

**Representative Timothy D. Hawkes** 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     |                      |
| 16 | Ken Ivory             | Adam Robertson      |                      |

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**LONG TITLE**

**General Description:**

This bill prohibits a business, employer, or governmental entity from requiring a vaccine passport for entry or service.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a business, employer, or governmental entity from denying an individual



25 access to premises or services for failure to present proof of vaccination for COVID-19; and  
26 ▶ enacts penalties for a violation of the prohibition in this bill.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63D-2-102**, as last amended by Laws of Utah 2021, Chapter 345

34 ENACTS:

35 **26-68-202**, Utah Code Annotated 1953



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

38 Section 1. Section **26-68-202** is enacted to read:

39 **26-68-202. Prohibition on requiring a COVID-19 vaccine passport.**

40 (1) As used in this section:

41 (a) "Business entity" means a sole proprietorship, partnership, limited partnership,  
42 limited liability company, corporation, or other entity or association used to carry on a  
43 business, regardless of whether the entity is for profit or not-for-profit.

44 (b) "COVID-19 vaccine passport" means documentation, regardless of whether the  
45 documentation is physical or digital, certifying that an individual:

46 (i) received one or more vaccinations for COVID-19, as defined in Section [78B-4-517](#);

47 or

48 (ii) was infected with or recovered from COVID-19, as defined in Section [78B-4-517](#).

49 (c) "Governmental entity" means the same as that term is defined in Section  
50 [63D-2-102](#).

51 (2) A business entity or governmental entity may not, solely on the basis of failing or  
52 refusing to present a valid COVID-19 vaccine passport to the business entity or governmental  
53 entity, deny a patron or customer:

54 (a) access to the business entity or governmental entity;

55 (b) entry upon the premises of the business entity or governmental entity; or

56 (c) service from the business entity or governmental entity.

57 (3) This section does not:

58 (a) apply to:

59 (i) a health care facility as defined in Section 26-21-2;

60 (ii) a school, as defined in Section 53G-9-301, to verify vaccination for a vaccination  
61 requirement that is implemented in accordance with Title 53G, Chapter 9, Part 3, Immunization  
62 Requirements; or

63 (iii) a degree-granting institution of higher education, as defined in Section  
64 53B-1-101.5, to verify vaccination for a vaccination requirement that is implemented in  
65 accordance with Section 53B-2-113; or

66 (b) prohibit a business entity or governmental entity from:

67 (i) encouraging a patron or customer to receive a COVID-19 vaccination;

68 (ii) facilitating the provision of a COVID-19 vaccination for a patron or customer; or

69 (iii) providing a monetary incentive for a patron or customer to present a COVID-19  
70 vaccination passport.

71 (4) The department may impose a fine of up to \$100 for each violation of this section.

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

73 **63D-2-102. Definitions.**

74 As used in this chapter:

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

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

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

78 (b) "Collect" includes use of any identifying code linked to a user of a governmental  
79 website.

80 (2) "Court website" means a website on the Internet that is operated by or on behalf of  
81 any court created in Title 78A, Chapter 1, Judiciary.

82 (3) "Governmental entity" means:

83 (a) an executive branch agency as defined in Section 63A-16-102;

84 (b) the legislative branch;

85 (c) the judicial branch;

86 (d) the State Board of Education;

- 87 (e) the Utah Board of Higher Education;
- 88 (f) an institution of higher education as defined in Section 53B-1-102; and
- 89 (g) a political subdivision of the state:
- 90 (i) as defined in Section 17B-1-102; and
- 91 (ii) including a school district.
- 92 (4) (a) "Governmental website" means a website on the Internet that is operated by or
- 93 on behalf of a governmental entity.
- 94 (b) "Governmental website" includes a court website.
- 95 (5) "Governmental website operator" means a governmental entity or person acting on
- 96 behalf of the governmental entity that:
- 97 (a) operates a governmental website; and
- 98 (b) collects or maintains personally identifiable information from or about a user of
- 99 that website.
- 100 (6) "Personally identifiable information" means information that identifies:
- 101 (a) a user by:
- 102 (i) name;
- 103 (ii) account number;
- 104 (iii) physical address;
- 105 (iv) email address;
- 106 (v) telephone number;
- 107 (vi) Social Security number;
- 108 (vii) credit card information; or
- 109 (viii) bank account information;
- 110 (b) a user as having requested or obtained specific materials or services from a
- 111 governmental website;
- 112 (c) Internet sites visited by a user; or
- 113 (d) any of the contents of a user's data-storage device.
- 114 (7) "User" means a person who accesses a governmental website.