

Senator Ronald M. Winterton proposes the following substitute bill:

STATE FOOD SUPPLY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor: Keven J. Stratton

LONG TITLE

General Description:

This bill restricts the regulation of local food.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ places restrictions on state regulation of local food;
- ▶ limits rulemaking authority in relation to local food; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-1-109, as renumbered and amended by Laws of Utah 2017, Chapter 345

26A-1-102, as last amended by Laws of Utah 2023, Chapter 327

26A-1-114, as last amended by Laws of Utah 2023, Chapters 90, 327

26B-7-201, as renumbered and amended by Laws of Utah 2023, Chapter 308



- 26 [26B-7-202](#), as renumbered and amended by Laws of Utah 2023, Chapter 308
- 27 [26B-7-301](#), as renumbered and amended by Laws of Utah 2023, Chapter 308
- 28 [26B-7-302](#), as renumbered and amended by Laws of Utah 2023, Chapter 308
- 29 [73-3d-101](#), as enacted by Laws of Utah 2023, Chapter 126
- 30 [73-3d-201](#), as enacted by Laws of Utah 2023, Chapter 126

31 ENACTS:

32 [53-2a-222](#), Utah Code Annotated 1953

33

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

35 Section 1. Section **4-1-109** is amended to read:

36 **4-1-109. General definitions.**

37 As used in this title:

38 (1) "Agricultural product" or "product of agriculture" means any product that is derived
39 from agriculture, including any product derived from aquaculture as defined in Section
40 [4-37-103](#).

41 (2) "Agriculture" means the science and art of the production of plants and animals
42 useful to man, including the preparation of plants and animals for human use and disposal by
43 marketing or otherwise.

44 (3) "Commissioner" means the commissioner of agriculture and food.

45 (4) "Department" means the Department of Agriculture and Food created in Chapter 2,
46 Administration.

47 (5) "Dietary supplement" means the same as that term is defined in the Federal Food,
48 Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.

49 (6) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated
50 elk as defined in Section [4-39-102](#), or any other domestic animal or domestic furbearer raised
51 or kept for profit.

52 (7) "Local food" means an agricultural product or livestock that is:

53 (a) produced, processed, and distributed for sale or consumption within the state; and

54 (b) sold to an end consumer within the state.

55 [~~7~~] (8) "Organization" means a corporation, government or governmental subdivision
56 or agency, business trust, estate, trust, partnership, association, two or more persons having a

57 joint or common interest, or any other legal entity.

58 ~~[(8)]~~ (9) "Person" means a natural person or individual, corporation, organization, or
59 other legal entity.

60 Section 2. Section **26A-1-102** is amended to read:

61 **26A-1-102. Definitions.**

62 As used in this part:

63 (1) "Board" means a local board of health established under Section [26A-1-109](#).

64 (2) "County governing body" means one of the types of county government provided
65 for in Title 17, Chapter 52a, Part 2, Forms of County Government.

66 (3) "County health department" means a local health department that serves a county
67 and municipalities located within that county.

68 (4) "Department" means the Department of Health and Human Services created in
69 Section [26B-1-201](#).

70 (5) "Local food" means the same as that term is defined in Section [4-1-109](#).

71 ~~[(5)]~~ (6) "Local health department" means:

72 (a) a single county local health department;

73 (b) a multicounty local health department;

74 (c) a united local health department; or

75 (d) a multicounty united local health department.

76 ~~[(6)]~~ (7) "Mental health authority" means a local mental health authority created in
77 Section [17-43-301](#).

78 ~~[(7)]~~ (8) "Multicounty local health department" means a local health department that is
79 formed under Section [26A-1-105](#) and that serves two or more contiguous counties and
80 municipalities within those counties.

81 ~~[(8)]~~ (9) "Multicounty united local health department" means a united local health
82 department that is formed under Section [26A-1-105.5](#) and that serves two or more contiguous
83 counties and municipalities within those counties.

84 ~~[(9)]~~ (10) (a) "Order of constraint" means an order, rule, or regulation issued by a local
85 health department in response to a declared public health emergency under this chapter that:

86 (i) applies to all or substantially all:

87 (A) individuals or a certain group of individuals; or

88 (B) public places or certain types of public places; and
89 (ii) for the protection of the public health and in response to the declared public health
90 emergency:

- 91 (A) establishes, maintains, or enforces isolation or quarantine;
- 92 (B) establishes, maintains, or enforces a stay-at-home order;
- 93 (C) exercises physical control over property or individuals;
- 94 (D) requires an individual to perform a certain action or engage in a certain behavior;

95 or

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

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

99 [~~(10)~~] (11) "Public health emergency" means the same as that term is defined in
100 Section [26B-7-301](#).

101 [~~(11)~~] (12) "Single county local health department" means a local health department
102 that is created by the governing body of one county to provide services to the county and the
103 municipalities within that county.

104 [~~(12)~~] (13) "Stay-at-home order" means an order of constraint that:

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

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

109 [~~(13)~~] (14) "Substance abuse authority" means a local substance abuse authority
110 created in Section [17-43-201](#).

111 [~~(14)~~] (15) "United local health department":

112 (a) means a substance abuse authority, a mental health authority, and a local health
113 department that join together under Section [26A-1-105.5](#); and

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

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

116 **26A-1-114. Powers and duties of departments.**

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

118 (a) subject to the provisions in Section [26A-1-108](#), enforce state laws, local ordinances,

119 department rules, and local health department standards and regulations relating to public
120 health and sanitation, including the plumbing code administered by the Division of
121 Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction Code
122 Administration Act, and under Title 26B, Chapter 7, Part 4, General Sanitation and Food
123 Safety[;], in all incorporated and unincorporated areas served by the local health department;

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

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

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

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

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

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

137 (f) abate nuisances or eliminate sources of filth and infectious and communicable
138 diseases affecting the public health and bill the owner or other person in charge of the premises
139 upon which this nuisance occurs for the cost of abatement;

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

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

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

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

149 (iii) make agreements not in conflict with state law which are conditional to receiving a

150 donation or grant;

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

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

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

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

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

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

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

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

168 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321; and

169 (p) provide public health assistance in response to a national, state, or local emergency,
170 a public health emergency as defined in Section 26B-7-301, or a declaration by the President of
171 the United States or other federal official requesting public health-related activities.

172 (2) The local health department shall:

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

175 (b) investigate infectious and other diseases of public health importance and implement
176 measures to control the causes of epidemic and communicable diseases and other conditions
177 significantly affecting the public health which may include involuntary testing of alleged sexual
178 offenders for the HIV infection pursuant to Section 53-10-802 and voluntary testing of victims
179 of sexual offenses for HIV infection pursuant to Section 53-10-803;

180 (c) cooperate with the department in matters pertaining to the public health and in the

181 administration of state health laws; and

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

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

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

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

193 (iv) is reviewed and updated annually.

194 (3) The local health department has the following duties regarding public and private
195 schools within the local health department's boundaries:

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

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

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

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

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

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

211 (5) The local health department may exercise incidental authority as necessary to carry

212 out the provisions and purposes of this part.

213 (6) ~~[Nothing in this part may be construed to]~~ This part does not authorize a local
214 health department to ~~[enforce an ordinance, rule, or regulation requiring]:~~

215 (a) require the installation or maintenance of a carbon monoxide detector in a
216 residential dwelling against anyone other than the occupant of the dwelling~~[-];~~ or

217 (b) control the production, processing, distribution, or sale price of local food in
218 response to a public health emergency.

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

224 (b) The local health department:

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

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

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

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

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

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

241 (d) (i) The relevant county governing body may at any time terminate a public health
242 emergency or an order of constraint issued by the local health department by majority vote of

243 the county governing body in response to a declared public health emergency.

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

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

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

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

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

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

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

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

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

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

271 (e) For a public health emergency declared by a local health department under this
272 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures
273 for Communicable Diseases, the Legislature may terminate by joint resolution a public health

274 emergency that was declared based on exigent circumstances or that has been in effect for more
275 than 30 days.

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

280 (9) (a) During a public health emergency declared under this chapter or under Title
281 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable
282 Diseases:

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

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

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

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

296 (ii) If a local health department issues an order of constraint as described in Subsection
297 (9)(b), the local health department shall notify the chief executive officer of the relevant county
298 before issuing the order of constraint.

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

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

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

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

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

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

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

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

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

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

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

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

326 (d) Notwithstanding Subsections [~~(8)(a) and (c)~~] (10)(a) and (c), the department or a
327 local health department shall allow reasonable accommodations for an individual to perform or
328 participate in a religious practice or rite.

329 (11) An order of constraint issued by a local health department pursuant to a declared
330 public health emergency does not apply to a facility, property, or area owned or leased by the
331 state, including the capitol hill complex, as that term is defined in Section 63C-9-102.

332 (12) A local health department may not:

333 (a) require a person to obtain an inspection, license, or permit from the local health
334 department to engage in a practice described in Subsection 58-11a-304(5); or

335 (b) prevent or limit a person's ability to engage in a practice described in Subsection

336 58-11a-304(5) by:

337 (i) requiring the person to engage in the practice at a specific location or at a particular
338 type of facility or location; or

339 (ii) enforcing a regulation applicable to a facility or location where the person chooses
340 to engage in the practice.

341 Section 4. Section **26B-7-201** is amended to read:

342 **26B-7-201. Definitions.**

343 As used in this part:

344 (1) "Ambulatory surgical center" means the same as that term is defined in Section
345 26B-2-201.

346 (2) "Carrier" means an infected individual or animal who harbors a specific infectious
347 agent in the absence of discernible clinical disease and serves as a potential source of infection
348 for man. The carrier state may occur in an individual with an infection that is inapparent
349 throughout its course, commonly known as healthy or asymptomatic carrier, or during the
350 incubation period, convalescence, and postconvalescence of an individual with a clinically
351 recognizable disease, commonly known as incubatory carrier or convalescent carrier. Under
352 either circumstance the carrier state may be of short duration, as a temporary or transient
353 carrier, or long duration, as a chronic carrier.

354 (3) "Communicable disease" means illness due to a specific infectious agent or its toxic
355 products which arises through transmission of that agent or its products from a reservoir to a
356 susceptible host, either directly, as from an infected individual or animal, or indirectly, through
357 an intermediate plant or animal host, vector, or the inanimate environment.

358 (4) "Communicable period" means the time or times during which an infectious agent
359 may be transferred directly or indirectly from an infected individual to another individual, from
360 an infected animal to a human, or from an infected human to an animal, including arthropods.

361 (5) "Contact" means an individual or animal having had association with an infected
362 individual, animal, or contaminated environment so as to have had an opportunity to acquire
363 the infection.

364 (6) "End stage renal disease facility" is as defined in Section 26B-2-201.

365 (7) (a) "Epidemic" means the occurrence or outbreak in a community or region of cases
366 of an illness clearly in excess of normal expectancy and derived from a common or propagated

367 source.

368 (b) The number of cases indicating an epidemic will vary according to the infectious
369 agent, size, and type of population exposed, previous experience or lack of exposure to the
370 disease, and time and place of occurrence.

371 (c) Epidemicity is considered to be relative to usual frequency of the disease in the
372 same area, among the specified population, at the same season of the year.

373 (8) "General acute hospital" is as defined in Section [26B-2-201](#).

374 (9) "Incubation period" means the time interval between exposure to an infectious
375 agent and appearance of the first sign or symptom of the disease in question.

376 (10) "Infected individual" means an individual who harbors an infectious agent and
377 who has manifest disease or inapparent infection. An infected individual is one from whom the
378 infectious agent can be naturally acquired.

379 (11) "Infection" means the entry and development or multiplication of an infectious
380 agent in the body of man or animals. Infection is not synonymous with infectious disease; the
381 result may be inapparent or manifest. The presence of living infectious agents on exterior
382 surfaces of the body, or upon articles of apparel or soiled articles, is not infection, but
383 contamination of such surfaces and articles.

384 (12) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus,
385 protozoan, or helminth that is capable of producing infection or infectious disease.

386 (13) "Infectious disease" means a disease of man or animals resulting from an
387 infection.

388 (14) "Isolation" means the separation, for the period of communicability, of infected
389 individuals or animals from others, in such places and under such conditions as to prevent the
390 direct or indirect conveyance of the infectious agent from those infected to those who are
391 susceptible or who may spread the agent to others.

392 (15) "Local food" means the same as that term is defined in Section [4-1-109](#).

393 [~~15~~] (16) "Order of constraint" means the same as that term is defined in Section
394 [26B-7-301](#).

395 [~~16~~] (17) "Quarantine" means the restriction of the activities of well individuals or
396 animals who have been exposed to a communicable disease during its period of
397 communicability to prevent disease transmission.

398 [~~(17)~~] (18) "School" means a public, private, or parochial nursery school, licensed or
399 unlicensed day care center, child care facility, family care home, Head Start program,
400 kindergarten, elementary, or secondary school through grade 12.

401 [~~(18)~~] (19) "Sexually transmitted disease" means those diseases transmitted through
402 sexual intercourse or any other sexual contact.

403 [~~(19)~~] (20) "Specialty hospital" is as defined in Section [26B-2-201](#).

404 Section 5. Section **26B-7-202** is amended to read:

405 **26B-7-202. Authority to investigate and control epidemic infections and**
406 **communicable disease.**

407 (1) Subject to Subsection [~~(3)~~] (4) and the restrictions in this title, the department has
408 authority to investigate and control the causes of epidemic infections and communicable
409 disease, and shall provide for the detection, reporting, prevention, and control of communicable
410 diseases and epidemic infections or any other health hazard which may affect the public health.

411 (2) This part does not authorize the department to control the production, processing,
412 distribution, or sale price of local food in response to a public health emergency, as that term is
413 defined in Section [26B-7-301](#).

414 [~~(2)~~] (3) (a) As part of the requirements of Subsection (1), the department shall
415 distribute to the public and to health care professionals:

416 (i) medically accurate information about sexually transmitted diseases that may cause
417 infertility and sterility if left untreated, including descriptions of:

418 (A) the probable side effects resulting from an untreated sexually transmitted disease,
419 including infertility and sterility;

420 (B) medically accepted treatment for sexually transmitted diseases;

421 (C) the medical risks commonly associated with the medical treatment of sexually
422 transmitted diseases; and

423 (D) suggested screening by a private physician or physician assistant; and

424 (ii) information about:

425 (A) public services and agencies available to assist individuals with obtaining
426 treatment for the sexually transmitted disease;

427 (B) medical assistance benefits that may be available to the individual with the
428 sexually transmitted disease; and

429 (C) abstinence before marriage and fidelity after marriage being the surest prevention
430 of sexually transmitted disease.

431 (b) The information [~~required by~~] described in Subsection [~~(2)(a)~~] (3)(a):

432 (i) shall be distributed by the department and by local health departments free of
433 charge;

434 (ii) shall be relevant to the geographic location in which the information is distributed
435 by:

436 (A) listing addresses and telephone numbers for public clinics and agencies providing
437 services in the geographic area in which the information is distributed; and

438 (B) providing the information in English as well as other languages that may be
439 appropriate for the geographic area.

440 (c) (i) Except as provided in Subsection [~~(2)(c)(ii)~~] (3)(c)(ii), the department shall
441 develop written material that includes the information [~~required by~~] described in this
442 Subsection [~~(2)~~] (3).

443 (ii) In addition to the written materials [~~required by~~] described in Subsection [~~(2)(c)(i)~~]
444 (3)(c)(i), the department may distribute the information [~~required by~~] described in this
445 Subsection [~~(2)~~] (3) by any other methods the department determines is appropriate to educate
446 the public, excluding public schools, including websites, toll free telephone numbers, and the
447 media.

448 (iii) If the information [~~required by~~] described in Subsection [~~(2)(b)(ii)(A)~~]
449 (3)(b)(ii)(A) is not included in the written pamphlet developed by the department, the written
450 material shall include either a website, or a 24-hour toll free telephone number that the public
451 may use to obtain that information.

452 [~~(3)~~] (4) (a) The Legislature may at any time terminate by joint resolution an order of
453 constraint issued by the department as described in this section in response to a declared public
454 health emergency.

455 (b) A county governing body may at any time terminate by majority vote an order of
456 constraint issued by the relevant local health department as described in this section in response
457 to a declared public health emergency.

458 Section 6. Section **26B-7-301** is amended to read:

459 **26B-7-301. Definitions.**

460 As used in this part:

461 (1) "Bioterrorism" means:

462 (a) the intentional use of any microorganism, virus, infectious substance, or biological
463 product to cause death, disease, or other biological malfunction in a human, an animal, a plant,
464 or another living organism in order to influence, intimidate, or coerce the conduct of
465 government or a civilian population; and

466 (b) includes anthrax, botulism, small pox, plague, tularemia, and viral hemorrhagic
467 fevers.

468 (2) "Diagnostic information" means a clinical facility's record of individuals who
469 present for treatment, including the reason for the visit, chief complaint, presenting diagnosis,
470 final diagnosis, and any pertinent lab results.

471 (3) "Epidemic or pandemic disease":

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

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

476 (4) "Exigent circumstances" means a significant change in circumstances following the
477 expiration of a public health emergency declared in accordance with this title that:

478 (a) substantially increases the threat to public safety or health relative to the
479 circumstances in existence when the public health emergency expired;

480 (b) poses an imminent threat to public safety or health; and

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

483 (5) "First responder" means:

484 (a) a law enforcement officer as defined in Section [53-13-103](#);

485 (b) emergency medical service personnel as defined in Section [26B-4-101](#);

486 (c) firefighters; and

487 (d) public health personnel having jurisdiction over the location where an individual
488 subject to restriction is found.

489 (6) "Health care provider" means the same as that term is defined in Section
490 [78B-3-403](#).

491 (7) "Legislative emergency response committee" means the same as that term is
492 defined in Section [53-2a-203](#).

493 (8) "Local food" means the same as that term is defined in Section [4-1-109](#).

494 ~~[(8)]~~ (9) (a) "Order of constraint" means an order, rule, or regulation issued in response
495 to a declared public health emergency under this part, that:

496 (i) applies to all or substantially all:

497 (A) individuals or a certain group of individuals; or

498 (B) public places or certain types of public places; and

499 (ii) for the protection of the public health and in response to the declared public health
500 emergency:

501 (A) establishes, maintains, or enforces isolation or quarantine;

502 (B) establishes, maintains, or enforces a stay-at-home order;

503 (C) exercises physical control over property or individuals;

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

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

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

508 ~~[(9)]~~ (10) "Order of restriction" means an order issued by a department or a district
509 court which requires an individual or group of individuals who are subject to restriction to
510 submit to an examination, treatment, isolation, or quarantine.

511 ~~[(10)]~~ (11) "Public health emergency" means an occurrence or imminent credible threat
512 of an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or
513 novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a
514 significant number of human fatalities or incidents of permanent or long-term disability. Such
515 illness or health condition includes an illness or health condition resulting from a natural
516 disaster.

517 ~~[(11)]~~ (12) "Public health official" means:

518 (a) the executive director or the executive director's authorized representative; or

519 (b) the executive director of a local health department or the executive director's
520 authorized representative.

521 ~~[(12)]~~ (13) "Reportable emergency illness and health condition" includes the diseases,

522 conditions, or syndromes designated by the department.

523 [~~(13)~~] (14) "Stay-at-home order" means an order of constraint that:

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

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

528 [~~(14)~~] (15) "Subject to restriction" as applied to an individual, or a group of
529 individuals, means the individual or group of individuals is:

530 (a) infected or suspected to be infected with a communicable disease that poses a threat
531 to the public health and who does not take action as required by the department to prevent
532 spread of the disease;

533 (b) contaminated or suspected to be contaminated with an infectious agent that poses a
534 threat to the public health, and that could be spread to others if remedial action is not taken;

535 (c) in a condition or suspected condition which, if the individual is exposed to others,
536 poses a threat to public health, or is in a condition which if treatment is not completed the
537 individual will pose a threat to public health; or

538 (d) contaminated or suspected to be contaminated with a chemical or biological agent
539 that poses a threat to the public health and that could be spread to others if remedial action is
540 not taken.

541 Section 7. Section **26B-7-302** is amended to read:

542 **26B-7-302. Executive director -- Power to order abatement of public health**
543 **hazard -- Limitation on power to control local food.**

544 (1) If the executive director finds that a condition of filth, sanitation, or other health
545 hazard exists which creates a clear present hazard to the public health and which requires
546 immediate action to protect human health or safety, the executive director with the concurrence
547 of the governor may order persons causing or contributing to the condition to reduce,
548 discontinue, or ameliorate it to the extent that the public health hazard is eliminated.

549 (2) This part does not authorize the executive director to control the production,
550 processing, distribution, or sale price of local food in response to a public health hazard.

551 Section 8. Section **53-2a-222** is enacted to read:

552 **53-2a-222. Control of local food.**

553 (1) As used in this section, "local food" means the same as that term is defined in
554 Section 4-1-109.

555 (2) Subject to the provisions of Title 13, Chapter 41, Price Controls During
556 Emergencies Act, the governor, an executive branch agency, or a political subdivision may not
557 control the distribution or sale price of local food in response to a state of emergency or local
558 emergency.

559 Section 9. Section **73-3d-101** is amended to read:

560 **73-3d-101. Definitions.**

561 As used in this chapter:

562 (1) "Electric utility" means:

- 563 (a) a municipal electric utility, as defined in Section 10-19-102;
- 564 (b) an electric interlocal entity, as defined in Section 11-13-103;
- 565 (c) an energy services interlocal entity, as defined in Section 11-13-103;
- 566 (d) a project entity, as defined in Section 11-13-103;
- 567 (e) an electric improvement district, as defined in Section 17B-2a-406; or
- 568 (f) an electrical corporation, as defined in Section 54-2-1.

569 (2) "Local food" means the same as that term is defined in Section 4-1-109.

570 [~~2~~] (3) "Military facility" means an installation, base, air field, camp, post, station,
571 yard, center, or other facility owned, leased, or operated by, or under the jurisdiction of, the
572 United States Department of Defense or the National Guard.

573 [~~3~~] (4) "Person entitled to make a request" means:

- 574 (a) the holder of an approved but unperfected application to appropriate water;
 - 575 (b) the record owner of a perfected water right; or
 - 576 (c) a person who provides water using an approved but unperfected application or a
577 perfected water right with the written authorization of a person described in Subsection [~~3~~](a)
- 578 (4)(a) or (b).

579 [~~4~~] (5) "Temporary water shortage emergency" means an interruption of water
580 delivery for which the governor may declare an emergency in accordance with Section
581 **73-3d-201.**

582 Section 10. Section **73-3d-201** is amended to read:

583 **73-3d-201. Declaration of a temporary water shortage emergency by the**

584 **governor.**

585 (1) (a) Subject to the requirements of this section, the governor may declare a
586 temporary water shortage emergency by issuing an executive order if, on the governor's own
587 initiative or at the request of a person entitled to make a request, the governor determines that
588 an existing or imminent short-term interruption of water delivery in this state caused by
589 manmade or natural causes other than drought:

590 (i) threatens:

591 (A) the availability or quality of an essential water supply or water supply
592 infrastructure; or

593 (B) the operation of the economy; and

594 (ii) because of the threats described in Subsection (1)(a)(i), jeopardizes the peace,
595 health, safety, or welfare of the people of this state.

596 (b) The governor may only issue the executive order declaring a temporary water
597 shortage emergency described in Subsection (1)(a):

598 (i) with the advice and recommendation of the state engineer; and

599 (ii) in consultation with the emergency management administration committee created
600 by Section [53-2a-105](#).

601 (c) An executive order issued under this Subsection (1) shall state with specificity:

602 (i) the nature of the interruption of water supply;

603 (ii) subject to Subsection (2), the time period for which the temporary water shortage
604 emergency is declared;

605 (iii) a description of the geographic area that is subject to the executive order;

606 (iv) a list of the specific persons entitled to make a request who may exercise the
607 preferential use of water under Section [73-3d-301](#) during the effective period of the temporary
608 water shortage emergency; and

609 (v) the purposes outlined in Subsection [73-3d-301](#)(1) for which a person who is
610 described in Subsection (1)(c)(iv) may take the water subject to Section [73-3d-301](#).

611 (d) Subject to the provisions of Title 13, Chapter 41, Price Controls During
612 Emergencies Act, an executive order issued under this Subsection (1) may not control the
613 distribution or sale price of local food.

614 [~~(d)~~] (e) Before providing a recommendation to the governor under Subsection

615 (1)(b)(i), the state engineer shall require a person entitled to make a request who is described in
616 Subsection (1)(c)(iv) to provide a written statement describing how the person entitled to make
617 a request has exhausted other reasonable means to acquire water.

618 ~~[(e)]~~ (f) A person entitled to make a request who is described in Subsection (1)(c)(iv)
619 may take water preferentially during a temporary water shortage emergency only for a purpose
620 authorized by the executive order.

621 ~~[(f)]~~ (g) (i) Within seven calendar days of the day on which the governor issues an
622 executive order declaring a temporary water shortage emergency, the Legislative Management
623 Committee shall:

624 (A) review the executive order;

625 (B) advise the governor on the declaration of a temporary water shortage emergency;
626 and

627 (C) recommend to the Legislature whether the executive order should be kept as issued
628 by the governor, extended, or terminated.

629 (ii) The failure of the Legislative Management Committee to meet as required by
630 Subsection ~~[(+)(f)(i)]~~ (1)(g)(i) does not affect the validity of the executive order declaring a
631 temporary water shortage emergency.

632 (2) (a) The governor shall state in an executive order declaring a temporary water
633 shortage emergency the time period for which the temporary water shortage emergency is
634 declared, except that the governor may not declare a temporary water shortage emergency for
635 longer than 30 days after the date the executive order is issued.

636 (b) The governor may terminate an executive order declaring a temporary water
637 shortage emergency before the expiration of the time period stated in the executive order.

638 (c) An executive order declaring a temporary water emergency issued by the governor
639 within 30 days of the expiration or termination of a prior executive order for the same
640 emergency is considered an extension subject to Subsection (2)(e).

641 (d) The Legislature may extend the time period of an executive order declaring a
642 temporary water shortage emergency by joint resolution, except that the Legislature may not
643 extend a temporary water shortage emergency for longer than one year from the day on which
644 the executive order declaring a temporary water shortage emergency is issued.

645 (e) An executive order declaring a temporary water shortage emergency may be

646 renewed or extended only by joint resolution of the Legislature.

647 Section 11. **Effective date.**

648 This bill takes effect on May 1, 2024.