

**Representative Walt Brooks** proposes the following substitute bill:

**VACCINE PASSPORT AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Walt Brooks**

Senate Sponsor: Michael S. Kennedy

6	Cosponsors:	Dan N. Johnson	Douglas V. Sagers
7	Nelson T. Abbott	Michael L. Kohler	Mike Schultz
8	Cheryl K. Acton	Karianne Lisonbee	Travis M. Seegmiller
9	Carl R. Albrecht	Steven J. Lund	Rex P. Shipp
10	Kera Birkeland	Phil Lyman	V. Lowry Snow
11	Brady Brammer	A. Cory Maloy	Keven J. Stratton
12	Jefferson S. Burton	Jefferson Moss	Mark A. Strong
13	Kay J. Christofferson	Calvin R. Musselman	Christine F. Watkins
14	Joel Ferry	Michael J. Petersen	Stephen L. Whyte
15	Jon Hawkins	Val L. Peterson	Ryan D. Wilcox
16	Ken Ivory	Adam Robertson	

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**LONG TITLE**

**General Description:**

This bill enacts a prohibition on the use of an individual's immunity status by places of public accommodation, governmental entities, and employers.

**Highlighted Provisions:**

This bill:

- ▶ makes it unlawful for a place of public accommodation to discriminate against an



25 individual based on the individual's immunity status;

26       ▶ with certain exceptions, prohibits a governmental entity from requiring proof of  
27 immunity status;

28       ▶ with certain exceptions, makes it unlawful discrimination for an employer to require  
29 proof of immunity status; and

30       ▶ prohibits a governmental entity or employer from requiring an individual to receive  
31 a vaccine.

32 **Money Appropriated in this Bill:**

33       None

34 **Other Special Clauses:**

35       None

36 **Utah Code Sections Affected:**

37 AMENDS:

38       **63D-2-102**, as last amended by Laws of Utah 2021, Chapter 345

39       **63I-1-226**, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234,  
40 and 417

41 ENACTS:

42       **13-7-5**, Utah Code Annotated 1953

43       **26-68-103**, Utah Code Annotated 1953

44       **34A-5-113**, Utah Code Annotated 1953

45 REPEALS:

46       **26-68-101**, as enacted by Laws of Utah 2021, Chapter 182

47       **26-68-102**, as enacted by Laws of Utah 2021, Chapter 182



49 *Be it enacted by the Legislature of the state of Utah:*

50       Section 1. Section **13-7-5** is enacted to read:

51       **13-7-5. Equal right in business establishments, places of public accommodation,**  
52 **and enterprises regulated by the state based on immunity status.**

53       (1) As used in this section, "immunity status" means an indication of whether an  
54 individual is immune to a disease, whether through vaccination or infection and recovery.

55       (2) All persons within the jurisdiction of this state are free and equal and are entitled to

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 a person that is subject to a regulation by the Centers for  
81 Medicare and Medicaid Services regarding a COVID-19 vaccine, unless the person is the state  
82 or a political subdivision of the state that is not an academic medical center.

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

85 (2) A governmental entity may not:

86 (a) refuse, withhold from, or deny to an individual any local or state service, good,

87 facility, advantage, privilege, license, educational opportunity, health care access, or  
88 employment opportunity based on the individual's vaccination status, including whether the  
89 individual has an immunity passport; or

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

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

92 (a) a vaccination requirement by a degree-granting institution of higher education, if  
93 the vaccination requirement is implemented in accordance with Section [53B-2-113](#);

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

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

98 (d) a regulated entity if compliance with Subsection (2) would result in a violation of  
99 binding, mandatory regulations or guidance issued by the Centers for Medicare and Medicaid  
100 Services or the United States Centers for Disease Control and Prevention; or

101 (e) a recommendation by a governmental entity that an employee receive a vaccine.

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

103 **34A-5-113. Prohibition on requiring immunity passports and discrimination**  
104 **based on immunity status - Exceptions.**

105 (1) As used in this section:

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

109 (b) "Regulated entity" means a person that is subject to a regulation by the Centers for  
110 Medicare and Medicaid Services regarding a COVID-19 vaccine, unless the person is the state  
111 or a political subdivision of the state that is not an academic medical center.

112 (c) "School" means the same as that term is defined in Section [53G-9-301](#).

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

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

- 118           (a) refuse employment to an individual;
- 119           (b) bar an individual from employment; or
- 120           (c) discriminate against an individual in compensation or in a term, condition, or
- 121 privilege of employment.

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

- 123           (a) a vaccination requirement by a child care program as defined in Section [26-39-102](#)
- 124 if the vaccination requirement is implemented in accordance with applicable provisions of state
- 125 and federal law;

- 126           (b) a regulated entity if compliance with Subsection (2) would result in a violation of
- 127 binding, mandatory regulations or guidance issued by the Centers for Medicare and Medicaid
- 128 Services or the United States Centers for Disease Control and Prevention; or

- 129           (c) a recommendation by an employer that an employee receive a vaccine.

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

131           **63D-2-102. Definitions.**

132           As used in this chapter:

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

- 134           (i) from a user of a governmental website; or
- 135           (ii) about a user of the governmental website.

136           (b) "Collect" includes use of any identifying code linked to a user of a governmental

137 website.

138           (2) "Court website" means a website on the Internet that is operated by or on behalf of

139 any court created in Title 78A, Chapter 1, Judiciary.

140           (3) "Governmental entity" means:

- 141           (a) an executive branch agency as defined in Section [63A-16-102](#);
- 142           (b) the legislative branch;
- 143           (c) the judicial branch;
- 144           (d) the State Board of Education;
- 145           (e) the Utah Board of Higher Education;
- 146           (f) an institution of higher education as defined in Section [53B-1-102](#); and
- 147           (g) a political subdivision of the state:
- 148           (i) as defined in Section [17B-1-102](#); and

149 (ii) including a school district.

150 (4) (a) "Governmental website" means a website on the Internet that is operated by or  
151 on behalf of a governmental entity.

152 (b) "Governmental website" includes a court website.

153 (5) "Governmental website operator" means a governmental entity or person acting on  
154 behalf of the governmental entity that:

155 (a) operates a governmental website; and

156 (b) collects or maintains personally identifiable information from or about a user of  
157 that website.

158 (6) "Personally identifiable information" means information that identifies:

159 (a) a user by:

160 (i) name;

161 (ii) account number;

162 (iii) physical address;

163 (iv) email address;

164 (v) telephone number;

165 (vi) Social Security number;

166 (vii) credit card information; or

167 (viii) bank account information;

168 (b) a user as having requested or obtained specific materials or services from a  
169 governmental website;

170 (c) Internet sites visited by a user; or

171 (d) any of the contents of a user's data-storage device.

172 (7) "User" means a person who accesses a governmental website.

173 Section 5. Section **63I-1-226** is amended to read:

174 **63I-1-226. Repeal dates, Title 26.**

175 (1) Subsection [26-1-7\(1\)\(f\)](#), related to the Residential Child Care Licensing Advisory  
176 Committee, is repealed July 1, 2024.

177 (2) Subsection [26-1-7\(1\)\(h\)](#), related to the Primary Care Grant Committee, is repealed  
178 July 1, 2025.

179 (3) Section [26-1-7.5](#), which creates the Utah Health Advisory Council, is repealed July

- 180 1, 2025.
- 181 (4) Section 26-1-40 is repealed July 1, 2022.
- 182 (5) Section 26-1-41 is repealed July 1, 2026.
- 183 (6) Section 26-7-10 is repealed July 1, 2025.
- 184 (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
- 185 2028.
- 186 (8) Section 26-7-14 is repealed December 31, 2027.
- 187 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
- 188 1, 2025.
- 189 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,
- 190 is repealed July 1, 2026.
- 191 (11) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed
- 192 July 1, 2025.
- 193 (12) Subsection 26-15c-104(3), relating to a limitation on the number of
- 194 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.
- 195 (13) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is
- 196 repealed July 1, 2028.
- 197 (14) Section 26-18-27 is repealed July 1, 2025.
- 198 (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
- 199 2027.
- 200 (16) Subsection 26-18-418(2), the language that states "and the Behavioral Health
- 201 Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 202 (17) Section 26-33a-117 is repealed on December 31, 2023.
- 203 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 204 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
- 205 2024.
- 206 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
- 207 July 1, 2024.
- 208 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 209 (22) Section 26-39-201, which creates the Residential Child Care Licensing Advisory
- 210 Committee, is repealed July 1, 2024.

211 (23) Section 26-40-104, which creates the Utah Children's Health Insurance Program  
212 Advisory Council, is repealed July 1, 2025.

213 (24) Section 26-50-202, which creates the Traumatic Brain Injury Advisory  
214 Committee, is repealed July 1, 2025.

215 (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
216 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

217 (26) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed  
218 July 1, 2026.

219 (27) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1,  
220 2026.

221 [~~(28) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July 1,~~  
222 ~~2024.~~]

223 Section 6. **Repealer.**

224 This bill repeals:

225 Section 26-68-101, Title.

226 Section 26-68-102, Governmental entities prohibited from requiring a COVID-19  
227 vaccine.