

429 (D) requires an individual to perform a certain action or engage in a certain behavior;

430 or

431 (E) closes theaters, schools, or other public places or prohibits gatherings of people to
432 protect the public health.

433 (b) "Order of constraint" includes a stay-at-home order.

434 (10) "Public health emergency" means the same as that term is defined in Section
435 26-23b-102.

436 (11) "Single county local health department" means a local health department that is
437 created by the governing body of one county to provide services to the county and the
438 municipalities within that county.

439 (12) "Stay-at-home order" means an order of constraint that:

440 (a) restricts movement of the general population to suppress or mitigate an epidemic or
441 pandemic disease by directing individuals within a defined geographic area to remain in their
442 respective residences; and

443 (b) may include exceptions for certain essential tasks.

444 (13) "Substance abuse authority" means a local substance abuse authority created in
445 Section 17-43-201.

446 (14) "United local health department":

447 (a) means a substance abuse authority, a mental health authority, and a local health
448 department that join together under Section 26A-1-105.5; and

449 (b) includes a multicounty united local health department.

450 Section 6. Section **26A-1-121** is amended to read:

451 **26A-1-121. Standards and regulations adopted by local board -- Local standards**

452 **not more stringent than federal or state standards -- ~~§~~→ [Exceptions for written findings--] ←~~§~~**

453 **Administrative and judicial review of actions.**

454 (1) (a) Subject to Subsection (1)(g), the board may make standards and regulations:

455 (i) not in conflict with rules of the [~~Departments of Health and~~ department or the
456 Department of Environmental Quality]; and

457 (ii) necessary for the promotion of public health, environmental health quality, injury
458 control, and the prevention of outbreaks and spread of communicable and infectious diseases.

459 (b) The standards and regulations under Subsection (1)(a):

460 (i) supersede existing local standards, regulations, and ordinances pertaining to similar
461 subject matter; and

462 (ii) ~~§→ [except as provided under Subsection (1)(c) and] ←§~~ except where specifically
462a allowed

463 by federal law or state statute, may not be more stringent than those established by federal law,
464 state statute, or administrative rules adopted by the [~~Department of Health~~] department in
465 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

466 ~~§→ [(c)-(i) The board may make standards and regulations more stringent than
467 corresponding federal law, state statute, or state administrative rules for the purposes described
468 in Subsection (1)(a), only if the board makes a written finding after public comment and
469 hearing and based on evidence in the record, that corresponding federal laws, state statutes, or
470 state administrative rules are not adequate to protect public health and the environment of the
471 state:~~

472 ~~——(ii) The findings shall address the public health information and studies contained in
473 the record, which form the basis for the board's conclusion:~~

474 ~~——(d)] (c) ←§~~ The board shall provide public hearings prior to the adoption of any regulation or
475 standard.

475a ~~§→ (d) ←§~~ Notice of any public hearing shall be published at least twice throughout the county
476 or counties served by the local health department. The publication may be in one or more
477 newspapers, if the notice is provided in accordance with this Subsection (1)(d).

478 (e) The hearings may be conducted by the board at a regular or special meeting, or the
479 board may appoint hearing officers who may conduct hearings in the name of the board at a
480 designated time and place.

481 (f) A record or summary of the proceedings of a hearing shall be taken and filed with
482 the board.

483 (g) (i) During a declared public health emergency declared under this chapter or under
484 Title 26, Chapter 23b, Detection of Public Health Emergencies Act:

485 (A) except as provided in Subsection (1)(h), a local health department may not issue an
486 order of constraint without approval of the chief executive officer of the relevant county;

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

490 (C) a county governing body may at any time terminate, by majority vote of the

615 renumbered and amended to read:

616 ~~[26-1-33].~~ **26B-1-105. Individual rights protected.**

617 Nothing in this title ~~[shall prohibit]~~ prohibits an individual from choosing the diet,
618 therapy, or mode of treatment to be administered to an individual or an individual's family.

619 Section 11. Section **26B-1-201** is amended to read:

620 **Part 2. General Organization and Duties**

621 **26B-1-201. Department of Health and Human Services -- Creation -- Duties.**

622 (1) There is created within state government the Department of Health and Human
623 Services, which has all of the policymaking functions, regulatory and enforcement powers,
624 rights, duties, and responsibilities outlined in this title and previously vested in the Department
625 of Health and the Department of Human Services.

626 (2) ~~§→ [The department is]~~ **Subject to the limitation and grants of authority in state law,**
626a **the department shall serve as** ~~←§~~ the health, health planning, medical assistance, and social
627 services authority of the state ~~§→, ←§~~ and ~~§→ [is the sole state agency]~~ ~~←§~~ for administration of
627a federally

628 assisted state programs or plans ~~§→~~ **is designated as the sole state agency** ~~←§~~ for:

629 (a) social service block grants;

630 (b) alcohol, drug, and mental health programs, including block grants;

631 (c) child welfare;

632 (d) state programs supported under the Older Americans Act, 42 U.S.C. Sec. 3001, et

633 seq.;

634 (e) public health;

635 (f) health planning;

636 (g) maternal and child health;

637 (h) services for individuals with a disability; and

638 (i) medical assistance.

639 (3) A state plan or program administered by the department:

640 (a) shall be developed in the appropriate divisions or offices of the department in
641 accordance with applicable requirements of state and federal law; and

642 (b) may be amended by the executive director to achieve coordination, efficiency, or
643 economy.

644 ~~[(2)]~~ (4) In addition to Subsection (1), ~~[during the transition period described in~~
645 ~~Section 26B-1-201.1;]~~ from July 1, 2022, through June 30, 2023, the Department of Health and

863 ~~§→ [(25) promote and protect the health and wellness of the people within the state;]~~ ←§
864 (26) establish, maintain, and enforce rules §→ ~~[necessary or desirable to carry out the~~
865 ~~provisions and purposes of this title]~~ authorized under state law ←§ to promote and protect the
865a public health or to prevent
866 disease and illness;
867 (27) investigate §→ ~~[and control]~~ ←§ the causes of epidemic, infectious, communicable,
867a and
868 other diseases affecting the public health;
869 (28) provide for the detection §→ ~~[;]~~ and ←§ reporting §→ ~~[, prevention, and control]~~ ←§
869a of communicable,
870 infectious, acute, chronic, or any other disease or health hazard which the department considers
871 to be dangerous, important, or likely to affect the public health;
872 (29) collect and report information on causes of injury, sickness, death, and disability
873 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
874 the state;
875 (30) collect, prepare, publish, and disseminate information to inform the public
876 concerning the health and wellness of the population, specific hazards, and risks that may affect
877 the health and wellness of the population and specific activities which may promote and protect
878 the health and wellness of the population;
879 §→ ~~[(31) establish and operate programs necessary or desirable for the promotion or~~
880 ~~protection of the public health and the control of disease or which may be necessary to~~
881 ~~ameliorate the major causes of injury, sickness, death, and disability in the state, except that the~~
882 ~~programs may not be established if adequate programs exist in the private sector;~~
883 ~~— (32) establish, maintain, and enforce isolation and quarantine, and for this purpose~~
884 ~~only, exercise physical control over property and individuals as the department finds necessary~~
885 ~~for the protection of the public health;~~
886 ~~— (33) close theaters, schools, and other public places and forbid gatherings of people~~
887 ~~when necessary to protect the public health;]~~ ←§
888 (34) abate nuisances when necessary to eliminate sources of filth and infectious and
889 communicable diseases affecting the public health;
890 (35) make necessary sanitary and health investigations and inspections in cooperation
891 with local health departments as to any matters affecting the public health;
892 (36) establish laboratory services necessary to support public health programs and
893 medical services in the state;

894 (37) establish and enforce standards for laboratory services which are provided by any
895 laboratory in the state when the purpose of the services is to protect the public health;

896 (38) cooperate with the Labor Commission to conduct studies of occupational health
897 hazards and occupational diseases arising in and out of employment in industry, and make
898 recommendations for elimination or reduction of the hazards;

899 (39) cooperate with the local health departments, the Department of Corrections, the
900 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
901 Victim Reparations and Assistance Board to conduct testing for HIV infection of alleged
902 sexual offenders, convicted sexual offenders, and any victims of a sexual offense;

903 (40) investigate the causes of maternal and infant mortality;

904 (41) establish, maintain, and enforce a procedure requiring the blood of adult
905 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
906 presence and concentration of alcohol, and provide the Commissioner of Public Safety with
907 monthly statistics reflecting the results of these examinations, with necessary safeguards so that
908 information derived from the examinations is not used for a purpose other than the compilation
909 of these statistics;

910 (42) establish qualifications for individuals permitted to draw blood under Subsection
911 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi), and to
912 issue permits to individuals the department finds qualified, which permits may be terminated or
913 revoked by the department;

914 (43) establish a uniform public health program throughout the state which includes
915 continuous service, employment of qualified employees, and a basic program of disease
916 control, vital and health statistics, sanitation, public health nursing, and other preventive health
917 programs necessary or desirable for the protection of public health;

918 ~~§→ [(44) adopt rules and enforce minimum sanitary standards as provided in Title 26,~~
919 ~~Chapter 15, General Sanitation;] ←§~~

920 (45) conduct health planning for the state;

921 (46) monitor the costs of health care in the state and foster price competition in the
922 health care delivery system;

923 ~~§→ [(47) adopt rules for the licensure of health facilities within the state in accordance with~~
924 ~~Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act;Ⓢ~~

925 ~~— (48) license the provision of child care;~~
 926 ~~— (49) accept contributions to and administer the funds contained in the Allyson Gamble~~
 927 ~~Organ Donation Contribution Fund created in Section 26-18b-101;~~
 928 ~~— (50) serve as the collecting agent, on behalf of the state, for the nursing care facility~~
 929 ~~assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,~~
 930 ~~and adopt rules for the enforcement and administration of the nursing facility assessment~~
 931 ~~consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;] ←§~~
 932 (51) establish methods or measures for health care providers, public health entities, and
 933 health care insurers to coordinate among themselves to verify the identity of the individuals the
 934 providers serve;
 935 (52) designate Alzheimer's disease and related dementia as a public health issue and,
 936 within budgetary limitations, implement a state plan for Alzheimer's disease and related
 937 dementia by incorporating the plan into the department's strategic planning and budgetary
 938 process; and
 939 (53) coordinate with other state agencies and other organizations to implement the state
 940 plan for Alzheimer's disease and related dementia;
 941 (54) ensure that any training or certification required of a public official or public
 942 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
 943 22, State Training and Certification Requirements, if the training or certification is required by
 944 the agency or under this title, Title 26, Utah Health Code or Title 62A, Utah Human Services
 945 Code; and
 946 (55) oversee public education vision screening as described in Section 53G-9-404,
 947 Section 14. Section **26B-1-203**, which is renumbered from Section 62A-1-108 is
 948 renumbered and amended to read:
 949 **[62A-1-108]. 26B-1-203. Executive director -- Appointment --**
 950 **Compensation -- Qualifications -- §→ Deputy directors required -- ←§ Responsibilities.**
 951 (1) (a) The chief administrative officer of the department is the executive director, who
 952 shall be appointed by the governor with the advice and consent of the Senate.
 953 (b) The executive director may be removed at the will of the governor.
 954 (c) The executive director shall receive a salary established by the governor within the
 955 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

956 (2) The executive director shall be experienced in administration, management, and
957 coordination of complex organizations.

958 (3) If the executive director is not a physician, the executive director or a deputy
959 director shall:

960 (a) be informed and experienced in public health;

961 (b) have successfully completed at least a master's degree of public health or public
962 administration from an accredited school of public health or from an accredited program of
963 public health or public administration; and

964 (c) (i) have at least five years of professional full-time experience, of which at least two
965 years have been in public health in a senior level administrative capacity; or

966 (ii) have at least five years of professional full-time experience in public health
967 programs, of which at least three years have been in a senior level administrative capacity.

968 (4) The executive director shall appoint a deputy director of the department who:

969 (a) shall have successfully completed at least one year's graduate work in an accredited
970 school of public health or an accredited program of public health;

971 (b) shall have at least five years of professional full-time experience in public health
972 programs; and

973 (c) is a physician licensed to practice medicine in the state with experience in public
974 health.

974a **Ŝ→ (5) The executive director shall jointly appoint with the Chief Innovation Officer of the**
974b **state a deputy director who shall:**

974c **(a) report jointly to the executive director and the Chief Innovation Officer for the state;**

974d **(b) serve as the director of the Center for Health and Human Services Innovation;**

974e **(c) identify those within the department who should lead innovation activities;**

974f **(d) foster and share innovation by identifying innovation that is occurring within the**

974g **department and invite teams in the department to present their innovative work to a broader**
974h **audience;**

974i **(e) encourage innovation by strategically identifying, supporting, and scaling health and**
974j **human service innovation exemplars; and**

974k **(f) collaborate on innovation by seeking health and human services collaboration within and**
974l **outside of the department. ←Ŝ**

975 [~~(2)~~] (5) The executive director is responsible for:

976 (a) administration and supervision of the department;

977 (b) coordination of policies and program activities conducted through the boards,

- 1018 (i) the Division of Finance and Administration;
 1019 (ii) the Division of Licensing and Background Checks;
 1020 (iii) the Division of Customer Experience;
 1021 (iv) the Division of Data, Systems, and Evaluation; ~~§~~→ [and] ←~~§~~
 1022 (v) the Division of Continuous Quality Improvement; ~~§~~→ and
 1022a **(vi) the Center for Health and Human Services Innovation; ←~~§~~**
 1023 (b) relating to healthcare administration:
 1024 (i) the Division of Integrated Healthcare, which shall include responsibility for:
 1025 (A) the state's medical assistance programs; and
 1026 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse
 1027 and Mental Health Act;
 1028 (ii) the Division of Aging and Adult Services; and
 1029 (iii) the Division for Services for People with Disabilities; and
 1030 (c) relating to community health and well-being:
 1031 (i) the Division of Child and Family Services;
 1032 (ii) the Division of Family Health;
 1033 (iii) the Division of Population Health;
 1034 (iv) the Division of Juvenile Justice and Youth Services; and
 1035 (v) the Office of Recovery Services.
 1036 (4) The executive director may establish offices and bureaus to facilitate management
 1037 of the department as required by, and in accordance, with:
 1038 (a) this title;
 1039 (b) Title 26, Utah Health Code; and
 1040 (c) Title 62A, Utah Human Services Code.
 1041 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
 1042 organizational structure relating to the department, including the organization of the
 1043 department's divisions and offices, notwithstanding the organizational structure described in:
 1044 (a) this title;
 1045 (b) Title 26, Utah Health Code; or
 1046 (c) Title 62A, Utah Human Services Code.
 1047 ~~[(a) the Division of Aging and Adult Services;]~~
 1048 ~~[(b) the Division of Child and Family Services;]~~

1111 ~~[(1) There is created the Department of Health, which has all of the policymaking~~
 1112 ~~functions, regulatory and enforcement powers, rights, duties, and responsibilities of the~~
 1113 ~~Division of Health, the Board of Health, the State Health Planning Development Agency, and~~
 1114 ~~the Office of Health Care Financing. Unless otherwise specifically provided, when reference is~~
 1115 ~~made in any statute of this state to the Board of Health, the Division of Health, the State Health~~
 1116 ~~Planning Development Agency, or the Office of Health Care Financing, it refers to the~~
 1117 ~~department. The department shall assume all of the policymaking functions, powers, rights,~~
 1118 ~~duties, and responsibilities over the division, agency, and office previously vested in the~~
 1119 ~~Department of Human Services and its executive director.]~~

1120 ~~[(2)]~~ (1) In establishing public health policy, the department shall consult with the local
 1121 health departments established under Title 26A, Chapter 1, Local Health Departments.

1122 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 1123 the department may prescribe by administrative rule made in accordance with Title 63G,
 1124 Chapter 3, Utah Administrative Rulemaking Act, reasonable requirements not inconsistent
 1125 with law for a local health department as defined in Section 26A-1-102.

1126 (b) Except ~~§~~→ [as provided in Subsection (2)(c), or] ←~~§~~ where specifically allowed by
 1126a federal
 1127 law or state statute, a local health department, as defined in Section 26A-1-102, may not
 1128 establish standards or regulations that are more stringent than those established by federal law,
 1129 state statute, or administrative rule adopted in accordance with Title 63G, Chapter 3, Utah
 1130 Administrative Rulemaking Act.

1131 ~~§~~→ **[(c) The local health department may make standards and regulations more stringent**
 1132 **than corresponding federal law, state statute, or state administrative rules, only if the local**
 1133 **health department makes a written finding after public comment and hearing and based on**
 1134 **evidence in the record, that corresponding federal laws, state statutes, or state administrative**
 1135 **rules are not adequate to protect public health of the state.**

1136 ~~—~~ **(d) The findings described in Subsection (2)(c) shall address the public health**
 1137 **information and studies contained in the record, which form the basis for the local health**
 1138 **department's conclusion.**

1139 ~~—~~ **(e)] (c) ←§ Nothing in this Subsection (2), limits the ability of a local health department to**
 1140 **make standards and regulations in accordance with Subsection 26A-1-121(1)(a) for:**

1141 (i) emergency rules made in accordance with Section 63G-3-304; or