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PUBLIC HEALTH AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

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General Description:

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5 This bill amends provisions related to public health.

Highlighted Provisions:

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7 This bill:

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▸ defines terms;

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▸ modifies when the Department of Health and Human Services and a local health

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department may invoke an order of restriction; and

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▸ repeals an exception for medical students related to vaccination and face covering

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requirements implemented by an institution of higher education.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

- 19 **26A-1-114**, as last amended by Laws of Utah 2023, Chapters 90, 327
 20 **26B-7-301**, as renumbered and amended by Laws of Utah 2023, Chapter 308
 21 **26B-7-304**, as renumbered and amended by Laws of Utah 2023, Chapter 308
 22 **26B-7-307**, as renumbered and amended by Laws of Utah 2023, Chapter 308
 23 **26B-7-310**, as renumbered and amended by Laws of Utah 2023, Chapter 308
 24 **26B-7-311**, as renumbered and amended by Laws of Utah 2023, Chapter 308
 25 **53B-2-113**, as last amended by Laws of Utah 2021, First Special Session, Chapter 7

26 REPEALS:

- 27 **26B-7-204**, as renumbered and amended by Laws of Utah 2023, Chapter 308
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29 *Be it enacted by the Legislature of the state of Utah:*

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

31 **26A-1-114 . Powers and duties of departments.**

- 32 (1) Subject to Subsections (7), (8), and (11), a local health department may:
- 33 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
 34 department rules, and local health department standards and regulations relating to
 35 public health and sanitation, including the plumbing code administered by the
 36 Division of Professional Licensing under Title 15A, Chapter 1, Part 2, State
 37 Construction Code Administration Act, and under Title 26B, Chapter 7, Part 4,
 38 General Sanitation and Food Safety , in all incorporated and unincorporated areas
 39 served by the local health department;
- 40 (b) establish, maintain, and enforce isolation and quarantine, [~~and exercise physical~~
 41 ~~control over property and over individuals as the local health department finds~~
 42 ~~necessary for the protection of the public health] over an individual in accordance
 43 with an order of restriction issued under Title 26B, Chapter 7, Part 3, Treatment,
 44 Isolation, and Quarantine Procedures for Communicable Diseases;~~
- 45 (c) establish and maintain medical, environmental, occupational, and other laboratory
 46 services considered necessary or proper for the protection of the public health;
- 47 (d) establish and operate reasonable health programs or measures not in conflict with
 48 state law which:
- 49 (i) are necessary or desirable for the promotion or protection of the public health and
 50 the control of disease; or
- 51 (ii) may be necessary to ameliorate the major risk factors associated with the major
 52 causes of injury, sickness, death, and disability in the state;

- 53 (e) close theaters, schools, and other public places and prohibit gatherings of people
54 when necessary to protect the public health;
- 55 (f) exercise physical control of property to abate nuisances or eliminate sources of filth
56 and infectious and communicable diseases affecting the public health and bill the
57 owner or other person in charge of the premises upon which this nuisance occurs for
58 the cost of abatement;
- 59 (g) make necessary sanitary and health investigations and inspections on the local health
60 department's own initiative or in cooperation with the Department of Health and
61 Human Services or the Department of Environmental Quality, or both, as to any
62 matters affecting the public health;
- 63 (h) pursuant to county ordinance or interlocal agreement:
- 64 (i) establish and collect appropriate fees for the performance of services and
65 operation of authorized or required programs and duties;
- 66 (ii) accept, use, and administer all federal, state, or private donations or grants of
67 funds, property, services, or materials for public health purposes; and
- 68 (iii) make agreements not in conflict with state law which are conditional to receiving
69 a donation or grant;
- 70 (i) prepare, publish, and disseminate information necessary to inform and advise the
71 public concerning:
- 72 (i) the health and wellness of the population, specific hazards, and risk factors that
73 may adversely affect the health and wellness of the population; and
- 74 (ii) specific activities individuals and institutions can engage in to promote and
75 protect the health and wellness of the population;
- 76 (j) investigate the causes of morbidity and mortality;
- 77 (k) issue notices and orders necessary to carry out this part;
- 78 (l) conduct studies to identify injury problems, establish injury control systems, develop
79 standards for the correction and prevention of future occurrences, and provide public
80 information and instruction to special high risk groups;
- 81 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
82 within the jurisdiction of the boards;
- 83 (n) cooperate with the state health department, the Department of Corrections, the
84 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
85 Services, and the Crime Victim Reparations Board to conduct testing for HIV
86 infection of alleged sexual offenders, convicted sexual offenders, and any victims of

87 a sexual offense;
88 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321; and
89 (p) provide public health assistance in response to a national, state, or local emergency, a
90 public health emergency as defined in Section 26B-7-301, or a declaration by the
91 President of the United States or other federal official requesting public health-related
92 activities.

93 (2) The local health department shall:

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

96 (b) investigate infectious and other diseases of public health importance and implement
97 measures to control the causes of epidemic and communicable diseases and other
98 conditions significantly affecting the public health which may include involuntary
99 testing of alleged sexual offenders for the HIV infection pursuant to Section
100 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection
101 pursuant to Section 53-10-803;

102 (c) cooperate with the department in matters pertaining to the public health and in the
103 administration of state health laws; and

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

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

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

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

117 (iv) is reviewed and updated annually.

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

120 (a) enforce all ordinances, standards, and regulations pertaining to the public health of

- 121 persons attending public and private schools;
- 122 (b) exclude from school attendance any person, including teachers, who is suffering
123 from any communicable or infectious disease, whether acute or chronic, if the person
124 is likely to convey the disease to those in attendance; and
- 125 (c) (i) make regular inspections of the health-related condition of all school buildings
126 and premises;
- 127 (ii) report the inspections on forms furnished by the department to those responsible
128 for the condition and provide instructions for correction of any conditions that
129 impair or endanger the health or life of those attending the schools; and
- 130 (iii) provide a copy of the report to the department at the time the report is made.
- 131 (4) If those responsible for the health-related condition of the school buildings and premises
132 do not carry out any instructions for corrections provided in a report in Subsection
133 (3)(c), the local health board shall cause the conditions to be corrected at the expense of
134 the persons responsible.
- 135 (5) The local health department may exercise incidental authority as necessary to carry out
136 the provisions and purposes of this part.
- 137 (6) Nothing in this part may be construed to authorize a local health department to enforce
138 an ordinance, rule, or regulation requiring the installation or maintenance of a carbon
139 monoxide detector in a residential dwelling against anyone other than the occupant of
140 the dwelling.
- 141 (7) (a) Except as provided in Subsection (7)(c), a local health department may not
142 declare a public health emergency or issue an order of constraint until the local health
143 department has provided notice of the proposed action to the chief executive officer
144 of the relevant county no later than 24 hours before the local health department issues
145 the order or declaration.
- 146 (b) The local health department:
- 147 (i) shall provide the notice required by Subsection (7)(a) using the best available
148 method under the circumstances as determined by the local health department;
- 149 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and
- 150 (iii) shall provide the notice in written form, if practicable.
- 151 (c) (i) Notwithstanding Subsection (7)(a), a local health department may declare a
152 public health emergency or issue an order of constraint without approval of the
153 chief executive officer of the relevant county if the passage of time necessary to
154 obtain approval of the chief executive officer of the relevant county as required in

- 155 Subsection (7)(a) would substantially increase the likelihood of loss of life due to
156 an imminent threat.
- 157 (ii) If a local health department declares a public health emergency or issues an order
158 of constraint as described in Subsection (7)(c)(i), the local health department shall
159 notify the chief executive officer of the relevant county before issuing the order of
160 constraint.
- 161 (iii) The chief executive officer of the relevant county may terminate a declaration of
162 a public health emergency or an order of constraint issued as described in
163 Subsection (7)(c)(i) within 72 hours of declaration of the public health emergency
164 or issuance of the order of constraint.
- 165 (d) (i) The relevant county governing body may at any time terminate a public health
166 emergency or an order of constraint issued by the local health department by
167 majority vote of the county governing body in response to a declared public health
168 emergency.
- 169 (ii) A vote by the relevant county governing body to terminate a public health
170 emergency or an order of constraint as described in Subsection (7)(d)(i) is not
171 subject to veto by the relevant chief executive officer.
- 172 (8) (a) Except as provided in Subsection (8)(b), a public health emergency declared by a
173 local health department expires at the earliest of:
- 174 (i) the local health department or the chief executive officer of the relevant county
175 finding that the threat or danger has passed or the public health emergency
176 reduced to the extent that emergency conditions no longer exist;
- 177 (ii) 30 days after the date on which the local health department declared the public
178 health emergency; or
- 179 (iii) the day on which the public health emergency is terminated by majority vote of
180 the county governing body.
- 181 (b) (i) The relevant county legislative body, by majority vote, may extend a public
182 health emergency for a time period designated by the county legislative body.
- 183 (ii) If the county legislative body extends a public health emergency as described in
184 Subsection (8)(b)(i), the public health emergency expires on the date designated
185 by the county legislative body.
- 186 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a
187 local health department expires as described in Subsection (8)(a), the local health
188 department may not declare a public health emergency for the same illness or

- 189 occurrence that precipitated the previous public health emergency declaration.
- 190 (d) (i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local
191 health department finds that exigent circumstances exist, after providing notice to
192 the county legislative body, the department may declare a new public health
193 emergency for the same illness or occurrence that precipitated a previous public
194 health emergency declaration.
- 195 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires
196 in accordance with Subsection (8)(a) or (b).
- 197 (e) For a public health emergency declared by a local health department under this
198 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine
199 Procedures for Communicable Diseases, the Legislature may terminate by joint
200 resolution a public health emergency that was declared based on exigent
201 circumstances or that has been in effect for more than 30 days.
- 202 (f) If the Legislature or county legislative body terminates a public health emergency
203 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local
204 health department may not declare a new public health emergency for the same
205 illness, occurrence, or exigent circumstances.
- 206 (9) (a) During a public health emergency declared under this chapter or under Title 26B,
207 Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for
208 Communicable Diseases:
- 209 (i) except as provided in Subsection (9)(b), a local health department may not issue
210 an order of constraint without approval of the chief executive officer of the
211 relevant county;
- 212 (ii) the Legislature may at any time terminate by joint resolution an order of
213 constraint issued by a local health department in response to a declared public
214 health emergency that has been in effect for more than 30 days; and
- 215 (iii) a county governing body may at any time terminate by majority vote of the
216 governing body an order of constraint issued by a local health department in
217 response to a declared public health emergency.
- 218 (b) (i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an
219 order of constraint without approval of the chief executive officer of the relevant
220 county if the passage of time necessary to obtain approval of the chief executive
221 officer of the relevant county as required in Subsection (9)(a)(i) would
222 substantially increase the likelihood of loss of life due to an imminent threat.

- 223 (ii) If a local health department issues an order of constraint as described in
224 Subsection (9)(b), the local health department shall notify the chief executive
225 officer of the relevant county before issuing the order of constraint.
- 226 (iii) The chief executive officer of the relevant county may terminate an order of
227 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of
228 the order of constraint.
- 229 (c) (i) For a local health department that serves more than one county, the approval
230 described in Subsection (9)(a)(i) is required for the chief executive officer for
231 which the order of constraint is applicable.
- 232 (ii) For a local health department that serves more than one county, a county
233 governing body may only terminate an order of constraint as described in
234 Subsection (9)(a)(iii) for the county served by the county governing body.
- 235 (10) (a) During a public health emergency declared as described in this title:
- 236 (i) the department or a local health department may not impose an order of constraint
237 on a religious gathering that is more restrictive than an order of constraint that
238 applies to any other relevantly similar gathering; and
- 239 (ii) an individual, while acting or purporting to act within the course and scope of the
240 individual's official department or local health department capacity, may not:
- 241 (A) prevent a religious gathering that is held in a manner consistent with any order
242 of constraint issued pursuant to this title; or
- 243 (B) impose a penalty for a previous religious gathering that was held in a manner
244 consistent with any order of constraint issued pursuant to this title.
- 245 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
246 prevent the violation of this Subsection (10).
- 247 (c) During a public health emergency declared as described in this title, the department
248 or a local health department shall not issue a public health order or impose or
249 implement a regulation that substantially burdens an individual's exercise of religion
250 unless the department or local health department demonstrates that the application of
251 the burden to the individual:
- 252 (i) is in furtherance of a compelling government interest; and
- 253 (ii) is the least restrictive means of furthering that compelling government interest.
- 254 (d) Notwithstanding Subsections (8)(a) and (c), the department or a local health
255 department shall allow reasonable accommodations for an individual to perform or
256 participate in a religious practice or rite.

257 (11) An order of constraint issued by a local health department pursuant to a declared
258 public health emergency does not apply to a facility, property, or area owned or leased
259 by the state, including the capitol hill complex, as that term is defined in Section
260 63C-9-102.

261 (12) A local health department may not:

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

264 (b) prevent or limit a person's ability to engage in a practice described in Subsection
265 58-11a-304(5) by:

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

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

270 Section 2. Section **26B-7-301** is amended to read:

271 **26B-7-301 . Definitions.**

272 As used in this part:

273 (1) "Bioterrorism" means:

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

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

280 (2) "Dangerous public health condition" means any of the following:

281 (a) cholera;

282 (b) pneumonic plague;

283 (c) severe acute respiratory syndrome;

284 (d) smallpox;

285 (e) tuberculosis;

286 (f) any viral hemorrhagic fever;

287 (g) measles; or

288 (h) any infection;

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

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

291 (iii) only if the relevant legislative body of the county where the infection is located
292 approves as needing containment.

293 [(2)] (3) "Diagnostic information" means a clinical facility's record of individuals who
294 present for treatment, including the reason for the visit, chief complaint, presenting
295 diagnosis, final diagnosis, and any pertinent lab results.

296 [(3)] (4) "Epidemic or pandemic disease":

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

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

301 [(4)] (5) "Exigent circumstances" means a significant change in circumstances following the
302 expiration of a public health emergency declared in accordance with this title that:

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

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

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

308 [(5)] (6) "First responder" means:

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

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

311 (c) firefighters; and

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

314 [(6)] (7) "Health care provider" means the same as that term is defined in Section 78B-3-403.

315 [(7)] (8) "Legislative emergency response committee" means the same as that term is
316 defined in Section 53-2a-203.

317 [(8)] (9) (a) "Order of constraint" means an order, rule, or regulation issued in response
318 to a declared public health emergency under this part, that:

319 (i) applies to all or substantially all:

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

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

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

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

- 325 (B) establishes, maintains, or enforces a stay-at-home order;
- 326 (C) exercises physical control over property or individuals;
- 327 (D) requires an individual to perform a certain action or engage in certain
- 328 behavior; or
- 329 (E) closes theaters, schools, or other public places or prohibits gatherings of
- 330 people to protect the public health.
- 331 (b) "Order of constraint" includes a stay-at-home order.
- 332 ~~[(9)]~~ (10) "Order of restriction" means an order issued by a department or a district court
- 333 which requires an individual or group of individuals who are subject to restriction to
- 334 submit to an examination, treatment, isolation, or quarantine.
- 335 ~~[(10)]~~ (11) (a) "Public health emergency" means an occurrence or imminent credible
- 336 threat of an illness or health condition, caused by bioterrorism, epidemic or pandemic
- 337 disease, or novel and highly fatal infectious agent or biological toxin, that poses a
- 338 substantial risk of a significant number of human fatalities or incidents of permanent
- 339 or long-term disability. ~~[Such illness or health condition includes an]~~
- 340 (b) "Public health emergency" includes an illness or health condition resulting from a
- 341 natural disaster.
- 342 ~~[(11)]~~ (12) "Public health official" means:
- 343 (a) the executive director or the executive director's authorized representative; or
- 344 (b) the executive director of a local health department or the executive director's
- 345 authorized representative.
- 346 ~~[(12)]~~ (13) "Reportable emergency illness and health condition" includes the diseases,
- 347 conditions, or syndromes designated by the department.
- 348 ~~[(13)]~~ (14) "Stay-at-home order" means an order of constraint that:
- 349 (a) restricts movement of the general population to suppress or mitigate an epidemic or
- 350 pandemic disease by directing individuals within a defined geographic area to remain
- 351 in their respective residences; and
- 352 (b) may include exceptions for certain essential tasks.
- 353 (15) "Threat to public health" means a situation where a dangerous public health condition
- 354 could spread to other individuals.
- 355 ~~[(14)]~~ (16) "Subject to restriction" as applied to an individual, or a group of individuals,
- 356 means the individual or group of individuals could create a threat to public health.~~[is:]~~
- 357 ~~[(a) infected or suspected to be infected with a communicable disease that poses a threat~~
- 358 ~~to the public health and who does not take action as required by the department to~~

- 359 prevent spread of the disease;]
- 360 [~~(b) contaminated or suspected to be contaminated with an infectious agent that poses a~~
361 ~~threat to the public health, and that could be spread to others if remedial action is not~~
362 ~~taken;]~~
- 363 [~~(e) in a condition or suspected condition which, if the individual is exposed to others,~~
364 ~~poses a threat to public health, or is in a condition which if treatment is not completed~~
365 ~~the individual will pose a threat to public health; or]~~
- 366 [~~(d) contaminated or suspected to be contaminated with a chemical or biological agent~~
367 ~~that poses a threat to the public health and that could be spread to others if remedial~~
368 ~~action is not taken.]~~

369 Section 3. Section **26B-7-304** is amended to read:

370 **26B-7-304 . Order of restriction.**

- 371 (1) Subject to Subsection (5), the department or a local health department having
372 jurisdiction over the location where an individual or a group of individuals who are
373 subject to restriction are found may:
- 374 (a) issue a written order of restriction for the individual or group of individuals pursuant
375 to Section 26B-1-202 or Subsection 26A-1-114(1)(b) upon compliance with the
376 requirements of Sections 26B-7-304 through 26B-7-314; and
- 377 (b) issue a verbal order of restriction for an individual or group of individuals pursuant
378 to Subsection (2)(c).
- 379 (2) (a) A department or local health department's determination to issue an order of
380 restriction shall be based upon the totality of circumstances reported to and known by
381 the department or local health department, including:
- 382 (i) observation;
- 383 (ii) information that the department or local health department determines is credible
384 and reliable information; and
- 385 (iii) knowledge of current public health risks based on medically accepted guidelines
386 as may be established by the department by administrative rule.
- 387 (b) An order of restriction issued by the department or a local health department shall:
- 388 (i) in the opinion of the public health official, be for the shortest reasonable period of
389 time necessary to protect the public health;
- 390 (ii) use the least intrusive method of restriction that, in the opinion of the department
391 or local health department, is reasonable based on the totality of circumstances
392 known to the department or local health department issuing the order of restriction;

- 393 (iii) be in writing unless the provisions of Subsection (2)(c) apply; and
394 (iv) contain notice of an individual's rights as required in Section 26B-7-307.
- 395 (c) (i) The department or a local health department may issue a verbal order of
396 restriction, without prior notice to the individual or group of individuals if the
397 delay in imposing a written order of restriction would significantly jeopardize the
398 department or local health department's ability to prevent or limit a threat to public
399 health.[:]
- 400 [~~(A) the transmission of a communicable or possibly communicable disease that~~
401 ~~poses a threat to public health;~~]
402 [~~(B) the transmission of an infectious agent or possibly infectious agent that~~
403 ~~poses a threat to public health;~~]
404 [~~(C) the exposure or possible exposure of a chemical or biological agent that~~
405 ~~poses a threat to public health; or~~]
406 [~~(D) the exposure or transmission of a condition that poses a threat to public~~
407 ~~health.~~]
- 408 (ii) A verbal order of restriction issued under Subsection (2)(c)(i):
409 (A) is valid for 24 hours from the time the order of restriction is issued;
410 (B) may be verbally communicated to the individuals or group of individuals
411 subject to restriction by a first responder;
412 (C) may be enforced by the first responder until the department or local health
413 department is able to establish and maintain the place of restriction; and
414 (D) may only be continued beyond the initial 24 hours if a written order of
415 restriction is issued pursuant to the provisions of Section 26B-7-307.
- 416 (3) Pending issuance of a written order of restriction under Section 26B-7-307, or judicial
417 review of an order of restriction under Section 26B-7-311, an individual who is subject
418 to the order of restriction may be required to submit to involuntary examination,
419 quarantine, isolation, or treatment in the individual's home, a hospital, or any other
420 suitable facility under reasonable conditions prescribed by the department or local health
421 department.
- 422 (4) The department or local health department that issued the order of restriction shall take
423 reasonable measures, including the provision of medical care, as may be necessary to
424 assure proper care related to the reason for the involuntary examination, treatment,
425 isolation, or quarantine of an individual ordered to submit to an order of restriction.
- 426 (5) (a) The Legislature may at any time terminate by joint resolution an order of

427 restriction issued by the department or local health department as described in this
428 section in response to a declared public health emergency.

429 (b) A county governing body may at any time terminate by majority vote an order of
430 restriction issued by the relevant local health department under this section issued in
431 response to a declared public health emergency.

432 Section 4. Section **26B-7-307** is amended to read:

433 **26B-7-307 . Contents of notice of order of restriction -- Rights of individuals.**

434 (1) A written order of restriction issued by a department or local health department shall
435 include the following information:

- 436 (a) the identity of the individual or a description of the group of individuals subject to
437 the order of restriction;
- 438 (b) the identity or location of any premises that may be subject to restriction;
- 439 (c) the date and time for which the restriction begins and the expected duration of the
440 restriction;
- 441 (d) the suspected [~~communicable disease, infectious, chemical or biological agent, or~~
442 ~~other condition~~] dangerous public health condition that poses a threat to public health;
- 443 (e) the requirements for termination of the order of restriction, such as necessary
444 laboratory reports, the expiration of an incubation period, or the completion of
445 treatment for the communicable disease;
- 446 (f) any conditions on the restriction, such as limitation of visitors or requirements for
447 medical monitoring;
- 448 (g) the medical or scientific information upon which the restriction is based;
- 449 (h) a statement advising of the right to a judicial review of the order of restriction by the
450 court; and
- 451 (i) pursuant to Subsection (2), the rights of each individual subject to restriction.

452 (2) An individual subject to restriction has the following rights:

- 453 (a) the right to be represented by legal counsel in any judicial review of the order of
454 restriction in accordance with Subsection 26B-7-309(3);
- 455 (b) the right to be provided with prior notice of the date, time, and location of any
456 hearing concerning the order of restriction;
- 457 (c) the right to participate in any hearing, in a manner established by the court based on
458 precautions necessary to prevent additional exposure to communicable or possibly
459 communicable diseases or to protect the public health;
- 460 (d) the right to respond and present evidence and arguments on the individual's own

- 461 behalf in any hearing;
- 462 (e) the right to cross examine witnesses; and
- 463 (f) the right to review and copy all records in the possession of the department that
- 464 issued the order of restriction which relate to the subject of the written order of
- 465 restriction.
- 466 (3) (a) Notwithstanding the provisions of Subsection (1), if the department or a local
- 467 health department issues an order of restriction for a group of individuals, the
- 468 department or local health department may modify the method of providing notice to
- 469 the group or modify the information contained in the notice, if the public health
- 470 official determines the modification of the notice is necessary to:
- 471 (i) protect the privacy of medical information of individuals in the group; or
- 472 (ii) provide notice to the group in a manner that will efficiently and effectively notify
- 473 the individuals in the group within the period of time necessary to protect the
- 474 public health.
- 475 (b) When the department or a local health department modifies notice to a group of
- 476 individuals under Subsection (3)(a), the department or local health department shall
- 477 provide each individual in the group with notice that complies with the provisions of
- 478 Subsection (1) as soon as reasonably practical.
- 479 (4) (a) In addition to the rights of an individual described in Subsections (1) and (2), an
- 480 individual subject to an order of restriction may not be terminated from employment
- 481 if the reason for termination is based solely on the fact that the individual is or was
- 482 subject to an order of restriction.
- 483 (b) The department or local health department issuing the order of restriction shall give
- 484 the individual subject to the order of restriction notice of the individual's employment
- 485 rights under Subsection (4)(a).
- 486 (c) An employer in the state, including an employer who is the state or a political
- 487 subdivision of the state, may not violate the provisions of Subsection (4)(a).

488 Section 5. Section **26B-7-310** is amended to read:

489 **26B-7-310 . Petition for judicial review of order of restriction -- Court-ordered**

490 **examination period.**

- 491 (1) (a) A department may petition for a judicial review of the department's order of
- 492 restriction for an individual or group of individuals who are subject to restriction by
- 493 filing a written petition with the court of the county in which the individual or group
- 494 of individuals reside or are located.

- 495 (b) (i) The county attorney for the county where the individual or group of
496 individuals reside or are located shall represent the local health department in any
497 proceedings under Sections 26B-7-304 through 26B-7-314.
- 498 (ii) The Office of the Attorney General shall represent the department when the
499 petitioner is the department in any proceedings under Sections 26B-7-304 through
500 26B-7-314.
- 501 (2) The petition under Subsection (1) shall be accompanied by:
- 502 (a) written affidavit of the department stating:
- 503 (i) a belief the individual or group of individuals are subject to restriction;
- 504 (ii) a belief that the individual or group of individuals who are subject to restriction
505 are likely to fail to submit to examination, treatment, quarantine, or isolation if not
506 immediately restrained;
- 507 (iii) this failure would pose a threat to the public health; and
- 508 (iv) the personal knowledge of the individual's or group of individuals' condition or
509 the circumstances that lead to that belief; and
- 510 (b) a written statement by a licensed physician or physician assistant indicating the
511 physician or physician assistant finds the individual or group of individuals are
512 subject to restriction.
- 513 (3) The court shall issue an order of restriction requiring the individual or group of
514 individuals to submit to involuntary restriction to protect the public health if the court
515 finds:
- 516 (a) there is a reasonable basis to believe that the individual's or group of individuals'
517 condition requires involuntary examination, quarantine, treatment, or isolation
518 pending examination and hearing; or
- 519 (b) the individual or group of individuals have refused to submit to examination by a
520 health professional as directed by the department or to voluntarily submit to
521 examination, treatment, quarantine, or isolation.
- 522 (4) If the individual or group of individuals who are subject to restriction are not in custody,
523 the court may make its determination and issue its order of restriction in an ex parte
524 hearing.
- 525 (5) At least 24 hours prior to the hearing required by Section 26B-7-311, the department
526 which is the petitioner, shall report to the court, in writing, the opinion of qualified
527 health care providers:
- 528 (a) regarding whether the individual or group of individuals are infected by or

- 529 contaminated with a dangerous public health condition.[:]
- 530 ~~[(i) a communicable or possible communicable disease that poses a threat to public~~
- 531 ~~health;]~~
- 532 ~~[(ii) an infectious agent or possibly infectious agent that poses a threat to public~~
- 533 ~~health;]~~
- 534 ~~[(iii) a chemical or biological agent that poses a threat to public health; or]~~
- 535 ~~[(iv) a condition that poses a threat to public health;]~~
- 536 (b) that despite the exercise of reasonable diligence, the diagnostic studies have not been
- 537 completed;
- 538 (c) whether the individual or group of individuals have agreed to voluntarily comply
- 539 with necessary examination, treatment, quarantine, or isolation; and
- 540 (d) whether the petitioner believes the individual or group of individuals will comply
- 541 without court proceedings.

542 Section 6. Section **26B-7-311** is amended to read:

543 **26B-7-311 . Court determination for an order of restriction after examination**

544 **period.**

- 545 (1) The court shall set a hearing regarding the involuntary order of restriction of an
- 546 individual or group of individuals, to be held within 10 business days of the issuance of
- 547 its order of restriction issued pursuant to Section 26B-7-310, unless the petitioner
- 548 informs the court prior to this hearing that the individual or group of individuals:
- 549 (a) are not subject to restriction; or
- 550 (b) have stipulated to the issuance of an order of restriction.
- 551 (2) If the individual or an individual in a group of individuals has stipulated to the issuance
- 552 of an order of restriction, the court may issue an order as provided in Subsection (6) for
- 553 those individuals without further hearing.
- 554 (3) (a) If the examination report required in Section 26B-7-310 proves the individual or
- 555 group of individuals are not subject to restriction, the court may without further
- 556 hearing terminate the proceedings and dismiss the petition.
- 557 (b) The court may, after a hearing at which the individual or group of individuals are
- 558 present in person or by telephonic or other electronic means and have had the
- 559 opportunity to be represented by counsel, extend its order of restriction for a
- 560 reasonable period, not to exceed 90 days, if the court has reason to believe the
- 561 individual or group of individuals are infected by or contaminated with a dangerous
- 562 public health condition.[:]

- 563 ~~[(i) a communicable or possibly communicable disease that poses a threat to public~~
564 ~~health;]~~
- 565 ~~[(ii) an infectious agent or possibly infectious agent that poses a threat to public~~
566 ~~health;]~~
- 567 ~~[(iii) a chemical or biological agent that poses a threat to public health; or]~~
- 568 ~~[(iv) a condition that poses a threat to public health, but, despite the exercise of~~
569 ~~reasonable diligence the diagnostic studies have not been completed.]~~
- 570 (4) The petitioner shall, at the time of the hearing, provide the court with the following
571 items, to the extent that they have been issued or are otherwise available:
- 572 (a) the order of restriction issued by the petitioner;
- 573 (b) admission notes if any individual was hospitalized; and
- 574 (c) medical records pertaining to the current order of restriction.
- 575 (5) The information provided to the court under Subsection (4) shall also be provided to the
576 individual's or group of individual's counsel at the time of the hearing, and at any time
577 prior to the hearing upon request of counsel.
- 578 (6) (a) The court shall order the individual and each individual in a group of individuals
579 to submit to the order of restriction if, upon completion of the hearing and
580 consideration of the record, it finds by clear and convincing evidence that:
- 581 (i) the individual or group of individuals are infected with ~~[a communicable disease~~
582 ~~or infectious agent, are contaminated with a chemical or biological agent, or are in~~
583 ~~a condition]~~ a dangerous public health condition that poses a threat to public health;
- 584 (ii) there is no appropriate and less restrictive alternative to a court order of
585 examination, quarantine, isolation, and treatment, or any of them;
- 586 (iii) the petitioner can provide the individual or group of individuals with treatment
587 that is adequate and appropriate to the individual's or group of individuals'
588 conditions and needs; and
- 589 (iv) it is in the public interest to order the individual or group of individuals to submit
590 to involuntary examination, quarantine, isolation, and treatment, or any of them
591 after weighing the following factors:
- 592 (A) the personal or religious beliefs, if any, of the individual that are opposed to
593 medical examination or treatment;
- 594 (B) the ability of the department to control the public health threat with treatment
595 alternatives that are requested by the individual;
- 596 (C) the economic impact for the department if the individual is permitted to use an

- 597 alternative to the treatment recommended by the department; and
598 (D) other relevant factors as determined by the court.
- 599 (b) If upon completion of the hearing the court does not find all of the conditions listed
600 in Subsection (6)(a) exist, the court shall immediately dismiss the petition.
- 601 (7) The order of restriction shall designate the period, subject to Subsection (8), for which
602 the individual or group of individuals shall be examined, treated, isolated, or quarantined.
- 603 (8) (a) The order of restriction may not exceed six months without benefit of a court
604 review hearing.
- 605 (b) (i) The court review hearing shall be held prior to the expiration of the order of
606 restriction issued under Subsection (7).
- 607 (ii) At the review hearing the court may issue an order of restriction for up to an
608 indeterminate period, if the court enters a written finding in the record
609 determining by clear and convincing evidence that the required conditions in
610 Subsection (6) will continue for an indeterminate period.

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

612 **53B-2-113 . Vaccination requirements -- Exemptions -- Face covering**
613 **requirements.**

- 614 (1) An institution of higher education described in Section 53B-2-101 may not require
615 proof of vaccination as a condition for enrollment or attendance unless the institution
616 allows for the following exemptions:
- 617 (a) a medical exemption if the student provides to the institution a statement that the
618 claimed exemption is for a medical reason; and
- 619 (b) a personal exemption if the student provides to the institution a statement that the
620 claimed exemption is for a personal or religious belief.
- 621 (2) An institution that offers both remote and in-person learning options may not deny a
622 student who is exempt from a requirement to receive a vaccine under Subsection (1) to
623 participate in an in-person learning option based upon the student's vaccination status.
- 624 (3) (a) For purposes of this Subsection (3), "face covering" means the same as that term
625 is defined in Section 53G-9-210.
- 626 (b) An institution of higher education described in Section 53B-2-101 may not require
627 an individual to wear a face covering to attend or participate in in-person instruction,
628 institution-sponsored athletics, institution-sponsored extracurricular activities, in
629 dormitories, or in any other place on a campus of an institution within the system of
630 higher education at any time after the end of the spring semester in 2021.

- 631 (4) Subsections (1), (2), and (3) do not apply to a student studying in a medical setting at an
632 institution of higher education if the institution of higher education provides the student
633 the same rights under Title VII of the Civil Rights Act to seek an exemption from a
634 vaccination mandate or face covering mandate as the institution of higher education
635 provides to a health care professional employed by the institution of higher education.
636 (5) Nothing in this section restricts a state or local health department from acting under
637 applicable law to contain the spread of an infectious disease.

638 Section 8. **Repealer.**

639 This bill repeals:

640 Section **26B-7-204, Involuntary examination, treatment, isolation, and quarantine.**

641 Section 9. **Effective date.**

642 This bill takes effect on May 1, 2024.