

1                   **LOCAL EDUCATION AGENCY POLICIES AMENDMENTS**

2   2021 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Ronald M. Winterton**

5                                   House Sponsor: Norman K. Thurston

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7   **LONG TITLE**

8   **General Description:**

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

11 **Highlighted Provisions:**

12           This bill:

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

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **53G-9-210**, Utah Code Annotated 1953



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

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

39 **53G-9-210. Public health orders affecting schools.**

40 (1) As used in this section:

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

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

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

47 (i) an executive order that the governor issues:

48 (A) declaring a state of emergency; or

49 (B) under a state of emergency;

50 (ii) a declaration of local emergency;

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

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

54 (A) a state of emergency; or

55 (B) a local emergency; or

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

57 (A) a state of emergency; or

58 (B) a local emergency.

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

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

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

68 (i) the justification for the public health order;

69 (ii) who and what the public health order governs;

70 (iii) what entity is responsible for enforcing the public health order; and

71 (iv) planned enforcement measures.

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

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

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

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