

3rd Sub. S.B. 195

EMERGENCY RESPONSE AMENDMENTS

Representative **Mark A. Strong** proposes the following amendments:

1. *Page 2, Lines 37 through 39:*

- 37 ▶ prohibits a restriction of a gathering of a religious institution that is more restrictive
38 than any other {~~public~~} relevantly similar gathering during an emergency;
 ▶ prohibits a government burden on the practice of religion unless the burden is the least restrictive means available to accomplish a compelling government interest;
 ▶ requires reasonable accommodations be provided for certain religious practices or rites;
39 ▶ requires notification from the governor before taking certain executive actions

2. *Page 20, Lines 595 through 606:*

- 595 (i) the department or a local health department may not impose an order of constraint
596 on a religious gathering that is more restrictive than an order of constraint that applies to any
597 other {~~public~~} relevantly similar gathering; and
598 (ii) an individual, while acting or purporting to act within the course and scope of the
599 individual's official department or local health department capacity, may not:
600 (A) prevent a religious gathering that is held in a manner consistent with any order of
601 constraint issued pursuant to this title; or
602 (B) impose a penalty for a previous religious gathering that was held in a manner
603 consistent with any order of constraint issued pursuant to this title.
604 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
605 prevent the violation of this Subsection (8).
 = (c) During a public health emergency declared as described in this title, the department or a local
health department shall not issue a public health order or impose or implement a regulation that
substantially burdens an individual's exercise of religion unless the department or local health
department demonstrates that the application of the burden to the individual:
 (i) is in furtherance of a compelling government interest; and
 (ii) is the least restrictive means of furthering that compelling government interest.
 (d) Notwithstanding Subsections (8)(a) and (c), the department or a local health department shall
allow reasonable accommodations for an individual to perform or participate in a religious practice or
rite.
606 [~~(4)~~] (9) (a) Unless the provisions of Subsection (3) apply, a health care provider is not

3. *Page 30, Lines 894 through 906:*

894 (i) the department or a local health department may not impose an order of constraint
895 on a religious gathering that is more restrictive than an order of constraint that applies to any
896 other {~~public~~} **relevantly similar** gathering; and

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

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

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

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

(c) During a public health emergency declared as described in this title, the department or a local health department shall not issue a public health order or impose or implement a regulation that substantially burdens an individual's exercise of religion unless the department or local health department demonstrates that the application of the burden to the individual:

(i) is in furtherance of a compelling government interest; and

(ii) is the least restrictive means of furthering that compelling government interest.

(d) Notwithstanding Subsections (8)(a) and (c), the department or a local health department shall allow reasonable accommodations for an individual to perform or participate in a religious practice or rite.

905 Section 12. Section **26A-1-121** is amended to read:

906 26A-1-121. Standards and regulations adopted by local board -- Local standards

4. *Page 32, Lines 967 through 977:*

967 (A) a local health department may not impose an order of constraint on a public
968 gathering that applies to a religious gathering differently than the order of constraint applies to
969 any other {~~public~~} **relevantly similar** gathering; and

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

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

(iii) During a public health emergency declared as described in this title, the department or a local health department shall not issue a public health order or impose or implement a regulation that substantially burdens an individual's exercise of religion unless the department or local health department demonstrates that the application of the burden to the individual:

(A) is in furtherance of a compelling government interest; and

(B) is the least restrictive means of furthering that compelling government interest.
(iv) Notwithstanding Subsections (1)(i)(i) and (ii), the department or a local health department shall allow reasonable accommodations for an individual to perform or participate in a religious practice or rite.

977 (j) If a local health department declares a public health emergency as described in this

5. Page 52, Line 1604 through Page 53, Line 1616:

1604 (a) the governor or chief executive officer of a political subdivision may not impose a
1605 restriction on a religious gathering that is more restrictive than a restriction on any other

{~~public~~} **relevantly similar**
1606 gathering; and

1607 (b) an individual, while acting or purporting to act within the course and scope of the
1608 individual's official government capacity, may not:

1609 (i) prevent a religious gathering that is held in a manner consistent with any order or
1610 restriction issued pursuant to this part; or

1611 (ii) impose a penalty for a previous religious gathering that was held in a manner
1612 consistent with any order or restriction issued pursuant to this part.

1613 (2) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
1614 prevent the violation of this section.

(3) During a state of emergency declared as described in this title, the governor or the chief executive of a political subdivision shall not issue an executive order or impose or implement a regulation that substantially burdens an individual's exercise of religion unless the governor or chief executive officer of the political subdivision demonstrates that the application of the burden to the individual:

(a) is in furtherance of a compelling government interest; and

(b) is the least restrictive means of furthering that compelling government interest.

(4) Notwithstanding Subsections (1) and (3), an executive order shall allow reasonable accommodations for an individual to perform or participate in a religious practice or rite.

1615 Section 25. Section **53-2a-703** is amended to read:

1616 53-2a-703. Hazardous materials emergency -- Recovery of expenses.