

## 2nd Sub. S.B. 45

# DEPARTMENT OF HEALTH AND HUMAN SERVICES AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 10, 2022 1:51 PM

Senator **Jacob L. Anderegg** proposes the following amendments:

1. *Page 15, Lines 451 through 453:*

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.

2. *Page 16, Lines 462 through 475:*

462           (ii) {~~except as provided under Subsection (1)(c) and~~} except where specifically 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.  
(d) Notice of any public hearing shall be published at least twice throughout the county

3. *Page 21, Lines 626 through 628:*

626           (2) {~~The department is~~} Subject to the limitation and grants of authority in state law, 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 federally  
628 assisted state programs or plans is designated as the sole state agency for:

4. *Page 29, Lines 863 through 869:*

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 public  
health or to prevent  
866 disease and illness;  
867 (27) investigate {~~and control~~} the causes of epidemic, infectious, communicable, and  
868 other diseases affecting the public health;  
869 (28) provide for the detection {~~,~~} and reporting {~~, prevention, and control~~} of  
communicable,

5. Page 29, Lines 879 through 887:

{~~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;}

6. Page 30, Line 918 through Page 31, Line 931:

{~~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;}

7. Page 37, Lines 1126 through 1139:

1126 (b) Except {~~as provided in Subsection (2)(c), or~~} where specifically allowed by 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