

Representative Paul Ray proposes the following substitute bill:

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 certain public health orders related to COVID-19 upon reaching certain thresholds of positivity rates, vaccination, and other criteria.

Highlighted Provisions:

This bill:

- ▶ provides for the termination of certain emergency powers and public health orders related to COVID-19 upon reaching certain thresholds of positivity rates, case rates, intensive care facility capacities, and vaccine doses;
- ▶ allows a local education agency, in consultation with the local health department and in response to the COVID-19 emergency, to implement and require certain health and safety measures in a K-12 school;
- ▶ allows a local health department, in consultation with a county legislative body, to take certain health and safety measures;
- ▶ allows a public health emergency declared by the Department of Health or a local health department to remain in effect;
- ▶ provides an automatic repeal date; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63I-2-226**, as last amended by Laws of Utah 2020, Chapters 154, 187, 215, and 354

33 **63I-2-253**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13

34 ENACTS:

35 **26-6-33**, Utah Code Annotated 1953

36 **26A-1-130**, Utah Code Annotated 1953

37 **53-2a-218**, Utah Code Annotated 1953



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

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

41 **26-6-33. Termination of public health emergency powers pertaining to**

42 **COVID-19.**

43 (1) As used in this section:

44 (a) "COVID-19" means:

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

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

47 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health

48 Organization declared a pandemic on March 11, 2020.

49 (2) Except as provided in Subsections (3) and (4), any public health order in effect
50 pertaining to any response to COVID-19 and the COVID-19 emergency issued pursuant to a
51 public health emergency declared by the Department of Health or a local health department is
52 terminated on the day on which the following thresholds are met:

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

54 (b) the statewide seven-day average COVID-19 ICU utilization is less than 15%; and

55 (c) the Department of Health provides notice that 1,500,000 prime doses of a

56 COVID-19 vaccine have been allocated to the state.

57 (3) (a) A public health order issued by the Department of Health issued pursuant to a
58 public health emergency declared by the Department of Health pertaining to response to
59 COVID-19 and the COVID-19 emergency that pertains to public health safety measures in a
60 K-12 school is terminated.

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

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

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

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

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

75 (5) Notwithstanding Subsections (2), (3), or (4), a declaration of a public health
76 emergency issued by the Department of Health in response to COVID-19 or the COVID-19
77 emergency may remain in effect.

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

79 **26A-1-130. Termination of local public health emergency powers pertaining to**
80 **COVID-19.**

81 (1) As used in this section:

82 (a) "COVID-19" means:

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

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

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

87 (2) Except as provided in Subsections (3) and (4), any public health order in effect

88 pertaining to any response to COVID-19 and the COVID-19 emergency issued pursuant to a
89 public health emergency declared by the Department of Health or a local health department is
90 terminated on the day on which the following thresholds are met:

- 91 (a) the state's 14-day case rate is less than 101 per 100,000 people;
- 92 (b) the statewide seven-day average COVID-19 ICU utilization is less than 15%; and
- 93 (c) the Department of Health provides notice that 1,500,000 prime doses of a
94 COVID-19 vaccine have been allocated to the state.

95 (3) (a) A public health order issued by the Department of Health or a local health
96 department issued pursuant to a public health emergency declared by the Department of Health
97 or a local health department pertaining to response to COVID-19 and the COVID-19
98 emergency that pertains to public health safety measures in a K-12 school is terminated.

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

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

105 (4) (a) A public health order issued by the Department of Health or a local health
106 department issued pursuant to a public health emergency declared by the Department of Health
107 or a local health department pertaining to a statewide mask requirement in response to the
108 COVID-19 emergency is terminated.

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

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

114 (5) Notwithstanding Subsections (2), (3), or (4), a declaration of a public health
115 emergency issued by the Department of Health in response to COVID-19 or the COVID-19
116 emergency may remain in effect.

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

118 **53-2a-218. Termination of emergency powers pertaining to COVID-19.**

119 (1) As used in this section:

120 (a) "COVID-19" means:

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

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

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

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

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

129 (b) the statewide seven-day average COVID-19 ICU utilization is less than 15%; and

130 (c) the Department of Health provides notice that 1,500,000 prime doses of a
131 COVID-19 vaccine have been allocated to the state.

132 (3) (a) A public health order issued by the Department of Health or a local health
133 department issued pursuant to a public health emergency declared by the Department of Health
134 or a local health department pertaining to response to COVID-19 and the COVID-19
135 emergency that pertains to public health safety measures in a K-12 school is terminated.

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

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

142 (4) (a) A public health order issued by the Department of Health or a local health
143 department issued pursuant to a public health emergency declared by the Department of Health
144 or a local health department pertaining to a statewide mask requirement in response to the
145 COVID-19 emergency is terminated.

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

149 (c) A public health order described in Subsection (4)(b) is terminated on the date the

150 thresholds described in Subsection (2) are met.

151 (5) Notwithstanding Subsections (2), (3), or (4), a declaration of a public health
152 emergency issued by the Department of Health or a local health department in response to
153 COVID-19 or the COVID-19 emergency may remain in effect.

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

155 **63I-2-226. Repeal dates, Title 26.**

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

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

160 [~~2~~] (3) Subsection 26-7-8(3) is repealed January 1, 2027.

161 [~~3~~] (4) Section 26-8a-107 is repealed July 1, 2024.

162 [~~4~~] (5) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

163 [~~5~~] (6) Section 26-8a-211 is repealed July 1, 2023.

164 [~~6~~] (7) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
165 26-8a-602(1)(a) is amended to read:

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

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

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

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

173 [~~7~~] (8) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

174 [~~8~~] (9) Subsection 26-18-411(8), related to reporting on the health coverage
175 improvement program, is repealed January 1, 2023.

176 [~~9~~] (10) Subsection 26-18-420(5), related to reporting on coverage for in vitro
177 fertilization and genetic testing, is repealed July 1, 2030.

178 [~~10~~] (11) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

179 [~~11~~] (12) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
180 26-21-32(1)(a) is amended to read:

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

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

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

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

188 [~~12~~] (13) Subsection [26-33a-106.1\(2\)\(a\)](#) is repealed January 1, 2023.

189 [~~13~~] (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
190 Program, is repealed July 1, 2027.

191 [~~14~~] (15) Subsection [26-55-107\(8\)](#) is repealed January 1, 2021.

192 [~~15~~] (16) Subsection [26-61-202\(4\)\(b\)](#) is repealed January 1, 2022.

193 [~~16~~] (17) Subsection [26-61-202\(5\)](#) is repealed January 1, 2022.

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

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

197 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

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

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

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

205 [~~2~~] (3) Section [53B-2a-103](#) is repealed July 1, 2021.

206 [~~3~~] (4) Section [53B-2a-104](#) is repealed July 1, 2021.

207 [~~4~~] (5) (a) Subsection [53B-2a-108\(5\)](#), regarding exceptions to the composition of a
208 technical college board of trustees, is repealed July 1, 2022.

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

212 [~~5~~] (6) Section 53B-6-105.7 is repealed July 1, 2024.

213 [~~6~~] (7) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as
214 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

215 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's
216 change in performance with the technical college's average performance, is repealed July 1,
217 2021.

218 [~~7~~] (8) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as
219 provided in Subsection (3)(b)," is repealed July 1, 2021.

220 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college
221 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

222 [~~8~~] (9) Section 53B-8-114 is repealed July 1, 2024.

223 [~~9~~] (10) (a) The following sections, regarding the Regents' scholarship program, are
224 repealed on July 1, 2023:

225 (i) Section 53B-8-202;

226 (ii) Section 53B-8-203;

227 (iii) Section 53B-8-204; and

228 (iv) Section 53B-8-205.

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

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

234 [~~10~~] (11) Section 53B-10-101 is repealed on July 1, 2027.

235 [~~11~~] (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
236 is repealed July 1, 2023.

237 [~~12~~] (13) Section 53E-3-519 regarding school counselor services is repealed July 1,
238 2020.

239 [~~13~~] (14) Section 53E-3-520 is repealed July 1, 2021.

240 [~~14~~] (15) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school
241 performance and continued funding relating to the School Recognition and Reward Program, is
242 repealed July 1, 2020.

243 ~~[(15)]~~ (16) Section 53E-5-307 is repealed July 1, 2020.

244 ~~[(16)]~~ (17) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed
245 July 1, 2024.

246 ~~[(17)]~~ (18) In Subsections 53F-2-205(4) and (5), regarding the State Board of
247 Education's duties if contributions from the minimum basic tax rate are overestimated or
248 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
249 2023.

250 ~~[(18)]~~ (19) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
251 repealed July 1, 2023.

252 ~~[(19)]~~ (20) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
253 applicable" is repealed July 1, 2023.

254 ~~[(20)]~~ (21) Section 53F-4-207 is repealed July 1, 2022.

255 ~~[(21)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
256 applicable" is repealed July 1, 2023.

257 ~~[(22)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
258 applicable" is repealed July 1, 2023.

259 ~~[(23)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
260 applicable" is repealed July 1, 2023.

261 ~~[(24)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
262 as applicable" is repealed July 1, 2023.

263 ~~[(25)]~~ (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),
264 related to the civics engagement pilot program, are repealed on July 1, 2023.

265 ~~[(26)]~~ (27) On July 1, 2023, when making changes in this section, the Office of
266 Legislative Research and General Counsel shall, in addition to the office's authority under
267 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
268 identified in this section are complete sentences and accurately reflect the office's perception of
269 the Legislature's intent.

270 Section 6. **Effective date.**

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

274 the date of veto override.