

Representative Mark A. Strong proposes the following substitute bill:

LOCAL HEALTH DEPARTMENT ORDER AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Strong

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill excludes state facilities and the capitol hill complex from the authority and jurisdiction of a local health department pertaining to an order of constraint.

Highlighted Provisions:

This bill:

- ▶ excludes state facilities and the capitol hill complex from the authority and jurisdiction of a local health department pertaining to an order of constraint;
- ▶ prohibits a chief executive officer of a municipality from exercising emergency powers in response to a pandemic or an epidemic;
- ▶ prohibits a chief executive officer or a municipality or county from vetoing an action by the relevant local legislative body to terminate an order of constraint or a declaration of a local emergency;
- ▶ enacts a provision indicating that the Disaster Response and Recovery Act preempts and supersedes any law of a political subdivision of the state pertaining to disaster and emergency response; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **17-53-302**, as last amended by Laws of Utah 2011, Chapter 209

31 **26A-1-108**, as last amended by Laws of Utah 2018, Chapter 256

32 **26A-1-114**, as last amended by Laws of Utah 2021, Chapter 437

33 **53-2a-102**, as last amended by Laws of Utah 2021, Chapter 106

34 **53-2a-205**, as last amended by Laws of Utah 2021, Chapter 437

35 **53-2a-208**, as last amended by Laws of Utah 2021, Chapter 437

36 **53-2a-213**, as renumbered and amended by Laws of Utah 2013, Chapter 295



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

39 Section 1. Section **17-53-302** is amended to read:

40 **17-53-302. County executive duties.**

41 Each county executive shall:

42 (1) exercise supervisory control over all functions of the executive branch of county
43 government;

44 (2) direct and organize the management of the county in a manner consistent with state
45 law, county ordinance, and the county's optional plan of county government;

46 (3) carry out programs and policies established by the county legislative body;

47 (4) faithfully ensure compliance with all applicable laws and county ordinances;

48 (5) exercise supervisory and coordinating control over all departments of county
49 government;

50 (6) except as otherwise vested in the county legislative body by state law or by the
51 optional plan of county government, and subject to Section **17-53-317**, appoint, suspend, and
52 remove the directors of all county departments and all appointive officers of boards and
53 commissions;

54 (7) except as otherwise delegated by statute to another county officer, exercise
55 administrative and auditing control over all funds and assets, tangible and intangible, of the
56 county;

57 (8) except as otherwise delegated by statute to another county officer, supervise and
58 direct centralized budgeting, accounting, personnel management, purchasing, and other service
59 functions of the county;

60 (9) conduct planning studies and make recommendations to the county legislative body
61 relating to financial, administrative, procedural, and operational plans, programs, and
62 improvements in county government;

63 (10) maintain a continuing review of expenditures and of the effectiveness of
64 departmental budgetary controls;

65 (11) develop systems and procedures, not inconsistent with statute, for planning,
66 programming, budgeting, and accounting for all activities of the county;

67 (12) if the county executive is an elected county executive, exercise a power of veto
68 over ~~[ordinances enacted]~~ the legislative enactments by the county legislative body, ~~[including]~~
69 which are defined as county ordinances and budget appropriations, and include an item veto
70 upon budget appropriations, in the manner provided by the optional plan of county
71 government;

72 (13) review, negotiate, approve, and execute contracts for the county, unless otherwise
73 provided by statute;

74 (14) perform all other functions and duties required of the executive by state law,
75 county ordinance, and the optional plan of county government; and

76 (15) sign on behalf of the county all deeds that convey county property.

77 Section 2. Section **26A-1-108** is amended to read:

78 **26A-1-108. Jurisdiction and duties of local health departments -- Registration as**
79 **a limited purpose entity.**

80 (1) (a) ~~[A]~~ Except as provided in Subsection (1)(b), a local health department has
81 jurisdiction in all unincorporated and incorporated areas of the county or counties in which it
82 is established and shall enforce state health laws, Department of Health, Department of
83 Environmental Quality, and local health department rules, regulations, and standards within
84 those areas.

85 (b) Notwithstanding Subsection (1)(a), except as described in Subsection (1)(c), a local
86 health department's jurisdiction or authority to issue an order of constraint pursuant to a
87 declared public health emergency does not apply to any facility, property, or area owned or

88 leased by the state, including the capitol hill complex, as that term is defined in Section
89 63C-9-102.

90 (c) Subsection (1)(b) does not limit the jurisdiction or authority of a local health
91 department to enforce a statute, rule, or ordinance to protect watershed or water quality.

92 (2) (a) Each local health department shall register and maintain the local health
93 department's registration as a limited purpose entity, in accordance with Section 67-1a-15.

94 (b) A local health department that fails to comply with Subsection (2)(a) or Section
95 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

96 Section 3. Section 26A-1-114 is amended to read:

97 **26A-1-114. Powers and duties of departments.**

98 (1) Subject to Subsections (7) [~~and~~], (8), and (11), a local health department may:

99 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
100 department rules, and local health department standards and regulations relating to public
101 health and sanitation, including the plumbing code administered by the Division of
102 Occupational and Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction
103 Code Administration Act, and under Title 26, Chapter 15a, Food Safety Manager Certification
104 Act, in all incorporated and unincorporated areas served by the local health department;

105 (b) establish, maintain, and enforce isolation and quarantine, and exercise physical
106 control over property and over individuals as the local health department finds necessary for
107 the protection of the public health;

108 (c) establish and maintain medical, environmental, occupational, and other laboratory
109 services considered necessary or proper for the protection of the public health;

110 (d) establish and operate reasonable health programs or measures not in conflict with
111 state law which:

112 (i) are necessary or desirable for the promotion or protection of the public health and
113 the control of disease; or

114 (ii) may be necessary to ameliorate the major risk factors associated with the major
115 causes of injury, sickness, death, and disability in the state;

116 (e) close theaters, schools, and other public places and prohibit gatherings of people
117 when necessary to protect the public health;

118 (f) abate nuisances or eliminate sources of filth and infectious and communicable

119 diseases affecting the public health and bill the owner or other person in charge of the premises
120 upon which this nuisance occurs for the cost of abatement;

121 (g) make necessary sanitary and health investigations and inspections on its own
122 initiative or in cooperation with the Department of Health or Environmental Quality, or both,
123 as to any matters affecting the public health;

124 (h) pursuant to county ordinance or interlocal agreement:

125 (i) establish and collect appropriate fees for the performance of services and operation
126 of authorized or required programs and duties;

127 (ii) accept, use, and administer all federal, state, or private donations or grants of funds,
128 property, services, or materials for public health purposes; and

129 (iii) make agreements not in conflict with state law which are conditional to receiving a
130 donation or grant;

131 (i) prepare, publish, and disseminate information necessary to inform and advise the
132 public concerning:

133 (i) the health and wellness of the population, specific hazards, and risk factors that may
134 adversely affect the health and wellness of the population; and

135 (ii) specific activities individuals and institutions can engage in to promote and protect
136 the health and wellness of the population;

137 (j) investigate the causes of morbidity and mortality;

138 (k) issue notices and orders necessary to carry out this part;

139 (l) conduct studies to identify injury problems, establish injury control systems,
140 develop standards for the correction and prevention of future occurrences, and provide public
141 information and instruction to special high risk groups;

142 (m) cooperate with boards created under Section [19-1-106](#) to enforce laws and rules
143 within the jurisdiction of the boards;

144 (n) cooperate with the state health department, the Department of Corrections, the
145 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
146 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
147 convicted sexual offenders, and any victims of a sexual offense;

148 (o) investigate suspected bioterrorism and disease pursuant to Section [26-23b-108](#); and

149 (p) provide public health assistance in response to a national, state, or local emergency,

150 a public health emergency as defined in Section 26-23b-102, or a declaration by the President
151 of the United States or other federal official requesting public health-related activities.

152 (2) The local health department shall:

153 (a) establish programs or measures to promote and protect the health and general
154 wellness of the people within the boundaries of the local health department;

155 (b) investigate infectious and other diseases of public health importance and implement
156 measures to control the causes of epidemic and communicable diseases and other conditions
157 significantly affecting the public health which may include involuntary testing of alleged sexual
158 offenders for the HIV infection pursuant to Section 76-5-502 and voluntary testing of victims
159 of sexual offenses for HIV infection pursuant to Section 76-5-503;

160 (c) cooperate with the department in matters pertaining to the public health and in the
161 administration of state health laws; and

162 (d) coordinate implementation of environmental programs to maximize efficient use of
163 resources by developing with the Department of Environmental Quality a Comprehensive
164 Environmental Service Delivery Plan which:

165 (i) recognizes that the Department of Environmental Quality and local health
166 departments are the foundation for providing environmental health programs in the state;

167 (ii) delineates the responsibilities of the department and each local health department
168 for the efficient delivery of environmental programs using federal, state, and local authorities,
169 responsibilities, and resources;

170 (iii) provides for the delegation of authority and pass through of funding to local health
171 departments for environmental programs, to the extent allowed by applicable law, identified in
172 the plan, and requested by the local health department; and

173 (iv) is reviewed and updated annually.

174 (3) The local health department has the following duties regarding public and private
175 schools within its boundaries:

176 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
177 persons attending public and private schools;

178 (b) exclude from school attendance any person, including teachers, who is suffering
179 from any communicable or infectious disease, whether acute or chronic, if the person is likely
180 to convey the disease to those in attendance; and

181 (c) (i) make regular inspections of the health-related condition of all school buildings
182 and premises;

183 (ii) report the inspections on forms furnished by the department to those responsible for
184 the condition and provide instructions for correction of any conditions that impair or endanger
185 the health or life of those attending the schools; and

186 (iii) provide a copy of the report to the department at the time the report is made.

187 (4) If those responsible for the health-related condition of the school buildings and
188 premises do not carry out any instructions for corrections provided in a report in Subsection
189 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the
190 persons responsible.

191 (5) The local health department may exercise incidental authority as necessary to carry
192 out the provisions and purposes of this part.

193 (6) Nothing in this part may be construed to authorize a local health department to
194 enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon
195 monoxide detector in a residential dwelling against anyone other than the occupant of the
196 dwelling.

197 (7) (a) Except as provided in Subsection (7)(c), a local health department may not
198 declare a public health emergency or issue an order of constraint until the local health
199 department has provided notice of the proposed action to the chief executive officer of the
200 relevant county no later than 24 hours before the local health department issues the order or
201 declaration.

202 (b) The local health department:

203 (i) shall provide the notice required by Subsection (7)(a) using the best available
204 method under the circumstances as determined by the local health department;

205 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and

206 (iii) shall provide the notice in written form, if practicable.

207 (c) (i) Notwithstanding Subsection (7)(a), a local health department may declare a
208 public health emergency or issue an order of constraint without approval of the chief executive
209 officer of the relevant county if the passage of time necessary to obtain approval of the chief
210 executive officer of the relevant county as required in Subsection (7)(a) would substantially
211 increase the likelihood of loss of life due to an imminent threat.

212 (ii) If a local health department declares a public health emergency or issues an order
213 of constraint as described in Subsection (7)(c)(i), the local health department shall notify the
214 chief executive officer of the relevant county before issuing the order of constraint.

215 (iii) The chief executive officer of the relevant county may terminate a declaration of a
216 public health emergency or an order of constraint issued as described in Subsection (7)(c)(i)
217 within 72 hours of declaration of the public health emergency or issuance of the order of
218 constraint.

219 (d) (i) The relevant county governing body may at any time terminate a public health
220 emergency or an order of constraint issued by the local health department by majority vote of
221 the county governing body in response to a declared public health emergency.

222 (ii) A vote by the relevant county governing body to terminate a public health
223 emergency or an order of constraint as described in Subsection (7)(d)(i) is not subject to veto
224 by the relevant chief executive officer.

225 (8) (a) Except as provided in Subsection (8)(b), a public health emergency declared by
226 a local health department expires at the earliest of:

227 (i) the local health department or the chief executive officer of the relevant county
228 finding that the threat or danger has passed or the public health emergency reduced to the
229 extent that emergency conditions no longer exist;

230 (ii) 30 days after the date on which the local health department declared the public
231 health emergency; or

232 (iii) the day on which the public health emergency is terminated by majority vote of the
233 county governing body.

234 (b) (i) The relevant county legislative body, by majority vote, may extend a public
235 health emergency for a time period designated by the county legislative body.

236 (ii) If the county legislative body extends a public health emergency as described in
237 Subsection (8)(b)(i), the public health emergency expires on the date designated by the county
238 legislative body.

239 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a
240 local health department expires as described in Subsection (8)(a), the local health department
241 may not declare a public health emergency for the same illness or occurrence that precipitated
242 the previous public health emergency declaration.

243 (d) (i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local
244 health department finds that exigent circumstances exist, after providing notice to the county
245 legislative body, the department may declare a new public health emergency for the same
246 illness or occurrence that precipitated a previous public health emergency declaration.

247 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires in
248 accordance with Subsection (8)(a) or (b).

249 (e) For a public health emergency declared by a local health department under this
250 chapter or under Title 26, Chapter 23b, Detection of Public Health Emergencies Act, the
251 Legislature may terminate by joint resolution a public health emergency that was declared
252 based on exigent circumstances or that has been in effect for more than 30 days.

253 (f) If the Legislature or county legislative body terminates a public health emergency
254 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local health
255 department may not declare a new public health emergency for the same illness, occurrence, or
256 exigent circumstances.

257 (9) (a) During a public health emergency declared under this chapter or under Title 26,
258 Chapter 23b, Detection of Public Health Emergencies Act:

259 (i) except as provided in Subsection (9)(b), a local health department may not issue an
260 order of constraint without approval of the chief executive officer of the relevant county;

261 (ii) the Legislature may at any time terminate by joint resolution an order of constraint
262 issued by a local health department in response to a declared public health emergency that has
263 been in effect for more than 30 days; and

264 (iii) a county governing body may at any time terminate by majority vote of the
265 governing body an order of constraint issued by a local health department in response to a
266 declared public health emergency.

267 (b) (i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an
268 order of constraint without approval of the chief executive officer of the relevant county if the
269 passage of time necessary to obtain approval of the chief executive officer of the relevant
270 county as required in Subsection (9)(a)(i) would substantially increase the likelihood of loss of
271 life due to an imminent threat.

272 (ii) If a local health department issues an order of constraint as described in Subsection
273 (9)(b), the local health department shall notify the chief executive officer of the relevant county

274 before issuing the order of constraint.

275 (iii) The chief executive officer of the relevant county may terminate an order of
276 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of the order of
277 constraint.

278 (c) (i) For a local health department that serves more than one county, the approval
279 described in Subsection (9)(a)(i) is required for the chief executive officer for which the order
280 of constraint is applicable.

281 (ii) For a local health department that serves more than one county, a county governing
282 body may only terminate an order of constraint as described in Subsection (9)(a)(iii) for the
283 county served by the county governing body.

284 (10) (a) During a public health emergency declared as described in this title:

285 (i) the department or a local health department may not impose an order of constraint
286 on a religious gathering that is more restrictive than an order of constraint that applies to any
287 other relevantly similar gathering; and

288 (ii) an individual, while acting or purporting to act within the course and scope of the
289 individual's official department or local health department capacity, may not:

290 (A) prevent a religious gathering that is held in a manner consistent with any order of
291 constraint issued pursuant to this title; or

292 (B) impose a penalty for a previous religious gathering that was held in a manner
293 consistent with any order of constraint issued pursuant to this title.

294 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
295 prevent the violation of this Subsection (10).

296 (c) During a public health emergency declared as described in this title, the department
297 or a local health department shall not issue a public health order or impose or implement a
298 regulation that substantially burdens an individual's exercise of religion unless the department
299 or local health department demonstrates that the application of the burden to the individual:

300 (i) is in furtherance of a compelling government interest; and

301 (ii) is the least restrictive means of furthering that compelling government interest.

302 (d) Notwithstanding Subsections (8)(a) and (c), the department or a local health
303 department shall allow reasonable accommodations for an individual to perform or participate
304 in a religious practice or rite.

305 (11) (a) Except as described in Subsection (11)(b), an order of constraint issued by a
306 local health department pursuant to a declared public health emergency does not apply to a
307 facility, property, or area owned or leased by the state, including the capitol hill complex, as
308 that term is defined in Section 63C-9-102.

309 (b) Subsection (11)(a) does not limit the jurisdiction or authority of a local health
310 department to enforce a statute, rule, or ordinance to protect watershed or water quality.

311 Section 4. Section **53-2a-102** is amended to read:

312 **53-2a-102. Definitions.**

313 As used in this chapter:

314 (1) "Alerting authority" means a political subdivision that has received access to send
315 alerts through the Integrated Public Alert and Warning System.

316 (2) "Attack" means a nuclear, cyber, conventional, biological, act of terrorism, or
317 chemical warfare action against the United States of America or this state.

318 (3) "Commissioner" means the commissioner of the Department of Public Safety or the
319 commissioner's designee.

320 (4) "Director" means the division director appointed under Section 53-2a-103 or the
321 director's designee.

322 (5) "Disaster" means an event that:

323 (a) causes, or threatens to cause, loss of life, human suffering, public or private
324 property damage, or economic or social disruption resulting from attack, internal disturbance,
325 natural phenomena, or technological hazard; and

326 (b) requires resources that are beyond the scope of local agencies in routine responses
327 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that
328 require response by government, not-for-profit, or private entities.

329 (6) "Division" means the Division of Emergency Management created in Section
330 53-2a-103.

331 (7) "Emergency manager" means an individual designated as the emergency manager
332 for a political subdivision as described in Section 53-2a-1402.

333 (8) "Energy" includes the energy resources defined in this chapter.

334 (9) "Expenses" means actual labor costs of government and volunteer personnel, and
335 materials.

336 (10) "Hazardous materials emergency" means a sudden and unexpected release of any
337 substance that because of its quantity, concentration, or physical, chemical, or infectious
338 characteristics presents a direct and immediate threat to public safety or the environment and
339 requires immediate action to mitigate the threat.

340 (11) "Internal disturbance" means a riot, prison break, terrorism, or strike.

341 (12) "IPAWS" means the Integrated Public Alert and Warning System administered by
342 the Federal Emergency Management Agency.

343 (13) "Municipality" means the same as that term is defined in Section 10-1-104.

344 (14) "Natural phenomena" means any earthquake, tornado, storm, flood, landslide,
345 avalanche, forest or range fire, or drought[, ~~or epidemic~~].

346 (15) "Officer" means a person who is elected or appointed to an office or position
347 within a political subdivision.

348 (16) "Political subdivision" means the same as that term is defined in Section
349 11-61-102.

350 (17) "State of emergency" means a condition in any part of this state that requires state
351 government emergency assistance to supplement the local efforts of the affected political
352 subdivision to save lives and to protect property, public health, welfare, or safety in the event
353 of a disaster, or to avoid or reduce the threat of a disaster.

354 (18) "Technological hazard" means any hazardous materials accident, mine accident,
355 train derailment, air crash, radiation incident, pollution, structural fire, or explosion.

356 (19) "Terrorism" means activities or the threat of activities that:

357 (a) involve acts dangerous to human life;

358 (b) are a violation of the criminal laws of the United States or of this state; and

359 (c) to a reasonable person, would appear to be intended to:

360 (i) intimidate or coerce a civilian population;

361 (ii) influence the policy of a government by intimidation or coercion; or

362 (iii) affect the conduct of a government by mass destruction, assassination, or
363 kidnapping.

364 (20) "Urban search and rescue" means the location, extrication, and initial medical
365 stabilization of victims trapped in a confined space as the result of a structural collapse,
366 transportation accident, mining accident, or collapsed trench.

367 Section 5. Section 53-2a-205 is amended to read:

368 **53-2a-205. Authority of chief executive officers of political subdivisions --**

369 **Ordering of evacuations.**

370 (1) (a) In order to protect life and property when a state of emergency or local
371 emergency has been declared, subject to limitation by the Legislature as described in
372 Subsection 53-2a-206(5), and subject to Section 53-2a-216, the chief executive officer of each
373 political subdivision of the state is authorized to:

374 (i) carry out, in the chief executive officer's jurisdiction, the measures as may be
375 ordered by the governor under this part; and

376 (ii) take any additional measures the chief executive officer may consider necessary,
377 subject to the limitations and provisions of this part.

378 (b) The chief executive officer may not take an action that is inconsistent with any
379 order, rule, regulation, or action of the governor.

380 (c) A chief executive officer of a municipality may not exercise powers under this
381 chapter to respond to an epidemic or a pandemic.

382 (2) Subject to Section 53-2a-216, when a state of emergency or local emergency is
383 declared, the authority of the chief executive officer includes:

384 (a) utilizing all available resources of the political subdivision as reasonably necessary
385 to manage a state of emergency or local emergency;

386 (b) employing measures and giving direction to local officers and agencies which are
387 reasonable and necessary for the purpose of securing compliance with the provisions of this
388 part and with orders, rules, and regulations made under this part;

389 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or
390 part of the population from any stricken or threatened area within the political subdivision;

391 (d) recommending routes, modes of transportation, and destinations in relation to an
392 evacuation;

393 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages,
394 explosives, and combustibles in relation to an evacuation, except that the chief executive
395 officer may not restrict the lawful bearing of arms;

396 (f) controlling ingress and egress to and from a disaster area, controlling the movement
397 of persons within a disaster area, and ordering the occupancy or evacuation of premises in a

398 disaster area;

399 (g) clearing or removing debris or wreckage that may threaten public health, public
400 safety, or private property from publicly or privately owned land or waters, except that where
401 there is no immediate threat to public health or safety, the chief executive officer shall not
402 exercise this authority in relation to privately owned land or waters unless:

403 (i) the owner authorizes the employees of designated local agencies to enter upon the
404 private land or waters to perform any tasks necessary for the removal or clearance; and

405 (ii) the owner provides an unconditional authorization for removal of the debris or
406 wreckage and agrees to indemnify the local and state government against any claim arising
407 from the removal; and

408 (h) invoking the provisions of any mutual aid agreement entered into by the political
409 subdivision.

410 (3) (a) If the chief executive is unavailable to issue an order for evacuation under
411 Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue
412 an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for
413 the preservation of life.

414 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement
415 officer's order.

416 (4) Notice of an order or the ratification, modification, or revocation of an order issued
417 under this section shall be:

418 (a) given to the persons within the jurisdiction by the most effective and reasonable
419 means available; and

420 (b) filed in accordance with Subsection 53-2a-209(1).

421 Section 6. Section 53-2a-208 is amended to read:

422 **53-2a-208. Local emergency -- Declarations -- Termination of a local emergency.**

423 (1) (a) ~~[(A)]~~ Except as provided in Subsection (1)(b), a chief executive officer of a
424 municipality or county may declare by proclamation a state of emergency if the chief executive
425 officer finds:

426 ~~[(a)]~~ (i) a disaster has occurred or the occurrence or threat of a disaster is imminent in
427 an area of the municipality or county; and

428 ~~[(b)]~~ (ii) the municipality or county requires additional assistance to supplement the

429 response and recovery efforts of the municipality or county.

430 (b) A chief executive officer of a municipality may not declare by proclamation a state
431 of emergency in response to an epidemic or a pandemic.

432 (2) A declaration of a local emergency:

433 (a) constitutes an official recognition that a disaster situation exists within the affected
434 municipality or county;

435 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
436 from other political subdivisions or from the state or federal government;

437 (c) activates the response and recovery aspects of any and all applicable local disaster
438 emergency plans; and

439 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

440 (3) A local emergency proclamation issued under this section shall state:

441 (a) the nature of the local emergency;

442 (b) the area or areas that are affected or threatened; and

443 (c) the conditions which caused the emergency.

444 (4) The emergency declaration process within the state shall be as follows:

445 (a) a city, town, or metro township shall declare to the county;

446 (b) a county shall declare to the state;

447 (c) the state shall declare to the federal government; and

448 (d) a tribe, as defined in Section [23-13-12.5](#), shall declare as determined under the

449 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

450 (5) Nothing in this part affects:

451 (a) the governor's authority to declare a state of emergency under Section [53-2a-206](#); or

452 (b) the duties, requests, reimbursements, or other actions taken by a political
453 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
454 Part 3, Statewide Mutual Aid Act.

455 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in
456 Subsection (1) expires the earlier of:

457 (i) the day on which the chief executive officer finds that:

458 (A) the threat or danger has passed;

459 (B) the disaster reduced to the extent that emergency conditions no longer exist; or

460 (C) the municipality or county no longer requires state government assistance to
461 supplement the response and recovery efforts of the municipality or county;

462 (ii) 30 days after the day on which the chief executive officer declares the state of
463 emergency; or

464 (iii) the day on which the legislative body of the municipality or county terminates the
465 state of emergency by majority vote.

466 (b) (i) (A) The legislative body of a municipality may at any time terminate by majority
467 vote a state of emergency declared by the chief executive officer of the municipality.

468 (B) The legislative body of a county may at any time terminate by majority vote a state
469 of emergency declared by the chief executive officer of the county.

470 (ii) The legislative body of a municipality or county may by majority vote extend a
471 state of emergency for a time period stated in the motion.

472 (iii) If the legislative body of a municipality or county extends a state of emergency in
473 accordance with this subsection, the state of emergency expires on the date designated by the
474 legislative body in the motion.

475 (iv) An action by a legislative body of a municipality or county to terminate a state of
476 emergency as described in this Subsection (6)(b) is not subject to veto by the relevant chief
477 executive officer.

478 (c) Except as provided in Subsection (7), after a state of emergency expires in
479 accordance with this Subsection (6), the chief executive officer may not declare a new state of
480 emergency in response to the same disaster or occurrence as the expired state of emergency.

481 (7) (a) After a state of emergency expires in accordance with Subsection [~~(2)~~] (6), the
482 chief executive officer may declare a new state of emergency in response to the same disaster
483 or occurrence as the expired state of emergency, if the chief executive officer finds that exigent
484 circumstances exist.

485 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
486 accordance with Subsections (6)(a) and (b).

487 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires,
488 the chief executive officer may not declare a new state of emergency in response to the same
489 disaster or occurrence as the expired state of emergency, regardless of whether exigent
490 circumstances exist.

491 Section 7. Section **53-2a-213** is amended to read:

492 **53-2a-213. Authority additional to other emergency authority.**

493 (1) The special disaster emergency authority vested in the governor and political
494 subdivisions of the state pursuant to this part shall be in addition to, and not in lieu of, any
495 other emergency authority otherwise constitutionally or statutorily vested in the governor and
496 political subdivisions of the state.

497 (2) The provisions of this chapter supersede and preempt any provision of law of a
498 political subdivision of the state pertaining to disaster and emergency response.

499 Section 8. **Effective date.**

500 This bill takes effect upon approval by the governor, or the day following the
501 constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
502 signature, or in the case of a veto, the date of veto override.