

Representative Phil Lyman proposes the following substitute bill:

EMERGENCY RESPONSE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Val L. Peterson

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13	Lincoln Fillmore	Ann Millner	
14	Keith Grover	Derrin R. Owens	

LONG TITLE

General Description:

This bill amends provisions related to emergency powers and public health emergencies.

Highlighted Provisions:

This bill:

- defines terms;
- limits Department of Health and local health department powers related to public health emergency declarations and orders of constraint by:



- 25 • shifting the authority to the governor and relevant county legislative body to
- 26 issue a declaration of a public health emergency or issue an order of constraint
- 27 during a public health emergency;
- 28 • limiting the time period for which certain orders or declarations may remain in
- 29 place;
- 30 • allowing certain elected officials to terminate public health emergency
- 31 declarations or orders of constraint;
- 32 • prohibiting declaration of a public health emergency after a previous declaration
- 33 for the same public health emergency expires;
- 34 • prohibiting certain testing of an individual younger than 18 years old without
- 35 written consent of the individual's parent or guardian; and
- 36 • prohibiting an order of constraint or order of restriction from requiring the
- 37 wearing of a mask or face covering;
- 38 ▶ limits emergency powers of the governor and chief executives of local governments
- 39 by:
- 40 • prohibiting the declaration of a state of emergency after a previous state of
- 41 emergency expires, absent exigent circumstances;
- 42 • clarifying how a declared state of emergency expires or is terminated; and
- 43 • allowing the Legislature and local legislative bodies to terminate an executive
- 44 order;
- 45 ▶ allows the governor to declare a new state of emergency based on the same disaster
- 46 or occurrence only when exigent circumstances warrant such a declaration;
- 47 ▶ provides a process for the Legislature to limit certain executive emergency powers
- 48 during a long-term state emergency;
- 49 ▶ creates an ad hoc legislative committee to review emergency circumstances that
- 50 could lead to a long-term state of emergency;
- 51 ▶ prohibits a restriction of a gathering of a religious institution that is more restrictive
- 52 than any other public gathering during an emergency;
- 53 ▶ requires notification from the governor before taking certain executive actions
- 54 during a long-term state of emergency;
- 55 ▶ amends provisions related to the Administrative Rules Review Committee,

56 including:

- 57 • a requirement for certain information about rules made pursuant to emergency
- 58 rulemaking procedures be provided to the members of the Administrative Rules
- 59 Review Committee; and
- 60 • review of certain rules and executive orders made or issued during a state of
- 61 emergency or public health emergency; and
- 62 ▶ makes technical changes.

63 **Money Appropriated in this Bill:**

64 None

65 **Other Special Clauses:**

66 None

67 **Utah Code Sections Affected:**

68 AMENDS:

- 69 **26-1-10**, as enacted by Laws of Utah 1981, Chapter 126
- 70 **26-1-30**, as last amended by Laws of Utah 2019, Chapter 87
- 71 **26-6-2**, as last amended by Laws of Utah 2012, Chapter 150
- 72 **26-6-3**, as last amended by Laws of Utah 2019, Chapter 349
- 73 **26-6-4**, as last amended by Laws of Utah 2006, Chapter 185
- 74 **26-6b-3**, as last amended by Laws of Utah 2015, Chapter 73
- 75 **26-23-6**, as last amended by Laws of Utah 2009, Chapter 347
- 76 **26-23b-102**, as last amended by Laws of Utah 2008, Chapter 3
- 77 **26-23b-104**, as last amended by Laws of Utah 2011, Chapter 297
- 78 **26-23b-108**, as enacted by Laws of Utah 2002, Chapter 155
- 79 **26A-1-102**, as last amended by Laws of Utah 2018, Chapter 68
- 80 **26A-1-114**, as last amended by Laws of Utah 2011, Chapters 14 and 177
- 81 **26A-1-121**, as last amended by Laws of Utah 2012, Chapter 307
- 82 **53-2a-104**, as last amended by Laws of Utah 2020, Chapter 85
- 83 **53-2a-203**, as last amended by Laws of Utah 2019, Chapter 136
- 84 **53-2a-204**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 7
- 85 **53-2a-205**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 86 **53-2a-206**, as renumbered and amended by Laws of Utah 2013, Chapter 295

- 87 [53-2a-208](#), as last amended by Laws of Utah 2015, Chapter 352
- 88 [53-2a-209](#), as last amended by Laws of Utah 2016, Chapter 193
- 89 [53-2a-215](#), as enacted by Laws of Utah 2020, Third Special Session, Chapter 13
- 90 [53-2a-216](#), as enacted by Laws of Utah 2020, Third Special Session, Chapter 13
- 91 [53-2a-217](#), as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 7
- 92 [53-2a-703](#), as last amended by Laws of Utah 2018, Chapter 202
- 93 [63G-3-304](#), as last amended by Laws of Utah 2016, Chapter 193
- 94 [63G-3-501](#), as last amended by Laws of Utah 2019, Chapter 454
- 95 [63G-3-502](#), as renumbered and amended by Laws of Utah 2008, Chapter 382

96 ENACTS:

- 97 [53-2a-218](#), Utah Code Annotated 1953
- 98 [53-2a-219](#), Utah Code Annotated 1953



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

101 Section 1. Section **26-1-10** is amended to read:

102 **26-1-10. Executive director -- Enforcement powers.**

103 [~~The~~] Subject to the restrictions in this title, the executive director is empowered to
104 recommend that the governor issue orders to enforce state laws and rules established by the
105 department except where the enforcement power is given to a committee created pursuant to
106 Section [26-1-7](#).

107 Section 2. Section **26-1-30** is amended to read:

108 **26-1-30. Powers and duties of department.**

109 [~~The~~] Subject to the restrictions in this title, the department shall exercise the following
110 powers and duties, in addition to other powers and duties established in this chapter:

111 (1) enter into cooperative agreements with the Department of Environmental Quality to
112 delineate specific responsibilities to assure that assessment and management of risk to human
113 health from the environment are properly administered;

114 (2) consult with the Department of Environmental Quality and enter into cooperative
115 agreements, as needed, to ensure efficient use of resources and effective response to potential
116 health and safety threats from the environment, and to prevent gaps in protection from potential
117 risks from the environment to specific individuals or population groups;

118 (3) promote and protect the health and wellness of the people within the state;
119 [~~(4) establish, maintain, and enforce rules necessary or desirable to carry out the~~
120 ~~provisions and purposes of this title to promote and protect the public health or to prevent~~
121 ~~disease and illness;~~]

122 (4) advise and recommend measures that promote the health and wellness of the public
123 within the state with respect to individual conscience and responsibility of personal health;

124 (5) investigate [~~and control~~] the causes of epidemic, infectious, communicable, and
125 other diseases affecting the public health;

126 (6) provide for the detection[~~-, reporting, prevention, and control~~] of communicable,
127 infectious, acute, chronic, or any other disease or health hazard which the department considers
128 to be dangerous, important, or likely to affect the public health and make recommendations to
129 the governor to issue orders and implement strategies for the prevention and control of
130 communicable, infectious, acute, chronic, or any other disease or health hazard;

131 (7) collect and report information on causes of injury, sickness, death, and disability
132 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
133 the state;

134 (8) collect, prepare, publish, and disseminate information to inform the public
135 concerning the health and wellness of the population, specific hazards, and risks that may affect
136 the health and wellness of the population and specific activities which may promote and protect
137 the health and wellness of the population;

138 (9) establish and operate programs necessary or desirable for the promotion [~~or~~
139 ~~protection~~] of the public health [~~and the control of disease or which may be necessary~~] to
140 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
141 programs may not be established if adequate programs exist in the private sector;

142 (10) only as provided in Section 26-6-4, establish, maintain, and enforce isolation and
143 quarantine, and for [~~this purpose~~] these purposes only, exercise physical control over property
144 and individuals as the department finds necessary for the protection of the public health;

145 (11) recommend to the governor an order to, using only the least restrictive means
146 available, and only in a manner applicable to a specific location known to have been
147 contaminated or infected, close theaters, schools, and other public places and forbid gatherings
148 of people when necessary to protect the public health;

149 (12) abate nuisances when necessary to eliminate sources of filth and infectious and
150 communicable diseases affecting the public health;

151 (13) make necessary sanitary and health investigations and inspections in cooperation
152 with local health departments as to any matters affecting the public health;

153 (14) establish laboratory services necessary to support public health programs and
154 medical services in the state;

155 (15) establish and enforce standards for laboratory services which are provided by any
156 laboratory in the state when the purpose of the services is to protect the public health;

157 (16) cooperate with the Labor Commission to conduct studies of occupational health
158 hazards and occupational diseases arising in and out of employment in industry, and make
159 recommendations for elimination or reduction of the hazards;

160 (17) cooperate with the local health departments, the Department of Corrections, the
161 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
162 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
163 convicted sexual offenders, and any victims of a sexual offense;

164 (18) investigate the causes of maternal and infant mortality;

165 (19) establish, maintain, and enforce a procedure requiring the blood of adult
166 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
167 presence and concentration of alcohol;

168 (20) provide the Commissioner of Public Safety with monthly statistics reflecting the
169 results of the examinations provided for in Subsection (19) and provide safeguards so that
170 information derived from the examinations is not used for a purpose other than the compilation
171 of statistics authorized in this Subsection (20);

172 (21) establish qualifications for individuals permitted to draw blood pursuant to
173 Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or
174 77-23-213(3)(a)(vi), and to issue permits to individuals it finds qualified, which permits may
175 be terminated or revoked by the department;

176 (22) [~~establish~~] recommend to the governor a uniform public health program
177 throughout the state which includes continuous service, employment of qualified employees,
178 and a basic program of disease control, vital and health statistics, sanitation, public health
179 nursing, and other preventive health programs necessary or desirable for the protection of

180 public health;

181 (23) adopt rules and enforce minimum sanitary standards for the operation and

182 maintenance of:

183 (a) orphanages;

184 (b) boarding homes;

185 (c) summer camps for children;

186 (d) lodging houses;

187 (e) hotels;

188 (f) restaurants and all other places where food is handled for commercial purposes,

189 sold, or served to the public;

190 (g) tourist and trailer camps;

191 (h) service stations;

192 (i) public conveyances and stations;

193 (j) public and private schools;

194 (k) factories;

195 (l) private sanatoria;

196 (m) barber shops;

197 (n) beauty shops;

198 (o) physician offices;

199 (p) dentist offices;

200 (q) workshops;

201 (r) industrial, labor, or construction camps;

202 (s) recreational resorts and camps;

203 (t) swimming pools, public baths, and bathing beaches;

204 (u) state, county, or municipal institutions, including hospitals and other buildings,

205 centers, and places used for public gatherings; and

206 (v) any other facilities in public buildings or on public grounds;

207 (24) conduct health planning for the state;

208 (25) monitor the costs of health care in the state and foster price competition in the

209 health care delivery system;

210 (26) adopt rules for the licensure of health facilities within the state pursuant to Title

211 26, Chapter 21, Health Care Facility Licensing and Inspection Act;

212 (27) license the provision of child care;

213 (28) accept contributions to and administer the funds contained in the Organ Donation

214 Contribution Fund created in Section [26-18b-101](#);

215 (29) serve as the collecting agent, on behalf of the state, for the nursing care facility

216 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,

217 and adopt rules for the enforcement and administration of the nursing facility assessment

218 consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;

219 (30) establish methods or measures for health care providers, public health entities, and

220 health care insurers to coordinate among themselves to verify the identity of the individuals

221 they serve;

222 (31) (a) designate Alzheimer's disease and related dementia as a public health issue

223 and, within budgetary limitations, implement a state plan for Alzheimer's disease and related

224 dementia by incorporating the plan into the department's strategic planning and budgetary

225 process; and

226 (b) coordinate with other state agencies and other organizations to implement the state

227 plan for Alzheimer's disease and related dementia;

228 (32) ensure that any training or certification required of a public official or public

229 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter

230 22, State Training and Certification Requirements, if the training or certification is required:

231 (a) under this title;

232 (b) by the department; or

233 (c) by an agency or division within the department; and

234 (33) oversee public education vision screening as described in Section [53G-9-404](#).

235 Section 3. Section **26-6-2** is amended to read:

236 **26-6-2. Definitions.**

237 As used in this chapter:

238 (1) "Ambulatory surgical center" is as defined in Section [26-21-2](#).

239 (2) "Carrier" means an infected individual or animal who harbors a specific infectious

240 agent in the absence of discernible clinical disease and serves as a potential source of infection

241 for man. The carrier state may occur in an individual with an infection that is inapparent

242 throughout its course, commonly known as healthy or asymptomatic carrier, or during the
243 incubation period, convalescence, and postconvalescence of an individual with a clinically
244 recognizable disease, commonly known as incubatory carrier or convalescent carrier. Under
245 either circumstance the carrier state may be of short duration, as a temporary or transient
246 carrier, or long duration, as a chronic carrier.

247 (3) "Communicable disease" means illness due to a specific infectious agent or its toxic
248 products which arises through transmission of that agent or its products from a reservoir to a
249 susceptible host, either directly, as from an infected individual or animal, or indirectly, through
250 an intermediate plant or animal host, vector, or the inanimate environment.

251 (4) "Communicable period" means the time or times during which an infectious agent
252 may be transferred directly or indirectly from an infected individual to another individual, from
253 an infected animal to man, or from an infected man to an animal, including arthropods.

254 (5) "Contact" means an individual or animal having had association with an infected
255 individual, animal, or contaminated environment so as to have had an opportunity to acquire
256 the infection.

257 (6) "End stage renal disease facility" is as defined in Section [26-21-2](#).

258 (7) "Epidemic" means the occurrence or outbreak in a community or region of cases of
259 an illness clearly in excess of normal expectancy and derived from a common or propagated
260 source. The number of cases indicating an epidemic will vary according to the infectious
261 agent, size, and type of population exposed, previous experience or lack of exposure to the
262 disease, and time and place of occurrence. Epidemicity is considered to be relative to usual
263 frequency of the disease in the same area, among the specified population, at the same season
264 of the year.

265 (8) "General acute hospital" is as defined in Section [26-21-2](#).

266 (9) "Incubation period" means the time interval between exposure to an infectious
267 agent and appearance of the first sign or symptom of the disease in question.

268 (10) "Infected individual" means an individual who harbors an infectious agent and
269 who has manifest disease or inapparent infection. An infected individual is one from whom the
270 infectious agent can be naturally acquired.

271 (11) "Infection" means the entry and development or multiplication of an infectious
272 agent in the body of man or animals. Infection is not synonymous with infectious disease; the

273 result may be inapparent or manifest. The presence of living infectious agents on exterior
274 surfaces of the body, or upon articles of apparel or soiled articles, is not infection, but
275 contamination of such surfaces and articles.

276 (12) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus,
277 protozoan, or helminth that is capable of producing infection or infectious disease.

278 (13) "Infectious disease" means a disease of man or animals resulting from an
279 infection.

280 (14) "Isolation" means the separation, for the period of communicability, of infected
281 individuals or animals from others, in such places and under such conditions as to prevent the
282 direct or indirect conveyance of the infectious agent from those infected to those who are
283 susceptible or who may spread the agent to others.

284 (15) "Order of constraint" means the same as that term is defined in Section
285 [26-23b-102](#).

286 ~~[(15)]~~ (16) "Quarantine" means the restriction of the activities of well individuals or
287 animals who have been exposed to a communicable disease during its period of
288 communicability to prevent disease transmission.

289 ~~[(16)]~~ (17) "School" means a public, private, or parochial nursery school, licensed or
290 unlicensed day care center, child care facility, family care home, headstart program,
291 kindergarten, elementary, or secondary school through grade 12.

292 ~~[(17)]~~ (18) "Sexually transmitted disease" means those diseases transmitted through
293 sexual intercourse or any other sexual contact.

294 ~~[(18)]~~ (19) "Specialty hospital" is as defined in Section [26-21-2](#).

295 Section 4. Section **26-6-3** is amended to read:

296 **26-6-3. Authority to investigate and control epidemic infections and**
297 **communicable disease.**

298 (1) ~~[The]~~ Subject to Subsection (3) and the restrictions in this title, the department has
299 authority to investigate and recommend to the governor measures to control the causes of
300 epidemic infections and communicable disease, and shall provide recommendations to the
301 governor for the detection, reporting, prevention, and control of communicable diseases and
302 epidemic infections or any other health hazard which may affect the public health.

303 (2) (a) As part of the requirements of Subsection (1), the department shall distribute to

304 the public and to health care professionals:

305 (i) medically accurate information about sexually transmitted diseases that may cause
306 infertility and sterility if left untreated, including descriptions of:

307 (A) the probable side effects resulting from an untreated sexually transmitted disease,
308 including infertility and sterility;

309 (B) medically accepted treatment for sexually transmitted diseases;

310 (C) the medical risks commonly associated with the medical treatment of sexually
311 transmitted diseases; and

312 (D) suggested screening by a private physician or physician assistant; and

313 (ii) information about:

314 (A) public services and agencies available to assist individuals with obtaining
315 treatment for the sexually transmitted disease;

316 (B) medical assistance benefits that may be available to the individual with the
317 sexually transmitted disease; and

318 (C) abstinence before marriage and fidelity after marriage being the surest prevention
319 of sexually transmitted disease.

320 (b) The information required by Subsection (2)(a):

321 (i) shall be distributed by the department and by local health departments free of
322 charge;

323 (ii) shall be relevant to the geographic location in which the information is distributed
324 by:

325 (A) listing addresses and telephone numbers for public clinics and agencies providing
326 services in the geographic area in which the information is distributed; and

327 (B) providing the information in English as well as other languages that may be
328 appropriate for the geographic area.

329 (c) (i) Except as provided in Subsection (2)(c)(ii), the department shall develop written
330 material that includes the information required by this Subsection (2).

331 (ii) In addition to the written materials required by Subsection (2)(c)(i), the department
332 may distribute the information required by this Subsection (2) by any other methods the
333 department determines is appropriate to educate the public, excluding public schools, including
334 websites, toll free telephone numbers, and the media.

335 (iii) If the information required by Subsection (2)(b)(ii)(A) is not included in the
336 written pamphlet developed by the department, the written material shall include either a
337 website, or a 24-hour toll free telephone number that the public may use to obtain that
338 information.

339 (3) (a) The Legislature may at any time terminate by joint resolution an order of
340 constraint issued by the governor as described in this section in response to a declared public
341 health emergency.

342 (b) A county legislative body may at any time terminate by majority vote an order of
343 constraint issued by the county legislative body as described in this section in response to a
344 declared public health emergency.

345 Section 5. Section **26-6-4** is amended to read:

346 **26-6-4. Involuntary examination, treatment, isolation, and quarantine.**

347 (1) The following individuals or groups of individuals are subject to examination,
348 treatment, quarantine, or isolation under a department order of restriction:

349 (a) an individual who is infected or suspected to be infected with a communicable
350 disease that poses a threat to the public health and who does not take action as required by the
351 department or the local health department to prevent spread of the disease;

352 (b) an individual who is contaminated or suspected to be contaminated with an
353 infectious agent that poses a threat to the public health and that could be spread to others if
354 remedial action is not taken;

355 (c) an individual who is in a condition or suspected condition which, if exposed to
356 others, poses a threat to public health, or is in a condition which if treatment is not completed
357 will pose a threat to public health; and

358 (d) an individual who is contaminated or suspected to be contaminated with a chemical
359 or biological agent that poses a threat to the public health and that could be spread to others if
360 remedial action is not taken.

361 (2) If an individual refuses to take action as required by the department or the local
362 health department to prevent the spread of a communicable disease, infectious agent, or
363 contamination, the department or the local health department may order involuntary
364 examination, treatment, quarantine, or isolation of the individual and may petition the district
365 court to order involuntary examination, treatment, quarantine, or isolation in accordance with

366 Title 26, Chapter 6b, Communicable Diseases - Treatment, Isolation, and Quarantine
367 Procedures.

368 (3) The authority granted to the department in this section and under any provision of
369 this title does not include the authority to require an individual to wear a mask or face covering.

370 (4) The department, a local health department, or a local education agency as defined
371 in Section 53G-9-210, may not administer a test for a communicable disease on an individual
372 that is younger than 18 years old without written consent from the individual's parent or
373 guardian.

374 Section 6. Section **26-6b-3** is amended to read:

375 **26-6b-3. Order of restriction.**

376 (1) [The] Subject to Subsection (5), and subject to Section 26-6-4, the department
377 having jurisdiction over the location where an individual or a group of individuals who are
378 subject to restriction are found may:

379 (a) issue a written order of restriction for the individual or group of individuals
380 pursuant to Section 26-1-30 or Subsection 26A-1-114(1)(b) upon compliance with the
381 requirements of this chapter; and

382 (b) issue a verbal order of restriction for an individual or group of individuals pursuant
383 to Subsection (2)(c).

384 (2) (a) A department's determination to issue an order of restriction shall be based upon
385 the totality of circumstances reported to and known by the department, including:

386 (i) observation;

387 (ii) information that the department determines is credible and reliable information;

388 and

389 (iii) knowledge of current public health risks based on medically accepted guidelines as
390 may be established by the Department of Health by administrative rule.

391 (b) An order of restriction issued by a department shall:

392 (i) in the opinion of the public health official, be for the shortest reasonable period of
393 time necessary to protect the public health;

394 (ii) use the least intrusive method of restriction that, in the opinion of the department,
395 is reasonable based on the totality of circumstances known to the health department issuing the
396 order of restriction;

397 (iii) be in writing unless the provisions of Subsection (2)(c) apply; and

398 (iv) contain notice of an individual's rights as required in Section 26-6b-3.3.

399 (c) (i) A department may issue a verbal order of restriction, without prior notice to the
400 individual or group of individuals if the delay in imposing a written order of restriction would
401 significantly jeopardize the department's ability to prevent or limit:

402 (A) the transmission of a communicable or possibly communicable disease that poses a
403 threat to public health;

404 (B) the transmission of an infectious agent or possibly infectious agent that poses a
405 threat to public health;

406 (C) the exposure or possible exposure of a chemical or biological agent that poses a
407 threat to public health; or

408 (D) the exposure or transmission of a condition that poses a threat to public health.

409 (ii) A verbal order of restriction issued under the provisions of Subsection (2)(c)(i):

410 (A) is valid for 24 hours from the time the order of restriction is issued;

411 (B) may be verbally communicated to the individuals or group of individuals subject to
412 restriction by a first responder;

413 (C) may be enforced by the first responder until the department is able to establish and
414 maintain the place of restriction; and

415 (D) may only be continued beyond the initial 24 hours if a written order of restriction is
416 issued pursuant to the provisions of Section 26-6b-3.3.

417 (3) Pending issuance of a written order of restriction under Section 26-6b-3.3, or
418 judicial review of an order of restriction by the district court pursuant to Section 26-6b-6, an
419 individual who is subject to the order of restriction may be required to submit to involuntary
420 examination, quarantine, isolation, or treatment in the individual's home, a hospital, or any
421 other suitable facility under reasonable conditions prescribed by the department.

422 (4) The department that issued the order of restriction shall take reasonable measures,
423 including the provision of medical care, as may be necessary to assure proper care related to the
424 reason for the involuntary examination, treatment, isolation, or quarantine of an individual
425 ordered to submit to an order of restriction.

426 (5) (a) The Legislature may at any time terminate by joint resolution an order of
427 restriction issued by the department as described in this section in response to a declared public

428 health emergency.

429 (b) A county legislative body may at any time terminate by majority vote an order of
430 restriction issued by the relevant local health department as described in this section issued in
431 response to a declared public health emergency.

432 Section 7. Section **26-23-6** is amended to read:

433 **26-23-6. Criminal and civil penalties and liability for violations.**

434 (1) (a) Any person, association, or corporation, or the officers of any of them, who
435 violates any provision of this chapter or lawful orders of the department or a local health
436 department in a criminal proceeding is guilty of a class B misdemeanor for the first violation,
437 and for any subsequent similar violation within two years, is guilty of a class A misdemeanor,
438 except this section does not establish the criminal penalty for violation of Section **26-23-5.5**.

439 (b) Conviction in a criminal proceeding does not preclude the department or a local
440 health department from assessment of any civil penalty, administrative civil money penalty or
441 to deny, revoke, condition, or refuse to renew a permit, license, or certificate or to seek other
442 injunctive or equitable remedies.

443 [~~(2) Any person, association, or corporation, or the officers of any of them, who~~
444 ~~violates any provision of this title or lawful orders of the department or a local health~~
445 ~~department, or rules adopted under this title by the department:]~~

446 [~~(a) shall be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of~~
447 ~~\$10,000 per violation; or]~~

448 [~~(b) in an administrative action in accordance with Title 63G, Chapter 4, Administrative~~
449 ~~Procedures Act, or similar procedures adopted by local or county government, a penalty not to~~
450 ~~exceed the sum of \$10,000 per violation.]~~

451 (2) (a) Subject to Subsections (2)(c) and (d), any association, or corporation, or the
452 officers of any of them, who violate any provision of this title or lawful orders of the
453 department or a local health department, or rules adopted under this title by the department:

454 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
455 \$5,000 per violation; or

456 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
457 4, Administrative Procedures Act, or similar procedures adopted by local or county
458 government, a penalty not to exceed the sum of \$5,000 per violation.

459 (b) Subject to Subsections (2)(c) and (d), an individual who violates any provision of
460 this title or lawful orders of the department or a local health department, or rules adopted under
461 this title by the department:

462 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
463 \$150 per violation; or

464 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
465 4, Administrative Procedures Act, or similar procedures adopted by local or county
466 government, a penalty not to exceed the sum of \$150 per violation.

467 (c) (i) Except as provided in Subsection (2)(c)(ii), a penalty described in Subsection
468 (2)(a) or (b) may only be assessed against the same individual, association, or corporation one
469 time in a calendar week.

470 (ii) Notwithstanding Subsection (2)(c)(i), an individual, an association, a corporation,
471 or the officers of any of them, that willfully disregard or recklessly violate a provision of this
472 title or lawful orders of the department or a local health department, or rules adopted under this
473 title by the department, may be assessed a penalty as described in Subsection (2)(a) for each
474 day of violation if it is determined that the violation is likely to result in a serious threat to
475 public health.

476 (d) Upon reasonable cause shown in judicial civil proceeding or an administrative
477 action, a penalty imposed under this Subsection (2) may be waived or reduced.

478 (3) Assessment of any civil penalty or administrative penalty does not preclude the
479 department or a local health department from seeking criminal penalties or to deny, revoke,
480 impose conditions on, or refuse to renew a permit, license, or certificate or to seek other
481 injunctive or equitable remedies.

482 (4) In addition to any penalties imposed under Subsection (1), the person, association,
483 or corporation, or the officers of any of them is liable for any expense incurred by the
484 department in removing or abating any health or sanitation violations, including any nuisance,
485 source of filth, cause of sickness, or dead animal.

486 ~~[(5) Each day of violation of a provision of this title, lawful orders of the department or~~
487 ~~a local health department, or rules adopted by the department under it is a separate violation.]~~

488 Section 8. Section **26-23b-102** is amended to read:

489 **26-23b-102. Definitions.**

490 As used in this chapter:

491 (1) "Bioterrorism" means:

492 (a) the intentional use of any microorganism, virus, infectious substance, or biological
493 product to cause death, disease, or other biological malfunction in a human, an animal, a plant,
494 or another living organism in order to influence, intimidate, or coerce the conduct of
495 government or a civilian population; and

496 (b) includes anthrax, botulism, small pox, plague, tularemia, and viral hemorrhagic
497 fevers.

498 (2) "Department" means the Department of Health created in Section 26-1-4 and a
499 local health department as defined in Section 26A-1-102.

500 (3) "Diagnostic information" means a clinical facility's record of individuals who
501 present for treatment, including the reason for the visit, chief complaint, presenting diagnosis,
502 final diagnosis, and any pertinent lab results.

503 (4) "Epidemic or pandemic disease":

504 (a) means the occurrence in a community or region of cases of an illness clearly in
505 excess of normal expectancy; and

506 (b) includes diseases designated by the Department of Health which have the potential
507 to cause serious illness or death.

508 (5) "Exigent circumstances" means a significant change in circumstances following the
509 expiration of a public health emergency declared in accordance with this title that:

510 (a) substantially increases the threat to public safety or health relative to the
511 circumstances in existence when the public health emergency expired;

512 (b) poses an imminent threat to public safety or health; and

513 (c) was not known or foreseen and could not have been known or foreseen at the time
514 the public health emergency expired.

515 [~~5~~] (6) "Health care provider" [~~shall have the meaning provided for~~] means the same
516 as that term is defined in Section 78B-3-403.

517 (7) "Legislative emergency response committee" means the same as that term is
518 defined in Section 53-2a-203.

519 (8) (a) "Order of constraint" means an order, rule, or regulation issued in response to a
520 declared public health emergency under this chapter, that:

521 (i) applies to all or substantially all:
 522 (A) individuals or a certain group of individuals; or
 523 (B) public places or a certain types of public places; and
 524 (ii) for the protection of the public health and in response to the declared public health

525 emergency:
 526 (A) establishes, maintains, or enforces isolation or quarantine;
 527 (B) establishes, maintains, or enforces a stay-at-home order;
 528 (C) exercises physical control over property or individuals;
 529 (D) requires an individual to perform a certain action or engage in certain behavior; or
 530 (E) closes theaters, schools, or other public places or prohibits gatherings of people to
 531 protect the public health.

532 (b) "Order of constraint" includes a stay-at-home order.
 533 (c) "Order of constraint" may not include an order or mandate to require the wearing of
 534 a mask or face covering.

535 ~~[(6)]~~ (9) "Public health emergency" means an occurrence or imminent credible threat of
 536 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or novel
 537 and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant
 538 number of human fatalities or incidents of permanent or long-term disability. Such illness or
 539 health condition includes an illness or health condition resulting from a natural disaster.

540 ~~[(7)]~~ (10) "Reportable emergency illness and health condition" includes the diseases,
 541 conditions, or syndromes designated by the [Utah] Department of Health.

542 (11) "Stay-at-home order" means an order of constraint that:
 543 (a) restricts movement of the general population to suppress or mitigate an epidemic or
 544 pandemic disease by directing individuals within a defined geographic area to remain in their
 545 respective residences; and
 546 (b) may include exceptions for certain essential tasks.

547 Section 9. Section **26-23b-104** is amended to read:

548 **26-23b-104. Authorization to report.**

549 (1) A health care provider is authorized to report to the department any case of a
 550 reportable emergency illness or health condition in any person when:

551 (a) the health care provider knows of a confirmed case; or

552 (b) the health care provider believes, based on the health care provider's professional
553 judgment that a person likely harbors a reportable emergency illness or health condition.

554 (2) A report pursuant to this section shall include, if known:

555 (a) the name of the facility submitting the report;

556 (b) a patient identifier that allows linkage with the patient's record for follow-up
557 investigation if needed;

558 (c) the date and time of visit;

559 (d) the patient's age and sex;

560 (e) the zip code of the patient's residence;

561 (f) the reportable illness or condition detected or suspected;

562 (g) diagnostic information and, if available, diagnostic codes assigned to the visit; and

563 (h) whether the patient was admitted to the hospital.

564 (3) (a) ~~[If] Subject to Subsections (3)(b) and (4), if the department determines that a~~
565 ~~public health emergency exists, the department may~~~~[, with the concurrence of the governor and~~
566 ~~the executive director or in the absence of the executive director, the executive director's~~
567 ~~designee, issue] recommend that the governor declare a public health emergency [order], issue~~
568 ~~an order of constraint, and mandate reporting under this section for a limited reasonable period~~
569 ~~of time, as necessary to respond to the public health emergency.~~

570 (b) The department may not mandate reporting under this subsection for more than 90
571 days. ~~[If more than 90 days is needed to abate the public health emergency declared under~~
572 ~~Subsection (3)(a), the department shall obtain the concurrence of the governor to extend the~~
573 ~~period of time beyond 90 days.]~~

574 (4) (a) Except as provided in Subsection (4)(b), a public health emergency declared by
575 the governor as described in Subsection (3) expires at the earliest of:

576 (i) the day on which the governor finds that the threat or danger has passed or the
577 public health emergency reduced to the extent that emergency conditions no longer exist;

578 (ii) 30 days after the date on which the governor declared the public health emergency;

579 or

580 (iii) the day on which the public health emergency is terminated by a joint resolution of
581 the Legislature.

582 (b) (i) The Legislature, by joint resolution, may extend a public health emergency for a

583 time period designated in the joint resolution.

584 (ii) If the Legislature extends a public health emergency as described in Subsection
585 (4)(b)(i), the public health emergency expires on the date designated by the Legislature.

586 (c) Except as provided in Subsection (4)(d), if a public health emergency declared by
587 the governor expires as described in Subsection (4)(a) or (b), the governor may not declare a
588 public health emergency for the same illness or occurrence that precipitated the previous public
589 health emergency declaration.

590 (d) (i) Notwithstanding Subsection (4)(c), subject to Subsection (4)(e), if the governor
591 finds that exigent circumstances exist, after providing notice to the Legislature, the governor
592 may declare a new public health emergency for the same illness or occurrence that precipitated
593 a previous public health emergency declaration.

594 (ii) A public health emergency declared as described in Subsection (4)(d)(i) expires in
595 accordance with Subsection (4)(a) or (b).

596 (e) If the Legislature terminates a public health emergency declared due to exigent
597 circumstances as described in Subsection (4)(d)(i), the governor may not declare a new public
598 health emergency for the same illness, occurrence, or exigent circumstances.

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

600 (a) the Legislature may:

601 (i) at any time by joint resolution terminate an order of constraint issued by the
602 governor; or

603 (ii) by joint resolution terminate an order of constraint issued by a county legislative
604 body in response to a public health emergency that has been in effect for more than 30 days;
605 and

606 (b) a county legislative body may at any time terminate an order of constraint issued by
607 the county legislative body in response to a declared public health emergency.

608 (6) (a) (i) If the governor declares a public health emergency as described in this
609 chapter, and the governor finds that the public health emergency conditions warrant an
610 extension of the public health emergency beyond the 30-day term or another date designated by
611 the Legislature as described in this section, the governor shall provide written notice to the
612 speaker of the House of Representatives and the president of the Senate at least 10 days before
613 the expiration of the public health emergency.

614 (ii) (A) If a county legislative body declares a public health emergency as described in
615 this chapter, and the county legislative body finds that the public health emergency conditions
616 warrant an extension of the public health emergency beyond the initial 30-day term the county
617 legislative body may extend the public health emergency for up to 30 more days.

618 (B) A county legislative body may repeat the extension process described in Subsection
619 (6)(a)(ii)(A) to extend an emergency for additional 30-day terms.

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

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

625 (ii) may jointly convene the committee created in Section [53-2a-218](#).

626 (c) If the governor provides notice as described in Subsection (6)(a)(i) for a public
627 health emergency that has been extended beyond the 30 days from the initial declaration of the
628 public health emergency, the speaker of the House of Representatives and the president of the
629 Senate shall jointly convene the committee created in Section [53-2a-218](#).

630 (7) If the committee created in Section [53-2a-218](#) is convened as described in
631 Subsection (6), the committee shall conduct a public meeting to:

632 (a) discuss the nature of the public health emergency and conditions of the public
633 health emergency;

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

635 (c) receive testimony from individuals with expertise relevant to the current public
636 health emergency;

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

638 (e) provide a recommendation to the Legislature whether to extend the public health
639 emergency by joint resolution.

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

641 (i) the governor or a local legislative body may not impose an order of constraint on a
642 religious gathering that is more restrictive than an order of constraint that applies to any other
643 public gathering; and

644 (ii) an individual, while acting or purporting to act within the course and scope of the

645 individual's official department or local health department capacity, may not:

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

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

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

652 ~~[(4)]~~ (9) (a) Unless the provisions of Subsection (3) apply, a health care provider is not
653 subject to penalties for failing to submit a report under this section.

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

656 (10) The department, a local health department, a county legislative body, or local
657 education agency as defined in Section 53G-9-210, may not administer a test for a
658 communicable disease on an individual that is younger than 18 years old without written
659 consent from the individual's parent or guardian.

660 Section 10. Section 26-23b-108 is amended to read:

661 **26-23b-108. Investigation of suspected bioterrorism and diseases.**

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

663 (a) ascertain the existence of cases of an illness or condition caused by the factors
664 described in Subsections 26-23b-103(1) and 26-23b-104(1);

665 (b) investigate all such cases for sources of infection or exposure;

666 (c) ensure that any cases, suspected cases, and exposed persons are subject to proper
667 control measures; and

668 (d) define the distribution of the suspected illness or health condition.

669 (2) (a) Acting on information received from the reports required by this chapter, or
670 other reliable information, the department shall identify all individuals thought to have been
671 exposed to an illness or condition described in Subsection 26-23b-103(1).

672 (b) The department may request information from a health care provider concerning an
673 individual's identifying information as described in Subsection 26-23b-103(2)(b) when:

674 (i) the department is investigating a potential illness or condition described in
675 Subsection 26-23b-103(1) and the health care provider has not submitted a report to the

676 department with the information requested; or

677 (ii) the department has received a report from a pharmacist under Section 26-23b-105,
678 a medical laboratory under Section 26-23b-106, or another health care provider under
679 Subsection 26-23b-104(1) and the department believes that further investigation is necessary to
680 protect the public health.

681 (c) A health care provider shall submit the information requested under this section to
682 the department within 24 hours after receiving a request from the department.

683 (3) The department shall counsel and interview identified individuals as appropriate to:

684 (a) assist in the positive identification of other cases and exposed individuals;

685 (b) develop information relating to the source and spread of the illness or condition;

686 and

687 (c) obtain the names, addresses, phone numbers, or other identifying information of
688 any other person from whom the illness or health condition may have been contracted and to
689 whom the illness or condition may have spread.

690 (4) The department shall, for examination purposes, close, evacuate, or decontaminate
691 any facility when the department reasonably believes that such facility or material may
692 endanger the public health due to a condition or illness described in Subsection 26-23b-103(1).

693 (5) The department will destroy personally identifying health information about an
694 individual collected by the department as a result of a report under this chapter upon the earlier
695 of:

696 (a) the department's determination that the information is no longer necessary to carry
697 out an investigation under this chapter; or

698 (b) 180 days after the information is collected.

699 (6) (a) The Legislature may at any time terminate by joint resolution an order of
700 constraint issued by the governor in response to a declared public health emergency.

701 (b) A county legislative body may at any time terminate by majority vote an order of
702 constraint issued by the county legislative body in response to a declared public health
703 emergency.

704 Section 11. Section 26A-1-102 is amended to read:

705 **26A-1-102. Definitions.**

706 As used in this part:

- 707 (1) "Board" means a local board of health established under Section 26A-1-109.
- 708 (2) "County governing body" means one of the types of county government provided
709 for in Title 17, Chapter 52a, Part 2, Forms of County Government.
- 710 (3) "County health department" means a local health department that serves a county
711 and municipalities located within that county.
- 712 (4) "Department" means the Department of Health created in Title 26, Chapter 1,
713 Department of Health Organization.
- 714 (5) "Local health department" means:
- 715 (a) a single county local health department;
- 716 (b) a multicounty local health department;
- 717 (c) a united local health department; or
- 718 (d) a multicounty united local health department.
- 719 (6) "Mental health authority" means a local mental health authority created in Section
720 17-43-301.
- 721 (7) "Multicounty local health department" means a local health department that is
722 formed under Section 26A-1-105 and that serves two or more contiguous counties and
723 municipalities within those counties.
- 724 (8) "Multicounty united local health department" means a united local health
725 department that is formed under Section 26A-1-105.5 and that serves two or more contiguous
726 counties and municipalities within those counties.
- 727 (9) (a) "Order of constraint" means an order, rule, or regulation issued by a local health
728 department in response to a declared public health emergency under this chapter that:
- 729 (i) applies to all or substantially all:
- 730 (A) individuals or a certain group of individuals; or
- 731 (B) public places or a certain types of public places; and
- 732 (ii) for the protection of the public health and in response to the declared public health
733 emergency:
- 734 (A) establishes, maintains, or enforces isolation or quarantine;
- 735 (B) establishes, maintains, or enforces a stay-at-home order;
- 736 (C) exercises physical control over property or individuals;
- 737 (D) requires an individual to perform a certain action or engage in a certain behavior;

738 or

739 (E) closes theaters, schools, or other public places or prohibits gatherings of people to
740 protect the public health.

741 (b) "Order of constraint" includes a stay-at-home order.

742 (c) "Order of constraint" may not include an order or mandate to require the wearing of
743 a mask or face covering.

744 (10) "Public health emergency" means the same as that term is defined in Section
745 [26-23b-102](#).

746 ~~[(9)]~~ (11) "Single county local health department" means a local health department that
747 is created by the governing body of one county to provide services to the county and the
748 municipalities within that county.

749 (12) "Stay-at-home order" means an order of constraint that:

750 (a) restricts movement of the general population to suppress or mitigate an epidemic or
751 pandemic disease by directing individuals within a defined geographic area to remain in their
752 respective residences; and

753 (b) may include exceptions for certain essential tasks.

754 ~~[(10)]~~ (13) "Substance abuse authority" means a local substance abuse authority
755 created in Section [17-43-201](#).

756 ~~[(11)]~~ (14) "United local health department":

757 (a) means a substance abuse authority, a mental health authority, and a local health
758 department that join together under Section [26A-1-105.5](#); and

759 (b) includes a multicounty united local health department.

760 Section 12. Section **26A-1-114** is amended to read:

761 **26A-1-114. Powers and duties of departments.**

762 (1) ~~[(A)]~~ Subject to Subsections (7) and (8), a local health department may:

763 (a) subject to the provisions in Section [26A-1-108](#), enforce state laws, local ordinances,
764 department rules, and local health department standards and regulations relating to public
765 health and sanitation, including the plumbing code administered by the Division of
766 Occupational and Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction
767 Code Administration Act, and under Title 26, Chapter 15a, Food Safety Manager Certification
768 Act, in all incorporated and unincorporated areas served by the local health department;

769 (b) only as provided in Section 26-6-4, establish, maintain, and enforce isolation and
770 quarantine, and exercise physical control over property and over individuals as the local health
771 department finds necessary for the protection of the public health;

772 (c) establish and maintain medical, environmental, occupational, and other laboratory
773 services considered necessary or proper for the protection of the public health;

774 (d) establish and operate reasonable health programs or measures not in conflict with
775 state law which:

776 (i) are necessary or desirable for the promotion or protection of the public health and
777 the control of disease; or

778 (ii) may be necessary to ameliorate the major risk factors associated with the major
779 causes of injury, sickness, death, and disability in the state;

780 (e) recommend to the county legislative body an order to, using only the least
781 restrictive means available, and only in a manner applicable to a specific location known to
782 have been contaminated or infected, close theaters, schools, and other public places and
783 prohibit gatherings of people when necessary to protect the public health;

784 (f) abate nuisances or eliminate sources of filth and infectious and communicable
785 diseases affecting the public health and bill the owner or other person in charge of the premises
786 upon which this nuisance occurs for the cost of abatement;

787 (g) make necessary sanitary and health investigations and inspections on its own
788 initiative or in cooperation with the Department of Health or Environmental Quality, or both,
789 as to any matters affecting the public health;

790 (h) pursuant to county ordinance or interlocal agreement:

791 (i) establish and collect appropriate fees for the performance of services and operation
792 of authorized or required programs and duties;

793 (ii) accept, use, and administer all federal, state, or private donations or grants of funds,
794 property, services, or materials for public health purposes; and

795 (iii) make agreements not in conflict with state law which are conditional to receiving a
796 donation or grant;

797 (i) prepare, publish, and disseminate information necessary to inform and advise the
798 public concerning:

799 (i) the health and wellness of the population, specific hazards, and risk factors that may

- 800 adversely affect the health and wellness of the population; and
- 801 (ii) specific activities individuals and institutions can engage in to promote and protect
- 802 the health and wellness of the population;
- 803 (j) investigate the causes of morbidity and mortality;
- 804 (k) issue notices and orders necessary to carry out this part;
- 805 (l) conduct studies to identify injury problems, establish injury control systems,
- 806 develop standards for the correction and prevention of future occurrences, and provide public
- 807 information and instruction to special high risk groups;
- 808 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
- 809 within the jurisdiction of the boards;
- 810 (n) cooperate with the state health department, the Department of Corrections, the
- 811 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
- 812 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
- 813 convicted sexual offenders, and any victims of a sexual offense;
- 814 (o) investigate suspected bioterrorism and disease pursuant to Section 26-23b-108; and
- 815 (p) provide public health assistance in response to a national, state, or local emergency,
- 816 a public health emergency as defined in Section 26-23b-102, or a declaration by the President
- 817 of the United States or other federal official requesting public health-related activities.
- 818 (2) The local health department shall:
- 819 (a) recommend that the county legislative body establish programs or measures to
- 820 promote and protect the health and general wellness of the people within the boundaries of the
- 821 local health department;
- 822 (b) investigate infectious and other diseases of public health importance and
- 823 recommend that the county legislative body implement measures to control the causes of
- 824 epidemic and communicable diseases and other conditions significantly affecting the public
- 825 health which may include involuntary testing of alleged sexual offenders for the HIV infection
- 826 pursuant to Section 76-5-502 and voluntary testing of victims of sexual offenses for HIV
- 827 infection pursuant to Section 76-5-503;
- 828 (c) cooperate with the department in matters pertaining to the public health and in the
- 829 administration of state health laws; and
- 830 (d) coordinate implementation of environmental programs to maximize efficient use of

831 resources by developing with the Department of Environmental Quality a Comprehensive
832 Environmental Service Delivery Plan which:

833 (i) recognizes that the Department of Environmental Quality and local health
834 departments are the foundation for providing environmental health programs in the state;

835 (ii) delineates the responsibilities of the department and each local health department
836 for the efficient delivery of environmental programs using federal, state, and local authorities,
837 responsibilities, and resources;

838 (iii) provides for the delegation of authority and pass through of funding to local health
839 departments for environmental programs, to the extent allowed by applicable law, identified in
840 the plan, and requested by the local health department; and

841 (iv) is reviewed and updated annually.

842 (3) The local health department has the following duties regarding public and private
843 schools within its boundaries:

844 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
845 persons attending public and private schools;

846 (b) recommend to the county legislative body orders to exclude from school attendance
847 any person, including teachers, who is suffering from any communicable or infectious disease,
848 whether acute or chronic, if the person is likely to convey the disease to those in attendance;
849 and

850 (c) (i) make regular inspections of the health-related condition of all school buildings
851 and premises;

852 (ii) report the inspections on forms furnished by the department to those responsible for
853 the condition and provide instructions for correction of any conditions that impair or endanger
854 the health or life of those attending the schools; and

855 (iii) provide a copy of the report to the department at the time the report is made.

856 (4) If those responsible for the health-related condition of the school buildings and
857 premises do not carry out any instructions for corrections provided in a report in Subsection
858 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the
859 persons responsible.

860 (5) The local health department may exercise incidental authority as necessary to carry
861 out the provisions and purposes of this part.

862 (6) Nothing in this part may be construed to authorize a local health department to
863 enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon
864 monoxide detector in a residential dwelling against anyone other than the occupant of the
865 dwelling.

866 (7) A local health department may recommend that the county legislative body:

867 (a) declare a public health emergency; or

868 (b) issue an order of constraint during a declared public health emergency.

869 (8) (a) Except as provided in Subsection (8)(b), a public health emergency declared by
870 a county legislative body expires at the earliest of:

871 (i) 30 days after the date on which the county legislative body declared the public
872 health emergency; or

873 (ii) the day on which the public health emergency is terminated by majority vote of the
874 county governing body.

875 (b) (i) The county legislative body, by majority vote, may extend a public health
876 emergency for a time period designated by the county legislative body.

877 (ii) If the county legislative body extends a public health emergency as described in
878 Subsection (8)(b)(i), the public health emergency expires on the date designated by the county
879 legislative body.

880 (9) During a public health emergency declared under this chapter or under Title 26,
881 Chapter 23b, Detection of Public Health Emergencies Act, the Legislature may at any time
882 terminate by joint resolution an order of constraint issued by a county legislative body in
883 response to a declared public health emergency that has been in effect for more than 30 days.

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

885 (i) the county legislative body may not impose an order of constraint on a religious
886 gathering that is more restrictive than an order of constraint that applies to any other public
887 gathering; and

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

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

892 (B) impose a penalty for a previous religious gathering that was held in a manner

893 consistent with any order of constraint issued pursuant to this title.

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

896 (11) A local health department, county legislative body, or local education agency as
897 defined in Section 53G-9-210, may not administer a test for a communicable disease on an
898 individual that is younger than 18 years old without written consent from the individual's
899 parent or guardian.

900 Section 13. Section 26A-1-121 is amended to read:

901 **26A-1-121. Standards and regulations adopted by local board -- Local standards**
902 **not more stringent than federal or state standards -- Exceptions for written findings --**
903 **Administrative and judicial review of actions.**

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

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

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

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

911 (i) supersede existing local standards, regulations, and ordinances pertaining to similar
912 subject matter; and

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

917 (c) (i) The board may make standards and regulations more stringent than
918 corresponding federal law, state statute, or state administrative rules for the purposes described
919 in Subsection (1)(a), only if the board makes a written finding after public comment and
920 hearing and based on evidence in the record, that corresponding federal laws, state statutes, or
921 state administrative rules are not adequate to protect public health and the environment of the
922 state.

923 (ii) The findings shall address the public health information and studies contained in

924 the record, which form the basis for the board's conclusion.

925 (d) The board shall provide public hearings prior to the adoption of any regulation or
926 standard. Notice of any public hearing shall be published at least twice throughout the county
927 or counties served by the local health department. The publication may be in one or more
928 newspapers, if the notice is provided in accordance with this Subsection (1)(d).

929 (e) The hearings may be conducted by the board at a regular or special meeting, or the
930 board may appoint hearing officers who may conduct hearings in the name of the board at a
931 designated time and place.

932 (f) A record or summary of the proceedings of a hearing shall be taken and filed with
933 the board.

934 (g) During a declared public health emergency declared under this chapter or under
935 Title 26, Chapter 23b, Detection of Public Health Emergencies Act, the Legislature may at any
936 time terminate by joint resolution an order of constraint issued by a county legislative body in
937 response to a declared public health emergency that has been in effect for more than 30 days.

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

939 (A) a county governing body may not impose an order of constraint on a public
940 gathering that applies to a religious gathering differently than the order of constraint applies to
941 any other public gathering; and

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

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

949 (iii) A local health department, county legislative body, or local education agency as
950 defined in Section 53G-9-210, may not administer a test for a communicable disease on an
951 individual that is younger than 18 years old without written consent from the individual's
952 parent or guardian.

953 (2) (a) A person aggrieved by an action or inaction of the local health department
954 relating to the public health shall have an opportunity for a hearing with the local health officer

955 or a designated representative of the local health department. The board shall grant a
956 subsequent hearing to the person upon the person's written request.

957 (b) In an adjudicative hearing, a member of the board or the hearing officer may
958 administer oaths, examine witnesses, and issue notice of the hearings or subpoenas in the name
959 of the board requiring the testimony of witnesses and the production of evidence relevant to a
960 matter in the hearing. The local health department shall make a written record of the hearing,
961 including findings of facts and conclusions of law.

962 (c) Judicial review of a final determination of the local board may be secured by a
963 person adversely affected by the final determination, or by the Departments of Health or
964 Environmental Quality, by filing a petition in the district court within 30 days after receipt of
965 notice of the board's final determination.

966 (d) The petition shall be served upon the secretary of the board and shall state the
967 grounds upon which review is sought.

968 (e) The board's answer shall certify and file with the court all documents and papers
969 and a transcript of all testimony taken in the matter together with the board's findings of fact,
970 conclusions of law, and order.

971 (f) The appellant and the board are parties to the appeal.

972 (g) The Departments of Health and Environmental Quality may become a party by
973 intervention as in a civil action upon showing cause.

974 (h) A further appeal may be taken to the Court of Appeals under Section [78A-4-103](#).

975 (3) Nothing in the provisions of Subsection (1)(b)(ii) or (c), shall limit the ability of a
976 local health department board to make standards and regulations in accordance with Subsection
977 (1)(a) for:

978 (a) emergency rules made in accordance with Section [63G-3-304](#); or

979 (b) items not regulated under federal law, state statute, or state administrative rule.

980 Section 14. Section **53-2a-104** is amended to read:

981 **53-2a-104. Division duties -- Powers.**

982 (1) ~~[The]~~ Subject to limitation by the Legislature as described in Subsection
983 [53-2a-206\(5\)](#), the division shall:

984 (a) respond to the policies of the governor and the Legislature;

985 (b) perform functions relating to emergency management as directed by the governor

986 or by the commissioner, including:

987 (i) coordinating with state agencies and local governments the use of personnel and
988 other resources of these governmental entities as agents of the state during an interstate disaster
989 in accordance with the Emergency Management Assistance Compact described in Section
990 [53-2a-402](#);

991 (ii) coordinating the requesting, activating, and allocating of state resources during an
992 intrastate disaster or a local state of emergency;

993 (iii) receiving and disbursing federal resources provided to the state in a declared
994 disaster;

995 (iv) appointing a state coordinating officer who is the governor's representative and
996 who shall work with a federal coordinating officer during a federally declared disaster; and

997 (v) appointing a state recovery officer who is the governor's representative and who
998 shall work with a federal recovery officer during a federally declared disaster;

999 (c) prepare, implement, and maintain programs and plans to provide for:

1000 (i) prevention and minimization of injury and damage caused by disasters;

1001 (ii) prompt and effective response to and recovery from disasters;

1002 (iii) identification of areas particularly vulnerable to disasters;

1003 (iv) coordination of hazard mitigation and other preventive and preparedness measures
1004 designed to eliminate or reduce disasters;

1005 (v) assistance to local officials, state agencies, and the business and public sectors, in
1006 developing emergency action plans;

1007 (vi) coordination of federal, state, and local emergency activities;

1008 (vii) coordination of emergency operations plans with emergency plans of the federal
1009 government;

1010 (viii) coordination of urban search and rescue activities;

1011 (ix) coordination of rapid and efficient communications in times of emergency; and

1012 (x) other measures necessary, incidental, or appropriate to this part;

1013 (d) coordinate with local officials, state agencies, and the business and public sectors in
1014 developing, implementing, and maintaining a state energy emergency plan in accordance with
1015 Section [53-2a-902](#);

1016 (e) administer Part 6, Disaster Recovery Funding Act, in accordance with that part;

1017 (f) conduct outreach annually to agencies and officials who have access to IPAWS; and
1018 (g) coordinate with counties to ensure every county has the access and ability to send,
1019 or a plan to send, IPAWS messages, including Wireless Emergency Alerts and Emergency
1020 Alert System messages.

1021 (2) Every three years, organizations that have the ability to send IPAWS messages,
1022 including emergency service agencies, public safety answering points, and emergency
1023 managers shall send verification of Federal Emergency Management Agency training to the
1024 Division.

1025 (3) (a) The Department of Public Safety shall designate state geographical regions and
1026 allow the political subdivisions within each region to:

1027 (i) coordinate planning with other political subdivisions, tribal governments, and as
1028 appropriate, other entities within that region and with state agencies as appropriate, or as
1029 designated by the division;

1030 (ii) coordinate grant management and resource purchases; and

1031 (iii) organize joint emergency response training and exercises.

1032 (b) The political subdivisions within a region designated in Subsection (3)(a) may not
1033 establish the region as a new government entity in the emergency disaster declaration process
1034 under Section [53-2a-208](#).

1035 (4) The division may make rules in accordance with Title 63G, Chapter 3, Utah
1036 Administrative Rulemaking Act, to:

1037 (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and
1038 the activities described in Subsection (3);

1039 (b) coordinate federal, state, and local resources in a declared disaster or local
1040 emergency; and

1041 (c) implement provisions of the Emergency Management Assistance Compact as
1042 provided in Section [53-2a-402](#) and Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

1043 (5) The division may consult with the Legislative Management Committee, the Judicial
1044 Council, and legislative and judicial staff offices to assist the division in preparing emergency
1045 succession plans and procedures under Title 53, Chapter 2a, Part 8, Emergency Interim
1046 Succession Act.

1047 (6) The division shall report annually in writing not later than October 31 to the Law

1048 Enforcement and Criminal Justice, and Political Subdivisions Interim Committees regarding
1049 the status of the emergency alert system in the state. The report shall include:

- 1050 (a) a status summary of the number of alerting authorities in Utah;
- 1051 (b) any changes in that number;
- 1052 (c) administrative actions taken; and
- 1053 (d) any other information considered necessary by the division.

1054 Section 15. Section **53-2a-203** is amended to read:

1055 **53-2a-203. Definitions.**

1056 As used in this part:

1057 (1) "Chief executive officer" means:

1058 (a) for a municipality:

1059 (i) the mayor for a municipality operating under all forms of municipal government
1060 except the council-manager form of government; or

1061 (ii) the city manager for a municipality operating under the council-manager form of
1062 government;

1063 (b) for a county:

1064 (i) the chair of the county commission for a county operating under the county
1065 commission or expanded county commission form of government;

1066 (ii) the county executive officer for a county operating under the county-executive
1067 council form of government; or

1068 (iii) the county manager for a county operating under the council-manager form of
1069 government; [or]

1070 (c) for a special service district:

1071 (i) the chief executive officer of the county or municipality that created the special
1072 service district if authority has not been delegated to an administrative control board as
1073 provided in Section [17D-1-301](#);

1074 (ii) the chair of the administrative control board to which authority has been delegated
1075 as provided in Section [17D-1-301](#); or

1076 (iii) the general manager or other officer or employee to whom authority has been
1077 delegated by the governing body of the special service district as provided in Section

1078 [17D-1-301](#); or

- 1079 (d) for a local district:
- 1080 (i) the chair of the board of trustees selected as provided in Section [17B-1-309](#); or
- 1081 (ii) the general manager or other officer or employee to whom authority has been
- 1082 delegated by the board of trustees.
- 1083 (2) "Executive action" means any of the following actions by the governor during a
- 1084 state of emergency:
- 1085 (a) an order, a rule, or a regulation made by the governor as described in Section
- 1086 [53-2a-209](#);
- 1087 (b) an action by the governor to suspend or modify a statute as described in Subsection
- 1088 [53-2a-204\(1\)\(j\)](#); or
- 1089 (c) an action by the governor to suspend the enforcement of a statute as described in
- 1090 Subsection [53-2a-209\(4\)](#).
- 1091 (3) "Exigent circumstances" means a significant change in circumstances following the
- 1092 expiration of a state of emergency declared in accordance with this chapter that:
- 1093 (a) substantially increases the threat to public safety or health relative to the
- 1094 circumstances in existence when the state of emergency expired;
- 1095 (b) poses an imminent threat to public safety or health; and
- 1096 (c) was not known or foreseen and could not have been known or foreseen at the time
- 1097 the state of emergency expired.
- 1098 (4) "Legislative emergency response committee" means the Legislative Emergency
- 1099 Response Committee created in Section [53-2a-218](#).
- 1100 [~~2~~] (5) "Local emergency" means a condition in any municipality or county of the
- 1101 state which requires that emergency assistance be provided by the affected municipality or
- 1102 county or another political subdivision to save lives and protect property within its jurisdiction
- 1103 in response to a disaster, or to avoid or reduce the threat of a disaster.
- 1104 (6) "Long-term state of emergency" means a state of emergency:
- 1105 (a) that lasts longer than 30 days; or
- 1106 (b) declared to respond to exigent circumstances as described in Subsection
- 1107 [53-2a-206\(3\)](#).
- 1108 [~~3~~] (7) "Political subdivision" means a municipality, county, special service district,
- 1109 or local district.

1110 Section 16. Section **53-2a-204** is amended to read:

1111 **53-2a-204. Authority of governor -- Federal assistance -- Fraud or willful**
1112 **misstatement in application for financial assistance -- Penalty.**

1113 (1) In addition to any other authorities conferred upon the governor, if the governor
1114 issues an executive order declaring a state of emergency, subject to limitation by the
1115 Legislature as described in Subsection 53-2a-206(5), the governor may:

1116 (a) utilize all available resources of state government as reasonably necessary to cope
1117 with a state of emergency;

1118 (b) employ measures and give direction to state and local officers and agencies that are
1119 reasonable and necessary for the purpose of securing compliance with the provisions of this
1120 part and with orders, rules, and regulations made pursuant to this part;

1121 (c) recommend and advise the evacuation of all or part of the population from any
1122 stricken or threatened area within the state if necessary for the preservation of life;

1123 (d) recommend routes, modes of transportation, and destination in connection with
1124 evacuation;

1125 (e) in connection with evacuation, suspend or limit the sale, dispensing, or
1126 transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful
1127 bearing of arms;

1128 (f) control ingress and egress to and from a disaster area, the movement of persons
1129 within the area, and recommend the occupancy or evacuation of premises in a disaster area;

1130 (g) clear or remove from publicly or privately owned land or water debris or wreckage
1131 that is an immediate threat to public health, public safety, or private property, including
1132 allowing an employee of a state department or agency designated by the governor to enter upon
1133 private land or waters and perform any tasks necessary for the removal or clearance operation if
1134 the political subdivision, corporation, organization, or individual that is affected by the removal
1135 of the debris or wreckage:

1136 (i) presents an unconditional authorization for removal of the debris or wreckage from
1137 private property; and

1138 (ii) agrees to indemnify the state against any claim arising from the removal of the
1139 debris or wreckage;

1140 (h) enter into agreement with any agency of the United States:

- 1141 (i) for temporary housing units to be occupied by victims of a state of emergency or
1142 persons who assist victims of a state of emergency; and
- 1143 (ii) to make the housing units described in Subsection (1)(h)(i) available to a political
1144 subdivision of this state;
- 1145 (i) assist any political subdivision of this state to acquire sites and utilities necessary for
1146 temporary housing units described in Subsection (1)(h)(i) by passing through any funds made
1147 available to the governor by an agency of the United States for this purpose;
- 1148 (j) subject to Sections 53-2a-209 and 53-2a-214, temporarily suspend or modify by
1149 executive order, during the state of emergency, any public health, safety, zoning, transportation,
1150 or other requirement of a statute or administrative rule within this state if such action is
1151 essential to provide temporary housing described in Subsection (1)(h)(i);
- 1152 (k) upon determination that a political subdivision of the state will suffer a substantial
1153 loss of tax and other revenues because of a state of emergency and the political subdivision so
1154 affected has demonstrated a need for financial assistance to perform its governmental
1155 functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section
1156 10-8-6:
- 1157 (i) apply to the federal government for a loan on behalf of the political subdivision if
1158 the amount of the loan that the governor applies for does not exceed 25% of the annual
1159 operating budget of the political subdivision for the fiscal year in which the state of emergency
1160 occurs; and
- 1161 (ii) receive and disburse the amount of the loan to the political subdivision;
- 1162 (l) accept funds from the federal government and make grants to any political
1163 subdivision for the purpose of removing debris or wreckage from publicly owned land or
1164 water;
- 1165 (m) subject to Section 53-2a-217, upon determination that financial assistance is
1166 essential to meet expenses related to a state of emergency of individuals or families adversely
1167 affected by the state of emergency that cannot be sufficiently met from other means of
1168 assistance, apply for, accept, and expend a grant by the federal government to fund the financial
1169 assistance, subject to the terms and conditions imposed upon the grant;
- 1170 (n) recommend to the Legislature other actions the governor considers to be necessary
1171 to address a state of emergency; or

1172 (o) authorize the use of all water sources as necessary for fire suppression.

1173 (2) A person who fraudulently or willfully makes a misstatement of fact in connection
1174 with an application for financial assistance under this section shall, upon conviction of each
1175 offense, be subject to a fine of not more than \$5,000 or imprisonment for not more than one
1176 year, or both.

1177 Section 17. Section **53-2a-205** is amended to read:

1178 **53-2a-205. Authority of chief executive officers of political subdivisions --**
1179 **Ordering of evacuations.**

1180 (1) (a) In order to protect life and property when a state of emergency or local
1181 emergency has been declared, subject to limitation by the Legislature as described in
1182 Subsection 53-2a-206(5), and subject to Section 53-2a-216, the chief executive officer of each
1183 political subdivision of the state is authorized to:

1184 (i) carry out, in the chief executive officer's jurisdiction, the measures as may be
1185 ordered by the governor under this part; and

1186 (ii) take any additional measures the chief executive officer may consider necessary,
1187 subject to the limitations and provisions of this part.

1188 (b) The chief executive officer may not take an action that is inconsistent with any
1189 order, rule, regulation, or action of the governor.

1190 (2) [~~When~~] Subject to Section 53-2a-216, when a state of emergency or local
1191 emergency is declared, the authority of the chief executive officer includes:

1192 (a) utilizing all available resources of the political subdivision as reasonably necessary
1193 to manage a state of emergency or local emergency;

1194 (b) employing measures and giving direction to local officers and agencies which are
1195 reasonable and necessary for the purpose of securing compliance with the provisions of this
1196 part and with orders, rules, and regulations made under this part;

1197 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or
1198 part of the population from any stricken or threatened area within the political subdivision;

1199 (d) recommending routes, modes of transportation, and destinations in relation to an
1200 evacuation;

1201 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages,
1202 explosives, and combustibles in relation to an evacuation, except that the chief executive

1203 officer may not restrict the lawful bearing of arms;

1204 (f) controlling ingress and egress to and from a disaster area, controlling the movement
1205 of persons within a disaster area, and ordering the occupancy or evacuation of premises in a
1206 disaster area;

1207 (g) clearing or removing debris or wreckage that may threaten public health, public
1208 safety, or private property from publicly or privately owned land or waters, except that where
1209 there is no immediate threat to public health or safety, the chief executive officer shall not
1210 exercise this authority in relation to privately owned land or waters unless:

1211 (i) the owner authorizes the employees of designated local agencies to enter upon the
1212 private land or waters to perform any tasks necessary for the removal or clearance; and

1213 (ii) the owner provides an unconditional authorization for removal of the debris or
1214 wreckage and agrees to indemnify the local and state government against any claim arising
1215 from the removal; and

1216 (h) invoking the provisions of any mutual aid agreement entered into by the political
1217 subdivision.

1218 (3) (a) If the chief executive is unavailable to issue an order for evacuation under
1219 Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue
1220 an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for
1221 the preservation of life.

1222 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement
1223 officer's order.

1224 (4) Notice of an order or the ratification, modification, or revocation of an order issued
1225 under this section shall be:

1226 (a) given to the persons within the jurisdiction by the most effective and reasonable
1227 means available; and

1228 (b) filed in accordance with Subsection 53-2a-209(1).

1229 Section 18. Section **53-2a-206** is amended to read:

1230 **53-2a-206. State of emergency -- Declaration -- Termination -- Commander in**
1231 **chief of military forces.**

1232 (1) A state of emergency may be declared by executive order of the governor if the
1233 governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in

1234 any area of the state in which state government assistance is required to supplement the
1235 response and recovery efforts of the affected political subdivision or political subdivisions.

1236 ~~[(2) A state of emergency shall continue until the governor finds the threat or danger
1237 has passed or the disaster reduced to the extent that emergency conditions no longer exist.]~~

1238 ~~[(3) A state of emergency may not continue for longer than 30 days unless extended by
1239 joint resolution of the Legislature, which may also terminate a state of emergency by joint
1240 resolution at any time.]~~

1241 (2) (a) Except as provided in Subsection (2)(b), a state of emergency described in
1242 Subsection (1) expires at the earlier of:

1243 (i) the day on which the governor finds that the threat or danger has passed or the
1244 disaster reduced to the extent that emergency conditions no longer exist;

1245 (ii) 30 days after the date on which the governor declared the state of emergency; or

1246 (iii) the day on which the Legislature terminates the state of emergency by joint
1247 resolution.

1248 (b) (i) The Legislature may, by joint resolution, extend a state of emergency for a time
1249 period designated in the joint resolution.

1250 (ii) If the Legislature extends a state of emergency in accordance with this subsection,
1251 the state of emergency expires on the date designated in the joint resolution.

1252 (c) Except as provided in Subsection (3), if a state of emergency expires as described in
1253 Subsection (2), the governor may not declare a new state of emergency for the same disaster or
1254 occurrence as the expired state of emergency.

1255 (3) (a) After a state of emergency expires in accordance with Subsection (2), and
1256 subject to Subsection (4), the governor may declare a new state of emergency in response to the
1257 same disaster or occurrence as the expired state of emergency, if the governor finds that exigent
1258 circumstances exist.

1259 (b) A state of emergency declared in accordance with Subsection (3)(a) expires in
1260 accordance with Subsections (2)(a) and (b).

1261 (c) After a state of emergency declared in accordance with Subsection (3)(a) expires,
1262 the governor may not declare a new state of emergency in response to the same disaster or
1263 occurrence as the expired state of emergency, regardless of whether exigent circumstances
1264 exist.

1265 (4) (a) (i) If the Legislature finds that emergency conditions warrant the extension of a
1266 state of emergency beyond 30 days as described in Subsection (2)(b), the Legislature may
1267 extend the state of emergency and specify which emergency powers described in this part are
1268 necessary to respond to the emergency conditions present at the time of the extension of the
1269 state of emergency.

1270 (ii) Circumstances that may warrant the extension of a state of emergency with limited
1271 emergency powers include:

1272 (A) the imminent threat of the emergency has passed, but continued fiscal response
1273 remains necessary; or

1274 (B) emergency conditions warrant certain executive actions, but certain emergency
1275 powers such as suspension of enforcement of statute are not necessary.

1276 (b) For any state of emergency extended by the Legislature beyond 30 days as
1277 described in Subsection (2)(b), the Legislature may, by joint resolution:

1278 (i) extend the state of emergency and maintain all of the emergency powers described
1279 in this part; or

1280 (ii) limit or restrict certain emergency powers of:

1281 (A) the division as described in Section [53-2a-104](#);

1282 (B) the governor as described in Section [53-2a-204](#);

1283 (C) a chief executive officer of a political subdivision as described in Section
1284 [53-2a-205](#); or

1285 (D) other executive emergency powers described in this chapter.

1286 (c) If the Legislature limits emergency powers as described in Subsection (4)(b), the
1287 Legislature shall:

1288 (i) include in the joint resolution findings describing the nature and current conditions
1289 of the emergency that warrant the continuation or limitation of certain emergency powers; and

1290 (ii) clearly enumerate and describe in the joint resolution which powers:

1291 (A) are being limited or restricted; or

1292 (B) shall remain in force.

1293 ~~[(4)]~~ (5) ~~[The]~~ If the Legislature terminates a state of emergency by joint resolution, the
1294 governor shall issue an executive order ending the state of emergency on receipt of the
1295 Legislature's resolution.

1296 ~~[(5)]~~ (6) An executive order described in this section to declare a state of emergency
1297 shall state:

- 1298 (a) the nature of the state of emergency;
- 1299 (b) the area or areas threatened; and
- 1300 (c) the conditions creating such an emergency or those conditions allowing termination
1301 of the state of emergency.

1302 ~~[(6)]~~ (7) During the continuance of any state of emergency the governor is commander
1303 in chief of the military forces of the state in accordance with Utah Constitution Article VII,
1304 Section 4, and Title 39, Chapter 1, State Militia.

1305 Section 19. Section **53-2a-208** is amended to read:

1306 **53-2a-208. Local emergency -- Declarations.**

1307 ~~[(1)(a) A local emergency may be declared by proclamation of the chief executive~~
1308 ~~officer of a municipality or county.]~~

1309 ~~[(b) A local emergency shall not be continued or renewed for a period in excess of 30~~
1310 ~~days except by or with the consent of the governing body of the municipality or county.]~~

1311 ~~[(c) Any order or proclamation declaring, continuing, or terminating a local emergency~~
1312 ~~shall be filed promptly with the office of the clerk of the affected municipality or county.]~~

1313 (1) A chief executive officer of a municipality or county may declare by proclamation a
1314 state of emergency if the chief executive officer finds:

1315 (a) a disaster has occurred or the occurrence or threat of a disaster is imminent in an
1316 area of the municipality or county; and

1317 (b) the municipality or county requires additional assistance to supplement the
1318 response and recovery efforts of the municipality or county.

1319 (2) A declaration of a local emergency:

1320 (a) constitutes an official recognition that a disaster situation exists within the affected
1321 municipality or county;

1322 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
1323 from other political subdivisions or from the state or federal government;

1324 (c) activates the response and recovery aspects of any and all applicable local disaster
1325 emergency plans; and

1326 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

- 1327 (3) A local emergency proclamation issued under this section shall state:
- 1328 (a) the nature of the local emergency;
- 1329 (b) the area or areas that are affected or threatened; and
- 1330 (c) the conditions which caused the emergency.
- 1331 (4) The emergency declaration process within the state shall be as follows:
- 1332 (a) a city, town, or metro township shall declare to the county;
- 1333 (b) a county shall declare to the state;
- 1334 (c) the state shall declare to the federal government; and
- 1335 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the
- 1336 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.
- 1337 (5) Nothing in this part affects:
- 1338 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
- 1339 (b) the duties, requests, reimbursements, or other actions taken by a political
- 1340 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
- 1341 Part 3, Statewide Mutual Aid Act.
- 1342 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in
- 1343 Subsection (1) expires the earlier of:
- 1344 (i) the day on which the chief executive officer finds that:
- 1345 (A) the threat or danger has passed;
- 1346 (B) the disaster reduced to the extent that emergency conditions no longer exist; or
- 1347 (C) the municipality or county no longer requires state government assistance to
- 1348 supplement the response and recovery efforts of the municipality or county;
- 1349 (ii) 30 days after the day on which the chief executive officer declares the state of
- 1350 emergency; or
- 1351 (iii) the day on which the legislative body of the municipality or county terminates the
- 1352 state of emergency by majority vote.
- 1353 (b) (i) (A) The legislative body of a municipality may at any time terminate by majority
- 1354 vote a state of emergency declared by the chief executive officer of the municipality.
- 1355 (B) The legislative body of a county may at any time terminate by majority vote a state
- 1356 of emergency declared by the chief executive officer of the county.
- 1357 (ii) The legislative body of a municipality or county may by majority vote extend a

1358 state of emergency for a time period stated in the motion.

1359 (iii) If the legislative body of a municipality or county extends a state of emergency in
1360 accordance with this subsection, the state of emergency expires on the date designated by the
1361 legislative body in the motion.

1362 (c) Except as provided in Subsection (7), after a state of emergency expires in
1363 accordance with this Subsection (6), the chief executive officer may not declare a new state of
1364 emergency in response to the same disaster or occurrence as the expired state of emergency.

1365 (7) (a) After a state of emergency expires in accordance with Subsection (2), the chief
1366 executive officer may declare a new state of emergency in response to the same disaster or
1367 occurrence as the expired state of emergency, if the chief executive officer finds that exigent
1368 circumstances exist.

1369 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
1370 accordance with Subsections (6)(a) and (b).

1371 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires,
1372 the chief executive officer may not declare a new state of emergency in response to the same
1373 disaster or occurrence as the expired state of emergency, regardless of whether exigent
1374 circumstances exist.

1375 Section 20. Section **53-2a-209** is amended to read:

1376 **53-2a-209. Orders, rules, and regulations having force of law -- Filing**
1377 **requirements -- Suspension of state agency rules -- Suspension of enforcement of certain**
1378 **statutes during a state of emergency.**

1379 (1) [AH] Subject to Section [53-2a-216](#), all orders, rules, and regulations promulgated
1380 by the governor, a municipality, a county, or other agency authorized by this part to make
1381 orders, rules, and regulations, not in conflict with existing laws except as specifically provided
1382 in this section, shall have the full force and effect of law during the state of emergency.

1383 (2) A copy of the order, rule, or regulation promulgated under Subsection (1) shall be
1384 filed as soon as practicable with:

1385 (a) the Office of Administrative Rules, if issued by the governor or a state agency; or

1386 (b) the office of the clerk of the municipality or county, if issued by the chief executive
1387 officer of a municipality or county.

1388 (3) The governor may suspend the provisions of any order, rule, or regulation of any

1389 state agency, if the strict compliance with the provisions of the order, rule, or regulation would
1390 substantially prevent, hinder, or delay necessary action in coping with the emergency or
1391 disaster.

1392 (4) (a) Except as provided in Subsection (4)(b) and subject to Subsections (4)(c) and
1393 (d), the governor may by executive order suspend the enforcement of a statute if:

1394 (i) the governor declares a state of emergency in accordance with Section 53-2a-206;

1395 (ii) the governor determines that suspending the enforcement of the statute is:

1396 (A) directly related to the state of emergency described in Subsection (4)(a)(i); and

1397 (B) necessary to address the state of emergency described in Subsection (4)(a)(i);

1398 (iii) the executive order:

1399 (A) describes how the suspension of the enforcement of the statute is:

1400 (I) directly related to the state of emergency described in Subsection (4)(a)(i); and

1401 (II) necessary to address the state of emergency described in Subsection (4)(a)(i); and

1402 (B) provides the citation of the statute that is the subject of suspended enforcement;

1403 (iv) the governor acts in good faith;

1404 (v) the governor provides notice of the suspension of the enforcement of the statute to
1405 the speaker of the House of Representatives and the president of the Senate no later than 24
1406 hours after suspending the enforcement of the statute; and

1407 (vi) the governor makes the report required by Section 53-2a-210.

1408 (b) (i) Except as provided in Subsection (4)(b)(ii), the governor may not suspend the
1409 enforcement of a criminal penalty created in statute.

1410 (ii) The governor may suspend the enforcement of a misdemeanor or infraction if:

1411 (A) the misdemeanor or infraction relates to food, health, or transportation; and

1412 (B) the requirements of Subsection (4)(a) are met.

1413 (c) A suspension described in this Subsection (4) terminates no later than the date the
1414 governor terminates the state of emergency in accordance with Section 53-2a-206 to which the
1415 suspension relates.

1416 (d) The governor:

1417 (i) shall provide the notice required by Subsection (4)(a)(v) using the best available
1418 method under the circumstances as determined by the governor;

1419 (ii) may provide the notice required by Subsection (4)(a)(v) in electronic format; and

1420 (iii) shall provide the notice in written form, if practicable.

1421 (e) If circumstances prevent the governor from providing notice to the speaker of the
1422 House of Representatives or the president of the Senate, notice shall be provided in the best
1423 available method to the presiding member of the respective body as is reasonable.

1424 Section 21. Section **53-2a-215** is amended to read:

1425 **53-2a-215. Requirements for long-term emergency response -- Notice.**

1426 [~~(1) As used in this section:~~]

1427 [~~(a) "Epidemic or pandemic disease" means the same as that term is defined in Section~~
1428 ~~26-23b-102.~~]

1429 [~~(b) "Executive action" means any of the following actions in response to an epidemic~~
1430 ~~or pandemic disease:~~]

1431 [~~(i) a declaration of a state of emergency as described in Section 53-2a-206;~~]

1432 [~~(ii) an order, a rule, or a regulation made by the governor as described in Section~~
1433 ~~53-2a-209;~~]

1434 [~~(iii) an action by the governor to suspend or modify a statute as described in~~
1435 ~~Subsection 53-2a-204(1)(j); or]~~

1436 [~~(iv) an action by the governor to suspend the enforcement of a statute as described in~~
1437 ~~Subsection 53-2a-209(4).~~]

1438 [~~(c) "Legislative pandemic response team" means:~~]

1439 [~~(i) the speaker of the House of Representatives;~~]

1440 [~~(ii) the president of the Senate;~~]

1441 [~~(iii) the minority leader of the House of Representatives; and]~~

1442 [~~(iv) the minority leader of the Senate.~~]

1443 [~~(2) The Legislature finds and acknowledges that existing and increasing threats of the~~
1444 ~~occurrence of an epidemic or pandemic disease emergency could greatly affect the health,~~
1445 ~~safety, and welfare of the people of this state, and subject to provisions of this section, the~~
1446 ~~Legislature recognizes the important role of the governor to respond to an epidemic or~~
1447 ~~pandemic disease emergency through executive action.]~~

1448 [~~(3)~~] (1) (a) (i) Except as provided in Subsection [(4)] (2), and in accordance with
1449 Subsection [(3)(b)] (1)(b), during a long-term state of emergency, the governor may not take an
1450 executive action in response to [an epidemic or pandemic disease] the emergency until the

1451 governor has provided notice of the proposed action to the legislative [~~pandemic response~~
1452 ~~team~~] emergency response committee no later than 24 hours before the governor issues the
1453 executive action.

1454 (ii) The governor:

1455 (A) shall provide the notice required by Subsection [~~(3)~~] (1)(a)(i) using the best
1456 available method under the circumstances as determined by the governor;

1457 (B) may provide the notice required by Subsection [~~(3)~~] (1)(a)(i) in electronic format;
1458 and

1459 (C) shall provide the notice in written form, if practicable.

1460 (b) Except for any conflicting provision in this section, the governor shall comply with
1461 the requirements of this chapter to take an executive action in response to a long-term
1462 emergency.

1463 (c) If the governor takes executive action in response to [~~an epidemic or pandemic~~
1464 ~~disease~~] a long-term emergency as described in this Subsection [~~(3)~~] (1), the governor is not
1465 required to provide:

1466 (i) the notice described in Subsection 53-2a-209(4)(a)(v); or

1467 (ii) the report described in Section 53-2a-210.

1468 [~~(4)~~] (2) (a) The governor may take executive action in response [~~to an epidemic or~~
1469 ~~pandemic disease~~] during a long-term emergency without complying with Subsection [~~(3)~~] (1)
1470 only if the governor finds that:

1471 (i) there is an imminent threat of serious bodily injury, loss of life, or substantial harm
1472 to property; and

1473 (ii) compliance with Subsection [~~(3)~~] (1) would increase the threat of serious bodily
1474 injury, loss of life, or substantial harm to property.

1475 (b) If the governor takes executive action in response to [~~an epidemic or pandemic~~] a
1476 long-term emergency without complying with the requirements of Subsection [~~(3)~~] (1)(a), the
1477 governor shall provide in the executive action an explanation why the requirements of
1478 Subsection [~~(3)~~] (1)(a) were not met.

1479 [~~(5)~~] (3) This section supersedes any conflicting provisions of Utah law.

1480 [~~(6)~~] (4) Notwithstanding any other provision of law, the governor may not suspend the
1481 application or enforcement of this section.

1482 Section 22. Section **53-2a-216** is amended to read:

1483 **53-2a-216. Termination of an executive action or directive.**

1484 (1) The Legislature may at any time terminate by joint resolution:

1485 (a) an order, a rule, ordinance, or action by a chief executive officer of a county or
1486 municipality as described in Section [53-2a-205](#) in response to a state of emergency that has
1487 been in effect for more than 30 days;

1488 (b) a local declaration of emergency described in Section [53-2a-208](#) that has been in
1489 effect for more than 30 days;

1490 [~~(a)~~] (c) an order, a rule, or a regulation made by the governor, a municipality, county,
1491 or other agency as described in Section [53-2a-209](#);

1492 [~~(b)~~] (d) an action by the governor to suspend the enforcement of a statute as described
1493 in Subsection [53-2a-209](#)(4); or

1494 [~~(c)~~] (e) an executive action as described in Section [53-2a-215](#).

1495 (2) Notwithstanding any other provision of law, the governor may not suspend the
1496 application or enforcement of this section.

1497 Section 23. Section **53-2a-217** is amended to read:

1498 **53-2a-217. Procurement process during an epidemic or pandemic emergency.**

1499 (1) As used in this section, "epidemic or pandemic disease" means the same as that
1500 term is defined in Section [~~53-2a-215~~] [26-23b-102](#).

1501 (2) (a) During a state of emergency declared as described in Section [53-2a-206](#) that is
1502 in response or related to an epidemic or pandemic disease emergency, or during a national
1503 epidemic or pandemic emergency, the governor shall provide notice to the Legislature within
1504 24 hours after an expenditure or procurement, if the expenditure or procurement:

1505 (i) uses federal funds received as described in Subsection [53-2a-204](#)(1)(m);

1506 (ii) totals more than \$2,000,000 or includes a line item of more than \$2,000,000; and

1507 (iii) is made using emergency procurement processes as described in Section
1508 [63G-6a-803](#).

1509 (b) The governor may not divide an expenditure or procurement into multiple
1510 expenditures or procurements to fall below the \$2,000,000 threshold described in Subsection
1511 (2)(a)(ii).

1512 Section 24. Section **53-2a-218** is enacted to read:

1513 53-2a-218. Legislative Emergency Response Committee.

1514 (1) There is created an ad hoc committee known as the Legislative Emergency
1515 Response Committee.

1516 (2) (a) The committee membership includes:

1517 (i) the same membership as the Executive Appropriations Committee as constituted at
1518 the time the committee is convened; and

1519 (ii) between four and six additional members designated by the speaker of the House of
1520 Representatives, chosen from the following:

1521 (A) one or more members of the House of Representatives that serve as chair or
1522 vice-chair of a legislative committee with a subject matter focus relevant to the current
1523 emergency;

1524 (B) one or more members of the House of Representatives with relevant expertise or
1525 experience relevant to the current emergency; or

1526 (C) one or more members of the House of Representatives from a minority party that
1527 serves on a relevant legislative committee or that has expertise and experience relevant to the
1528 current emergency; and

1529 (iii) between four and six additional members designated by the president of the
1530 Senate, chosen from the following:

1531 (A) one or more members of the Senate that serve as chair or vice-chair of a legislative
1532 committee with a subject matter focus relevant to the current emergency;

1533 (B) one or more members of the Senate with relevant expertise or experience relevant
1534 to the current emergency; or

1535 (C) one or more members of the Senate from a minority party that serves on a relevant
1536 legislative committee or that has expertise and experience relevant to the current emergency.

1537 (b) The speaker of the House of Representatives and the president of the Senate shall
1538 coordinate to ensure they each appoint the same number of legislators as described under
1539 Subsections (2)(a)(ii) and (iii).

1540 (3) The speaker of the House of Representatives and the president of the Senate shall
1541 serve as chairs of the committee.

1542 (4) The Office of Legislative Research and General Counsel shall provide staff support
1543 to the committee.

1544 (5) (a) If the governor declares a state of emergency as described in this chapter, and
1545 the governor finds that the emergency conditions warrant an extension of the state of
1546 emergency beyond the 30-day term or another date designated by the Legislature as described
1547 in Section 53-2a-206, the governor shall provide written notice to the speaker of the House of
1548 Representatives and the president of the Senate at least 10 days before the expiration of the
1549 state of emergency.

1550 (b) If the speaker of the House of Representatives and the president of the Senate
1551 receive notice as described in Subsection (5)(a) for a state of emergency within the first 30 days
1552 from the initial declaration of the state of emergency, or from the Department of Health as
1553 described in Section 26-23b-10, the speaker of the House of Representatives and the president
1554 of the Senate:

1555 (i) shall poll the members of their respective bodies to determine whether the
1556 Legislature will extend the state of emergency; and

1557 (ii) may jointly convene the committee.

1558 (c) If the speaker of the House of Representatives and the president of the Senate
1559 receive notice as described in Subsection (5)(a) for a state of emergency that has been extended
1560 beyond the 30 days from the initial declaration of a state of emergency, the speaker of the
1561 House of Representatives and the president of the Senate shall jointly convene the committee.

1562 (6) If the committee is convened as described in Subsection (5), the committee shall
1563 conduct a public meeting to:

1564 (a) discuss the nature of the emergency and conditions of the emergency;

1565 (b) evaluate options for emergency response;

1566 (c) receive testimony from individuals with expertise relevant to the current
1567 emergency;

1568 (d) receive testimony from members of the public; and

1569 (e) provide a recommendation to the Legislature whether to extend the state of
1570 emergency by joint resolution.

1571 Section 25. Section **53-2a-219** is enacted to read:

1572 **53-2a-219. Religious practice during a state of emergency.**

1573 (1) During a state of emergency declared as described in this chapter:

1574 (a) the governor or chief executive officer of a political subdivision may not impose a

1575 restriction on a religious gathering that is more restrictive than a restriction on any other public
1576 gathering; and

1577 (b) an individual, while acting or purporting to act within the course and scope of the
1578 individual's official government capacity, may not:

1579 (i) prevent a religious gathering that is held in a manner consistent with any order or
1580 restriction issued pursuant to this part; or

1581 (ii) impose a penalty for a previous religious gathering that was held in a manner
1582 consistent with any order or restriction issued pursuant to this part.

1583 (2) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
1584 prevent the violation of this section.

1585 Section 26. Section **53-2a-703** is amended to read:

1586 **53-2a-703. Hazardous materials emergency -- Recovery of expenses.**

1587 (1) (a) The Hazardous Chemical Emergency Response Commission may recover from
1588 those persons whose negligent actions caused the hazardous materials emergency, expenses
1589 directly associated with a response to a hazardous materials emergency taken under authority of
1590 this part, Title 53, Chapter 2a, Part 1, Emergency Management Act, or Title 53, Chapter 2a,
1591 Part 2, Disaster Response and Recovery Act, that are incurred by:

1592 (i) a state agency;

1593 (ii) a political subdivision as defined in [~~Subsection 53-2a-203(3)~~] Section 53-2a-203;
1594 or

1595 (iii) an interlocal entity, described in Section 11-13-203, providing emergency services
1596 to a political subdivision pursuant to written agreement.

1597 (b) The payment of expenses under this Subsection (1) is not an admission of liability
1598 or negligence in any legal action for damages.

1599 (c) The Hazardous Chemical Emergency Response Commission may obtain assistance
1600 from the attorney general or a county attorney of the affected jurisdiction to assist in recovering
1601 expenses and legal fees.

1602 (d) Any recovered costs shall be deposited in the General Fund as dedicated credits to
1603 be used by the division to reimburse an entity described in Subsection (1)(a) for costs incurred
1604 by the entity.

1605 (2) (a) If the cost directly associated with emergency response exceeds all available

1606 funds of the division within a given fiscal year, the division, with approval from the governor,
1607 may incur a deficit in its line item budget.

1608 (b) The Legislature shall provide a supplemental appropriation in the following year to
1609 cover the deficit.

1610 (c) The division shall deposit all costs associated with any emergency response that are
1611 collected in subsequent fiscal years into the General Fund.

1612 (3) Any political subdivision may enact local ordinances pursuant to existing statutory
1613 or constitutional authority to provide for the recovery of expenses incurred by the political
1614 subdivision.

1615 Section 27. Section **63G-3-304** is amended to read:

1616 **63G-3-304. Emergency rulemaking procedure.**

1617 (1) All agencies shall comply with the rulemaking procedures of Section **63G-3-301**
1618 unless an agency finds that these procedures would:

1619 (a) cause an imminent peril to the public health, safety, or welfare;

1620 (b) cause an imminent budget reduction because of budget restraints or federal
1621 requirements; or

1622 (c) place the agency in violation of federal or state law.

1623 (2) (a) When finding that its rule is excepted from regular rulemaking procedures by
1624 this section, the agency shall file with the office and the members of the Administrative Rules
1625 Review Committee:

1626 (i) the text of the rule; and

1627 (ii) a rule analysis that includes the specific reasons and justifications for its findings.

1628 (b) The office shall publish the rule in the bulletin as provided in Subsection
1629 **63G-3-301**(4).

1630 (c) The agency shall notify interested persons as provided in Subsection
1631 **63G-3-301**(10).

1632 (d) [~~The~~] Subject to Subsection **63G-3-502**(4), the rule becomes effective for a period
1633 not exceeding 120 days on the date of filing or any later date designated in the rule.

1634 (3) If the agency intends the rule to be effective beyond 120 days, the agency shall also
1635 comply with the procedures of Section **63G-3-301**.

1636 Section 28. Section **63G-3-501** is amended to read:

1637 **63G-3-501. Administrative Rules Review Committee.**

1638 (1) (a) There is created an Administrative Rules Review Committee of the following
1639 10 permanent members:

1640 (i) five members of the Senate appointed by the president of the Senate, no more than
1641 three of whom may be from the same political party; and

1642 (ii) five members of the House of Representatives appointed by the speaker of the
1643 House of Representatives, no more than three of whom may be from the same political party.

1644 (b) Each permanent member shall serve:

1645 (i) for a two-year term; or

1646 (ii) until the permanent member's successor is appointed.

1647 (c) (i) A vacancy exists when a permanent member ceases to be a member of the
1648 Legislature, or when a permanent member resigns from the committee.

1649 (ii) When a vacancy exists:

1650 (A) if the departing member is a member of the Senate, the president of the Senate
1651 shall appoint a member of the Senate to fill the vacancy; or

1652 (B) if the departing member is a member of the House of Representatives, the speaker
1653 of the House of Representatives shall appoint a member of the House of Representatives to fill
1654 the vacancy.

1655 (iii) The newly appointed member shall serve the remainder of the departing member's
1656 unexpired term.

1657 (d) (i) The president of the Senate shall designate a member of the Senate appointed
1658 under Subsection (1)(a)(i) as a cochair of the committee.

1659 (ii) The speaker of the House of Representatives shall designate a member of the
1660 House of Representatives appointed under Subsection (1)(a)(ii) as a cochair of the committee.

1661 (e) Three representatives and three senators from the permanent members are a quorum
1662 for the transaction of business at any meeting.

1663 (f) (i) Subject to Subsection (1)(f)(ii), the committee shall meet at least once each
1664 month to review new agency rules, amendments to existing agency rules, and repeals of
1665 existing agency rules.

1666 (ii) The committee chairs may suspend the meeting requirement described in
1667 Subsection (1)(f)(i) at the committee chairs' discretion.

1668 (2) The office shall submit a copy of each issue of the bulletin to the committee.

1669 (3) (a) The committee shall exercise continuous oversight of the rulemaking process.

1670 (b) The committee shall examine each rule, including any rule made according to the
1671 emergency rulemaking procedure described in Section 63G-3-304, submitted by an agency to
1672 determine:

1673 (i) whether the rule is authorized by statute;

1674 (ii) whether the rule complies with legislative intent;

1675 (iii) the rule's impact on the economy and the government operations of the state and
1676 local political subdivisions;

1677 (iv) the rule's impact on affected persons;

1678 (v) the rule's total cost to entities regulated by the state;

1679 (vi) the rule's benefit to the citizens of the state; and

1680 (vii) whether adoption of the rule requires legislative review or approval.

1681 (c) The committee may examine and review:

1682 (i) any executive order issued pursuant to Title 53, Chapter 2a, Part 2, Disaster
1683 Response and Recovery Act; or

1684 (ii) any public health order issued during a public health emergency declared in
1685 accordance with Title 26, Utah Health Code, or Title 26A, Local Health Authorities.

1686 [~~(c)~~] (d) (i) To carry out these duties, the committee may examine any other issues that
1687 the committee considers necessary.

1688 (ii) The committee may also notify and refer rules to the chairs of the interim
1689 committee that has jurisdiction over a particular agency when the committee determines that an
1690 issue involved in an agency's rules may be more appropriately addressed by that committee.

1691 [~~(d)~~] (e) In reviewing a rule, the committee shall follow generally accepted principles
1692 of statutory construction.

1693 (4) When the committee reviews an existing rule, the committee chairs shall invite the
1694 Senate and House chairs of the standing committee and of the appropriation subcommittee that
1695 have jurisdiction over the agency whose existing rule is being reviewed to participate as
1696 nonvoting, ex officio members with the committee.

1697 (5) The committee may request that the Office of the Legislative Fiscal Analyst prepare
1698 a fiscal note on any rule.

1699 (6) In order to accomplish the committee's functions described in this chapter, the
1700 committee has all the powers granted to legislative interim committees under Section 36-12-11.

1701 (7) (a) The committee may prepare written findings of the committee's review of a rule
1702 or policy and may include any recommendation, including legislative action.

1703 (b) When the committee reviews a rule, the committee shall provide to the agency that
1704 enacted the rule:

1705 (i) the committee's findings, if any; and

1706 (ii) a request that the agency notify the committee of any changes the agency makes to
1707 the rule.

1708 (c) The committee shall provide a copy of the committee's findings, if any, to:

1709 (i) any member of the Legislature, upon request;

1710 (ii) any person affected by the rule, upon request;

1711 (iii) the president of the Senate;

1712 (iv) the speaker of the House of Representatives;

1713 (v) the Senate and House chairs of the standing committee that has jurisdiction over the
1714 agency that made the rule; and

1715 (vi) the Senate and House chairs of the appropriation subcommittee that has
1716 jurisdiction over the agency that made the rule.

1717 (8) (a) (i) The committee may submit a report on the committee's review of state
1718 agency rules to each member of the Legislature at each regular session.

1719 (ii) The report shall include:

1720 (A) any finding or recommendation the committee made under Subsection (7);

1721 (B) any action an agency took in response to a committee recommendation; and

1722 (C) any recommendation by the committee for legislation.

1723 (b) If the committee receives a recommendation not to reauthorize a rule, as described
1724 in Subsection 63G-3-301(13)(b), and the committee recommends to the Legislature
1725 reauthorization of the rule, the committee shall submit a report to each member of the
1726 Legislature detailing the committee's decision.

1727 Section 29. Section 63G-3-502 is amended to read:

1728 **63G-3-502. Legislative reauthorization of agency rules -- Extension of rules by**
1729 **governor.**

1730 (1) All grants of rulemaking power from the Legislature to a state agency in any statute
1731 are made subject to the provisions of this section.

1732 (2) (a) Except as provided in Subsection (2)(b), every agency rule that is in effect on
1733 February 28 of any calendar year expires on May 1 of that year unless it has been reauthorized
1734 by the Legislature.

1735 (b) Notwithstanding the provisions of Subsection (2)(a), an agency's rules do not expire
1736 if:

1737 (i) the rule is explicitly mandated by a federal law or regulation; or

1738 (ii) a provision of Utah's constitution vests the agency with specific constitutional
1739 authority to regulate.

1740 (3) (a) The Administrative Rules Review Committee shall have omnibus legislation
1741 prepared for consideration by the Legislature during its annual general session.

1742 (b) The omnibus legislation shall be substantially in the following form: "All rules of
1743 Utah state agencies are reauthorized except for the following:".

1744 (c) Before sending the legislation to the governor for the governor's action, the
1745 Administrative Rules Review Committee may send a letter to the governor and to the agency
1746 explaining specifically why the committee believes any rule should not be reauthorized.

1747 (d) For the purpose of this section, the entire rule, a single section, or any complete
1748 paragraph of a rule may be excepted for reauthorization in the omnibus legislation considered
1749 by the Legislature.

1750 (4) (a) The Administrative Rules Review Committee may have legislation prepared for
1751 consideration by the Legislature in the annual general session or a special session regarding any
1752 rule made according to emergency rulemaking procedures described in Section [63G-3-304](#).

1753 [~~4~~] (5) The Legislature's reauthorization of a rule by legislation does not constitute
1754 legislative approval of the rule, nor is it admissible in any proceeding as evidence of legislative
1755 intent.

1756 [~~5~~] (6) (a) If an agency believes that a rule that has not been reauthorized by the
1757 Legislature or that will be allowed to expire should continue in full force and effect and is a
1758 rule within their authorized rulemaking power, the agency may seek the governor's declaration
1759 extending the rule beyond the expiration date.

1760 (b) In seeking the extension, the agency shall submit a petition to the governor that

1761 affirmatively states:

1762 (i) that the rule is necessary; and

1763 (ii) a citation to the source of its authority to make the rule.

1764 (c) (i) If the governor finds that the necessity does exist, and that the agency has the
1765 authority to make the rule, the governor may declare the rule to be extended by publishing that
1766 declaration in the Administrative Rules Bulletin on or before April 15 of that year.

1767 (ii) The declaration shall set forth the rule to be extended, the reasons the extension is
1768 necessary, and a citation to the source of the agency's authority to make the rule.

1769 (d) If the omnibus bill required by Subsection (3) fails to pass both houses of the
1770 Legislature or is found to have a technical legal defect preventing reauthorization of
1771 administrative rules intended to be reauthorized by the Legislature, the governor may declare
1772 all rules to be extended by publishing a single declaration in the Administrative Rules Bulletin
1773 on or before June 15 without meeting requirements of Subsections [~~(5)~~] (6)(b) and (c).