

3rd Sub. S.B. 195
EMERGENCY RESPONSE AMENDMENTS

Representative **Phil Lyman** proposes the following amendments:

1. *Page 14, Lines 397 through 426:*

397 ~~exceed the sum of \$10,000 per violation.]~~

398 ~~(2) {(a) Subject to Subsections (2)(c) and (d), any} Any association, or corporation, or the~~
399 ~~officers of any of them, who violate any provision of this title or lawful orders of the~~
400 ~~department or a local health department, or rules adopted under this title by the department:~~

401 ~~{(i)} (a) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of~~
402 ~~\$5,000 per violation; or~~

403 ~~{(ii)} (b) may be assessed, in an administrative action in accordance with Title 63G, Chapter~~
404 ~~4, Administrative Procedures Act, or similar procedures adopted by local or county~~
405 ~~government, a penalty not to exceed the sum of \$5,000 per violation.~~

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

409 ~~—— (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of~~
410 ~~\$150 per violation; or~~

411 ~~—— (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter~~
412 ~~4, Administrative Procedures Act, or similar procedures adopted by local or county~~
413 ~~government, a penalty not to exceed the sum of \$150 per violation.~~

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

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

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

425 (3) Assessment of any civil penalty or administrative penalty does not preclude the
426 department or a local health department from seeking criminal penalties or to deny, revoke,