

25 by:

26 • prohibiting the declaration of a state of emergency after a previous state of  
 27 emergency expires, absent exigent circumstances;

28 • clarifying how a declared state of emergency expires or is terminated; and

29 • allowing the Legislature and local legislative bodies to terminate an executive  
 30 order;

31 ▶ allows the governor to declare a new state of emergency based on the same disaster  
 32 or occurrence only when exigent circumstances warrant such a declaration;

33 ▶ provides a process for the Legislature to limit certain executive emergency powers  
 34 during a long-term state emergency;

35 ▶ creates an ad hoc legislative committee to review emergency circumstances that  
 36 could lead to a long-term state of emergency;

37 ▶ prohibits a restriction of a gathering of a religious institution that is more restrictive  
 38 than any other ~~Ĥ~~→ [public] relevantly similar ←~~Ĥ~~ gathering during an emergency;

38a ~~Ĥ~~→ ▶ **prohibits a government burden on the practice of religion unless the burden is**  
 38b **the least restrictive means available to accomplish a compelling government interest;**

38c ▶ **requires reasonable accommodations be provided for certain religious practices or**  
 38d **rites; ←Ĥ**

39 ▶ requires notification from the governor before taking certain executive actions  
 40 during a long-term state of emergency;

41 ▶ amends provisions related to the Administrative Rules Review Committee,  
 42 including:

43 • a requirement for certain information about rules made pursuant to emergency  
 44 rulemaking procedures be provided to the members of the Administrative Rules  
 45 Review Committee; and

46 • review of certain rules and executive orders made or issued during a state of  
 47 emergency or public health emergency; and

48 ▶ makes technical changes.

49 **Money Appropriated in this Bill:**

50 None

51 **Other Special Clauses:**

52 None

53 **Utah Code Sections Affected:**

54 AMENDS:

55 **26-1-10**, as enacted by Laws of Utah 1981, Chapter 126

552 circumstances as described in Subsection (4)(d)(i), the department may not declare a new  
 553 public health emergency for the same illness, occurrence, or exigent circumstances.

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

555 (a) the Legislature may:

556 (i) at any time by joint resolution terminate an order of constraint issued by the  
 557 department; or

558 (ii) by joint resolution terminate ~~H~~→ **an order of constraint issued by** ←~~H~~ a local health  
 558a department in response to a public

559 health emergency that has been in effect for more than 30 days; and

560 (b) a county legislative body may at any time terminate an order of constraint issued by  
 561 a local health department in response to a declared public health emergency.

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

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

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

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

579 (ii) may jointly convene the committee created in Section 53-2a-218.

580 (c) If the department provides notice as described in Subsection (6)(a)(i) for a public  
 581 health emergency that has been extended beyond the 30 days from the initial declaration of the  
 582 public health emergency, the speaker of the House of Representatives and the president of the

583 Senate shall jointly convene the committee created in Section 53-2a-218.

584 (7) If the committee created in Section 53-2a-218 is convened as described in

585 Subsection (6), the committee shall conduct a public meeting to:

586 (a) discuss the nature of the public health emergency and conditions of the public

587 health emergency;

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

589 (c) receive testimony from individuals with expertise relevant to the current public

590 health emergency;

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

592 (e) provide a recommendation to the Legislature whether to extend the public health

593 emergency by joint resolution.

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

595 (i) the department or a local health department may not impose an order of constraint  
596 on a religious gathering that is more restrictive than an order of constraint that applies to any

597 other ~~H~~→ [public] relevantly similar ←~~H~~ gathering; and

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

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

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

604 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to  
605 prevent the violation of this Subsection (8).

605a **~~H~~→ (c) During a public health emergency declared as described in this title, the**  
605b **department or a local health department shall not issue a public health order or impose or**  
605c **implement a regulation that substantially burdens an individual's exercise of religion unless**  
605d **the department or local health department demonstrates that the application of the burden to**  
605e **the individual:**

605f **(i) is in furtherance of a compelling government interest; and**

605g **(ii) is the least restrictive means of furthering that compelling government interest.**

605h **(d) Notwithstanding Subsections (8)(a) and (c), the department or a local health**

605i **department shall allow reasonable accommodations for an individual to perform or participate**

605j **in a religious practice or rite. ←~~H~~**

606 [(4)] (9) (a) Unless the provisions of Subsection (3) apply, a health care provider is not✪

607 ☛subject to penalties for failing to submit a report under this section.

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

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

611 **26-23b-108. Investigation of suspected bioterrorism and diseases.**

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

613 (a) ascertain the existence of cases of an illness or condition caused by the factors

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

894 (i) the department or a local health department may not impose an order of constraint  
 895 on a religious gathering that is more restrictive than an order of constraint that applies to any  
 896 other ~~H~~→ **[public] relevantly similar** ←~~H~~ gathering; and

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

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

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

903 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to  
 904 prevent the violation of this Subsection (10).

904a **~~H~~→ (c) During a public health emergency declared as described in this title, the**  
 904b **department or a local health department shall not issue a public health order or impose or**  
 904c **implement a regulation that substantially burdens an individual's exercise of religion unless**  
 904d **the department or local health department demonstrates that the application of the burden to**  
 904e **the individual:**

904f **(i) is in furtherance of a compelling government interest; and**

904g **(ii) is the least restrictive means of furthering that compelling government interest.**

904h **(d) Notwithstanding Subsections (8)(a) and (c), the department or a local health**  
 904i **department shall allow reasonable accommodations for an individual to perform or participate**  
 904j **in a religious practice or rite. ←~~H~~**

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

906 **26A-1-121. Standards and regulations adopted by local board -- Local standards**  
 907 **not more stringent than federal or state standards -- Exceptions for written findings --**  
 908 **Administrative and judicial review of actions.**

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

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

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

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

916 (i) supersede existing local standards, regulations, and ordinances pertaining to similar★

917 ☛subject matter; and

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

922 (c) (i) The board may make standards and regulations more stringent than  
923 corresponding federal law, state statute, or state administrative rules for the purposes described

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

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

963 (iii) The chief executive officer of the relevant county may terminate an order of  
 964 constraint issued as described in Subsection (1)(h)(i) within 72 hours of issuance of the order  
 965 of constraint.

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

967 (A) a local health department may not impose an order of constraint on a public  
 968 gathering that applies to a religious gathering differently than the order of constraint applies to  
 969 any other ~~H~~→ **[public] relevantly similar** ←~~H~~ gathering; and

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

975 (ii) Upon proper grounds, a court of competent jurisdiction may grant an injunction to  
 976 prevent the violation of this Subsection (1)(i).

976a ~~H~~→ **(iii) During a public health emergency declared as described in this title, the**  
 976b **department or a local health department shall not issue a public health order or impose or**  
 976c **implement a regulation that substantially burdens an individual's exercise of religion unless**  
 976d **the department or local health department demonstrates that the application of the burden to**  
 976e **the individual:**

976f **(A) is in furtherance of a compelling government interest; and**

976g **(B) is the least restrictive means of furthering that compelling government interest.**

976h **(iv) Notwithstanding Subsections (1)(i)(i) and (ii), the department or a local health**  
 976i **department shall allow reasonable accommodations for an individual to perform or participate**  
 976j **in a religious practice or rite. ←~~H~~**

977 (j) If a local health department declares a public health emergency as described in this  
 978 chapter, and the local health department finds that the public health emergency conditions★

979 ⊕warrant an extension of the public health emergency beyond the 30-day term or another date  
980 designated by the local legislative body, the local health department shall provide written  
981 notice to the local legislative body at least 10 days before the expiration of the public health  
982 emergency.

983 (2) (a) A person aggrieved by an action or inaction of the local health department  
984 relating to the public health shall have an opportunity for a hearing with the local health officer  
985 or a designated representative of the local health department. The board shall grant a



1575 the governor finds that the emergency conditions warrant an extension of the state of  
 1576 emergency beyond the 30-day term or another date designated by the Legislature as described  
 1577 in Section 53-2a-206, the governor shall provide written notice to the speaker of the House of  
 1578 Representatives and the president of the Senate at least 10 days before the expiration of the  
 1579 state of emergency.

1580 (b) If the speaker of the House of Representatives and the president of the Senate  
 1581 receive notice as described in Subsection (5)(a) for a state of emergency within the first 30 days  
 1582 from the initial declaration of the state of emergency, or from the Department of Health as  
 1583 described in Section 26-23b-10, or from a local health department as described in Section  
 1584 26A-1-121, the speaker of the House of Representatives and the president of the Senate:

1585 (i) shall poll the members of their respective bodies to determine whether the  
 1586 Legislature will extend the state of emergency; and

1587 (ii) may jointly convene the committee.

1588 (c) If the speaker of the House of Representatives and the president of the Senate  
 1589 receive notice as described in Subsection (5)(a) for a state of emergency that has been extended  
 1590 beyond the 30 days from the initial declaration of a state of emergency, the speaker of the  
 1591 House of Representatives and the president of the Senate shall jointly convene the committee.

1592 (6) If the committee is convened as described in Subsection (5), the committee shall  
 1593 conduct a public meeting to:

1594 (a) discuss the nature of the emergency and conditions of the emergency;

1595 (b) evaluate options for emergency response;

1596 (c) receive testimony from individuals with expertise relevant to the current  
 1597 emergency;

1598 (d) receive testimony from members of the public; and

1599 (e) provide a recommendation to the Legislature whether to extend the state of  
 1600 emergency by joint resolution.

1601 Section 24. Section **53-2a-219** is enacted to read:

1602 **53-2a-219. Religious practice during a state of emergency.**

1603 (1) During a state of emergency declared as described in this chapter:

1604 (a) the governor or chief executive officer of a political subdivision may not impose a  
 1605 restriction on a religious gathering that is more restrictive than a restriction on any other

1605a **H→** [-public] relevantly similar **←H**

1606 gathering; and

1607 (b) an individual, while acting or purporting to act within the course and scope of the  
 1608 individual's official government capacity, may not:

1609 (i) prevent a religious gathering that is held in a manner consistent with any order or  
 1610 restriction issued pursuant to this part; or

1611 (ii) impose a penalty for a previous religious gathering that was held in a manner  
 1612 consistent with any order or restriction issued pursuant to this part.

1613 (2) Upon proper grounds, a court of competent jurisdiction may grant an injunction to  
 1614 prevent the violation of this section.

1614a **H→ (3) During a state of emergency declared as described in this title, the governor or**  
 1614b **the chief executive of a political subdivision shall not issue an executive order or impose or**  
 1614c **implement a regulation that substantially burdens an individual's exercise of religion unless**  
 1614d **the governor or chief executive officer of the political subdivision demonstrates that the**  
 1614e **application of the burden to the individual:**

1614f **(a) is in furtherance of a compelling government interest; and**

1614g **(b) is the least restrictive means of furthering that compelling government interest.**

1614h **(4) Notwithstanding Subsections (1) and (3), an executive order shall allow reasonable**  
 1614i **accommodations for an individual to perform or participate in a religious practice or rite. ←H**

1615 Section 25. Section **53-2a-703** is amended to read:

1616 **53-2a-703. Hazardous materials emergency -- Recovery of expenses.**

1617 (1) (a) The Hazardous Chemical Emergency Response Commission may recover from  
 1618 those persons whose negligent actions caused the hazardous materials emergency, expenses  
 1619 directly associated with a response to a hazardous materials emergency taken under authority of  
 1620 this part, Title 53, Chapter 2a, Part 1, Emergency Management Act, or Title 53, Chapter 2a,  
 1621 Part 2, Disaster Response and Recovery Act, that are incurred by:

1622 (i) a state agency;

1623 (ii) a political subdivision as defined in [~~Subsection 53-2a-203(3)~~] Section 53-2a-203;

1624 or

1625 (iii) an interlocal entity, described in Section 11-13-203, providing emergency services  
 1626 to a political subdivision pursuant to written agreement.

1627 (b) The payment of expenses under this Subsection (1) is not an admission of liability  
 1628 or negligence in any legal action for damages.

1629 (c) The Hazardous Chemical Emergency Response Commission may obtain assistance  
 1630 from the attorney general or a county attorney of the affected jurisdiction to assist in recovering

1631 ☛expenses and legal fees.

1632 (d) Any recovered costs shall be deposited in the General Fund as dedicated credits to  
1633 be used by the division to reimburse an entity described in Subsection (1)(a) for costs incurred  
1634 by the entity.

1635 (2) (a) If the cost directly associated with emergency response exceeds all available  
1636 funds of the division within a given fiscal year, the division, with approval from the governor,