

Representative Norman K. Thurston proposes the following substitute bill:

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



- 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.