

584 (e) provide a recommendation to the Legislature whether to extend the public health  
 585 emergency by joint resolution.

586 (8) (a) During a public health emergency declared as described in this title:

587 (i) ~~§→ [except as described in Subsection (8)(b);]~~ ~~←§~~ the department or a local health  
 588 department may not impose an order of constraint on a religious gathering that is more  
 589 restrictive than an order of constraint that applies to any other public gathering; and

590 (ii) an individual, while acting or purporting to act within the course and scope of the  
 591 individual's official department or local health department capacity, may not:

592 (A) prevent a religious gathering that is held in a manner consistent with any order of  
 593 constraint issued pursuant to this title; or

594 (B) impose a penalty for a previous religious gathering that was held in a manner  
 595 consistent with any order of constraint issued pursuant to this title.

596 ~~§→ [(b) Notwithstanding Subsection (8)(a), during a public health emergency declared as~~  
 597 ~~described in this title, the department or a local health department may impose an order of~~  
 598 ~~constraint on a religious gathering if an element of the religious practice is demonstrated to~~  
 599 ~~create a unique risk that cannot be ameliorated by less-restrictive means.~~

600 ——~~(c)~~ (b) ~~←§~~ Upon proper grounds, a court of competent jurisdiction may grant an injunction  
 600a to  
 601 prevent the violation of this Subsection (8).

602 [(4)] (9) (a) Unless the provisions of Subsection (3) apply, a health care provider is not  
 603 subject to penalties for failing to submit a report under this section.

604 (b) If the provisions of Subsection (3) apply, a health care provider is subject to the  
 605 penalties of Subsection 26-23b-103(3) for failure to make a report under this section.

606 Section 9. Section 26-23b-108 is amended to read:

607 **26-23b-108. Investigation of suspected bioterrorism and diseases.**

608 (1) [The] Subject to Subsection (6), the department shall:

609 (a) ascertain the existence of cases of an illness or condition caused by the factors  
 610 described in Subsections 26-23b-103(1) and 26-23b-104(1);

611 (b) investigate all such cases for sources of infection or exposure;

612 (c) ensure that any cases, suspected cases, and exposed persons are subject to proper  
 613 control measures; and

614 (d) define the distribution of the suspected illness or health condition.

863 public health emergency.

864 (b) Notwithstanding Subsection (9)(a)(i), a local health department may issue an order  
 865 of constraint without approval of the chief executive officer of the relevant county if the  
 866 passage of time necessary to obtain approval of the chief executive officer of the relevant  
 867 county as required in Subsection (9)(a)(i) would substantially increase the likelihood of loss of  
 868 life due to an imminent threat.

869 (ii) If a local health department issues an order of constraint as described in Subsection  
 870 (9)(b), the local health department shall notify the chief executive officer of the relevant county  
 871 before issuing the order of constraint.

872 (iii) The chief executive officer of the relevant county may terminate an order of  
 873 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of the order of  
 874 constraint.

875 (c) (i) For a local health department that serves more than one county, the approval  
 876 described in Subsection (9)(a)(i) is required for the chief executive officer for which the order  
 877 of constraint is applicable.

878 (ii) For a local health department that serves more than one county, a county governing  
 879 body may only terminate an order of constraint as described in Subsection (9)(a)(iii) for the  
 880 county served by the county governing body.


881 (10) (a) During a public health emergency declared as described in this title:

882 (i) ~~§→ [except as described in Subsection (10)(b);] ←§~~ the department or a local health  
 883 department may not impose an order of constraint on a religious gathering that is more  
 884 restrictive than an order of constraint that applies to any other public gathering; and

885 (ii) an individual, while acting or purporting to act within the course and scope of the  
 886 individual's official department or local health department capacity, may not:

887 (A) prevent a religious gathering that is held in a manner consistent with any order of  
 888 constraint issued pursuant to this title; or

889 (B) impose a penalty for a previous religious gathering that was held in a manner  
 890 consistent with any order of constraint issued pursuant to this title.

891 **§→ [(b) Notwithstanding Subsection (10)(a), during a public health emergency declared as**  
 892 **described in this title, the department or a local health department may impose an order of**  
 893 **constraint on a religious gathering if an element of the religious practice is demonstrated to** 

894 ~~create a unique risk that cannot be ameliorated by less-restrictive means.~~

895 ~~(c)] (b) ←§~~ Upon proper grounds, a court of competent jurisdiction may grant an injunction  
 895a to  
 896 prevent the violation of this Subsection (10).

897 Section 12. Section **26A-1-121** is amended to read:

898 **26A-1-121. Standards and regulations adopted by local board -- Local standards**  
 899 **not more stringent than federal or state standards -- Exceptions for written findings --**  
 900 **Administrative and judicial review of actions.**

901 (1) (a) [~~The~~] Subject to Subsection (1)(g), the board may make standards and  
 902 regulations:

903 (i) not in conflict with rules of the Departments of Health and Environmental Quality;  
 904 and

905 (ii) necessary for the promotion of public health, environmental health quality, injury  
 906 control, and the prevention of outbreaks and spread of communicable and infectious diseases.

907 (b) The standards and regulations under Subsection (1)(a):

908 (i) supersede existing local standards, regulations, and ordinances pertaining to similar  
 909 subject matter; and

910 (ii) except as provided under Subsection (1)(c) and except where specifically allowed  
 911 by federal law or state statute, may not be more stringent than those established by federal law,  
 912 state statute, or administrative rules adopted by the [~~Utah~~] Department of Health in accordance  
 913 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

914 (c) (i) The board may make standards and regulations more stringent than  
 915 corresponding federal law, state statute, or state administrative rules for the purposes described  
 916 in Subsection (1)(a), only if the board makes a written finding after public comment and  
 917 hearing and based on evidence in the record, that corresponding federal laws, state statutes, or  
 918 state administrative rules are not adequate to protect public health and the environment of the  
 919 state.

920 (ii) The findings shall address the public health information and studies contained in  
 921 the record, which form the basis for the board's conclusion.

922 (d) The board shall provide public hearings prior to the adoption of any regulation or  
 923 standard. Notice of any public hearing shall be published at least twice throughout the county  
 924 or counties served by the local health department. The publication may be in one or more

956 constraint issued as described in Subsection (1)(h)(i) within 72 hours of issuance of the order  
 957 of constraint.

958 (i) (i) During a public health emergency declared as described in this title:

959 (A) ~~§→ [except as described in Subsection (1)(i)(ii);]~~ ←§ a local health department may not  
 960 impose an order of constraint on a public gathering that applies to a religious gathering  
 961 differently than the order of constraint applies to any other public gathering; and

962 (B) an individual, while acting or purporting to act within the course and scope of the  
 963 individual's official local health department capacity, may not prevent a religious gathering that  
 964 is held in a manner consistent with any order of constraint issued pursuant to this title, or  
 965 impose a penalty for a previous religious gathering that was held in a manner consistent with  
 966 any order of constraint issued pursuant to this title.

967 **§→ [(ii) Notwithstanding Subsection (1)(i)(i)(A), during a public health emergency declared**  
 968 **as described in this title, a local health department may impose an order of constraint on a**  
 969 **religious gathering if an element of the religious practice is demonstrated to create a unique**  
 970 **risk that cannot be ameliorated by less-restrictive means.**

971 ~~—— (iii)] (ii) ←§~~ Upon proper grounds, a court of competent jurisdiction may grant an injunction  
 971a to  
 972 prevent the violation of this Subsection (1)(i).

973 (j) If a local health department declares a public health emergency as described in this  
 974 chapter, and the local health department finds that the public health emergency conditions  
 975 warrant an extension of the public health emergency beyond the 30-day term or another date  
 976 designated by the local legislative body, the local health department shall provide written  
 977 notice to the local legislative body at least 10 days before the expiration of the public health  
 978 emergency.

979 (2) (a) A person aggrieved by an action or inaction of the local health department  
 980 relating to the public health shall have an opportunity for a hearing with the local health officer  
 981 or a designated representative of the local health department. The board shall grant a  
 982 subsequent hearing to the person upon the person's written request.

983 (b) In an adjudicative hearing, a member of the board or the hearing officer may  
 984 administer oaths, examine witnesses, and issue notice of the hearings or subpoenas in the name  
 985 of the board requiring the testimony of witnesses and the production of evidence relevant to a  
 986 matter in the hearing. The local health department shall make a written record of the hearing,

1576 (i) shall poll the members of their respective bodies to determine whether the  
1577 Legislature will extend the state of emergency; and

1578 (ii) may jointly convene the committee.

1579 (c) If the speaker of the House of Representatives and the president of the Senate  
1580 receive notice as described in Subsection (5)(a) for a state of emergency that has been extended  
1581 beyond the 30 days from the initial declaration of a state of emergency, the speaker of the  
1582 House of Representatives and the president of the Senate shall jointly convene the committee.

1583 (6) If the committee is convened as described in Subsection (5), the committee shall  
1584 conduct a public meeting to:

1585 (a) discuss the nature of the emergency and conditions of the emergency;

1586 (b) evaluate options for emergency response;

1587 (c) receive testimony from individuals with expertise relevant to the current  
1588 emergency;

1589 (d) receive testimony from members of the public; and

1590 (e) provide a recommendation to the Legislature whether to extend the state of  
1591 emergency by joint resolution.

1592 Section 24. Section **53-2a-219** is enacted to read:

1593 **53-2a-219. Religious practice during a state of emergency.**

1594 (1) During a state of emergency declared as described in this chapter:

1595 (a) ~~§→~~ [except as described in Subsection (2),] ~~←§~~ the governor or chief executive officer of

1595a a

1596 political subdivision may not impose a restriction on a religious gathering that is more  
1597 restrictive than a restriction on any other public gathering; and

1598 (b) an individual, while acting or purporting to act within the course and scope of the  
1599 individual's official government capacity, may not:

1600 (i) prevent a religious gathering that is held in a manner consistent with any order or  
1601 restriction issued pursuant to this part; or

1602 (ii) impose a penalty for a previous religious gathering that was held in a manner  
1603 consistent with any order or restriction issued pursuant to this part.

1604 ~~§→~~ [(2) Notwithstanding Subsection (1), during a state of emergency declared as described  
1605 in this chapter, the governor or the chief executive officer of a political subdivision may  
1606 impose a restriction on a religious gathering if an element of the religious practice is

1607 ~~●demonstrated to create a unique risk that cannot be ameliorated by less-restrictive means.~~

1608 ~~—— (3)] (2) ←§~~ Upon proper grounds, a court of competent jurisdiction may grant an injunction

1608a to

1609 prevent the violation of this section.

1610 Section 25. Section **53-2a-703** is amended to read:

1611 **53-2a-703. Hazardous materials emergency -- Recovery of expenses.**

1612 (1) (a) The Hazardous Chemical Emergency Response Commission may recover from  
 1613 those persons whose negligent actions caused the hazardous materials emergency, expenses  
 1614 directly associated with a response to a hazardous materials emergency taken under authority of  
 1615 this part, Title 53, Chapter 2a, Part 1, Emergency Management Act, or Title 53, Chapter 2a,  
 1616 Part 2, Disaster Response and Recovery Act, that are incurred by:

1617 (i) a state agency;

1618 (ii) a political subdivision as defined in [~~Subsection 53-2a-203(3)] Section 53-2a-203;~~

1619 or

1620 (iii) an interlocal entity, described in Section 11-13-203, providing emergency services  
 1621 to a political subdivision pursuant to written agreement.

1622 (b) The payment of expenses under this Subsection (1) is not an admission of liability  
 1623 or negligence in any legal action for damages.

1624 (c) The Hazardous Chemical Emergency Response Commission may obtain assistance  
 1625 from the attorney general or a county attorney of the affected jurisdiction to assist in recovering  
 1626 expenses and legal fees.

1627 (d) Any recovered costs shall be deposited in the General Fund as dedicated credits to  
 1628 be used by the division to reimburse an entity described in Subsection (1)(a) for costs incurred  
 1629 by the entity.

1630 (2) (a) If the cost directly associated with emergency response exceeds all available  
 1631 funds of the division within a given fiscal year, the division, with approval from the governor,  
 1632 may incur a deficit in its line item budget.

1633 (b) The Legislature shall provide a supplemental appropriation in the following year to  
 1634 cover the deficit.

1635 (c) The division shall deposit all costs associated with any emergency response that are  
 1636 collected in subsequent fiscal years into the General Fund.

1637 (3) Any political subdivision may enact local ordinances pursuant to existing statutory