

**Representative Paul Ray** proposes the following substitute bill:

**1 PANDEMIC EMERGENCY POWERS AMENDMENTS**

**2 2021 GENERAL SESSION**

**3 STATE OF UTAH**

**4 Chief Sponsor: Paul Ray**

**5 Senate Sponsor: \_\_\_\_\_**

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**7 LONG TITLE**

**8 General Description:**

**9** This bill provides for the termination of emergency powers and certain public health  
**10** orders related to COVID-19 upon reaching certain thresholds of positivity rates,  
**11** vaccination, and other criteria.

**12 Highlighted Provisions:**

**13** This bill:

**14** ▶ provides for the termination of certain emergency powers and public health orders  
**15** related to COVID-19 upon reaching certain thresholds of positivity rates, case rates,  
**16** intensive care facility capacities, and vaccine doses;

**17** ▶ allows a local education agency, in consultation with the local health department  
**18** and in response to the COVID-19 emergency, to implement and require certain  
**19** health and safety measures in a K-12 school;

**20** ▶ allows a local health department, in consultation with a county legislative body, to  
**21** take certain health and safety measures;

**22** ▶ provides an automatic repeal date; and

**23** ▶ makes technical changes.

**24 Money Appropriated in this Bill:**

**25** None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63I-2-226**, as last amended by Laws of Utah 2020, Chapters 154, 187, 215, and 354

31 **63I-2-253**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13

32 ENACTS:

33 **26-6-33**, Utah Code Annotated 1953

34 **26A-1-130**, Utah Code Annotated 1953

35 **53-2a-218**, Utah Code Annotated 1953

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

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

39 **26-6-33. Termination of public health emergency powers pertaining to**  
40 **COVID-19.**

41 (1) As used in this section:

42 (a) "COVID-19" means:

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

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

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

47 (2) Except as provided in Subsections (3) and (4), any public health order in effect  
48 pertaining to any response to COVID-19 and the COVID-19 emergency is terminated on the  
49 day on which the following thresholds are met:

50 (a) the state's 14-day case rate is less than 101 per 100,000 people;

51 (b) the statewide seven-day average COVID-19 ICU utilization is less than 20%; and

52 (c) the Department of Health provides notice that 1,000,000 prime doses of a  
53 COVID-19 vaccine have been allocated to the state.

54 (3) (a) A public health order issued by the Department of Health pertaining to response  
55 to COVID-19 and the COVID-19 emergency that pertains to public health safety measures in a  
56 K-12 school is terminated.

57 (b) Notwithstanding Subsection (2), and subject to Subsection (3)(c), a local education  
58 agency, as that term is defined in Section 53E-1-102, in consultation with the relevant local  
59 health department and in response to the COVID-19 emergency, may implement and require  
60 health and safety measures at K-12 schools, including the wearing of a mask.

61 (c) A public health order or health and safety requirement described in Subsection  
62 (3)(b) is terminated on July 1, 2021.

63 (4) (a) A public health order issued by the Department of Health pertaining to a  
64 statewide mask requirement in response to the COVID-19 emergency is terminated.

65 (b) Subject to Subsection (4)(c), a local health department, with approval from the  
66 relevant county legislative body, may issue a public health order requiring the wearing of a  
67 mask.

68 (c) A public health order described in Subsection (4)(b) is terminated on the date the  
69 thresholds described in Subsection (2) are met.

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

71 **26A-1-130. Termination of local public health emergency powers pertaining to**  
72 **COVID-19.**

73 (1) As used in this section:

74 (a) "COVID-19" means:

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

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

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

79 (2) Except as provided in Subsections (3) and (4), any public health order in effect  
80 pertaining to any response to COVID-19 and the COVID-19 emergency is terminated on the  
81 day on which the following thresholds are met:

82 (a) the state's 14-day case rate is less than 101 per 100,000 people;

83 (b) the statewide seven-day average COVID-19 ICU utilization is less than 20%; and

84 (c) the Department of Health provides notice that 1,000,000 prime doses of a  
85 COVID-19 vaccine have been allocated to the state.

86 (3) (a) A public health order issued by the Department of Health pertaining to response  
87 to COVID-19 and the COVID-19 emergency that pertains to public health safety measures in a

88 K-12 school is terminated.

89 (b) Notwithstanding Subsection (2), and subject to Subsection (3)(c), a local education  
90 agency, as that term is defined in Section 53E-1-102, in consultation with the relevant local  
91 health department and in response to the COVID-19 emergency, may implement and require  
92 health and safety measures at K-12 schools, including the wearing of masks.

93 (c) A public health order or health and safety requirement described in Subsection  
94 (3)(b) is terminated on July 1, 2021.

95 (4) (a) A public health order issued by the Department of Health pertaining to a  
96 statewide mask requirement in response to the COVID-19 emergency is terminated.

97 (b) Subject to Subsection (4)(c), a local health department, with approval from the  
98 relevant county legislative body, may issue a public health order requiring the wearing of a  
99 mask.

100 (c) A public health order described in Subsection (4)(b) is terminated on the date the  
101 thresholds described in Subsection (2) are met.

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

103 **53-2a-218. Termination of emergency powers pertaining to COVID-19.**

104 (1) As used in this section:

105 (a) "COVID-19" means:

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

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

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

110 (2) Except as provided in Subsections (3) and (4), a state of emergency and any  
111 executive order issued pursuant to this part pertaining to any response to COVID-19 and the  
112 COVID-19 emergency is terminated on the day on which the following thresholds are met:

113 (a) the state's 14-day case rate is less than 101 per 100,000 people;

114 (b) the statewide seven-day average COVID-19 ICU utilization is less than 20%; and

115 (c) the Department of Health provides notice that 1,000,000 prime doses of a  
116 COVID-19 vaccine have been allocated to the state.

117 (3) (a) A public health order issued by the Department of Health pertaining to response  
118 to COVID-19 and the COVID-19 emergency that pertains to public health safety measures in a

119 K-12 school is terminated.

120 (b) Notwithstanding Subsection (2), and subject to Subsection (3)(c), a local education  
121 agency, as that term is defined in Section 53E-1-102, in consultation with the relevant local  
122 health department and in response to the COVID-19 emergency, may implement and require  
123 health and safety measures at K-12 schools, including the wearing of masks.

124 (c) A public health order or health and safety requirement described in Subsection  
125 (3)(b) is terminated on July 1, 2021.

126 (4) (a) A public health order issued by the Department of Health pertaining to a  
127 statewide mask requirement in response to the COVID-19 emergency is terminated.

128 (b) Subject to Subsection (4)(c), a local health department, with approval from the  
129 relevant county legislative body, may issue a public health order requiring the wearing of a  
130 mask.

131 (c) A public health order described in Subsection (4)(b) is terminated on the date the  
132 thresholds described in Subsection (2) are met.

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

134 **63I-2-226. Repeal dates, Title 26.**

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

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

139 [~~2~~] (3) Subsection 26-7-8(3) is repealed January 1, 2027.

140 [~~3~~] (4) Section 26-8a-107 is repealed July 1, 2024.

141 [~~4~~] (5) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

142 [~~5~~] (6) Section 26-8a-211 is repealed July 1, 2023.

143 [~~6~~] (7) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection  
144 26-8a-602(1)(a) is amended to read:

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

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

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

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

152 [~~7~~] (8) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

153 [~~8~~] (9) Subsection 26-18-411(8), related to reporting on the health coverage  
154 improvement program, is repealed January 1, 2023.

155 [~~9~~] (10) Subsection 26-18-420(5), related to reporting on coverage for in vitro  
156 fertilization and genetic testing, is repealed July 1, 2030.

157 [~~10~~] (11) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

158 [~~11~~] (12) In relation to the Air Ambulance Committee, July 1, 2024, Subsection  
159 26-21-32(1)(a) is amended to read:

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

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

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

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

167 [~~12~~] (13) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

168 [~~13~~] (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance  
169 Program, is repealed July 1, 2027.

170 [~~14~~] (15) Subsection 26-55-107(8) is repealed January 1, 2021.

171 [~~15~~] (16) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

172 [~~16~~] (17) Subsection 26-61-202(5) is repealed January 1, 2022.

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

175 Section 5. Section 63I-2-253 is amended to read:

176 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

177 (1) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic  
178 emergency, is repealed on December 31, 2021.

179 (b) When repealing Section 53-2a-217, the Office of Legislative Research and General  
180 Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make

181 necessary changes to subsection numbering and cross references.

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

184 [~~2~~] (3) Section [53B-2a-103](#) is repealed July 1, 2021.

185 [~~3~~] (4) Section [53B-2a-104](#) is repealed July 1, 2021.

186 [~~4~~] (5) (a) Subsection [53B-2a-108\(5\)](#), regarding exceptions to the composition of a  
187 technical college board of trustees, is repealed July 1, 2022.

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

191 [~~5~~] (6) Section [53B-6-105.7](#) is repealed July 1, 2024.

192 [~~6~~] (7) (a) Subsection [53B-7-705\(6\)\(b\)\(ii\)\(A\)](#), the language that states "Except as  
193 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

194 (b) Subsection [53B-7-705\(6\)\(b\)\(ii\)\(B\)](#), regarding comparing a technical college's  
195 change in performance with the technical college's average performance, is repealed July 1,  
196 2021.

197 [~~7~~] (8) (a) Subsection [53B-7-707\(3\)\(a\)\(ii\)](#), the language that states "Except as  
198 provided in Subsection (3)(b)," is repealed July 1, 2021.

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

201 [~~8~~] (9) Section [53B-8-114](#) is repealed July 1, 2024.

202 [~~9~~] (10) (a) The following sections, regarding the Regents' scholarship program, are  
203 repealed on July 1, 2023:

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

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

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

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

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

210 (ii) When repealing Subsection [53B-8-201\(2\)](#), the Office of Legislative Research and  
211 General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#), make

212 necessary changes to subsection numbering and cross references.

213 ~~[(10)]~~ (11) Section 53B-10-101 is repealed on July 1, 2027.

214 ~~[(11)]~~ (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,  
215 is repealed July 1, 2023.

216 ~~[(12)]~~ (13) Section 53E-3-519 regarding school counselor services is repealed July 1,  
217 2020.

218 ~~[(13)]~~ (14) Section 53E-3-520 is repealed July 1, 2021.

219 ~~[(14)]~~ (15) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school  
220 performance and continued funding relating to the School Recognition and Reward Program, is  
221 repealed July 1, 2020.

222 ~~[(15)]~~ (16) Section 53E-5-307 is repealed July 1, 2020.

223 ~~[(16)]~~ (17) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed  
224 July 1, 2024.

225 ~~[(17)]~~ (18) In Subsections 53F-2-205(4) and (5), regarding the State Board of  
226 Education's duties if contributions from the minimum basic tax rate are overestimated or  
227 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,  
228 2023.

229 ~~[(18)]~~ (19) Subsection 53F-2-301(1), relating to the years the section is not in effect, is  
230 repealed July 1, 2023.

231 ~~[(19)]~~ (20) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as  
232 applicable" is repealed July 1, 2023.

233 ~~[(20)]~~ (21) Section 53F-4-207 is repealed July 1, 2022.

234 ~~[(21)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as  
235 applicable" is repealed July 1, 2023.

236 ~~[(22)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as  
237 applicable" is repealed July 1, 2023.

238 ~~[(23)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as  
239 applicable" is repealed July 1, 2023.

240 ~~[(24)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,  
241 as applicable" is repealed July 1, 2023.

242 ~~[(25)]~~ (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),



243 related to the civics engagement pilot program, are repealed on July 1, 2023.

244 ~~[(26)]~~ (27) On July 1, 2023, when making changes in this section, the Office of  
245 Legislative Research and General Counsel shall, in addition to the office's authority under  
246 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections  
247 identified in this section are complete sentences and accurately reflect the office's perception of  
248 the Legislature's intent.

249 Section 6. **Effective date.**

250 If approved by two-thirds of all the members elected to each house, this bill takes effect  
251 upon approval by the governor, or the day following the constitutional time limit of Utah  
252 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
253 the date of veto override.