.

58 (2) All public health emergency powers described in this title are suspended and
59 restricted as pertaining to any response to COVID-19 and the COVID-19 emergency on the day
60 on which the sum of the numbers below equals at least 1,700,000 people:

61 (a) the total number of people in the state who have contracted COVID-19 and
62 recovered, as reported by the department; and

63 (b) the total number of people in the state who have received the first dose of the
64 COVID-19 vaccine, as reported by the department.

65 (3) This section is repealed on July 1, 2024.

66 Section 3. Section **53-2a-218** is enacted to read:

67 **53-2a-218. Termination of emergency powers pertaining to COVID-19.**

68 (1) As used in this section:

69 (a) "COVID-19" means:

70 (i) severe acute respiratory syndrome coronavirus 2; or

71 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

72 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health
73 Organization declared a pandemic on March 11, 2020.

74 (2) All emergency powers described in this title are suspended and restricted as
75 pertaining to response to COVID-19 and the COVID-19 emergency on the day on which the sum
76 of the numbers below equals at least 1,700,000 people:

77 (a) the total number of people in the state who have contracted COVID-19 and
78 recovered, as reported by the department; and

79 (b) the total number of people in the state who have received the first dose of the
80 COVID-19 vaccine, as reported by the department.

81 (3) This section is repealed on July 1, 2024.

82 Section 4. Section **63I-2-226** is amended to read:

83 **63I-2-226. Repeal dates, Title 26.**

84 (1) Subsection 26-1-7(1)(c), in relation to the Air Ambulance Committee, is repealed
85 July 1, 2024.

86 (2) Section 26-6-33, in relation to termination of public health emergency powers
87 pertaining to COVID-19, is repealed on July 1, 2024.

88 ~~[(2)]~~ (3) Subsection 26-7-8(3) is repealed January 1, 2027.

89 ~~[(3)]~~ (4) Section 26-8a-107 is repealed July 1, 2024.

90 ~~[(4)]~~ (5) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

91 ~~[(5)]~~ (6) Section 26-8a-211 is repealed July 1, 2023.

92 ~~[(6)]~~ (7) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection

93 26-8a-602(1)(a) is amended to read:

94 "(a) provide the patient or the patient's representative with the following information
95 before contacting an air medical transport provider:

96 (i) which health insurers in the state the air medical transport provider contracts with;

97 (ii) if sufficient data is available, the average charge for air medical transport services
98 for a patient who is uninsured or out of network; and

99 (iii) whether the air medical transport provider balance bills a patient for any charge not
100 paid by the patient's health insurer; and".

101 [~~7~~] (8) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

102 [~~8~~] (9) Subsection 26-18-411(8), related to reporting on the health coverage
103 improvement program, is repealed January 1, 2023.

104 [~~9~~] (10) Subsection 26-18-420(5), related to reporting on coverage for in vitro
105 fertilization and genetic testing, is repealed July 1, 2030.

106 [~~10~~] (11) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

107 [~~11~~] (12) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
108 26-21-32(1)(a) is amended to read:

109 "(a) provide the patient or the patient's representative with the following information
110 before contacting an air medical transport provider:

111 (i) which health insurers in the state the air medical transport provider contracts with;

112 (ii) if sufficient data is available, the average charge for air medical transport services
113 for a patient who is uninsured or out of network; and

114 (iii) whether the air medical transport provider balance bills a patient for any charge not
115 paid by the patient's health insurer; and".

116 [~~12~~] (13) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

117 [~~13~~] (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
118 Program, is repealed July 1, 2027.

119 [~~14~~] (15) Subsection 26-55-107(8) is repealed January 1, 2021.

120 [~~15~~] (16) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

121 [~~16~~] (17) Subsection 26-61-202(5) is repealed January 1, 2022.

122 (18) Section 26A-1-130, in relation to termination of public health emergency powers
123 pertaining to COVID-19, is repealed on July 1, 2024.

124 Section 5. Section 631-2-253 is amended to read:

125 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

126 (1) (a) Section [53-2a-217](#), regarding procurement during an epidemic or pandemic
127 emergency, is repealed on December 31, 2021.

128 (b) When repealing Section [53-2a-217](#), the Office of Legislative Research and General
129 Counsel shall, in addition to the office's authority under Subsection [36-12-12\(3\)](#), make necessary
130 changes to subsection numbering and cross references.

131 (2) Section [53-2a-218](#), in relation to termination of emergency powers pertaining to
132 COVID-19, is repealed on July 1, 2024.

133 [~~2~~] (3) Section [53B-2a-103](#) is repealed July 1, 2021.

134 [~~3~~] (4) Section [53B-2a-104](#) is repealed July 1, 2021.

135 [~~4~~] (5) (a) Subsection [53B-2a-108\(5\)](#), regarding exceptions to the composition of a
136 technical college board of trustees, is repealed July 1, 2022.

137 (b) When repealing Subsection [53B-2a-108\(5\)](#), the Office of Legislative Research and
138 General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#), make necessary
139 changes to subsection numbering and cross references.

140 [~~5~~] (6) Section [53B-6-105.7](#) is repealed July 1, 2024.

141 [~~6~~] (7) (a) Subsection [53B-7-705\(6\)\(b\)\(ii\)\(A\)](#), the language that states "Except as
142 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

143 (b) Subsection [53B-7-705\(6\)\(b\)\(ii\)\(B\)](#), regarding comparing a technical college's
144 change in performance with the technical college's average performance, is repealed July 1,
145 2021.

146 [~~7~~] (8) (a) Subsection [53B-7-707\(3\)\(a\)\(ii\)](#), the language that states "Except as
147 provided in Subsection (3)(b)," is repealed July 1, 2021.

148 (b) Subsection [53B-7-707\(3\)\(b\)](#), regarding performance data of a technical college
149 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

150 [~~8~~] (9) Section [53B-8-114](#) is repealed July 1, 2024.

151 [~~9~~] (10) (a) The following sections, regarding the Regents' scholarship program, are
152 repealed on July 1, 2023:

153 (i) Section [53B-8-202](#);

154 (ii) Section [53B-8-203](#);

155 (iii) Section [53B-8-204](#); and

156 (iv) Section [53B-8-205](#).

157 (b) (i) Subsection [53B-8-201](#)(2), regarding the Regents' scholarship program for
158 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

159 (ii) When repealing Subsection [53B-8-201](#)(2), the Office of Legislative Research and
160 General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3), make necessary
161 changes to subsection numbering and cross references.

162 [~~10~~] [\(11\)](#) Section [53B-10-101](#) is repealed on July 1, 2027.

163 [~~11~~] [\(12\)](#) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
164 is repealed July 1, 2023.

165 [~~12~~] [\(13\)](#) Section [53E-3-519](#) regarding school counselor services is repealed July 1,
166 2020.

167 [~~13~~] [\(14\)](#) Section [53E-3-520](#) is repealed July 1, 2021.

168 [~~14~~] [\(15\)](#) Subsection [53E-5-306](#)(3)(b)(ii)(B), related to improving school
169 performance and continued funding relating to the School Recognition and Reward Program, is
170 repealed July 1, 2020.

171 [~~15~~] [\(16\)](#) Section [53E-5-307](#) is repealed July 1, 2020.

172 [~~16~~] [\(17\)](#) Subsection [53E-10-309](#)(7), related to the PRIME pilot program, is repealed
173 July 1, 2024.

174 [~~17~~] [\(18\)](#) In Subsections [53F-2-205](#)(4) and (5), regarding the State Board of
175 Education's duties if contributions from the minimum basic tax rate are overestimated or
176 underestimated, the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1,
177 2023.

178 [~~18~~] [\(19\)](#) Subsection [53F-2-301](#)(1), relating to the years the section is not in effect, is
179 repealed July 1, 2023.

180 [~~19~~] [\(20\)](#) In Subsection [53F-2-515](#)(1), the language that states "or [53F-2-301.5](#), as
181 applicable" is repealed July 1, 2023.

182 [~~20~~] [\(21\)](#) Section [53F-4-207](#) is repealed July 1, 2022.

183 [~~21~~] [\(22\)](#) In Subsection [53F-9-302](#)(3), the language that states "or [53F-2-301.5](#), as
184 applicable" is repealed July 1, 2023.

185 [~~22~~] [\(23\)](#) In Subsection [53F-9-305](#)(3)(a), the language that states "or [53F-2-301.5](#), as
186 applicable" is repealed July 1, 2023.

187 [~~23~~] [\(24\)](#) In Subsection [53F-9-306](#)(3)(a), the language that states "or [53F-2-301.5](#), as
188 applicable" is repealed July 1, 2023.

189 [~~(24)~~] (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
190 as applicable" is repealed July 1, 2023.

191 [~~(25)~~] (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),
192 related to the civics engagement pilot program, are repealed on July 1, 2023.

193 [~~(26)~~] (27) On July 1, 2023, when making changes in this section, the Office of
194 Legislative Research and General Counsel shall, in addition to the office's authority under
195 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
196 identified in this section are complete sentences and accurately reflect the office's perception of
197 the Legislature's intent.