LOCAL EDUCATION AGENCY POLICIES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor: Norman K. Thurston

LONG TITLE

General Description:

This bill creates certain requirements for public health orders that directly affect local education agencies and private schools.

Highlighted Provisions:

This bill:

- requires the governor, the chief executive of a municipality or county, the Department of Health, or a local health department (authority) to:
  - notify a local education agency (LEA) or a private school that is directly affected by a public health order (affected LEA or private school) of the date and time of a meeting to discuss the public health order before issuing the order;
  - at the meeting, discuss certain issues with the affected LEA or private school representatives in attendance; and
  - notify an affected LEA or a private school at least 10 calendar days before a public health order expires if the authority intends to extend the public health order;
- provides that a public health order that directly affects an LEA is:
  - unenforceable unless the issuing authority complies with the meeting requirements before issuing the public health order; and
  - enforceable if the authority does not comply with the meeting requirements in the case of an imminent threat; and
- defines terms.

Money Appropriated in this Bill:

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

Section 1. Section 53G-9-210 is enacted to read:


(1) As used in this section:

(a) "Authority" means the governor, the chief executive of a municipality or county, the Department of Health, or a local health department.

(b) "Local emergency" means a local emergency that the chief executive officer of a municipality or county declares by proclamation under Section 53-2a-208.

(c) "Public health order" means an order issued in response to a public health emergency that is:

(i) an executive order that the governor issues:

(A) declaring a state of emergency; or

(B) under a state of emergency;

(ii) a declaration of local emergency;

(iii) an order the chief executive officer of a municipality or county issues under a local emergency;

(iv) an order that the Department of Health issues under:

(A) a state of emergency; or

(B) a local emergency; or

(v) an order that a local health department issues under:

(A) a state of emergency; or
(B) a local emergency.

(d) "State of emergency" means a state of emergency the governor declares under Section 53-2a-206.

(2) (a) An authority may not issue a public health order unless, before the authority issues the public health order, the authority notifies an LEA or a private school that is directly affected by the public health order of the date and time of a meeting, in person or via a virtual platform, regarding the public health order.

(b) At the meeting described in Subsection (2)(a), a representative of the authority issuing the public health order shall discuss the public health order the authority intends to issue with LEA or private school representatives in attendance, including:

(i) the justification for the public health order;
(ii) who and what the public health order governs;
(iii) what entity is responsible for enforcing the public health order; and
(iv) planned enforcement measures.

(3) An authority shall notify an LEA or a private school that is directly affected by a public health order, at least 10 calendar days before the public health order expires, if the authority intends to extend the public health order.

(4) A public health order that directly affects an LEA or a private school is unenforceable if the issuing authority does not comply with the requirements described in Subsection (2).

(5) (a) An authority may issue a public health order without complying with the requirements of Subsection (2) if the time necessary to comply with Subsection (2) would substantially increase the likelihood of loss of life due to an imminent threat.

(b) Notwithstanding Subsection (4), a public health order that an authority issues under Subsection (5)(a) is enforceable.