

56 full and equal accommodations, advantages, facilities, privileges, goods, and services in all
 57 business establishments and in all places of public accommodation, and by all enterprises
 58 regulated by the state of every kind whatsoever, without discrimination on the basis of
 59 immunity status.

60 (3) Nothing in this section shall be construed to deny any person the right to regulate
 61 the operation of a business establishment or place of public accommodation or an enterprise
 62 regulated by the state in a manner which applies uniformly to all persons without regard to
 63 immunity status, or to deny any religious organization the right to regulate the operation and
 64 procedures of the religious organization's establishments.

65 (4) (a) The provisions in Section 13-7-4 shall apply to enforcement and violations of
 66 this section.

67 (b) Upon application to the attorney general by any person denied the rights guaranteed
 68 by this section, the attorney general shall investigate and seek to conciliate the matter.

69 Section 2. Section **26-68-103** is enacted to read:

70 **CHAPTER 68. COVID-19 VACCINE AND IMMUNITY**
 71 **PASSPORT RESTRICTIONS ACT**

72 **26-68-103. Prohibition on requiring immunity passports or vaccination --**
 73 **Exceptions.**

74 (1) As used in this section:

75 (a) "Governmental entity" means the same as that term is defined in Section
 76 63D-2-102.

77 (b) "Immunity passport" means a document, digital record, or software application
 78 indicating that an individual is immune to a disease, whether through vaccination or infection
 79 and recovery.

80 (c) "Regulated entity" means an employer, as defined in Section 34A-6-103, that is
 81 subject to a regulation by the Centers for Medicare and Medicaid Services regarding a
 82 ~~Ĥ→ [COVID-19] ←Ĥ~~ vaccine, unless the employer is:

83 (i) the state or a political subdivision of the state; and

84 (ii) not ~~Ĥ→~~ :

84a (A) ~~←Ĥ~~ an academic medical center ~~Ĥ→~~ [] ; or

84b (B) a health care facility as defined in Section 26-21-2. ~~←Ĥ~~

85 (d) "Vaccination status" means an indication of whether an individual has received one
 86 or more doses of a vaccine.

87 (2) A governmental entity may not:

88 (a) refuse, withhold from, or deny to an individual any local or state service, good,
 89 facility, advantage, privilege, license, educational opportunity, health care access, or
 90 employment opportunity based on the individual's vaccination status, including whether the
 91 individual has an immunity passport; or

92 (b) require any individual, directly or indirectly, to receive a vaccine.

93 (3) Subsection (2) does not apply to:

94 (a) a vaccination requirement by a degree-granting institution of higher education, if
 95 the vaccination requirement is implemented in accordance with Section 53B-2-113;

96 (b) a vaccination requirement by a school if the vaccination requirement is
 97 implemented in accordance with Title 53G, Chapter 9, Part 3, Immunization Requirements;

98 (c) a child care program as defined in Section 26-39-102 if the vaccination requirement
 99 is implemented in accordance with applicable provisions of state and federal law;

100 (d) a regulated entity if compliance with Subsection (2) would result in a violation of
 101 binding, mandatory regulations or requirements that affect the regulated entity's funding issued
 102 by the Centers for Medicare and Medicaid Services or the United States Centers for Disease
 103 Control and Prevention;

104 (e) a recommendation by a governmental entity that an employee receive a vaccine;

105 (f) a contract for goods or services entered into before May 4, 2022, if:

106 (i) application of this section would result in a substantial impairment of the contract;

107 and

108 (ii) the contract is not between an employer and the employer's employee; ~~H~~→ [or]

108a **(g) a federal contractor; or ~~H~~**

109 ~~H~~→ [(g)] (h) ~~H~~ a governmental entity, as defined in Section 63D-2-102, with respect to an
 110 employee of the governmental entity if:

111 (i) the employee has, as part of the employee's duties, direct exposure to human blood,
 112 human fecal matter, or other potentially infectious materials that may expose the employee to:

113 (A) hepatitis; or

114 (B) tuberculosis; and

115 (ii) the governmental entity allows the employee to decline vaccination if the employee
 116 submits to the governmental entity a written statement that receiving the vaccine would:

117 (A) be injurious to the health and well-being of the employee;

118 (B) conflict with a sincerely held religious belief, practice, or observance of the
 119 employee; or

120 (C) conflict with a sincerely held personal belief of the employee.

121 Section 3. Section **34A-5-113** is enacted to read:

122 **34A-5-113. Prohibition on requiring immunity passports and discrimination**
 123 **based on immunity status - Exceptions.**

124 (1) As used in this section:

125 (a) "Employer" means, notwithstanding Section 34A-5-102:

126 (i) the state;

127 (ii) a county, city, town, or school district in the state; and

128 (iii) a person, including a public utility, having one or more workers or operatives
 129 regularly employed in the same business, or in or about the same establishment, under any
 130 contract of hire.

131 (b) "Immunity passport" means a document, digital record, or software application
 132 indicating that an individual is immune to a disease, whether through vaccination or infection
 133 and recovery.

134 (c) "Regulated entity" means an employer, as defined in Section 34A-6-103, that is
 135 subject to a regulation by the Centers for Medicare and Medicaid Services regarding a
 136 ~~H→ [COVID-19] ←H~~ vaccine, unless the employer is:

137 (i) the state or a political subdivision of the state; and

138 (ii) not ~~H→~~ :

138a (A) ~~←H~~ an academic medical center ~~H→~~ [] ; or

138b (B) a health care facility as defined in Section 26-21-2. ~~←H~~

139 (d) "School" means the same as that term is defined in Section 53G-9-301.

140 (e) "Vaccination status" means an indication of whether an individual has received one
 141 or more doses of a vaccine.

142 (2) It is a discriminatory or prohibited employment practice for an employer, on the
 143 basis of an individual's vaccination status or whether the individual has an immunity passport,
 144 to:

145 (a) refuse employment to an individual;

146 (b) bar an individual from employment; or

147 (c) discriminate against an individual in compensation or in a term, condition, or
 148 privilege of employment.

149 (3) Subsection (2) does not apply to:

150 (a) a vaccination requirement by a child care program as defined in Section 26-39-102
151 if the vaccination requirement is implemented in accordance with applicable provisions of state
152 and federal law;

153 (b) a regulated entity if compliance with Subsection (2) would result in a violation of
154 binding, mandatory regulations or requirements that affect the regulated entity's funding issued
155 by the Centers for Medicare and Medicaid Services or the United States Centers for Disease
156 Control and Prevention;

157 (c) a recommendation by an employer that an employee receive a vaccine;

158 (d) a contract for goods or services entered into before May 4, 2022, if:

159 (i) application of this section would result in a substantial impairment of the contract;

160 and

161 (ii) the contract is not between an employer and the employer's employee; ~~H→ [or]~~

161a (e) a federal contractor; or ~~←H~~

162 ~~H→ [(e) a governmental entity, as defined in Section 63D-2-102;]~~ (f) an employer ~~←H~~ with
162a respect to an

163 employee ~~H→ [of the governmental entity]~~ ~~←H~~ if:

164 (i) the employee has, as part of the employee's duties, direct exposure to human blood,
165 human fecal matter, or other potentially infectious materials that may expose the employee to:

166 (A) hepatitis; or

167 (B) tuberculosis; and

168 (ii) the ~~H→ [governmental entity]~~ employer ~~←H~~ allows the employee to decline vaccination
168a if the employee

169 submits to the ~~H→ [governmental entity]~~ employer ~~←H~~ a written statement that receiving the
169a vaccine would:

170 (A) be injurious to the health and well-being of the employee;

171 (B) conflict with a sincerely held religious belief, practice, or observance of the
172 employee; or

173 (C) conflict with a sincerely held personal belief of the employee.

174 Section 4. Section 63D-2-102 is amended to read:

175 **63D-2-102. Definitions.**

176 As used in this chapter:

177 (1) (a) "Collect" means the gathering of personally identifiable information:

178 (i) from a user of a governmental website; or

179 (ii) about a user of the governmental website.