

2nd Sub. S.B. 0195
EMERGENCY RESPONSE AMENDMENTS

Senator **Evan J. Vickers** proposes the following amendments:

1. *Page 20, Lines 586 through 602:*

586 (8) (a) During a public health emergency declared as described in this title:
587 (i) {~~except as described in Subsection (8)(b),~~} the department or a local health
588 department may not impose an order of constraint on a religious gathering that is more
589 restrictive than an order of constraint that applies to any other public gathering; and
590 (ii) an individual, while acting or purporting to act within the course and scope of the
591 individual's official department or local health department capacity, may not:
592 (A) prevent a religious gathering that is held in a manner consistent with any order of
593 constraint issued pursuant to this title; or
594 (B) impose a penalty for a previous religious gathering that was held in a manner
595 consistent with any order of constraint issued pursuant to this title.
596 {(b) Notwithstanding Subsection (8)(a), during a public health emergency declared as
597 described in this title, the department or a local health department may impose an order of
598 constraint on a religious gathering if an element of the religious practice is demonstrated to
599 create a unique risk that cannot be ameliorated by less-restrictive means.}
600 {(c)} (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
601 prevent the violation of this Subsection (8).
602 [(4)] (9) (a) Unless the provisions of Subsection (3) apply, a health care provider is not

2. *Page 29, Line 881 through Page 30, Line 896:*

881 (10) (a) During a public health emergency declared as described in this title:
882 (i) {~~except as described in Subsection (10)(b),~~} the department or a local health
883 department may not impose an order of constraint on a religious gathering that is more
884 restrictive than an order of constraint that applies to any other public gathering; and
885 (ii) an individual, while acting or purporting to act within the course and scope of the
886 individual's official department or local health department capacity, may not:
887 (A) prevent a religious gathering that is held in a manner consistent with any order of
888 constraint issued pursuant to this title; or
889 (B) impose a penalty for a previous religious gathering that was held in a manner
890 consistent with any order of constraint issued pursuant to this title.
891 {(b) Notwithstanding Subsection (10)(a), during a public health emergency declared as
892 described in this title, the department or a local health department may impose an order of

893 constraint on a religious gathering if an element of the religious practice is demonstrated to
894 create a unique risk that cannot be ameliorated by less-restrictive means.}

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

3. *Page 32, Lines 958 through 972:*

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

959 (A) ~~{except as described in Subsection (1)(i)(ii).}~~ a local health department may not
960 impose an order of constraint on a public gathering that applies to a religious gathering
961 differently than the order of constraint applies to any other public gathering; and

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

967 ~~{(ii) Notwithstanding Subsection (1)(i)(i)(A), during a public health emergency declared~~
968 ~~as described in this title, a local health department may impose an order of constraint on a~~
969 ~~religious gathering if an element of the religious practice is demonstrated to create a unique~~
970 ~~risk that cannot be ameliorated by less-restrictive means.}~~

971 ~~{(iii)}~~ (ii) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
972 prevent the violation of this Subsection (1)(i).

4. *Page 52, Line 1593 through Page 53, Line 1610:*

1593 53-2a-219. Religious practice during a state of emergency.

1594 (1) During a state of emergency declared as described in this chapter:

1595 (a) ~~{except as described in Subsection (2).}~~ the governor or chief executive officer of a
1596 political subdivision may not impose a restriction on a religious gathering that is more
1597 restrictive than a restriction on any other public gathering; and

1598 (b) an individual, while acting or purporting to act within the course and scope of the
1599 individual's official government capacity, may not:

1600 (i) prevent a religious gathering that is held in a manner consistent with any order or
1601 restriction issued pursuant to this part; or

1602 (ii) impose a penalty for a previous religious gathering that was held in a manner
1603 consistent with any order or restriction issued pursuant to this part.

1604 ~~{(2) Notwithstanding Subsection (1), during a state of emergency declared as described~~
1605 ~~in this chapter, the governor or the chief executive officer of a political subdivision may~~
1606 ~~impose a restriction on a religious gathering if an element of the religious practice is~~
1607 ~~demonstrated to create a unique risk that cannot be ameliorated by less-restrictive means.}~~

1608 ~~{(3)}~~ (2) Upon proper grounds, a court of competent jurisdiction may grant an injunction to

1609 prevent the violation of this section.

1610 Section 25. Section **53-2a-703** is amended to read: