

1 **EDUCATION IMMUNIZATION MODIFICATIONS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mark A. Strong**

5 Senate Sponsor: Michael S. Kennedy

7 **LONG TITLE**

8 **General Description:**

9 This bill ensures the availability of vaccination exemptions in higher education.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ prohibits the Utah Board of Higher Education and institutions within the higher
13 education system from requiring proof of vaccination unless certain vaccination
14 exemptions are available; and

15 ▶ prohibits higher education institutions and local education agencies that offer both
16 remote and in-person learning from requiring a vaccine-exempt student to
17 participate remotely rather than in-person.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53B-3-103**, as last amended by Laws of Utah 2014, Chapter 298

25 **53G-9-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3

26 ENACTS:

27 **53B-2-112**, Utah Code Annotated 1953

28
29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **53B-2-112** is enacted to read:

31 **53B-2-112. Vaccination requirements -- Exemptions.**

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

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

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

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

42 (3) Subsections (1) and (2) do not apply to a student studying in a medical setting at an
43 institution of higher education.

44 (4) Nothing in this section restricts a state or local health department from acting under
45 applicable law to contain the spread of an infectious disease.

46 Section 2. Section **53B-3-103** is amended to read:

47 **53B-3-103. Power of board to adopt rules and enact regulations.**

48 (1) The board may enact regulations governing the conduct of university and college
49 students, faculty, and employees.

50 (2) (a) The board may:

51 (i) enact and authorize higher education institutions to enact traffic, parking, and
52 related regulations governing all individuals on campuses and other facilities owned or
53 controlled by the institutions or the board; and

54 (ii) acknowledging that the Legislature has the authority to regulate, by law, firearms at
55 higher education institutions:

56 (A) authorize higher education institutions to establish no more than one secure area at
57 each institution as a hearing room as prescribed in Section **76-8-311.1**, but not otherwise

58 restrict the lawful possession or carrying of firearms; and

59 (B) authorize a higher education institution to make a rule that allows a resident of a
60 dormitory located at the institution to request only roommates who are not licensed to carry a
61 concealed firearm under Section 53-5-704 or 53-5-705.

62 (b) In addition to the requirements and penalty prescribed in Subsections
63 76-8-311.1(3), (4), (5), and (6), the board shall make rules to ensure that:

64 (i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used
65 to detect firearms, ammunition, or dangerous weapons contained in the personal property of or
66 on the person of any individual attempting to enter a secure area hearing room;

67 (ii) an individual required or requested to attend a hearing in a secure area hearing
68 room is notified in writing of the requirements related to entering a secured area hearing room
69 under this Subsection (2)(b) and Section 76-8-311.1;

70 (iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area
71 hearing room is in effect only during the time the secure area hearing room is in use for
72 hearings and for a reasonable time before and after its use; and

73 (iv) reasonable space limitations are applied to the secure area hearing room as
74 warranted by the number of individuals involved in a typical hearing.

75 (c) (i) The board may not require proof of vaccination as a condition for enrollment or
76 attendance within the system of higher education unless the board allows for the following
77 exemptions:

78 (A) a medical exemption if the student provides to the institution a statement that the
79 claimed exemption is for a medical reason; and

80 (B) a personal exemption if the student provides to the institution a statement that the
81 claimed exemption is for a personal or religious belief.

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

85 (iii) Subsections (2)(c)(i) and (ii) do not apply to a student studying in a medical setting

86 at an institution of higher education.

87 (iv) Nothing in this section restricts a state or local health department from acting
88 under applicable law to contain the spread of an infectious disease.

89 (3) The board shall enact regulations that require all testimony be given under oath
90 during an employee grievance hearing for a non-faculty employee of an institution of higher
91 education if the grievance hearing relates to the non-faculty employee's:

92 (a) demotion; or

93 (b) termination.

94 (4) The board and institutions may enforce these rules and regulations in any
95 reasonable manner, including the assessment of fees, fines, and forfeitures, the collection of
96 which may be by withholding from money owed the violator, the imposition of probation,
97 suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue
98 certificates, degrees, and diplomas, through judicial process or any reasonable combination of
99 these alternatives.

100 Section 3. Section **53G-9-303** is amended to read:

101 **53G-9-303. Grounds for exemption from required vaccines -- Renewal.**

102 (1) A student is exempt from the requirement to receive a vaccine required under
103 Section **53G-9-305** if the student qualifies for a medical or personal exemption from the
104 vaccination under Subsection (2) or (3).

105 (2) A student qualifies for a medical exemption from a vaccination required under
106 Section **53G-9-305** if the student's legally responsible individual provides to the student's
107 school:

108 (a) a completed vaccination exemption form; and

109 (b) a written notice signed by a licensed health care provider stating that, due to the
110 physical condition of the student, administration of the vaccine would endanger the student's
111 life or health.

112 (3) A student qualifies for a personal exemption from a vaccination required under
113 Section **53G-9-305** if the student's legally responsible individual provides to the student's

114 school a completed vaccination exemption form, stating that the student is exempt from the
115 vaccination because of a personal or religious belief.

116 (4) (a) A vaccination exemption form submitted under this section is valid for as long
117 as the student remains at the school to which the form first is presented.

118 (b) If the student changes schools before the student is old enough to enroll in
119 kindergarten, the vaccination exemption form accepted as valid at the student's previous school
120 is valid until the earlier of the day on which:

121 (i) the student enrolls in kindergarten; or

122 (ii) the student turns six years old.

123 (c) If the student changes schools after the student is old enough to enroll in
124 kindergarten but before the student is eligible to enroll in grade 7, the vaccination exemption
125 form accepted as valid at the student's previous school is valid until the earlier of the day on
126 which:

127 (i) the student enrolls in grade 7; or

128 (ii) the student turns 12 years old.

129 (d) If the student changes schools after the student is old enough to enroll in grade 7,
130 the vaccination exemption form accepted as valid at the student's previous school is valid until
131 the student completes grade 12.

132 (e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained
133 through completion of the online education module created in Section 26-7-9 is valid for at
134 least two years.

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

138 (6) Nothing in this section restricts a state or local health department from acting under
139 applicable law to contain the spread of an infectious disease.