

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

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:



- 24 ▶ 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 ▶ prohibits a governmental entity from requiring an individual to receive a vaccine;
- 29 and
- 30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **63D-2-102**, as last amended by Laws of Utah 2021, Chapter 345

38 **63I-1-226**, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234,
39 and 417

40 ENACTS:

41 **13-7-5**, Utah Code Annotated 1953

42 **26-68-103**, Utah Code Annotated 1953

43 REPEALS:

44 **26-68-101**, as enacted by Laws of Utah 2021, Chapter 182

45 **26-68-102**, as enacted by Laws of Utah 2021, Chapter 182



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

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

49 **13-7-5. Equal right in business establishments, places of public accommodation,**
50 **and enterprises regulated by the state based on immunity status.**

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

53 (2) All persons within the jurisdiction of this state are free and equal and are entitled to
54 full and equal accommodations, advantages, facilities, privileges, goods, and services in all

55 business establishments and in all places of public accommodation, and by all enterprises
56 regulated by the state of every kind whatsoever, without discrimination on the basis of
57 immunity status.

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

63 (4) This section does not apply to a health care facility, as defined in Section 26-21-2,
64 or a health care provider, as defined in Section 78B-3-403, following applicable guidelines or
65 generally accepted practice standards.

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

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

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

71 **CHAPTER 68. VACCINE AND IMMUNITY**
72 **PASSPORT RESTRICTIONS ACT**

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

75 (1) As used in this section:

76 (a) "Governmental entity" means the same as that term is defined in Section
77 63D-2-102.

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

81 (c) "Regulated entity" means an employer, as defined in Section 34A-6-103, that is
82 subject to a regulation by the Centers for Medicare and Medicaid Services regarding a vaccine,
83 unless the employer is:

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

85 (ii) not:

86 (A) an academic medical center; or

87 (B) a health care facility as defined in Section [26-21-2](#).

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

90 (2) A governmental entity may not:

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

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

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

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

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

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

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

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

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

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

110 and

111 (ii) the contract is not between an employer and the employer's employee;

112 (g) a federal contractor; or

113 (h) a governmental entity, as defined in Section [63D-2-102](#), with respect to an
114 employee of the governmental entity if:

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

117 employee to hepatitis or tuberculosis; or

118 (B) the employee is acting in a public health or medical setting and required to receive
119 vaccinations in order to perform the employee's assigned duties and responsibilities; and

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

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

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

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

126 Section 3. Section **63D-2-102** is amended to read:

127 **63D-2-102. Definitions.**

128 As used in this chapter:

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

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

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

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

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

136 (3) "Governmental entity" means:

137 (a) an executive branch agency as defined in Section [63A-16-102](#);

138 (b) the legislative branch;

139 (c) the judicial branch;

140 (d) the State Board of Education;

141 (e) the Utah Board of Higher Education;

142 (f) an institution of higher education as defined in Section [53B-1-102](#); and

143 (g) a political subdivision of the state:

144 (i) as defined in Section [17B-1-102](#); and

145 (ii) including a school district.

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

- 148 (b) "Governmental website" includes a court website.
- 149 (5) "Governmental website operator" means a governmental entity or person acting on
150 behalf of the governmental entity that:
- 151 (a) operates a governmental website; and
- 152 (b) collects or maintains personally identifiable information from or about a user of
153 that website.
- 154 (6) "Personally identifiable information" means information that identifies:
- 155 (a) a user by:
- 156 (i) name;
- 157 (ii) account number;
- 158 (iii) physical address;
- 159 (iv) email address;
- 160 (v) telephone number;
- 161 (vi) Social Security number;
- 162 (vii) credit card information; or
- 163 (viii) bank account information;
- 164 (b) a user as having requested or obtained specific materials or services from a
165 governmental website;
- 166 (c) Internet sites visited by a user; or
- 167 (d) any of the contents of a user's data-storage device.
- 168 (7) "User" means a person who accesses a governmental website.
- 169 Section 4. Section **63I-1-226** is amended to read:
- 170 **63I-1-226. Repeal dates, Title 26.**
- 171 (1) Subsection [26-1-7\(1\)\(f\)](#), related to the Residential Child Care Licensing Advisory
172 Committee, is repealed July 1, 2024.
- 173 (2) Subsection [26-1-7\(1\)\(h\)](#), related to the Primary Care Grant Committee, is repealed
174 July 1, 2025.
- 175 (3) Section [26-1-7.5](#), which creates the Utah Health Advisory Council, is repealed July
176 1, 2025.
- 177 (4) Section [26-1-40](#) is repealed July 1, 2022.
- 178 (5) Section [26-1-41](#) is repealed July 1, 2026.

- 179 (6) Section 26-7-10 is repealed July 1, 2025.
- 180 (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
181 2028.
- 182 (8) Section 26-7-14 is repealed December 31, 2027.
- 183 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
184 1, 2025.
- 185 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,
186 is repealed July 1, 2026.
- 187 (11) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed
188 July 1, 2025.
- 189 (12) Subsection 26-15c-104(3), relating to a limitation on the number of
190 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.
- 191 (13) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is
192 repealed July 1, 2028.
- 193 (14) Section 26-18-27 is repealed July 1, 2025.
- 194 (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
195 2027.
- 196 (16) Subsection 26-18-418(2), the language that states "and the Behavioral Health
197 Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 198 (17) Section 26-33a-117 is repealed on December 31, 2023.
- 199 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 200 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
201 2024.
- 202 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
203 July 1, 2024.
- 204 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 205 (22) Section 26-39-201, which creates the Residential Child Care Licensing Advisory
206 Committee, is repealed July 1, 2024.
- 207 (23) Section 26-40-104, which creates the Utah Children's Health Insurance Program
208 Advisory Council, is repealed July 1, 2025.
- 209 (24) Section 26-50-202, which creates the Traumatic Brain Injury Advisory

210 Committee, is repealed July 1, 2025.

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

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

215 (27) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1,
216 2026.

217 [~~(28) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July 1,~~
218 ~~2024.~~]

219 Section 5. **Repealer.**

220 This bill repeals:

221 Section **26-68-101, Title.**

222 Section **26-68-102, Governmental entities prohibited from requiring a COVID-19**
223 **vaccine.**