

- 26 26B-7-307, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 27 26B-7-310, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 28 26B-7-311, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 29 53B-2-113, as last amended by Laws of Utah 2021, First Special Session, Chapter 7

30 REPEALS:

- 31 26B-7-204, as renumbered and amended by Laws of Utah 2023, Chapter 308



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

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

35 **26A-1-114. Powers and duties of departments.**

36 (1) Subject to Subsections (7), (8), and (11), a local health department may:

37 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
 38 department rules, and local health department standards and regulations relating to public
 39 health and sanitation, including the plumbing code administered by the Division of
 40 Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction Code
 41 Administration Act, and under Title 26B, Chapter 7, Part 4, General Sanitation and Food
 42 Safety, in all incorporated and unincorporated areas served by the local health department;

43 (b) establish, maintain, and enforce isolation and quarantine, ~~H→~~ **[and exercise physical**
 44 **control over property]** ~~←H~~ **[and over individuals as the local health department finds necessary for**
 45 **the protection of the public health]** ~~H→~~ **over an individual** ~~←H~~ **in accordance with an order of**
 46a **H→ [restraint] restriction** ~~←H~~ **issued under Title**

47 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable Diseases;

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

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

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

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

56 (e) close theaters, schools, and other public places and prohibit gatherings of people

57 when necessary to protect the public health;

58 (f) ~~H~~→ **exercise physical control of property to** ←~~H~~ abate nuisances or eliminate sources
58a of filth and infectious and communicable

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

61 (g) make necessary sanitary and health investigations and inspections on the local
62 health department's own initiative or in cooperation with the Department of Health and Human
63 Services or the Department of Environmental Quality, or both, as to any matters affecting the
64 public health;

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

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

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

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

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

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

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

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

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

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

83 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
84 within the jurisdiction of the boards;

85 (n) cooperate with the state health department, the Department of Corrections, the
86 Administrative Office of the Courts, the Division of Juvenile Justice and Youth Services, and
87 the Crime Victim Reparations Board to conduct testing for HIV infection of alleged sexual

274 (d) smallpox;

275 (e) tuberculosis;

276 (f) any viral hemorrhagic fever; ~~§~~→ [and] ~~§~~→ [or] ←~~§~~ ←~~§~~

277 (g) ~~§~~→ [yellow fever] ~~§~~→ measles; or

277a1 (h) ←~~§~~ any infection:

277a (i) that is new, drug resistant, or reemerging;

277b (ii) that evidence suggests is likely to cause either high mortality or morbidity; and

277c (iii) only if the ~~§~~→ [chief executive officer of the relevant county] relevant legislative body

277c1 of the county where the infection is located ←~~§~~ approves as needing

277d containment; ←~~§~~ .

278 [~~(2)~~] (3) "Diagnostic information" means a clinical facility's record of individuals who
279 present for treatment, including the reason for the visit, chief complaint, presenting diagnosis,
280 final diagnosis, and any pertinent lab results.

281 [~~(3)~~] (4) "Epidemic or pandemic disease":

282 (a) means the occurrence in a community or region of cases of an illness clearly in
283 excess of normal expectancy; and

284 (b) includes diseases designated by the department which have the potential to cause
285 serious illness or death.

286 [~~(4)~~] (5) "Exigent circumstances" means a significant change in circumstances
287 following the expiration of a public health emergency declared in accordance with this title
288 that:

289 (a) substantially increases the [~~threat~~] danger to public safety or health relative to the
290 circumstances in existence when the public health emergency expired;

291 (b) poses an imminent [~~threat~~] danger to public safety or health; and

292 (c) was not known or foreseen and could not have been known or foreseen at the time
293 the public health emergency expired.

294 [~~(5)~~] (6) "First responder" means:

295 (a) a law enforcement officer as defined in Section 53-13-103;

296 (b) emergency medical service personnel as defined in Section 26B-4-101;

297 (c) firefighters; and

298 (d) public health personnel having jurisdiction over the location where an individual
299 subject to an order of restriction is found.

300 [~~(6)~~] (7) "Health care provider" means the same as that term is defined in Section
301 78B-3-403.

302 [~~(7)~~] (8) "Legislative emergency response committee" means the same as that term is
303 defined in Section 53-2a-203.

304 [~~(8)~~] (9) (a) "Order of constraint" means an order, rule, or regulation issued in response

584 (b) (i) The court review hearing shall be held prior to the expiration of the order of
585 restriction issued under Subsection (7).

586 (ii) At the review hearing the court may issue an order of restriction for up to an
587 indeterminate period, if the court enters a written finding in the record determining by clear and
588 convincing evidence that the required conditions in Subsection (6) will continue for an
589 indeterminate period.

590 Section 7. Section **53B-2-113** is amended to read:

591 **53B-2-113. Vaccination requirements -- Exemptions -- Face covering**
592 **requirements.**

593 (1) An institution of higher education described in Section 53B-2-101 may not require
594 proof of vaccination as a condition for enrollment or attendance unless the institution allows
595 for the following exemptions:

596 (a) a medical exemption if the student provides to the institution a statement that the
597 claimed exemption is for a medical reason; and

598 (b) a personal exemption if the student provides to the institution a statement that the
599 claimed exemption is for a personal or religious belief.

600 (2) An institution that offers both remote and in-person learning options may not deny
601 a student who is exempt from a requirement to receive a vaccine under Subsection (1) to
602 participate in an in-person learning option based upon the student's vaccination status.

603 (3) (a) For purposes of this Subsection (3), "face covering" means the same as that term
604 is defined in Section 53G-9-210.

605 (b) An institution of higher education described in Section 53B-2-101 may not require
606 an individual to wear a face covering to attend or participate in in-person instruction,
607 institution-sponsored athletics, institution-sponsored extracurricular activities, in dormitories,
608 or in any other place on a campus of an institution within the system of higher education at any
609 time after the end of the spring semester in 2021.

610 **Ĥ→ [F] (4) Subsections (1), (2), and (3) do not apply to a student studying in a medical**
610a **setting**
611 **at an institution of higher education if the institution of higher education provides the**
611a **student the same rights under Title VII of the Civil Rights Act to seek an exemption from a**
611b **vaccination mandate or face covering mandate as the institution of higher education provides**
611c **to a health care professional employed by the institution of higher education . [F] ←Ĥ**