

## SB0187S04 compared with SB0187S03

~~{deleted text}~~ shows text that was in SB0187S03 but was deleted in SB0187S04.

inserted text shows text that was not in SB0187S03 but was inserted into SB0187S04.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Ronald M. Winterton}~~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

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#### 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:
  - ~~{consult with}~~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;

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- 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 ~~{consults}~~ complies with the ~~{affected LEA}~~ 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:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

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

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

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

**53G-9-210.** ~~{ Mask requirement during COVID-19 emergency}~~ Public health orders affecting schools.

(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:

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(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.

~~(1)~~ (2) (a) An authority may not issue a public health order unless, before the authority issues the public health order, the authority ~~consults with~~ notifies an LEA or a private school that is directly affected by the public health order~~;~~

~~(b) The consultation described in Subsection (2)(a) shall include~~;~~ of the date and time of a meeting, in person or via a virtual platform, ~~of~~ regarding the public health order.~~

~~(b) At the meeting described in Subsection (2)(a), a representative of the authority issuing the public health order ~~and:~~~~

~~(i) if the affected LEA is a school district, the president of the local school board;~~

~~(ii) if the affected LEA is a charter school, the chair of the charter school governing board; or~~

~~(iii) if the affected LEA is the Utah Schools for the Deaf and the Blind, the chair of the state board.~~

~~(c) The individuals described in Subsection (2)(b) shall, at the meeting described in Subsection (2)(b),~~ 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

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(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.