

4th Sub. S.B. 195
EMERGENCY RESPONSE AMENDMENTS

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

1. Page 15, Line 450 through Page 16, Line 479:

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

451 (2) ~~{(a) Subject to Subsections (2)(c) and (d), any}~~ 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)}~~ (a) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
455 \$5,000 per violation; or

456 ~~{(ii)}~~ (b) 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,