

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

60 **CHAPTER 68. VACCINE AND IMMUNITY PASSPORT RESTRICTIONS ACT**

61 **26-68-103. Prohibition on requiring immunity passports or vaccination --**

62 **Exceptions.**

63 (1) As used in this section:

64 (a) "Governmental entity" means the same as that term is defined in Section  
65 63D-2-102.

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

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

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

73 (ii) not a health care facility as defined in Section 26-21-2.

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

76 (2) A governmental entity may not:

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

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

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

83 (a) a vaccination requirement by ~~H~~→ [a degree-granting] an ←~~H~~ institution of higher  
83a education, if

84 the vaccination requirement is implemented in accordance with Section 53B-2-113;

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

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

89 (d) a regulated entity if compliance with Subsection (2) would result in a violation of

90 binding, mandatory regulations or requirements that affect the regulated entity's funding issued  
 91 by the Centers for Medicare and Medicaid Services or the United States Centers for Disease  
 92 Control and Prevention;

93 (e) a contract for goods or services entered into before May 3, 2023, if:

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

95 and

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

97 (f) a federal contractor; ~~H→ [or] ←H~~

98 (g) a governmental entity vaccination requirement of an employee who, as determined  
 99 by the governmental entity:

100 (i) has, as part of the employee's duties, direct exposure to human blood, human fecal  
 101 matter, or other potentially infectious materials that may expose the employee to hepatitis or  
 102 tuberculosis; or

103 (ii) is acting in a public health or medical setting that requires the employee to receive  
 104 vaccinations to perform the employee's assigned duties and responsibilities ~~H→ [:] ; or~~

104a **(h) a governmental entity that:**

104b **(i) establishes a nexus between a vaccination requirement and the employee's assigned duties**  
 104c **and responsibilities; or**

104d **(ii) identifies an external requirement for vaccination that is not imposed by the governmental**  
 104e **entity and is related to the employee's duties and responsibilities. ~~←H~~**

105 ~~H→ [(4) A governmental entity described in Subsection (3)(g) shall allow the employee to~~  
 106 ~~decline vaccination if the employee submits to the governmental entity a written statement that~~  
 107 ~~receiving the vaccine would:~~

108 ~~—— (a) be injurious to the health and well-being of the employee;~~

109 ~~—— (b) conflict with a sincerely held religious belief, practice, or observance of the~~  
 110 ~~employee; or~~

111 ~~—— (c) conflict with a sincerely held personal belief of the employee.~~

112 ~~(5)] (4) ←H~~ Nothing in this section prohibits a governmental entity from recommending that  
 112a an

113 employee receive a vaccine.

114 Section 3. Section **34A-5-113** is enacted to read:

115 **34A-5-113. Prohibition on requiring immunity passports and discrimination**  
 116 **based on immunity -- Exceptions.**

117 (1) As used in this section:

118 (a) "Employer" means, notwithstanding Section 34A-5-102:

119 (i) the state;

120 (ii) a county, city, town, or school district in the state; and

152 and

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

154 (d) a federal contractor;

155 (e) an employer vaccination requirement of an employee ~~H→~~ [:

156 ~~—— (f) ←H~~ who, as determined by the employer, has direct exposure to human blood, human  
 157 fecal matter, or other potentially infectious materials that may expose the employee to hepatitis  
 158 or tuberculosis; ~~H→~~ or

158a (f) an employer that:

158b (i) establishes a nexus between a vaccination requirement and the employee's assigned duties  
 158c and responsibilities; or

158d (ii) identifies an external requirement for vaccination that is not imposed by the employer and  
 158e is related to the employee's duties and responsibilities. ~~←H~~

159 ~~H→~~ [(ii) whose primary duties and responsibilities, as determined by the employer, require  
 160 the employee:

161 ~~—— (A) to enter into a regulated entity in Utah, or a facility in a state or territory of the~~  
 162 ~~United States outside of Utah, where vaccination is required under state or federal law to~~  
 163 ~~access the facility; or~~

164 ~~—— (B) to travel to a country that requires vaccination as a condition of entry into the~~  
 165 ~~country.~~

166 ~~—— (4) An employer described in Subsection (3)(c) shall allow the employee to decline~~  
 167 ~~vaccination if the employee submits to the employer a written statement that receiving the~~  
 168 ~~vaccine would:~~

169 ~~—— (a) be injurious to the health and well-being of the employee;~~

170 ~~—— (b) conflict with a sincerely held religious belief, practice, or observance of the~~  
 171 ~~employee; or~~

172 ~~—— (c) conflict with a sincerely held personal belief of the employee.~~

173 ~~—— (5)] (4) ←H~~ Nothing in this section prohibits an employer from recommending that an  
 173a employee  
 174 receive a vaccine.

175 Section 4. Section **63D-2-102** is amended to read:

176 **63D-2-102. Definitions.**

177 As used in this chapter:

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

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

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

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