

Representative Phil Lyman 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 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; and

► immediately terminates any public health order or executive order pertaining to COVID-19 that requires the wearing of a mask.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:



26 AMENDS:

27 **63I-2-226**, as last amended by Laws of Utah 2020, Chapters 154, 187, 215, and 354

28 **63I-2-253**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13

29 ENACTS:

30 **26-6-33**, Utah Code Annotated 1953

31 **26A-1-130**, Utah Code Annotated 1953

32 **53-2a-218**, Utah Code Annotated 1953

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

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

36 **26-6-33. Termination of public health emergency powers pertaining to**
37 **COVID-19.**

38 (1) As used in this section:

39 (a) "COVID-19" means:

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

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

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

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

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

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

51 (3) Notwithstanding Subsection (2), any public health order pertaining to COVID-19 or
52 the COVID-19 emergency that requires the wearing of a mask is terminated.

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

54 **26A-1-130. Termination of local public health emergency powers pertaining to**
55 **COVID-19.**

56 (1) As used in this section:

- 57 (a) "COVID-19" means:
- 58 (i) severe acute respiratory syndrome coronavirus 2; or
- 59 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.
- 60 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health
- 61 Organization declared a pandemic on March 11, 2020.
- 62 (2) All public health emergency powers described in this title are suspended and
- 63 restricted as pertaining to any response to COVID-19 and the COVID-19 emergency on the day
- 64 on which the sum of the numbers below equals at least 1,700,000 people:
- 65 (a) the total number of people in the state who have contracted COVID-19 and
- 66 recovered, as reported by the department; and
- 67 (b) the total number of people in the state who have received the first dose of the
- 68 COVID-19 vaccine, as reported by the department.
- 69 (3) Notwithstanding Subsection (2), any public health order pertaining to COVID-19 or
- 70 the COVID-19 emergency that requires the wearing of a mask is terminated.

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

72 **53-2a-218. Termination of emergency powers pertaining to 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) All emergency powers described in this title are suspended and restricted as
- 80 pertaining to response to COVID-19 and the COVID-19 emergency on the day on which the
- 81 sum of the numbers below equals at least 1,700,000 people:
- 82 (a) the total number of people in the state who have contracted COVID-19 and
- 83 recovered, as reported by the department; and
- 84 (b) the total number of people in the state who have received the first dose of the
- 85 COVID-19 vaccine, as reported by the department.
- 86 (3) Notwithstanding Subsection (2), any public health order or executive order
- 87 pertaining to COVID-19 or the COVID-19 emergency that requires the wearing of a mask is

88 terminated.

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

90 **63I-2-226. Repeal dates, Title 26.**

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

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

95 [~~2~~] (3) Subsection **26-7-8(3)** is repealed January 1, 2027.

96 [~~3~~] (4) Section **26-8a-107** is repealed July 1, 2024.

97 [~~4~~] (5) Subsection **26-8a-203(3)(a)(i)** is repealed January 1, 2023.

98 [~~5~~] (6) Section **26-8a-211** is repealed July 1, 2023.

99 [~~6~~] (7) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
100 **26-8a-602(1)(a)** is amended to read:

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

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

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

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

108 [~~7~~] (8) Subsection **26-18-2.4(3)(e)** is repealed January 1, 2023.

109 [~~8~~] (9) Subsection **26-18-411(8)**, related to reporting on the health coverage
110 improvement program, is repealed January 1, 2023.

111 [~~9~~] (10) Subsection **26-18-420(5)**, related to reporting on coverage for in vitro
112 fertilization and genetic testing, is repealed July 1, 2030.

113 [~~10~~] (11) Subsection **26-21-28(2)(b)** is repealed January 1, 2021.

114 [~~11~~] (12) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
115 **26-21-32(1)(a)** is amended to read:

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

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

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

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

123 [~~12~~] (13) Subsection [26-33a-106.1\(2\)\(a\)](#) is repealed January 1, 2023.

124 [~~13~~] (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
125 Program, is repealed July 1, 2027.

126 [~~14~~] (15) Subsection [26-55-107\(8\)](#) is repealed January 1, 2021.

127 [~~15~~] (16) Subsection [26-61-202\(4\)\(b\)](#) is repealed January 1, 2022.

128 [~~16~~] (17) Subsection [26-61-202\(5\)](#) is repealed January 1, 2022.

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

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

132 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

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

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

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

140 [~~2~~] (3) Section [53B-2a-103](#) is repealed July 1, 2021.

141 [~~3~~] (4) Section [53B-2a-104](#) is repealed July 1, 2021.

142 [~~4~~] (5) (a) Subsection [53B-2a-108\(5\)](#), regarding exceptions to the composition of a
143 technical college board of trustees, is repealed July 1, 2022.

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

147 [~~5~~] (6) Section [53B-6-105.7](#) is repealed July 1, 2024.

148 [~~6~~] (7) (a) Subsection [53B-7-705\(6\)\(b\)\(ii\)\(A\)](#), the language that states "Except as
149 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

150 (b) Subsection [53B-7-705\(6\)\(b\)\(ii\)\(B\)](#), regarding comparing a technical college's
151 change in performance with the technical college's average performance, is repealed July 1,
152 2021.

153 [~~7~~] (8) (a) Subsection [53B-7-707\(3\)\(a\)\(ii\)](#), the language that states "Except as
154 provided in Subsection (3)(b)," is repealed July 1, 2021.

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

157 [~~8~~] (9) Section [53B-8-114](#) is repealed July 1, 2024.

158 [~~9~~] (10) (a) The following sections, regarding the Regents' scholarship program, are
159 repealed on July 1, 2023:

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

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

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

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

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

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

169 [~~10~~] (11) Section [53B-10-101](#) is repealed on July 1, 2027.

170 [~~11~~] (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
171 is repealed July 1, 2023.

172 [~~12~~] (13) Section [53E-3-519](#) regarding school counselor services is repealed July 1,
173 2020.

174 [~~13~~] (14) Section [53E-3-520](#) is repealed July 1, 2021.

175 [~~14~~] (15) Subsection [53E-5-306\(3\)\(b\)\(ii\)\(B\)](#), related to improving school
176 performance and continued funding relating to the School Recognition and Reward Program, is
177 repealed July 1, 2020.

178 [~~15~~] (16) Section [53E-5-307](#) is repealed July 1, 2020.

179 [~~16~~] (17) Subsection [53E-10-309\(7\)](#), related to the PRIME pilot program, is repealed
180 July 1, 2024.

181 [~~(17)~~] (18) In Subsections 53F-2-205(4) and (5), regarding the State Board of
182 Education's duties if contributions from the minimum basic tax rate are overestimated or
183 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
184 2023.

185 [~~(18)~~] (19) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
186 repealed July 1, 2023.

187 [~~(19)~~] (20) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
188 applicable" is repealed July 1, 2023.

189 [~~(20)~~] (21) Section 53F-4-207 is repealed July 1, 2022.

190 [~~(21)~~] (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
191 applicable" is repealed July 1, 2023.

192 [~~(22)~~] (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
193 applicable" is repealed July 1, 2023.

194 [~~(23)~~] (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
195 applicable" is repealed July 1, 2023.

196 [~~(24)~~] (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
197 as applicable" is repealed July 1, 2023.

198 [~~(25)~~] (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),
199 related to the civics engagement pilot program, are repealed on July 1, 2023.

200 [~~(26)~~] (27) On July 1, 2023, when making changes in this section, the Office of
201 Legislative Research and General Counsel shall, in addition to the office's authority under
202 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
203 identified in this section are complete sentences and accurately reflect the office's perception of
204 the Legislature's intent.

205 Section 6. **Effective date.**

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