

Senator Evan J. Vickers proposes the following substitute bill:

EMERGENCY RESPONSE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill amends provisions related to emergency powers and public health emergencies.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ limits Department of Health and local health department powers related to public health emergency declarations and orders of constraint by:
 - limiting the time period for which certain orders or declarations may remain in place;
 - requiring notification of certain elected officials before taking certain actions;
 - allowing certain elected officials to terminate public health emergency declarations or orders of constraint; and
 - prohibiting declaration of a public health emergency after a previous declaration for the same public health emergency expires;
- ▶ limits emergency powers of the governor and chief executives of local governments by:
 - prohibiting the declaration of a state of emergency after a previous state of



- 26 emergency expires, absent exigent circumstances;
- 27 • clarifying how a declared state of emergency expires or is terminated; and
- 28 • allowing the Legislature and local legislative bodies to terminate an executive
- 29 order;
- 30 ▶ allows the governor to declare a new state of emergency based on the same disaster
- 31 or occurrence only when exigent circumstances warrant such a declaration;
- 32 ▶ provides a process for the Legislature to limit certain executive emergency powers
- 33 during a long-term state emergency;
- 34 ▶ creates an ad hoc legislative committee to review emergency circumstances that
- 35 could lead to a long-term state of emergency;
- 36 ▶ prohibits a restriction of a gathering of a religious institution that is more restrictive
- 37 than any other public gathering during an emergency;
- 38 ▶ requires notification from the governor before taking certain executive actions
- 39 during a long-term state of emergency;
- 40 ▶ amends provisions related to the Administrative Rules Review Committee,
- 41 including:
- 42 • a requirement for certain information about rules made pursuant to emergency
- 43 rulemaking procedures be provided to the members of the Administrative Rules
- 44 Review Committee; and
- 45 • review of certain rules and executive orders made or issued during a state of
- 46 emergency or public health emergency; and
- 47 ▶ makes technical changes.

48 **Money Appropriated in this Bill:**

49 None

50 **Other Special Clauses:**

51 None

52 **Utah Code Sections Affected:**

53 AMENDS:

54 **26-1-10**, as enacted by Laws of Utah 1981, Chapter 126

55 **26-1-30**, as last amended by Laws of Utah 2019, Chapter 87

56 **26-6-2**, as last amended by Laws of Utah 2012, Chapter 150

- 57 **26-6-3**, as last amended by Laws of Utah 2019, Chapter 349
- 58 **26-6b-3**, as last amended by Laws of Utah 2015, Chapter 73
- 59 **26-23-6**, as last amended by Laws of Utah 2009, Chapter 347
- 60 **26-23b-102**, as last amended by Laws of Utah 2008, Chapter 3
- 61 **26-23b-104**, as last amended by Laws of Utah 2011, Chapter 297
- 62 **26-23b-108**, as enacted by Laws of Utah 2002, Chapter 155
- 63 **26A-1-102**, as last amended by Laws of Utah 2018, Chapter 68
- 64 **26A-1-114**, as last amended by Laws of Utah 2011, Chapters 14 and 177
- 65 **26A-1-121**, as last amended by Laws of Utah 2012, Chapter 307
- 66 **53-2a-104**, as last amended by Laws of Utah 2020, Chapter 85
- 67 **53-2a-203**, as last amended by Laws of Utah 2019, Chapter 136
- 68 **53-2a-204**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 7
- 69 **53-2a-205**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 70 **53-2a-206**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 71 **53-2a-208**, as last amended by Laws of Utah 2015, Chapter 352
- 72 **53-2a-209**, as last amended by Laws of Utah 2016, Chapter 193
- 73 **53-2a-215**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 13
- 74 **53-2a-216**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 13
- 75 **53-2a-217**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 7
- 76 **53-2a-703**, as last amended by Laws of Utah 2018, Chapter 202
- 77 **63G-3-304**, as last amended by Laws of Utah 2016, Chapter 193
- 78 **63G-3-501**, as last amended by Laws of Utah 2019, Chapter 454
- 79 **63G-3-502**, as renumbered and amended by Laws of Utah 2008, Chapter 382

80 ENACTS:

81 **53-2a-218**, Utah Code Annotated 1953

82 **53-2a-219**, Utah Code Annotated 1953



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

85 Section 1. Section **26-1-10** is amended to read:

86 **26-1-10. Executive director -- Enforcement powers.**

87 [~~The~~] Subject to the restrictions in this title, the executive director is empowered to

88 issue orders to enforce state laws and rules established by the department except where the
89 enforcement power is given to a committee created pursuant to Section 26-1-7.

90 Section 2. Section 26-1-30 is amended to read:

91 **26-1-30. Powers and duties of department.**

92 [~~The~~] Subject to the restrictions in this title, the department shall exercise the following
93 powers and duties, in addition to other powers and duties established in this chapter:

94 (1) enter into cooperative agreements with the Department of Environmental Quality to
95 delineate specific responsibilities to assure that assessment and management of risk to human
96 health from the environment are properly administered;

97 (2) consult with the Department of Environmental Quality and enter into cooperative
98 agreements, as needed, to ensure efficient use of resources and effective response to potential
99 health and safety threats from the environment, and to prevent gaps in protection from potential
100 risks from the environment to specific individuals or population groups;

101 (3) promote and protect the health and wellness of the people within the state;

102 (4) establish, maintain, and enforce rules necessary or desirable to carry out the
103 provisions and purposes of this title to promote and protect the public health or to prevent
104 disease and illness;

105 (5) investigate and control the causes of epidemic, infectious, communicable, and other
106 diseases affecting the public health;

107 (6) provide for the detection, reporting, prevention, and control of communicable,
108 infectious, acute, chronic, or any other disease or health hazard which the department considers
109 to be dangerous, important, or likely to affect the public health;

110 (7) collect and report information on causes of injury, sickness, death, and disability
111 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
112 the state;

113 (8) collect, prepare, publish, and disseminate information to inform the public
114 concerning the health and wellness of the population, specific hazards, and risks that may affect
115 the health and wellness of the population and specific activities which may promote and protect
116 the health and wellness of the population;

117 (9) establish and operate programs necessary or desirable for the promotion or
118 protection of the public health and the control of disease or which may be necessary to

119 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
120 programs may not be established if adequate programs exist in the private sector;

121 (10) establish, maintain, and enforce isolation and quarantine, and for this purpose
122 only, exercise physical control over property and individuals as the department finds necessary
123 for the protection of the public health;

124 (11) close theaters, schools, and other public places and forbid gatherings of people
125 when necessary to protect the public health;

126 (12) abate nuisances when necessary to eliminate sources of filth and infectious and
127 communicable diseases affecting the public health;

128 (13) make necessary sanitary and health investigations and inspections in cooperation
129 with local health departments as to any matters affecting the public health;

130 (14) establish laboratory services necessary to support public health programs and
131 medical services in the state;

132 (15) establish and enforce standards for laboratory services which are provided by any
133 laboratory in the state when the purpose of the services is to protect the public health;

134 (16) cooperate with the Labor Commission to conduct studies of occupational health
135 hazards and occupational diseases arising in and out of employment in industry, and make
136 recommendations for elimination or reduction of the hazards;

137 (17) cooperate with the local health departments, the Department of Corrections, the
138 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
139 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
140 convicted sexual offenders, and any victims of a sexual offense;

141 (18) investigate the causes of maternal and infant mortality;

142 (19) establish, maintain, and enforce a procedure requiring the blood of adult
143 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
144 presence and concentration of alcohol;

145 (20) provide the Commissioner of Public Safety with monthly statistics reflecting the
146 results of the examinations provided for in Subsection (19) and provide safeguards so that
147 information derived from the examinations is not used for a purpose other than the compilation
148 of statistics authorized in this Subsection (20);

149 (21) establish qualifications for individuals permitted to draw blood pursuant to

150 Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or
151 77-23-213(3)(a)(vi), and to issue permits to individuals it finds qualified, which permits may
152 be terminated or revoked by the department;

153 (22) establish a uniform public health program throughout the state which includes
154 continuous service, employment of qualified employees, and a basic program of disease
155 control, vital and health statistics, sanitation, public health nursing, and other preventive health
156 programs necessary or desirable for the protection of public health;

157 (23) adopt rules and enforce minimum sanitary standards for the operation and
158 maintenance of:

- 159 (a) orphanages;
- 160 (b) boarding homes;
- 161 (c) summer camps for children;
- 162 (d) lodging houses;
- 163 (e) hotels;
- 164 (f) restaurants and all other places where food is handled for commercial purposes,
165 sold, or served to the public;
- 166 (g) tourist and trailer camps;
- 167 (h) service stations;
- 168 (i) public conveyances and stations;
- 169 (j) public and private schools;
- 170 (k) factories;
- 171 (l) private sanatoria;
- 172 (m) barber shops;
- 173 (n) beauty shops;
- 174 (o) physician offices;
- 175 (p) dentist offices;
- 176 (q) workshops;
- 177 (r) industrial, labor, or construction camps;
- 178 (s) recreational resorts and camps;
- 179 (t) swimming pools, public baths, and bathing beaches;
- 180 (u) state, county, or municipal institutions, including hospitals and other buildings,

181 centers, and places used for public gatherings; and
182 (v) any other facilities in public buildings or on public grounds;
183 (24) conduct health planning for the state;
184 (25) monitor the costs of health care in the state and foster price competition in the
185 health care delivery system;
186 (26) adopt rules for the licensure of health facilities within the state pursuant to Title
187 26, Chapter 21, Health Care Facility Licensing and Inspection Act;
188 (27) license the provision of child care;
189 (28) accept contributions to and administer the funds contained in the Organ Donation
190 Contribution Fund created in Section [26-18b-101](#);
191 (29) serve as the collecting agent, on behalf of the state, for the nursing care facility
192 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,
193 and adopt rules for the enforcement and administration of the nursing facility assessment
194 consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;
195 (30) establish methods or measures for health care providers, public health entities, and
196 health care insurers to coordinate among themselves to verify the identity of the individuals
197 they serve;
198 (31) (a) designate Alzheimer's disease and related dementia as a public health issue
199 and, within budgetary limitations, implement a state plan for Alzheimer's disease and related
200 dementia by incorporating the plan into the department's strategic planning and budgetary
201 process; and
202 (b) coordinate with other state agencies and other organizations to implement the state
203 plan for Alzheimer's disease and related dementia;
204 (32) ensure that any training or certification required of a public official or public
205 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
206 22, State Training and Certification Requirements, if the training or certification is required:
207 (a) under this title;
208 (b) by the department; or
209 (c) by an agency or division within the department; and
210 (33) oversee public education vision screening as described in Section [53G-9-404](#).
211 Section 3. Section **26-6-2** is amended to read:

212 **26-6-2. Definitions.**

213 As used in this chapter:

214 (1) "Ambulatory surgical center" is as defined in Section [26-21-2](#).

215 (2) "Carrier" means an infected individual or animal who harbors a specific infectious
216 agent in the absence of discernible clinical disease and serves as a potential source of infection
217 for man. The carrier state may occur in an individual with an infection that is inapparent
218 throughout its course, commonly known as healthy or asymptomatic carrier, or during the
219 incubation period, convalescence, and postconvalescence of an individual with a clinically
220 recognizable disease, commonly known as incubatory carrier or convalescent carrier. Under
221 either circumstance the carrier state may be of short duration, as a temporary or transient
222 carrier, or long duration, as a chronic carrier.

223 (3) "Communicable disease" means illness due to a specific infectious agent or its toxic
224 products which arises through transmission of that agent or its products from a reservoir to a
225 susceptible host, either directly, as from an infected individual or animal, or indirectly, through
226 an intermediate plant or animal host, vector, or the inanimate environment.

227 (4) "Communicable period" means the time or times during which an infectious agent
228 may be transferred directly or indirectly from an infected individual to another individual, from
229 an infected animal to man, or from an infected man to an animal, including arthropods.

230 (5) "Contact" means an individual or animal having had association with an infected
231 individual, animal, or contaminated environment so as to have had an opportunity to acquire
232 the infection.

233 (6) "End stage renal disease facility" is as defined in Section [26-21-2](#).

234 (7) "Epidemic" means the occurrence or outbreak in a community or region of cases of
235 an illness clearly in excess of normal expectancy and derived from a common or propagated
236 source. The number of cases indicating an epidemic will vary according to the infectious
237 agent, size, and type of population exposed, previous experience or lack of exposure to the
238 disease, and time and place of occurrence. Epidemicity is considered to be relative to usual
239 frequency of the disease in the same area, among the specified population, at the same season
240 of the year.

241 (8) "General acute hospital" is as defined in Section [26-21-2](#).

242 (9) "Incubation period" means the time interval between exposure to an infectious

243 agent and appearance of the first sign or symptom of the disease in question.

244 (10) "Infected individual" means an individual who harbors an infectious agent and
245 who has manifest disease or inapparent infection. An infected individual is one from whom the
246 infectious agent can be naturally acquired.

247 (11) "Infection" means the entry and development or multiplication of an infectious
248 agent in the body of man or animals. Infection is not synonymous with infectious disease; the
249 result may be inapparent or manifest. The presence of living infectious agents on exterior
250 surfaces of the body, or upon articles of apparel or soiled articles, is not infection, but
251 contamination of such surfaces and articles.

252 (12) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus,
253 protozoan, or helminth that is capable of producing infection or infectious disease.

254 (13) "Infectious disease" means a disease of man or animals resulting from an
255 infection.

256 (14) "Isolation" means the separation, for the period of communicability, of infected
257 individuals or animals from others, in such places and under such conditions as to prevent the
258 direct or indirect conveyance of the infectious agent from those infected to those who are
259 susceptible or who may spread the agent to others.

260 (15) "Order of constraint" means the same as that term is defined in Section
261 [26-23b-102](#).

262 [~~(15)~~] (16) "Quarantine" means the restriction of the activities of well individuals or
263 animals who have been exposed to a communicable disease during its period of
264 communicability to prevent disease transmission.

265 [~~(16)~~] (17) "School" means a public, private, or parochial nursery school, licensed or
266 unlicensed day care center, child care facility, family care home, headstart program,
267 kindergarten, elementary, or secondary school through grade 12.

268 [~~(17)~~] (18) "Sexually transmitted disease" means those diseases transmitted through
269 sexual intercourse or any other sexual contact.

270 [~~(18)~~] (19) "Specialty hospital" is as defined in Section [26-21-2](#).

271 Section 4. Section **26-6-3** is amended to read:

272 **26-6-3. Authority to investigate and control epidemic infections and**
273 **communicable disease.**

274 (1) [The] Subject to Subsection (3) and the restrictions in this title, the department has
275 authority to investigate and control the causes of epidemic infections and communicable
276 disease, and shall provide for the detection, reporting, prevention, and control of communicable
277 diseases and epidemic infections or any other health hazard which may affect the public health.

278 (2) (a) As part of the requirements of Subsection (1), the department shall distribute to
279 the public and to health care professionals:

280 (i) medically accurate information about sexually transmitted diseases that may cause
281 infertility and sterility if left untreated, including descriptions of:

282 (A) the probable side effects resulting from an untreated sexually transmitted disease,
283 including infertility and sterility;

284 (B) medically accepted treatment for sexually transmitted diseases;

285 (C) the medical risks commonly associated with the medical treatment of sexually
286 transmitted diseases; and

287 (D) suggested screening by a private physician or physician assistant; and

288 (ii) information about:

289 (A) public services and agencies available to assist individuals with obtaining
290 treatment for the sexually transmitted disease;

291 (B) medical assistance benefits that may be available to the individual with the
292 sexually transmitted disease; and

293 (C) abstinence before marriage and fidelity after marriage being the surest prevention
294 of sexually transmitted disease.

295 (b) The information required by Subsection (2)(a):

296 (i) shall be distributed by the department and by local health departments free of
297 charge;

298 (ii) shall be relevant to the geographic location in which the information is distributed
299 by:

300 (A) listing addresses and telephone numbers for public clinics and agencies providing
301 services in the geographic area in which the information is distributed; and

302 (B) providing the information in English as well as other languages that may be
303 appropriate for the geographic area.

304 (c) (i) Except as provided in Subsection (2)(c)(ii), the department shall develop written

305 material that includes the information required by this Subsection (2).

306 (ii) In addition to the written materials required by Subsection (2)(c)(i), the department
307 may distribute the information required by this Subsection (2) by any other methods the
308 department determines is appropriate to educate the public, excluding public schools, including
309 websites, toll free telephone numbers, and the media.

310 (iii) If the information required by Subsection (2)(b)(ii)(A) is not included in the
311 written pamphlet developed by the department, the written material shall include either a
312 website, or a 24-hour toll free telephone number that the public may use to obtain that
313 information.

314 (3) (a) The Legislature may at any time terminate by joint resolution an order of
315 constraint issued by the department as described in this section.

316 (b) A county governing body may at any time terminate by majority vote an order of
317 constraint issued by the relevant local health department as described in this section.

318 Section 5. Section **26-6b-3** is amended to read:

319 **26-6b-3. Order of restriction.**

320 (1) [~~The~~] Subject to Subsection (5), the department having jurisdiction over the
321 location where an individual or a group of individuals who are subject to restriction are found
322 may:

323 (a) issue a written order of restriction for the individual or group of individuals
324 pursuant to Section **26-1-30** or Subsection **26A-1-114(1)(b)** upon compliance with the
325 requirements of this chapter; and

326 (b) issue a verbal order of restriction for an individual or group of individuals pursuant
327 to Subsection (2)(c).

328 (2) (a) A department's determination to issue an order of restriction shall be based upon
329 the totality of circumstances reported to and known by the department, including:

330 (i) observation;

331 (ii) information that the department determines is credible and reliable information;

332 and

333 (iii) knowledge of current public health risks based on medically accepted guidelines as
334 may be established by the Department of Health by administrative rule.

335 (b) An order of restriction issued by a department shall:

336 (i) in the opinion of the public health official, be for the shortest reasonable period of
337 time necessary to protect the public health;

338 (ii) use the least intrusive method of restriction that, in the opinion of the department,
339 is reasonable based on the totality of circumstances known to the health department issuing the
340 order of restriction;

341 (iii) be in writing unless the provisions of Subsection (2)(c) apply; and

342 (iv) contain notice of an individual's rights as required in Section 26-6b-3.3.

343 (c) (i) A department may issue a verbal order of restriction, without prior notice to the
344 individual or group of individuals if the delay in imposing a written order of restriction would
345 significantly jeopardize the department's ability to prevent or limit:

346 (A) the transmission of a communicable or possibly communicable disease that poses a
347 threat to public health;

348 (B) the transmission of an infectious agent or possibly infectious agent that poses a
349 threat to public health;

350 (C) the exposure or possible exposure of a chemical or biological agent that poses a
351 threat to public health; or

352 (D) the exposure or transmission of a condition that poses a threat to public health.

353 (ii) A verbal order of restriction issued under the provisions of Subsection (2)(c)(i):

354 (A) is valid for 24 hours from the time the order of restriction is issued;

355 (B) may be verbally communicated to the individuals or group of individuals subject to
356 restriction by a first responder;

357 (C) may be enforced by the first responder until the department is able to establish and
358 maintain the place of restriction; and

359 (D) may only be continued beyond the initial 24 hours if a written order of restriction is
360 issued pursuant to the provisions of Section 26-6b-3.3.

361 (3) Pending issuance of a written order of restriction under Section 26-6b-3.3, or
362 judicial review of an order of restriction by the district court pursuant to Section 26-6b-6, an
363 individual who is subject to the order of restriction may be required to submit to involuntary
364 examination, quarantine, isolation, or treatment in the individual's home, a hospital, or any
365 other suitable facility under reasonable conditions prescribed by the department.

366 (4) The department that issued the order of restriction shall take reasonable measures,

367 including the provision of medical care, as may be necessary to assure proper care related to the
368 reason for the involuntary examination, treatment, isolation, or quarantine of an individual
369 ordered to submit to an order of restriction.

370 (5) (a) The Legislature may at any time terminate by joint resolution an order of
371 restriction issued by the department as described in this section.

372 (b) A county governing body may at any time terminate by majority vote an order of
373 restriction issued by the relevant local health department as described in this section.

374 Section 6. Section **26-23-6** is amended to read:

375 **26-23-6. Criminal and civil penalties and liability for violations.**

376 (1) (a) Any person, association, or corporation, or the officers of any of them, who
377 violates any provision of this chapter or lawful orders of the department or a local health
378 department in a criminal proceeding is guilty of a class B misdemeanor for the first violation,
379 and for any subsequent similar violation within two years, is guilty of a class A misdemeanor,
380 except this section does not establish the criminal penalty for violation of Section **26-23-5.5**.

381 (b) Conviction in a criminal proceeding does not preclude the department or a local
382 health department from assessment of any civil penalty, administrative civil money penalty or
383 to deny, revoke, condition, or refuse to renew a permit, license, or certificate or to seek other
384 injunctive or equitable remedies.

385 ~~[(2) Any person, association, or corporation, or the officers of any of them, who~~
386 ~~violates any provision of this title or lawful orders of the department or a local health~~
387 ~~department, or rules adopted under this title by the department:]~~

388 ~~[(a) shall be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of~~
389 ~~\$10,000 per violation; or]~~

390 ~~[(b) in an administrative action in accordance with Title 63G, Chapter 4, Administrative~~
391 ~~Procedures Act, or similar procedures adopted by local or county government, a penalty not to~~
392 ~~exceed the sum of \$10,000 per violation.]~~

393 (2) (a) Subject to Subsections (2)(c) and (d), any association, or corporation, or the
394 officers of any of them, who violate any provision of this title or lawful orders of the
395 department or a local health department, or rules adopted under this title by the department:

396 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
397 \$5,000 per violation; or

398 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
399 4, Administrative Procedures Act, or similar procedures adopted by local or county
400 government, a penalty not to exceed the sum of \$5,000 per violation.

401 (b) Subject to Subsections (2)(c) and (d), an individual who violates any provision of
402 this title or lawful orders of the department or a local health department, or rules adopted under
403 this title by the department:

404 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
405 \$150 per violation; or

406 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
407 4, Administrative Procedures Act, or similar procedures adopted by local or county
408 government, a penalty not to exceed the sum of \$150 per violation.

409 (c) (i) Except as provided in Subsection (2)(c)(ii), a penalty described in Subsection
410 (2)(a) or (b) may only be assessed against the same individual, association, or corporation one
411 time in a calendar week.

412 (ii) Notwithstanding Subsection (2)(c)(i), an individual, an association, a corporation,
413 or the officers of any of them, that willfully disregard or recklessly violate a provision of this
414 title or lawful orders of the department or a local health department, or rules adopted under this
415 title by the department, may be assessed a penalty as described in Subsection (2)(a) for each
416 day of violation if it is determined that the violation is likely to result in a serious threat to
417 public health.

418 (d) Upon reasonable cause shown in judicial civil proceeding or an administrative
419 action, a penalty imposed under this Subsection (2) may be waived or reduced.

420 (3) Assessment of any civil penalty or administrative penalty does not preclude the
421 department or a local health department from seeking criminal penalties or to deny, revoke,
422 impose conditions on, or refuse to renew a permit, license, or certificate or to seek other
423 injunctive or equitable remedies.

424 (4) In addition to any penalties imposed under Subsection (1), the person, association,
425 or corporation, or the officers of any of them is liable for any expense incurred by the
426 department in removing or abating any health or sanitation violations, including any nuisance,
427 source of filth, cause of sickness, or dead animal.

428 ~~[(5) Each day of violation of a provision of this title, lawful orders of the department or~~

429 a local health department, or rules adopted by the department under it is a separate violation.]

430 Section 7. Section **26-23b-102** is amended to read:

431 **26-23b-102. Definitions.**

432 As used in this chapter:

433 (1) "Bioterrorism" means:

434 (a) the intentional use of any microorganism, virus, infectious substance, or biological
435 product to cause death, disease, or other biological malfunction in a human, an animal, a plant,
436 or another living organism in order to influence, intimidate, or coerce the conduct of
437 government or a civilian population; and

438 (b) includes anthrax, botulism, small pox, plague, tularemia, and viral hemorrhagic
439 fevers.

440 (2) "Department" means the Department of Health created in Section 26-1-4 and a
441 local health department as defined in Section 26A-1-102.

442 (3) "Diagnostic information" means a clinical facility's record of individuals who
443 present for treatment, including the reason for the visit, chief complaint, presenting diagnosis,
444 final diagnosis, and any pertinent lab results.

445 (4) "Epidemic or pandemic disease":

446 (a) means the occurrence in a community or region of cases of an illness clearly in
447 excess of normal expectancy; and

448 (b) includes diseases designated by the Department of Health which have the potential
449 to cause serious illness or death.

450 (5) "Exigent circumstances" means a significant change in circumstances following the
451 expiration of a public health emergency declared in accordance with this title that:

452 (a) substantially increases the threat to public safety or health relative to the
453 circumstances in existence when the public health emergency expired;

454 (b) poses an imminent threat to public safety or health; and

455 (c) was not known or foreseen and could not have been known or foreseen at the time
456 the public health emergency expired.

457 [(5)] (6) "Health care provider" [~~shall have the meaning provided for~~] means the same
458 as that term is defined in Section 78B-3-403.

459 (7) "Legislative emergency response committee" means the same as that term is

460 defined in Section 53-2a-203.

461 (8) (a) "Order of constraint" means an order, rule, or regulation issued in response to a
462 declared public health emergency under this chapter, that:

463 (i) applies to all or substantially all:

464 (A) individuals or a certain group of individuals; or

465 (B) public places or a certain types of public places; and

466 (ii) for the protection of the public health and in response to the declared public health
467 emergency:

468 (A) establishes, maintains, or enforces isolation or quarantine;

469 (B) establishes, maintains, or enforces a stay-at-home order;

470 (C) exercises physical control over property or individuals;

471 (D) requires an individual to perform a certain action or engage in certain behavior; or

472 (E) closes theaters, schools, or other public places or prohibits gatherings of people to
473 protect the public health.

474 (b) "Order of constraint" includes a stay-at-home order.

475 ~~[(6)]~~ (9) "Public health emergency" means an occurrence or imminent credible threat of
476 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or novel
477 and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant
478 number of human fatalities or incidents of permanent or long-term disability. Such illness or
479 health condition includes an illness or health condition resulting from a natural disaster.

480 ~~[(7)]~~ (10) "Reportable emergency illness and health condition" includes the diseases,
481 conditions, or syndromes designated by the [Utah] Department of Health.

482 (11) "Stay-at-home order" means an order of constraint that:

483 (a) restricts movement of the general population to suppress or mitigate an epidemic or
484 pandemic disease by directing individuals within a defined geographic area to remain in their
485 respective residences; and

486 (b) may include exceptions for certain essential tasks.

487 Section 8. Section **26-23b-104** is amended to read:

488 **26-23b-104. Authorization to report.**

489 (1) A health care provider is authorized to report to the department any case of a
490 reportable emergency illness or health condition in any person when:

- 491 (a) the health care provider knows of a confirmed case; or
492 (b) the health care provider believes, based on the health care provider's professional
493 judgment that a person likely harbors a reportable emergency illness or health condition.
- 494 (2) A report pursuant to this section shall include, if known:
- 495 (a) the name of the facility submitting the report;
496 (b) a patient identifier that allows linkage with the patient's record for follow-up
497 investigation if needed;
498 (c) the date and time of visit;
499 (d) the patient's age and sex;
500 (e) the zip code of the patient's residence;
501 (f) the reportable illness or condition detected or suspected;
502 (g) diagnostic information and, if available, diagnostic codes assigned to the visit; and
503 (h) whether the patient was admitted to the hospital.
- 504 (3) (a) ~~[f]~~ Subject to Subsections (3)(b) and (4), if the department determines that a
505 public health emergency exists, the department may, with the concurrence of the governor and
506 the executive director or in the absence of the executive director, the executive director's
507 designee, issue a public health emergency order and mandate reporting under this section for a
508 limited reasonable period of time, as necessary to respond to the public health emergency.
- 509 (b) (i) The department may not declare a public health emergency or issue an order of
510 constraint until the department has provided notice of the proposed action to the legislative
511 emergency response committee no later than 24 hours before the department issues the order or
512 declaration.
- 513 (ii) The department:
- 514 (A) shall provide the notice required by Subsection (3)(b)(i) using the best available
515 method under the circumstances as determined by the executive director;
- 516 (B) may provide the notice required by Subsection (3)(b)(i) in electronic format; and
517 (C) shall provide the notice in written form, if practicable.
- 518 ~~[(b)]~~ (c) The department may not mandate reporting under this subsection for more
519 than 90 days. [If more than 90 days is needed to abate the public health emergency declared
520 under Subsection (3)(a), the department shall obtain the concurrence of the governor to extend
521 the period of time beyond 90 days.]

522 (4) (a) Except as provided in Subsection (4)(b), a public health emergency declared by
523 the department as described in Subsection (3) expires at the earliest of:

524 (i) the day on which the department or the governor finds that the threat or danger has
525 passed or the public health emergency reduced to the extent that emergency conditions no
526 longer exist;

527 (ii) 30 days after the date on which the department declared the public health
528 emergency; or

529 (iii) the day on which the public health emergency is terminated by a joint resolution of
530 the Legislature.

531 (b) (i) The Legislature, by joint resolution, may extend a public health emergency for a
532 time period designated in the joint resolution.

533 (ii) If the Legislature extends a public health emergency as described in Subsection
534 (4)(b)(i), the public health emergency expires on the date designated by the Legislature.

535 (c) Except as provided in Subsection (4)(d), if a public health emergency declared by
536 the department expires as described in Subsection (4)(a) or (b), the department may not declare
537 a public health emergency for the same illness or occurrence that precipitated the previous
538 public health emergency declaration.

539 (d) (i) Notwithstanding Subsection (4)(c), subject to Subsection (4)(e), if the
540 department finds that exigent circumstances exist, after providing notice to the Legislature, the
541 department may declare a new public health emergency for the same illness or occurrence that
542 precipitated a previous public health emergency declaration.

543 (ii) A public health emergency declared as described in Subsection (4)(d)(i) expires in
544 accordance with Subsection (4)(a) or (b).

545 (e) If the Legislature terminates a public health emergency declared due to exigent
546 circumstances as described in Subsection (4)(d)(i), the department may not declare a new
547 public health emergency for the same illness, occurrence, or exigent circumstances.

548 (5) During a declared public health emergency declared under this title:

549 (a) the Legislature may at any time by joint resolution terminate an order of constraint
550 issued by the department or a local health department in response to a public health emergency
551 that has been in effect for more than 30 days; and

552 (b) a county legislative body may at any time terminate an order of constraint issued by

553 a local health department in response to a public health emergency.

554 (6) (a) (i) If the department declares a public health emergency as described in this
555 chapter, and the department finds that the public health emergency conditions warrant an
556 extension of the public health emergency beyond the 30-day term or another date designated by
557 the Legislature as described in this section, the department shall provide written notice to the
558 speaker of the House of Representatives and the president of the Senate at least 10 days before
559 the expiration of the public health emergency.

560 (ii) If a local health department declares a public health emergency as described in this
561 chapter, and the local health department finds that the public health emergency conditions
562 warrant an extension of the public health emergency beyond the 30-day term or another date
563 designated by the county governing body as described in this section, the local health
564 department shall provide written notice to the county governing body at least 10 days before
565 the expiration of the public health emergency.

566 (b) If the department provides notice as described in Subsection (6)(a)(i) for a public
567 health emergency within the first 30 days from the initial declaration of the public health
568 emergency, the speaker of the House of Representatives and the president of the Senate:

569 (i) shall poll the members of their respective bodies to determine whether the
570 Legislature will extend the public health emergency; and

571 (ii) may jointly convene the committee created in Section [53-2a-218](#).

572 (c) If the department provides notice as described in Subsection (6)(a)(i) for a public
573 health emergency that has been extended beyond the 30 days from the initial declaration of the
574 public health emergency, the speaker of the House of Representatives and the president of the
575 Senate shall jointly convene the committee created in Section [53-2a-218](#).

576 (7) If the committee created in Section [53-2a-218](#) is convened as described in
577 Subsection (6), the committee shall conduct a public meeting to:

578 (a) discuss the nature of the public health emergency and conditions of the public
579 health emergency;

580 (b) evaluate options for public health emergency response;

581 (c) receive testimony from individuals with expertise relevant to the current public
582 health emergency;

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

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) ~~Ŝ → [except as described in Subsection (8)(b);] ←Ŝ~~ 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 Ŝ → ~~[(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 —— ~~(e)~~ (b) ←Ŝ 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.

615 (2) (a) Acting on information received from the reports required by this chapter, or
616 other reliable information, the department shall identify all individuals thought to have been
617 exposed to an illness or condition described in Subsection 26-23b-103(1).

618 (b) The department may request information from a health care provider concerning an
619 individual's identifying information as described in Subsection 26-23b-103(2)(b) when:

620 (i) the department is investigating a potential illness or condition described in
621 Subsection 26-23b-103(1) and the health care provider has not submitted a report to the
622 department with the information requested; or

623 (ii) the department has received a report from a pharmacist under Section 26-23b-105,
624 a medical laboratory under Section 26-23b-106, or another health care provider under
625 Subsection 26-23b-104(1) and the department believes that further investigation is necessary to
626 protect the public health.

627 (c) A health care provider shall submit the information requested under this section to
628 the department within 24 hours after receiving a request from the department.

629 (3) The department shall counsel and interview identified individuals as appropriate to:

630 (a) assist in the positive identification of other cases and exposed individuals;

631 (b) develop information relating to the source and spread of the illness or condition;

632 and

633 (c) obtain the names, addresses, phone numbers, or other identifying information of
634 any other person from whom the illness or health condition may have been contracted and to
635 whom the illness or condition may have spread.

636 (4) The department shall, for examination purposes, close, evacuate, or decontaminate
637 any facility when the department reasonably believes that such facility or material may
638 endanger the public health due to a condition or illness described in Subsection 26-23b-103(1).

639 (5) The department will destroy personally identifying health information about an
640 individual collected by the department as a result of a report under this chapter upon the earlier
641 of:

642 (a) the department's determination that the information is no longer necessary to carry
643 out an investigation under this chapter; or

644 (b) 180 days after the information is collected.

645 (6) (a) The Legislature may at any time terminate by joint resolution an order of

646 constraint issued by the department in response to a public health emergency.

647 (b) A county governing body may at any time terminate by majority vote an order of
648 constraint issued by the relevant local health department in response to a public health
649 emergency.

650 Section 10. Section **26A-1-102** is amended to read:

651 **26A-1-102. Definitions.**

652 As used in this part:

653 (1) "Board" means a local board of health established under Section [26A-1-109](#).

654 (2) "County governing body" means one of the types of county government provided
655 for in Title 17, Chapter 52a, Part 2, Forms of County Government.

656 (3) "County health department" means a local health department that serves a county
657 and municipalities located within that county.

658 (4) "Department" means the Department of Health created in Title 26, Chapter 1,
659 Department of Health Organization.

660 (5) "Local health department" means:

661 (a) a single county local health department;

662 (b) a multicounty local health department;

663 (c) a united local health department; or

664 (d) a multicounty united local health department.

665 (6) "Mental health authority" means a local mental health authority created in Section
666 [17-43-301](#).

667 (7) "Multicounty local health department" means a local health department that is
668 formed under Section [26A-1-105](#) and that serves two or more contiguous counties and
669 municipalities within those counties.

670 (8) "Multicounty united local health department" means a united local health
671 department that is formed under Section [26A-1-105.5](#) and that serves two or more contiguous
672 counties and municipalities within those counties.

673 (9) (a) "Order of constraint" means an order, rule, or regulation issued by a local health
674 department in response to a declared public health emergency under this chapter that:

675 (i) applies to all or substantially all:

676 (A) individuals or a certain group of individuals; or

677 (B) public places or a certain types of public places; and
 678 (ii) for the protection of the public health and in response to the declared public health
 679 emergency:

680 (A) establishes, maintains, or enforces isolation or quarantine;

681 (B) establishes, maintains, or enforces a stay-at-home order;

682 (C) exercises physical control over property or individuals;

683 (D) requires an individual to perform a certain action or engage in a certain behavior;

684 or

685 (E) closes theaters, schools, or other public places or prohibits gatherings of people to
 686 protect the public health.

687 (b) "Order of constraint" includes a stay-at-home order.

688 (10) "Public health emergency" means the same as that term is defined in Section
 689 [26-23b-102](#).

690 ~~[(9)]~~ (11) "Single county local health department" means a local health department that
 691 is created by the governing body of one county to provide services to the county and the
 692 municipalities within that county.

693 (12) "Stay-at-home order" means an order of constraint that:

694 (a) restricts movement of the general population to suppress or mitigate an epidemic or
 695 pandemic disease by directing individuals within a defined geographic area to remain in their
 696 respective residences; and

697 (b) may include exceptions for certain essential tasks.

698 ~~[(10)]~~ (13) "Substance abuse authority" means a local substance abuse authority
 699 created in Section [17-43-201](#).

700 ~~[(11)]~~ (14) "United local health department":

701 (a) means a substance abuse authority, a mental health authority, and a local health
 702 department that join together under Section [26A-1-105.5](#); and

703 (b) includes a multicounty united local health department.

704 Section 11. Section **26A-1-114** is amended to read:

705 **26A-1-114. Powers and duties of departments.**

706 (1) ~~[A]~~ Subject to Subsections (7) and (8), a local health department may:

707 (a) subject to the provisions in Section [26A-1-108](#), enforce state laws, local ordinances,

708 department rules, and local health department standards and regulations relating to public
709 health and sanitation, including the plumbing code administered by the Division of
710 Occupational and Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction
711 Code Administration Act, and under Title 26, Chapter 15a, Food Safety Manager Certification
712 Act, in all incorporated and unincorporated areas served by the local health department;

713 (b) establish, maintain, and enforce isolation and quarantine, and exercise physical
714 control over property and over individuals as the local health department finds necessary for
715 the protection of the public health;

716 (c) establish and maintain medical, environmental, occupational, and other laboratory
717 services considered necessary or proper for the protection of the public health;

718 (d) establish and operate reasonable health programs or measures not in conflict with
719 state law which:

720 (i) are necessary or desirable for the promotion or protection of the public health and
721 the control of disease; or

722 (ii) may be necessary to ameliorate the major risk factors associated with the major
723 causes of injury, sickness, death, and disability in the state;

724 (e) close theaters, schools, and other public places and prohibit gatherings of people
725 when necessary to protect the public health;

726 (f) abate nuisances or eliminate sources of filth and infectious and communicable
727 diseases affecting the public health and bill the owner or other person in charge of the premises
728 upon which this nuisance occurs for the cost of abatement;

729 (g) make necessary sanitary and health investigations and inspections on its own
730 initiative or in cooperation with the Department of Health or Environmental Quality, or both,
731 as to any matters affecting the public health;

732 (h) pursuant to county ordinance or interlocal agreement:

733 (i) establish and collect appropriate fees for the performance of services and operation
734 of authorized or required programs and duties;

735 (ii) accept, use, and administer all federal, state, or private donations or grants of funds,
736 property, services, or materials for public health purposes; and

737 (iii) make agreements not in conflict with state law which are conditional to receiving a
738 donation or grant;

739 (i) prepare, publish, and disseminate information necessary to inform and advise the
740 public concerning:

741 (i) the health and wellness of the population, specific hazards, and risk factors that may
742 adversely affect the health and wellness of the population; and

743 (ii) specific activities individuals and institutions can engage in to promote and protect
744 the health and wellness of the population;

745 (j) investigate the causes of morbidity and mortality;

746 (k) issue notices and orders necessary to carry out this part;

747 (l) conduct studies to identify injury problems, establish injury control systems,
748 develop standards for the correction and prevention of future occurrences, and provide public
749 information and instruction to special high risk groups;

750 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
751 within the jurisdiction of the boards;

752 (n) cooperate with the state health department, the Department of Corrections, the
753 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
754 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
755 convicted sexual offenders, and any victims of a sexual offense;

756 (o) investigate suspected bioterrorism and disease pursuant to Section 26-23b-108; and

757 (p) provide public health assistance in response to a national, state, or local emergency,
758 a public health emergency as defined in Section 26-23b-102, or a declaration by the President
759 of the United States or other federal official requesting public health-related activities.

760 (2) The local health department shall:

761 (a) establish programs or measures to promote and protect the health and general
762 wellness of the people within the boundaries of the local health department;

763 (b) investigate infectious and other diseases of public health importance and implement
764 measures to control the causes of epidemic and communicable diseases and other conditions
765 significantly affecting the public health which may include involuntary testing of alleged sexual
766 offenders for the HIV infection pursuant to Section 76-5-502 and voluntary testing of victims
767 of sexual offenses for HIV infection pursuant to Section 76-5-503;

768 (c) cooperate with the department in matters pertaining to the public health and in the
769 administration of state health laws; and

770 (d) coordinate implementation of environmental programs to maximize efficient use of
771 resources by developing with the Department of Environmental Quality a Comprehensive
772 Environmental Service Delivery Plan which:

773 (i) recognizes that the Department of Environmental Quality and local health
774 departments are the foundation for providing environmental health programs in the state;

775 (ii) delineates the responsibilities of the department and each local health department
776 for the efficient delivery of environmental programs using federal, state, and local authorities,
777 responsibilities, and resources;

778 (iii) provides for the delegation of authority and pass through of funding to local health
779 departments for environmental programs, to the extent allowed by applicable law, identified in
780 the plan, and requested by the local health department; and

781 (iv) is reviewed and updated annually.

782 (3) The local health department has the following duties regarding public and private
783 schools within its boundaries:

784 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
785 persons attending public and private schools;

786 (b) exclude from school attendance any person, including teachers, who is suffering
787 from any communicable or infectious disease, whether acute or chronic, if the person is likely
788 to convey the disease to those in attendance; and

789 (c) (i) make regular inspections of the health-related condition of all school buildings
790 and premises;

791 (ii) report the inspections on forms furnished by the department to those responsible for
792 the condition and provide instructions for correction of any conditions that impair or endanger
793 the health or life of those attending the schools; and

794 (iii) provide a copy of the report to the department at the time the report is made.

795 (4) If those responsible for the health-related condition of the school buildings and
796 premises do not carry out any instructions for corrections provided in a report in Subsection
797 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the
798 persons responsible.

799 (5) The local health department may exercise incidental authority as necessary to carry
800 out the provisions and purposes of this part.

801 (6) Nothing in this part may be construed to authorize a local health department to
802 enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon
803 monoxide detector in a residential dwelling against anyone other than the occupant of the
804 dwelling.

805 (7) (a) Except as provided in Subsection (7)(c), a local health department may not
806 declare a public health emergency or issue an order of constraint until the local health
807 department has provided notice of the proposed action to the county governing body no later
808 than 24 hours before the local health department issues the order or declaration.

809 (b) The local health department:

810 (i) shall provide the notice required by Subsection (7)(a) using the best available
811 method under the circumstances as determined by the local health department;

812 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and

813 (iii) shall provide the notice in written form, if practicable.

814 (c) (i) Notwithstanding Subsection (7)(a), a local health department may declare a
815 public health emergency or issue an order of constraint without approval of the chief executive
816 officer of the relevant county if the passage of time necessary to obtain approval of the chief
817 executive officer of the relevant county as required in Subsection (7)(a) would substantially
818 increase the likelihood of loss of life due to an imminent threat.

819 (ii) If a local health department declares a public health emergency or issues an order
820 of constraint as described in Subsection (7)(c), the local health department shall notify the chief
821 executive officer of the relevant county before issuing the order of constraint.

822 (iii) The chief executive officer of the relevant county may terminate a declaration of a
823 public health emergency or an order of constraint issued as described in Subsection (7)(c)(i)
824 within 72 hours of declaration of the public health emergency or issuance of the order of
825 constraint.

826 (8) (a) Except as provided in Subsection (8)(b), a public health emergency declared by
827 a local health department expires at the earliest of:

828 (i) the local health department or the chief executive officer of the relevant county
829 finding that the threat or danger has passed or the public health emergency reduced to the
830 extent that emergency conditions no longer exist;

831 (ii) 30 days after the date on which the local health department declared the public

832 health emergency; or

833 (iii) the day on which the public health emergency is terminated by a joint resolution of
834 the Legislature or majority vote of the county governing body.

835 (b) (i) The relevant county legislative body, by majority vote, may extend a public
836 health emergency for a time period designated by the county legislative body.

837 (ii) If the county legislative body extends a public health emergency as described in
838 Subsection (8)(b)(i), the public health emergency expires on the date designated by the county
839 legislative body.

840 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a
841 local health department expires as described in Subsection (8)(a), the local health department
842 may not declare a public health emergency for the same illness or occurrence that precipitated
843 the previous public health emergency declaration.

844 (d) (i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(e), if the local
845 health department finds that exigent circumstances exist, after providing notice to the county
846 legislative body, the department may declare a new public health emergency for the same
847 illness or occurrence that precipitated a previous public health emergency declaration.

848 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires in
849 accordance with Subsection (8)(a) or (b).

850 (e) If the Legislature or county legislative body terminates a public health emergency
851 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local health
852 department may not declare a new public health emergency for the same illness, occurrence, or
853 exigent circumstances.

854 (9) (a) During a public health emergency declared under this chapter or under Title 26,
855 Chapter 23b, Detection of Public Health Emergencies Act:

856 (i) except as provided in Subsection (9)(b), a local health department may not issue an
857 order of constraint without approval of the chief executive officer of the relevant county;

858 (ii) the Legislature may at any time terminate by joint resolution an order of constraint
859 issued by a local health department in response to a public health emergency that has been in
860 effect for more than 30 days; and

861 (iii) a county governing body may at any time terminate by majority vote of the
862 governing body an order of constraint issued by a local health department in response to a

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) ~~Ŝ→ [except as described in Subsection (10)(b);] ←Ŝ~~ 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 Ŝ→ ~~[(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 ~~——(e)] (b) ←S~~ 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

925 newspapers, if the notice is provided in accordance with this Subsection (1)(d).

926 (e) The hearings may be conducted by the board at a regular or special meeting, or the
927 board may appoint hearing officers who may conduct hearings in the name of the board at a
928 designated time and place.

929 (f) A record or summary of the proceedings of a hearing shall be taken and filed with
930 the board.

931 (g) (i) During a declared public health emergency declared under this chapter or under
932 Title 26, Chapter 23b, Detection of Public Health Emergencies Act:

933 (A) except as provided in Subsection (1)(h), a local health department may not issue an
934 order of constraint without approval of the chief executive officer of the relevant county;

935 (B) the Legislature may at any time terminate by joint resolution an order of constraint
936 issued by a local health department in response to a public health emergency that has been in
937 effect for more than 30 days; and

938 (C) a county governing body may at any time terminate, by majority vote of the
939 governing body, an order of constraint issued by a local health department in response to a
940 public health emergency.

941 (ii) (A) For a local health department that serves more than one county, the approval
942 described in Subsection (1)(g)(i)(A) is required for the chief executive officer for which the
943 order of constraint is applicable.

944 (B) For a local health department that serves more than one county, a county governing
945 body may only terminate an order of constraint as described in Subsection (1)(g)(i)(C) for the
946 county served by the county governing body.

947 (h) (i) Notwithstanding Subsection (1)(g)(i)(A), a local health department may issue an
948 order of constraint without approval of the chief executive officer of the relevant county if the
949 passage of time necessary to obtain approval of the chief executive officer of the relevant
950 county as required in Subsection (1)(g)(i)(A) would substantially increase the likelihood of loss
951 of life due to an imminent threat.

952 (ii) If a local health department issues an order of constraint as described in Subsection
953 (1)(h)(i), the local health department shall notify the chief executive officer of the relevant
954 county before issuing the order of constraint.

955 (iii) The chief executive officer of the relevant county may terminate an order of

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,

987 including findings of facts and conclusions of law.

988 (c) Judicial review of a final determination of the local board may be secured by a
989 person adversely affected by the final determination, or by the Departments of Health or
990 Environmental Quality, by filing a petition in the district court within 30 days after receipt of
991 notice of the board's final determination.

992 (d) The petition shall be served upon the secretary of the board and shall state the
993 grounds upon which review is sought.

994 (e) The board's answer shall certify and file with the court all documents and papers
995 and a transcript of all testimony taken in the matter together with the board's findings of fact,
996 conclusions of law, and order.

997 (f) The appellant and the board are parties to the appeal.

998 (g) The Departments of Health and Environmental Quality may become a party by
999 intervention as in a civil action upon showing cause.

1000 (h) A further appeal may be taken to the Court of Appeals under Section [78A-4-103](#).

1001 (3) Nothing in the provisions of Subsection (1)(b)(ii) or (c), shall limit the ability of a
1002 local health department board to make standards and regulations in accordance with Subsection
1003 (1)(a) for:

1004 (a) emergency rules made in accordance with Section [63G-3-304](#); or

1005 (b) items not regulated under federal law, state statute, or state administrative rule.

1006 Section 13. Section **53-2a-104** is amended to read:

1007 **53-2a-104. Division duties -- Powers.**

1008 (1) ~~[The]~~ Subject to limitation by the Legislature as described in Subsection
1009 [53-2a-206\(5\)](#), the division shall:

1010 (a) respond to the policies of the governor and the Legislature;

1011 (b) perform functions relating to emergency management as directed by the governor
1012 or by the commissioner, including:

1013 (i) coordinating with state agencies and local governments the use of personnel and
1014 other resources of these governmental entities as agents of the state during an interstate disaster
1015 in accordance with the Emergency Management Assistance Compact described in Section
1016 [53-2a-402](#);

1017 (ii) coordinating the requesting, activating, and allocating of state resources during an

1018 intrastate disaster or a local state of emergency;

1019 (iii) receiving and disbursing federal resources provided to the state in a declared
1020 disaster;

1021 (iv) appointing a state coordinating officer who is the governor's representative and
1022 who shall work with a federal coordinating officer during a federally declared disaster; and

1023 (v) appointing a state recovery officer who is the governor's representative and who
1024 shall work with a federal recovery officer during a federally declared disaster;

1025 (c) prepare, implement, and maintain programs and plans to provide for:

1026 (i) prevention and minimization of injury and damage caused by disasters;

1027 (ii) prompt and effective response to and recovery from disasters;

1028 (iii) identification of areas particularly vulnerable to disasters;

1029 (iv) coordination of hazard mitigation and other preventive and preparedness measures
1030 designed to eliminate or reduce disasters;

1031 (v) assistance to local officials, state agencies, and the business and public sectors, in
1032 developing emergency action plans;

1033 (vi) coordination of federal, state, and local emergency activities;

1034 (vii) coordination of emergency operations plans with emergency plans of the federal
1035 government;

1036 (viii) coordination of urban search and rescue activities;

1037 (ix) coordination of rapid and efficient communications in times of emergency; and

1038 (x) other measures necessary, incidental, or appropriate to this part;

1039 (d) coordinate with local officials, state agencies, and the business and public sectors in
1040 developing, implementing, and maintaining a state energy emergency plan in accordance with
1041 Section [53-2a-902](#);

1042 (e) administer Part 6, Disaster Recovery Funding Act, in accordance with that part;

1043 (f) conduct outreach annually to agencies and officials who have access to IPAWS; and

1044 (g) coordinate with counties to ensure every county has the access and ability to send,
1045 or a plan to send, IPAWS messages, including Wireless Emergency Alerts and Emergency
1046 Alert System messages.

1047 (2) Every three years, organizations that have the ability to send IPAWS messages,
1048 including emergency service agencies, public safety answering points, and emergency

1049 managers shall send verification of Federal Emergency Management Agency training to the
1050 Division.

1051 (3) (a) The Department of Public Safety shall designate state geographical regions and
1052 allow the political subdivisions within each region to:

1053 (i) coordinate planning with other political subdivisions, tribal governments, and as
1054 appropriate, other entities within that region and with state agencies as appropriate, or as
1055 designated by the division;

1056 (ii) coordinate grant management and resource purchases; and

1057 (iii) organize joint emergency response training and exercises.

1058 (b) The political subdivisions within a region designated in Subsection (3)(a) may not
1059 establish the region as a new government entity in the emergency disaster declaration process
1060 under Section [53-2a-208](#).

1061 (4) The division may make rules in accordance with Title 63G, Chapter 3, Utah
1062 Administrative Rulemaking Act, to:

1063 (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and
1064 the activities described in Subsection (3);

1065 (b) coordinate federal, state, and local resources in a declared disaster or local
1066 emergency; and

1067 (c) implement provisions of the Emergency Management Assistance Compact as
1068 provided in Section [53-2a-402](#) and Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

1069 (5) The division may consult with the Legislative Management Committee, the Judicial
1070 Council, and legislative and judicial staff offices to assist the division in preparing emergency
1071 succession plans and procedures under Title 53, Chapter 2a, Part 8, Emergency Interim
1072 Succession Act.

1073 (6) The division shall report annually in writing not later than October 31 to the Law
1074 Enforcement and Criminal Justice, and Political Subdivisions Interim Committees regarding
1075 the status of the emergency alert system in the state. The report shall include:

1076 (a) a status summary of the number of alerting authorities in Utah;

1077 (b) any changes in that number;

1078 (c) administrative actions taken; and

1079 (d) any other information considered necessary by the division.

1080 Section 14. Section **53-2a-203** is amended to read:

1081 **53-2a-203. Definitions.**

1082 As used in this part:

1083 (1) "Chief executive officer" means:

1084 (a) for a municipality:

1085 (i) the mayor for a municipality operating under all forms of municipal government

1086 except the council-manager form of government; or

1087 (ii) the city manager for a municipality operating under the council-manager form of

1088 government;

1089 (b) for a county:

1090 (i) the chair of the county commission for a county operating under the county

1091 commission or expanded county commission form of government;

1092 (ii) the county executive officer for a county operating under the county-executive

1093 council form of government; or

1094 (iii) the county manager for a county operating under the council-manager form of

1095 government; [or]

1096 (c) for a special service district:

1097 (i) the chief executive officer of the county or municipality that created the special

1098 service district if authority has not been delegated to an administrative control board as

1099 provided in Section [17D-1-301](#);

1100 (ii) the chair of the administrative control board to which authority has been delegated

1101 as provided in Section [17D-1-301](#); or

1102 (iii) the general manager or other officer or employee to whom authority has been

1103 delegated by the governing body of the special service district as provided in Section

1104 [17D-1-301](#); or

1105 (d) for a local district:

1106 (i) the chair of the board of trustees selected as provided in Section [17B-1-309](#); or

1107 (ii) the general manager or other officer or employee to whom authority has been

1108 delegated by the board of trustees.

1109 (2) "Executive action" means any of the following actions by the governor during a

1110 state of emergency:

1111 (a) an order, a rule, or a regulation made by the governor as described in Section
 1112 53-2a-209;

1113 (b) an action by the governor to suspend or modify a statute as described in Subsection
 1114 53-2a-204(1)(j); or

1115 (c) an action by the governor to suspend the enforcement of a statute as described in
 1116 Subsection 53-2a-209(4).

1117 (3) "Exigent circumstances" means a significant change in circumstances following the
 1118 expiration of a state of emergency declared in accordance with this chapter that:

1119 (a) substantially increases the threat to public safety or health relative to the
 1120 circumstances in existence when the state of emergency expired;

1121 (b) poses an imminent threat to public safety or health; and

1122 (c) was not known or foreseen and could not have been known or foreseen at the time
 1123 the state of emergency expired.

1124 (4) "Legislative emergency response committee" means the Legislative Emergency
 1125 Response Committee created in Section 53-2a-218.

1126 [~~2~~] (5) "Local emergency" means a condition in any municipality or county of the
 1127 state which requires that emergency assistance be provided by the affected municipality or
 1128 county or another political subdivision to save lives and protect property within its jurisdiction
 1129 in response to a disaster, or to avoid or reduce the threat of a disaster.

1130 (6) "Long-term state of emergency" means a state of emergency:

1131 (a) that lasts longer than 30 days; or

1132 (b) declared to respond to exigent circumstances as described in Subsection
 1133 53-2a-206(3).

1134 [~~3~~] (7) "Political subdivision" means a municipality, county, special service district,
 1135 or local district.

1136 Section 15. Section **53-2a-204** is amended to read:

1137 **53-2a-204. Authority of governor -- Federal assistance -- Fraud or willful**
 1138 **misstatement in application for financial assistance -- Penalty.**

1139 (1) In addition to any other authorities conferred upon the governor, if the governor
 1140 issues an executive order declaring a state of emergency, subject to limitation by the
 1141 Legislature as described in Subsection 53-2a-206(5), the governor may:

1142 (a) utilize all available resources of state government as reasonably necessary to cope
1143 with a state of emergency;

1144 (b) employ measures and give direction to state and local officers and agencies that are
1145 reasonable and necessary for the purpose of securing compliance with the provisions of this
1146 part and with orders, rules, and regulations made pursuant to this part;

1147 (c) recommend and advise the evacuation of all or part of the population from any
1148 stricken or threatened area within the state if necessary for the preservation of life;

1149 (d) recommend routes, modes of transportation, and destination in connection with
1150 evacuation;

1151 (e) in connection with evacuation, suspend or limit the sale, dispensing, or
1152 transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful
1153 bearing of arms;

1154 (f) control ingress and egress to and from a disaster area, the movement of persons
1155 within the area, and recommend the occupancy or evacuation of premises in a disaster area;

1156 (g) clear or remove from publicly or privately owned land or water debris or wreckage
1157 that is an immediate threat to public health, public safety, or private property, including
1158 allowing an employee of a state department or agency designated by the governor to enter upon
1159 private land or waters and perform any tasks necessary for the removal or clearance operation if
1160 the political subdivision, corporation, organization, or individual that is affected by the removal
1161 of the debris or wreckage:

1162 (i) presents an unconditional authorization for removal of the debris or wreckage from
1163 private property; and

1164 (ii) agrees to indemnify the state against any claim arising from the removal of the
1165 debris or wreckage;

1166 (h) enter into agreement with any agency of the United States:

1167 (i) for temporary housing units to be occupied by victims of a state of emergency or
1168 persons who assist victims of a state of emergency; and

1169 (ii) to make the housing units described in Subsection (1)(h)(i) available to a political
1170 subdivision of this state;

1171 (i) assist any political subdivision of this state to acquire sites and utilities necessary for
1172 temporary housing units described in Subsection (1)(h)(i) by passing through any funds made

1173 available to the governor by an agency of the United States for this purpose;

1174 (j) subject to Sections 53-2a-209 and 53-2a-214, temporarily suspend or modify by
1175 executive order, during the state of emergency, any public health, safety, zoning, transportation,
1176 or other requirement of a statute or administrative rule within this state if such action is
1177 essential to provide temporary housing described in Subsection (1)(h)(i);

1178 (k) upon determination that a political subdivision of the state will suffer a substantial
1179 loss of tax and other revenues because of a state of emergency and the political subdivision so
1180 affected has demonstrated a need for financial assistance to perform its governmental
1181 functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section
1182 10-8-6:

1183 (i) apply to the federal government for a loan on behalf of the political subdivision if
1184 the amount of the loan that the governor applies for does not exceed 25% of the annual
1185 operating budget of the political subdivision for the fiscal year in which the state of emergency
1186 occurs; and

1187 (ii) receive and disburse the amount of the loan to the political subdivision;

1188 (l) accept funds from the federal government and make grants to any political
1189 subdivision for the purpose of removing debris or wreckage from publicly owned land or
1190 water;

1191 (m) subject to Section 53-2a-217, upon determination that financial assistance is
1192 essential to meet expenses related to a state of emergency of individuals or families adversely
1193 affected by the state of emergency that cannot be sufficiently met from other means of
1194 assistance, apply for, accept, and expend a grant by the federal government to fund the financial
1195 assistance, subject to the terms and conditions imposed upon the grant;

1196 (n) recommend to the Legislature other actions the governor considers to be necessary
1197 to address a state of emergency; or

1198 (o) authorize the use of all water sources as necessary for fire suppression.

1199 (2) A person who fraudulently or willfully makes a misstatement of fact in connection
1200 with an application for financial assistance under this section shall, upon conviction of each
1201 offense, be subject to a fine of not more than \$5,000 or imprisonment for not more than one
1202 year, or both.

1203 Section 16. Section 53-2a-205 is amended to read:

1204 **53-2a-205. Authority of chief executive officers of political subdivisions --**
1205 **Ordering of evacuations.**

1206 (1) (a) In order to protect life and property when a state of emergency or local
1207 emergency has been declared, subject to limitation by the Legislature as described in
1208 Subsection 53-2a-206(5), and subject to Section 53-2a-216, the chief executive officer of each
1209 political subdivision of the state is authorized to:

1210 (i) carry out, in the chief executive officer's jurisdiction, the measures as may be
1211 ordered by the governor under this part; and

1212 (ii) take any additional measures the chief executive officer may consider necessary,
1213 subject to the limitations and provisions of this part.

1214 (b) The chief executive officer may not take an action that is inconsistent with any
1215 order, rule, regulation, or action of the governor.

1216 (2) [~~When~~] Subject to Section 53-2a-216, when a state of emergency or local
1217 emergency is declared, the authority of the chief executive officer includes:

1218 (a) utilizing all available resources of the political subdivision as reasonably necessary
1219 to manage a state of emergency or local emergency;

1220 (b) employing measures and giving direction to local officers and agencies which are
1221 reasonable and necessary for the purpose of securing compliance with the provisions of this
1222 part and with orders, rules, and regulations made under this part;

1223 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or
1224 part of the population from any stricken or threatened area within the political subdivision;

1225 (d) recommending routes, modes of transportation, and destinations in relation to an
1226 evacuation;

1227 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages,
1228 explosives, and combustibles in relation to an evacuation, except that the chief executive
1229 officer may not restrict the lawful bearing of arms;

1230 (f) controlling ingress and egress to and from a disaster area, controlling the movement
1231 of persons within a disaster area, and ordering the occupancy or evacuation of premises in a
1232 disaster area;

1233 (g) clearing or removing debris or wreckage that may threaten public health, public
1234 safety, or private property from publicly or privately owned land or waters, except that where

1235 there is no immediate threat to public health or safety, the chief executive officer shall not
1236 exercise this authority in relation to privately owned land or waters unless:

1237 (i) the owner authorizes the employees of designated local agencies to enter upon the
1238 private land or waters to perform any tasks necessary for the removal or clearance; and

1239 (ii) the owner provides an unconditional authorization for removal of the debris or
1240 wreckage and agrees to indemnify the local and state government against any claim arising
1241 from the removal; and

1242 (h) invoking the provisions of any mutual aid agreement entered into by the political
1243 subdivision.

1244 (3) (a) If the chief executive is unavailable to issue an order for evacuation under
1245 Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue
1246 an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for
1247 the preservation of life.

1248 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement
1249 officer's order.

1250 (4) Notice of an order or the ratification, modification, or revocation of an order issued
1251 under this section shall be:

1252 (a) given to the persons within the jurisdiction by the most effective and reasonable
1253 means available; and

1254 (b) filed in accordance with Subsection 53-2a-209(1).

1255 Section 17. Section 53-2a-206 is amended to read:

1256 **53-2a-206. State of emergency -- Declaration -- Termination -- Commander in**
1257 **chief of military forces.**

1258 (1) A state of emergency may be declared by executive order of the governor if the
1259 governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in
1260 any area of the state in which state government assistance is required to supplement the
1261 response and recovery efforts of the affected political subdivision or political subdivisions.

1262 ~~[(2) A state of emergency shall continue until the governor finds the threat or danger~~
1263 ~~has passed or the disaster reduced to the extent that emergency conditions no longer exist.]~~

1264 ~~[(3) A state of emergency may not continue for longer than 30 days unless extended by~~
1265 ~~joint resolution of the Legislature, which may also terminate a state of emergency by joint~~

1266 ~~resolution at any time.]~~

1267 (2) (a) Except as provided in Subsection (2)(b), a state of emergency described in
1268 Subsection (1) expires at the earlier of:

1269 (i) the day on which the governor finds that the threat or danger has passed or the
1270 disaster reduced to the extent that emergency conditions no longer exist;

1271 (ii) 30 days after the date on which the governor declared the state of emergency; or

1272 (iii) the day on which the Legislature terminates the state of emergency by joint
1273 resolution.

1274 (b) (i) The Legislature may, by joint resolution, extend a state of emergency for a time
1275 period designated in the joint resolution.

1276 (ii) If the Legislature extends a state of emergency in accordance with this subsection,
1277 the state of emergency expires on the date designated in the joint resolution.

1278 (c) Except as provided in Subsection (3), if a state of emergency expires as described in
1279 Subsection (2), the governor may not declare a new state of emergency for the same disaster or
1280 occurrence as the expired state of emergency.

1281 (3) (a) After a state of emergency expires in accordance with Subsection (2), and
1282 subject to Subsection (4), the governor may declare a new state of emergency in response to the
1283 same disaster or occurrence as the expired state of emergency, if the governor finds that exigent
1284 circumstances exist.

1285 (b) A state of emergency declared in accordance with Subsection (3)(a) expires in
1286 accordance with Subsections (2)(a) and (b).

1287 (c) After a state of emergency declared in accordance with Subsection (3)(a) expires,
1288 the governor may not declare a new state of emergency in response to the same disaster or
1289 occurrence as the expired state of emergency, regardless of whether exigent circumstances
1290 exist.

1291 (4) (a) (i) If the Legislature finds that emergency conditions warrant the extension of a
1292 state of emergency beyond 30 days as described in Subsection (2)(b), the Legislature may
1293 extend the state of emergency and specify which emergency powers described in this part are
1294 necessary to respond to the emergency conditions present at the time of the extension of the
1295 state of emergency.

1296 (ii) Circumstances that may warrant the extension of a state of emergency with limited

1297 emergency powers include:

1298 (A) the imminent threat of the emergency has passed, but continued fiscal response
1299 remains necessary; or

1300 (B) emergency conditions warrant certain executive actions, but certain emergency
1301 powers such as suspension of enforcement of statute are not necessary.

1302 (b) For any state of emergency extended by the Legislature beyond 30 days as
1303 described in Subsection (2)(b), the Legislature may, by joint resolution:

1304 (i) extend the state of emergency and maintain all of the emergency powers described
1305 in this part; or

1306 (ii) limit or restrict certain emergency powers of:

1307 (A) the division as described in Section [53-2a-104](#);

1308 (B) the governor as described in Section [53-2a-204](#);

1309 (C) a chief executive officer of a political subdivision as described in Section
1310 [53-2a-205](#); or

1311 (D) other executive emergency powers described in this chapter.

1312 (c) If the Legislature limits emergency powers as described in Subsection (4)(b), the
1313 Legislature shall:

1314 (i) include in the joint resolution findings describing the nature and current conditions
1315 of the emergency that warrant the continuation or limitation of certain emergency powers; and

1316 (ii) clearly enumerate and describe in the joint resolution which powers:

1317 (A) are being limited or restricted; or

1318 (B) shall remain in force.

1319 ~~[(4)]~~ (5) [The] If the Legislature terminates a state of emergency by joint resolution, the
1320 governor shall issue an executive order ending the state of emergency on receipt of the
1321 Legislature's resolution.

1322 ~~[(5)]~~ (6) An executive order described in this section to declare a state of emergency
1323 shall state:

1324 (a) the nature of the state of emergency;

1325 (b) the area or areas threatened; and

1326 (c) the conditions creating such an emergency or those conditions allowing termination
1327 of the state of emergency.

1328 ~~[(6)]~~ (7) During the continuance of any state of emergency the governor is commander
1329 in chief of the military forces of the state in accordance with Utah Constitution Article VII,
1330 Section 4, and Title 39, Chapter 1, State Militia.

1331 Section 18. Section **53-2a-208** is amended to read:

1332 **53-2a-208. Local emergency -- Declarations.**

1333 ~~[(1) (a) A local emergency may be declared by proclamation of the chief executive~~
1334 ~~officer of a municipality or county.]~~

1335 ~~[(b) A local emergency shall not be continued or renewed for a period in excess of 30~~
1336 ~~days except by or with the consent of the governing body of the municipality or county.]~~

1337 ~~[(c) Any order or proclamation declaring, continuing, or terminating a local emergency~~
1338 ~~shall be filed promptly with the office of the clerk of the affected municipality or county.]~~

1339 (1) A chief executive officer of a municipality or county may declare by proclamation a
1340 state of emergency if the chief executive officer finds:

1341 (a) a disaster has occurred or the occurrence or threat of a disaster is imminent in an
1342 area of the municipality or county; and

1343 (b) the municipality or county requires additional assistance to supplement the
1344 response and recovery efforts of the municipality or county.

1345 (2) A declaration of a local emergency:

1346 (a) constitutes an official recognition that a disaster situation exists within the affected
1347 municipality or county;

1348 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
1349 from other political subdivisions or from the state or federal government;

1350 (c) activates the response and recovery aspects of any and all applicable local disaster
1351 emergency plans; and

1352 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

1353 (3) A local emergency proclamation issued under this section shall state:

1354 (a) the nature of the local emergency;

1355 (b) the area or areas that are affected or threatened; and

1356 (c) the conditions which caused the emergency.

1357 (4) The emergency declaration process within the state shall be as follows:

1358 (a) a city, town, or metro township shall declare to the county;

1359 (b) a county shall declare to the state;

1360 (c) the state shall declare to the federal government; and

1361 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the

1362 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

1363 (5) Nothing in this part affects:

1364 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or

1365 (b) the duties, requests, reimbursements, or other actions taken by a political

1366 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,

1367 Part 3, Statewide Mutual Aid Act.

1368 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in

1369 Subsection (1) expires the earlier of:

1370 (i) the day on which the chief executive officer finds that:

1371 (A) the threat or danger has passed;

1372 (B) the disaster reduced to the extent that emergency conditions no longer exist; or

1373 (C) the municipality or county no longer requires state government assistance to

1374 supplement the response and recovery efforts of the municipality or county;

1375 (ii) 30 days after the day on which the chief executive officer declares the state of

1376 emergency; or

1377 (iii) the day on which the legislative body of the municipality or county terminates the

1378 state of emergency by majority vote.

1379 (b) (i) The legislative body of a municipality or county may by majority vote extend a

1380 state of emergency for a time period stated in the motion.

1381 (ii) If the legislative body of a municipality or county extends a state of emergency in

1382 accordance with this subsection, the state of emergency expires on the date designated by the

1383 legislative body in the motion.

1384 (c) Except as provided in Subsection (7), after a state of emergency expires in

1385 accordance with this Subsection (6), the chief executive officer may not declare a new state of

1386 emergency in response to the same disaster or occurrence as the expired state of emergency.

1387 (7) (a) After a state of emergency expires in accordance with Subsection (2), the chief

1388 executive officer may declare a new state of emergency in response to the same disaster or

1389 occurrence as the expired state of emergency, if the chief executive officer finds that exigent

1390 circumstances exist.

1391 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
1392 accordance with Subsections (6)(a) and (b).

1393 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires,
1394 the chief executive officer may not declare a new state of emergency in response to the same
1395 disaster or occurrence as the expired state of emergency, regardless of whether exigent
1396 circumstances exist.

1397 Section 19. Section **53-2a-209** is amended to read:

1398 **53-2a-209. Orders, rules, and regulations having force of law -- Filing**
1399 **requirements -- Suspension of state agency rules -- Suspension of enforcement of certain**
1400 **statutes during a state of emergency.**

1401 (1) [AH] Subject to Section 53-2a-216, all orders, rules, and regulations promulgated
1402 by the governor, a municipality, a county, or other agency authorized by this part to make
1403 orders, rules, and regulations, not in conflict with existing laws except as specifically provided
1404 in this section, shall have the full force and effect of law during the state of emergency.

1405 (2) A copy of the order, rule, or regulation promulgated under Subsection (1) shall be
1406 filed as soon as practicable with:

1407 (a) the Office of Administrative Rules, if issued by the governor or a state agency; or

1408 (b) the office of the clerk of the municipality or county, if issued by the chief executive
1409 officer of a municipality or county.

1410 (3) The governor may suspend the provisions of any order, rule, or regulation of any
1411 state agency, if the strict compliance with the provisions of the order, rule, or regulation would
1412 substantially prevent, hinder, or delay necessary action in coping with the emergency or
1413 disaster.

1414 (4) (a) Except as provided in Subsection (4)(b) and subject to Subsections (4)(c) and
1415 (d), the governor may by executive order suspend the enforcement of a statute if:

1416 (i) the governor declares a state of emergency in accordance with Section 53-2a-206;

1417 (ii) the governor determines that suspending the enforcement of the statute is:

1418 (A) directly related to the state of emergency described in Subsection (4)(a)(i); and

1419 (B) necessary to address the state of emergency described in Subsection (4)(a)(i);

1420 (iii) the executive order:

- 1421 (A) describes how the suspension of the enforcement of the statute is:
- 1422 (I) directly related to the state of emergency described in Subsection (4)(a)(i); and
- 1423 (II) necessary to address the state of emergency described in Subsection (4)(a)(i); and
- 1424 (B) provides the citation of the statute that is the subject of suspended enforcement;
- 1425 (iv) the governor acts in good faith;
- 1426 (v) the governor provides notice of the suspension of the enforcement of the statute to
- 1427 the speaker of the House of Representatives and the president of the Senate no later than 24
- 1428 hours after suspending the enforcement of the statute; and
- 1429 (vi) the governor makes the report required by Section [53-2a-210](#).
- 1430 (b) (i) Except as provided in Subsection (4)(b)(ii), the governor may not suspend the
- 1431 enforcement of a criminal penalty created in statute.
- 1432 (ii) The governor may suspend the enforcement of a misdemeanor or infraction if:
- 1433 (A) the misdemeanor or infraction relates to food, health, or transportation; and
- 1434 (B) the requirements of Subsection (4)(a) are met.
- 1435 (c) A suspension described in this Subsection (4) terminates no later than the date the
- 1436 governor terminates the state of emergency in accordance with Section [53-2a-206](#) to which the
- 1437 suspension relates.
- 1438 (d) The governor:
- 1439 (i) shall provide the notice required by Subsection (4)(a)(v) using the best available
- 1440 method under the circumstances as determined by the governor;
- 1441 (ii) may provide the notice required by Subsection (4)(a)(v) in electronic format; and
- 1442 (iii) shall provide the notice in written form, if practicable.
- 1443 (e) If circumstances prevent the governor from providing notice to the speaker of the
- 1444 House of Representatives or the president of the Senate, notice shall be provided in the best
- 1445 available method to the presiding member of the respective body as is reasonable.
- 1446 Section 20. Section **53-2a-215** is amended to read:
- 1447 **53-2a-215. Requirements for long-term emergency response -- Notice.**
- 1448 [~~(1) As used in this section:~~]
- 1449 [~~(a) "Epidemic or pandemic disease" means the same as that term is defined in Section~~
- 1450 ~~[26-23b-102](#);~~]
- 1451 [~~(b) "Executive action" means any of the following actions in response to an epidemic~~

1452 or pandemic disease:]

1453 [(i) a declaration of a state of emergency as described in Section ~~53-2a-206~~];

1454 [(ii) an order, a rule, or a regulation made by the governor as described in Section
1455 ~~53-2a-209~~];

1456 [(iii) an action by the governor to suspend or modify a statute as described in
1457 Subsection ~~53-2a-204~~(1)(j); or]

1458 [(iv) an action by the governor to suspend the enforcement of a statute as described in
1459 Subsection ~~53-2a-209~~(4).]

1460 [(c) "Legislative pandemic response team" means:]

1461 [(i) the speaker of the House of Representatives;]

1462 [(ii) the president of the Senate;]

1463 [(iii) the minority leader of the House of Representatives; and]

1464 [(iv) the minority leader of the Senate.]

1465 [(2) The Legislature finds and acknowledges that existing and increasing threats of the
1466 occurrence of an epidemic or pandemic disease emergency could greatly affect the health,
1467 safety, and welfare of the people of this state, and subject to provisions of this section, the
1468 Legislature recognizes the important role of the governor to respond to an epidemic or
1469 pandemic disease emergency through executive action.]

1470 [(3)] (1) (a) (i) Except as provided in Subsection [(4)] (2), and in accordance with
1471 Subsection [(3)(b)] (1)(b), during a long-term state of emergency, the governor may not take an
1472 executive action in response to [~~an epidemic or pandemic disease~~] the emergency until the
1473 governor has provided notice of the proposed action to the legislative [~~pandemic response~~
1474 ~~team~~] emergency response committee no later than 24 hours before the governor issues the
1475 executive action.

1476 (ii) The governor:

1477 (A) shall provide the notice required by Subsection [(3)] (1)(a)(i) using the best
1478 available method under the circumstances as determined by the governor;

1479 (B) may provide the notice required by Subsection [(3)] (1)(a)(i) in electronic format;

1480 and

1481 (C) shall provide the notice in written form, if practicable.

1482 (b) Except for any conflicting provision in this section, the governor shall comply with

1483 the requirements of this chapter to take an executive action in response to a long-term
 1484 emergency.

1485 (c) If the governor takes executive action in response to [~~an epidemic or pandemic~~
 1486 ~~disease~~] a long-term emergency as described in this Subsection [~~(3)~~] (1), the governor is not
 1487 required to provide:

1488 (i) the notice described in Subsection 53-2a-209(4)(a)(v); or

1489 (ii) the report described in Section 53-2a-210.

1490 [~~(4)~~] (2) (a) The governor may take executive action in response [~~to an epidemic or~~
 1491 ~~pandemic disease~~] during a long-term emergency without complying with Subsection [~~(3)~~] (1)
 1492 only if the governor finds that:

1493 (i) there is an imminent threat of serious bodily injury, loss of life, or substantial harm
 1494 to property; and

1495 (ii) compliance with Subsection [~~(3)~~] (1) would increase the threat of serious bodily
 1496 injury, loss of life, or substantial harm to property.

1497 (b) If the governor takes executive action in response to [~~an epidemic or pandemic~~] a
 1498 long-term emergency without complying with the requirements of Subsection [~~(3)~~] (1)(a), the
 1499 governor shall provide in the executive action an explanation why the requirements of
 1500 Subsection [~~(3)~~] (1)(a) were not met.

1501 [~~(5)~~] (3) This section supersedes any conflicting provisions of Utah law.

1502 [~~(6)~~] (4) Notwithstanding any other provision of law, the governor may not suspend the
 1503 application or enforcement of this section.

1504 Section 21. Section **53-2a-216** is amended to read:

1505 **53-2a-216. Termination of an executive action or directive.**

1506 (1) The Legislature may at any time terminate by joint resolution:

1507 (a) an order, a rule, ordinance, or action by a chief executive officer of a county or
 1508 municipality as described in Section 53-2a-205 in response to a state of emergency that has
 1509 been in effect for more than 30 days;

1510 (b) a local declaration of emergency described in Section 53-2a-208;

1511 [~~(a)~~] (c) an order, a rule, or a regulation made by the governor, a municipality, county,
 1512 or other agency as described in Section 53-2a-209;

1513 [~~(b)~~] (d) an action by the governor to suspend the enforcement of a statute as described

1514 in Subsection [53-2a-209](#)(4); or

1515 ~~[(e)]~~ (e) an executive action as described in Section [53-2a-215](#).

1516 (2) Notwithstanding any other provision of law, the governor may not suspend the
1517 application or enforcement of this section.

1518 Section 22. Section **53-2a-217** is amended to read:

1519 **53-2a-217. Procurement process during an epidemic or pandemic emergency.**

1520 (1) As used in this section, "epidemic or pandemic disease" means the same as that
1521 term is defined in Section [~~53-2a-215~~] [26-23b-102](#).

1522 (2) (a) During a state of emergency declared as described in Section [53-2a-206](#) that is
1523 in response or related to an epidemic or pandemic disease emergency, or during a national
1524 epidemic or pandemic emergency, the governor shall provide notice to the Legislature within
1525 24 hours after an expenditure or procurement, if the expenditure or procurement:

1526 (i) uses federal funds received as described in Subsection [53-2a-204](#)(1)(m);

1527 (ii) totals more than \$2,000,000 or includes a line item of more than \$2,000,000; and

1528 (iii) is made using emergency procurement processes as described in Section
1529 [63G-6a-803](#).

1530 (b) The governor may not divide an expenditure or procurement into multiple
1531 expenditures or procurements to fall below the \$2,000,000 threshold described in Subsection
1532 (2)(a)(ii).

1533 Section 23. Section **53-2a-218** is enacted to read:

1534 **53-2a-218. Legislative Emergency Response Committee.**

1535 (1) There is created an ad hoc committee known as the Legislative Emergency
1536 Response Committee.

1537 (2) (a) The committee membership includes:

1538 (i) the same membership as the Executive Appropriations Committee as constituted at
1539 the time the committee is convened; and

1540 (ii) between four and six additional members designated by the speaker of the House of
1541 Representatives, chosen from the following:

1542 (A) one or more members of the House of Representatives that serve as chair or
1543 vice-chair of a legislative committee with a subject matter focus relevant to the current
1544 emergency;

1545 (B) one or more members of the House of Representatives with relevant expertise or
1546 experience relevant to the current emergency; or

1547 (C) one or more members of the House of Representatives from a minority party that
1548 serves on a relevant legislative committee or that has expertise and experience relevant to the
1549 current emergency; and

1550 (iii) between four and six additional members designated by the president of the
1551 Senate, chosen from the following:

1552 (A) one or more members of the Senate that serve as chair or vice-chair of a legislative
1553 committee with a subject matter focus relevant to the current emergency;

1554 (B) one or more members of the Senate with relevant expertise or experience relevant
1555 to the current emergency; or

1556 (C) one or more members of the Senate from a minority party that serves on a relevant
1557 legislative committee or that has expertise and experience relevant to the current emergency.

1558 (b) The speaker of the House of Representatives and the president of the Senate shall
1559 coordinate to ensure they each appoint the same number of legislators as described under
1560 Subsections (2)(a)(ii) and (iii).

1561 (3) The speaker of the House of Representatives and the president of the Senate shall
1562 serve as chairs of the committee.

1563 (4) The Office of Legislative Research and General Counsel shall provide staff support
1564 to the committee.

1565 (5) (a) If the governor declares a state of emergency as described in this chapter, and
1566 the governor finds that the emergency conditions warrant an extension of the state of
1567 emergency beyond the 30-day term or another date designated by the Legislature as described
1568 in Section 53-2a-206, the governor shall provide written notice to the speaker of the House of
1569 Representatives and the president of the Senate at least 10 days before the expiration of the
1570 state of emergency.

1571 (b) If the speaker of the House of Representatives and the president of the Senate
1572 receive notice as described in Subsection (5)(a) for a state of emergency within the first 30 days
1573 from the initial declaration of the state of emergency, or from the Department of Health as
1574 described in Section 26-23b-10, or from a local health department as described in Section
1575 26A-1-121, the speaker of the House of Representatives and the president of the Senate:

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) ~~Ŝ → [except as described in Subsection (2),]~~ ← Ŝ 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 ~~Ŝ → [(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

1638 or constitutional authority to provide for the recovery of expenses incurred by the political
1639 subdivision.

1640 Section 26. Section **63G-3-304** is amended to read:

1641 **63G-3-304. Emergency rulemaking procedure.**

1642 (1) All agencies shall comply with the rulemaking procedures of Section **63G-3-301**
1643 unless an agency finds that these procedures would:

1644 (a) cause an imminent peril to the public health, safety, or welfare;

1645 (b) cause an imminent budget reduction because of budget restraints or federal
1646 requirements; or

1647 (c) place the agency in violation of federal or state law.

1648 (2) (a) When finding that its rule is excepted from regular rulemaking procedures by
1649 this section, the agency shall file with the office and the members of the Administrative Rules
1650 Review Committee:

1651 (i) the text of the rule; and

1652 (ii) a rule analysis that includes the specific reasons and justifications for its findings.

1653 (b) The office shall publish the rule in the bulletin as provided in Subsection
1654 **63G-3-301**(4).

1655 (c) The agency shall notify interested persons as provided in Subsection
1656 **63G-3-301**(10).

1657 (d) [~~The~~] Subject to Subsection **63G-3-502**(4), the rule becomes effective for a period
1658 not exceeding 120 days on the date of filing or any later date designated in the rule.

1659 (3) If the agency intends the rule to be effective beyond 120 days, the agency shall also
1660 comply with the procedures of Section **63G-3-301**.

1661 Section 27. Section **63G-3-501** is amended to read:

1662 **63G-3-501. Administrative Rules Review Committee.**

1663 (1) (a) There is created an Administrative Rules Review Committee of the following
1664 10 permanent members:

1665 (i) five members of the Senate appointed by the president of the Senate, no more than
1666 three of whom may be from the same political party; and

1667 (ii) five members of the House of Representatives appointed by the speaker of the
1668 House of Representatives, no more than three of whom may be from the same political party.

- 1669 (b) Each permanent member shall serve:
- 1670 (i) for a two-year term; or
- 1671 (ii) until the permanent member's successor is appointed.
- 1672 (c) (i) A vacancy exists when a permanent member ceases to be a member of the
- 1673 Legislature, or when a permanent member resigns from the committee.
- 1674 (ii) When a vacancy exists:
- 1675 (A) if the departing member is a member of the Senate, the president of the Senate
- 1676 shall appoint a member of the Senate to fill the vacancy; or
- 1677 (B) if the departing member is a member of the House of Representatives, the speaker
- 1678 of the House of Representatives shall appoint a member of the House of Representatives to fill
- 1679 the vacancy.
- 1680 (iii) The newly appointed member shall serve the remainder of the departing member's
- 1681 unexpired term.
- 1682 (d) (i) The president of the Senate shall designate a member of the Senate appointed
- 1683 under Subsection (1)(a)(i) as a cochair of the committee.
- 1684 (ii) The speaker of the House of Representatives shall designate a member of the
- 1685 House of Representatives appointed under Subsection (1)(a)(ii) as a cochair of the committee.
- 1686 (e) Three representatives and three senators from the permanent members are a quorum
- 1687 for the transaction of business at any meeting.
- 1688 (f) (i) Subject to Subsection (1)(f)(ii), the committee shall meet at least once each
- 1689 month to review new agency rules, amendments to existing agency rules, and repeals of
- 1690 existing agency rules.
- 1691 (ii) The committee chairs may suspend the meeting requirement described in
- 1692 Subsection (1)(f)(i) at the committee chairs' discretion.
- 1693 (2) The office shall submit a copy of each issue of the bulletin to the committee.
- 1694 (3) (a) The committee shall exercise continuous oversight of the rulemaking process.
- 1695 (b) The committee shall examine each rule, including any rule made according to the
- 1696 emergency rulemaking procedure described in Section [63G-3-304](#), submitted by an agency to
- 1697 determine:
- 1698 (i) whether the rule is authorized by statute;
- 1699 (ii) whether the rule complies with legislative intent;

1700 (iii) the rule's impact on the economy and the government operations of the state and
1701 local political subdivisions;

1702 (iv) the rule's impact on affected persons;

1703 (v) the rule's total cost to entities regulated by the state;

1704 (vi) the rule's benefit to the citizens of the state; and

1705 (vii) whether adoption of the rule requires legislative review or approval.

1706 (c) The committee may examine and review:

1707 (i) any executive order issued pursuant to Title 53, Chapter 2a, Part 2, Disaster

1708 Response and Recovery Act; or

1709 (ii) any public health order issued during a public health emergency declared in

1710 accordance with Title 26, Utah Health Code, or Title 26A, Local Health Authorities.

1711 [~~(c)~~] (d) (i) To carry out these duties, the committee may examine any other issues that
1712 the committee considers necessary.

1713 (ii) The committee may also notify and refer rules to the chairs of the interim
1714 committee that has jurisdiction over a particular agency when the committee determines that an
1715 issue involved in an agency's rules may be more appropriately addressed by that committee.

1716 [~~(d)~~] (e) In reviewing a rule, the committee shall follow generally accepted principles
1717 of statutory construction.

1718 (4) When the committee reviews an existing rule, the committee chairs shall invite the
1719 Senate and House chairs of the standing committee and of the appropriation subcommittee that
1720 have jurisdiction over the agency whose existing rule is being reviewed to participate as
1721 nonvoting, ex officio members with the committee.

1722 (5) The committee may request that the Office of the Legislative Fiscal Analyst prepare
1723 a fiscal note on any rule.

1724 (6) In order to accomplish the committee's functions described in this chapter, the
1725 committee has all the powers granted to legislative interim committees under Section 36-12-11.

1726 (7) (a) The committee may prepare written findings of the committee's review of a rule
1727 or policy and may include any recommendation, including legislative action.

1728 (b) When the committee reviews a rule, the committee shall provide to the agency that
1729 enacted the rule:

1730 (i) the committee's findings, if any; and

1731 (ii) a request that the agency notify the committee of any changes the agency makes to
1732 the rule.

1733 (c) The committee shall provide a copy of the committee's findings, if any, to:

1734 (i) any member of the Legislature, upon request;

1735 (ii) any person affected by the rule, upon request;

1736 (iii) the president of the Senate;

1737 (iv) the speaker of the House of Representatives;

1738 (v) the Senate and House chairs of the standing committee that has jurisdiction over the
1739 agency that made the rule; and

1740 (vi) the Senate and House chairs of the appropriation subcommittee that has
1741 jurisdiction over the agency that made the rule.

1742 (8) (a) (i) The committee may submit a report on the committee's review of state
1743 agency rules to each member of the Legislature at each regular session.

1744 (ii) The report shall include:

1745 (A) any finding or recommendation the committee made under Subsection (7);

1746 (B) any action an agency took in response to a committee recommendation; and

1747 (C) any recommendation by the committee for legislation.

1748 (b) If the committee receives a recommendation not to reauthorize a rule, as described
1749 in Subsection [63G-3-301\(13\)\(b\)](#), and the committee recommends to the Legislature
1750 reauthorization of the rule, the committee shall submit a report to each member of the
1751 Legislature detailing the committee's decision.

1752 Section 28. Section [63G-3-502](#) is amended to read:

1753 **[63G-3-502. Legislative reauthorization of agency rules -- Extension of rules by](#)**
1754 **governor.**

1755 (1) All grants of rulemaking power from the Legislature to a state agency in any statute
1756 are made subject to the provisions of this section.

1757 (2) (a) Except as provided in Subsection (2)(b), every agency rule that is in effect on
1758 February 28 of any calendar year expires on May 1 of that year unless it has been reauthorized
1759 by the Legislature.

1760 (b) Notwithstanding the provisions of Subsection (2)(a), an agency's rules do not expire
1761 if:

- 1762 (i) the rule is explicitly mandated by a federal law or regulation; or
1763 (ii) a provision of Utah's constitution vests the agency with specific constitutional
1764 authority to regulate.
- 1765 (3) (a) The Administrative Rules Review Committee shall have omnibus legislation
1766 prepared for consideration by the Legislature during its annual general session.
- 1767 (b) The omnibus legislation shall be substantially in the following form: "All rules of
1768 Utah state agencies are reauthorized except for the following:"
- 1769 (c) Before sending the legislation to the governor for the governor's action, the
1770 Administrative Rules Review Committee may send a letter to the governor and to the agency
1771 explaining specifically why the committee believes any rule should not be reauthorized.
- 1772 (d) For the purpose of this section, the entire rule, a single section, or any complete
1773 paragraph of a rule may be excepted for reauthorization in the omnibus legislation considered
1774 by the Legislature.
- 1775 (4) (a) The Administrative Rules Review Committee may have legislation prepared for
1776 consideration by the Legislature in the annual general session or a special session regarding any
1777 rule made according to emergency rulemaking procedures described in Section [63G-3-304](#).
- 1778 [~~4~~] (5) The Legislature's reauthorization of a rule by legislation does not constitute
1779 legislative approval of the rule, nor is it admissible in any proceeding as evidence of legislative
1780 intent.
- 1781 [~~5~~] (6) (a) If an agency believes that a rule that has not been reauthorized by the
1782 Legislature or that will be allowed to expire should continue in full force and effect and is a
1783 rule within their authorized rulemaking power, the agency may seek the governor's declaration
1784 extending the rule beyond the expiration date.
- 1785 (b) In seeking the extension, the agency shall submit a petition to the governor that
1786 affirmatively states:
- 1787 (i) that the rule is necessary; and
1788 (ii) a citation to the source of its authority to make the rule.
- 1789 (c) (i) If the governor finds that the necessity does exist, and that the agency has the
1790 authority to make the rule, the governor may declare the rule to be extended by publishing that
1791 declaration in the Administrative Rules Bulletin on or before April 15 of that year.
- 1792 (ii) The declaration shall set forth the rule to be extended, the reasons the extension is

1793 necessary, and a citation to the source of the agency's authority to make the rule.
1794 (d) If the omnibus bill required by Subsection (3) fails to pass both houses of the
1795 Legislature or is found to have a technical legal defect preventing reauthorization of
1796 administrative rules intended to be reauthorized by the Legislature, the governor may declare
1797 all rules to be extended by publishing a single declaration in the Administrative Rules Bulletin
1798 on or before June 15 without meeting requirements of Subsections [~~5~~] (6)(b) and (c).