

Representative Paul Ray proposes the following substitute bill:

PANDEMIC EMERGENCY POWERS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill provides for the termination of emergency powers and certain public health orders related to COVID-19 upon reaching certain thresholds of positivity rates, vaccination, and other criteria.

Highlighted Provisions:

This bill:

- ▶ provides for the termination of certain emergency powers and public health orders related to COVID-19 upon reaching certain thresholds of positivity rates, case rates, intensive care facility capacities, and vaccine doses;
- ▶ allows health and safety measures in a K-12 school under certain circumstances;
- ▶ allows a local health department, with approval from the county legislative body, to take certain health and safety measures;
- ▶ allows a public health emergency declared by the Department of Health or a local health department to remain in effect;
- ▶ allows the governor and the Department of Health to issue a public health order related to the distribution of COVID-19 vaccines;
- ▶ provides an automatic repeal date; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63I-2-226**, as last amended by Laws of Utah 2020, Chapters 154, 187, 215, and 354

33 **63I-2-253**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13

34 ENACTS:

35 **26-6-33**, Utah Code Annotated 1953

36 **26A-1-130**, Utah Code Annotated 1953

37 **53-2a-218**, Utah Code Annotated 1953



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

40 Section 1. Section **26-6-33** is enacted to read:

41 **26-6-33. Termination of public health emergency powers pertaining to**

42 **COVID-19.**

43 (1) As used in this section:

44 (a) "COVID-19" means:

45 (i) severe acute respiratory syndrome coronavirus 2; or

46 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

47 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health

48 Organization declared a pandemic on March 11, 2020.

49 (2) Except as provided in Subsections (3), (4), and (5), any public health order in effect

50 pertaining to any response to COVID-19 and the COVID-19 emergency issued pursuant to a

51 public health emergency declared by the Department of Health or a local health department is

52 terminated on the day on which the following thresholds are met:

53 (a) the state's 14-day case rate is less than 191 per 100,000 people;

54 (b) the statewide seven-day average COVID-19 ICU utilization is less than 15%; and

55 (c) the Department of Health provides notice that 1,633,000 prime doses of a

56 COVID-19 vaccine have been allocated to the state.

57 (3) (a) Subject to Subsection (3)(b), a public health order issued by the Department of
58 Health issued pursuant to a public health emergency declared by the Department of Health
59 pertaining to response to COVID-19 and the COVID-19 emergency that pertains to public
60 health safety measures in a K-12 school may remain in place.

61 (b) A public health order or health and safety requirement described in Subsection
62 (3)(a) shall be terminated no later than July 1, 2021.

63 (4) (a) Except as provided in Subsection (4)(b) or (c), a public health order issued by
64 the Department of Health pertaining to a statewide mask requirement in response to the
65 COVID-19 emergency is terminated.

66 (b) Notwithstanding Subsection (4)(a), but subject to Subsection (4)(d), a public health
67 order pertaining to the wearing of a mask issued by the Department of Health may remain in
68 effect if:

69 (i) the mask requirement pertains only to a gathering of 50 or more people; and

70 (ii) an individual at the gathering of 50 or more people is unable to physically distance
71 at least six feet from another individual who is not a member of the individual's party.

72 (c) Subject to Subsection (4)(d), a local health department, with approval from the
73 relevant county legislative body, may issue a public health order requiring the wearing of a
74 mask.

75 (d) A public health order described in Subsection (4)(b) or (c) is terminated on the date
76 the thresholds described in Subsection (2) are met.

77 (5) Notwithstanding Subsections (2), (3), or (4):

78 (a) a declaration of a public health emergency issued by the Department of Health in
79 response to COVID-19 or the COVID-19 emergency may remain in effect; and

80 (b) the governor and the Department of Health may issue a public health order related
81 to the distribution of COVID-19 vaccines.

82 Section 2. Section **26A-1-130** is enacted to read:

83 **26A-1-130. Termination of local public health emergency powers pertaining to**
84 **COVID-19.**

85 (1) As used in this section:

86 (a) "COVID-19" means:

87 (i) severe acute respiratory syndrome coronavirus 2; or

88 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

89 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health
90 Organization declared a pandemic on March 11, 2020.

91 (2) Except as provided in Subsections (3), (4), and (5), any public health order in effect
92 pertaining to any response to COVID-19 and the COVID-19 emergency issued pursuant to a
93 public health emergency declared by the Department of Health or a local health department is
94 terminated on the day on which the following thresholds are met:

95 (a) the state's 14-day case rate is less than 191 per 100,000 people;

96 (b) the statewide seven-day average COVID-19 ICU utilization is less than 15%; and

97 (c) the Department of Health provides notice that 1,633,000 prime doses of a
98 COVID-19 vaccine have been allocated to the state.

99 (3) (a) Subject to Subsection (3)(b), a public health order issued by the Department of
100 Health or a local health department issued pursuant to a public health emergency declared by
101 the Department of Health or a local health department pertaining to response to COVID-19 and
102 the COVID-19 emergency that pertains to public health safety measures in a K-12 school may
103 remain in place.

104 (b) A public health order or health and safety requirement described in Subsection
105 (3)(a) shall be terminated no later than July 1, 2021.

106 (4) (a) Except as provided in Subsection (4)(b) or (c), a public health order issued by
107 the Department of Health or a local health department pertaining to a statewide mask
108 requirement in response to the COVID-19 emergency is terminated.

109 (b) Notwithstanding Subsection (4)(a), but subject to Subsection (4)(d), a public health
110 order pertaining to the wearing of a mask issued by the Department of Health or a local health
111 department may remain in effect if:

112 (i) the mask requirement pertains only to a gathering of 50 or more people; and

113 (ii) an individual at the gathering of 50 or more people is unable to physically distance
114 at least six feet from another individual who is not a member of the individual's party.

115 (c) Subject to Subsection (4)(d), a local health department, with approval from the
116 relevant county legislative body, may issue a public health order requiring the wearing of a
117 mask.

118 (d) A public health order described in Subsection (4)(b) or (c) is terminated on the date

119 the thresholds described in Subsection (2) are met.

120 (5) Notwithstanding Subsections (2), (3), or (4):

121 (a) a declaration of a public health emergency issued by the Department of Health or a
122 local health department in response to COVID-19 or the COVID-19 emergency may remain in
123 effect; and

124 (b) the governor, the Department of Health, or a local health department may issue a
125 public health order related to the distribution of COVID-19 vaccines.

126 Section 3. Section **53-2a-218** is enacted to read:

127 **53-2a-218. Termination of emergency powers pertaining to COVID-19.**

128 (1) As used in this section:

129 (a) "COVID-19" means:

130 (i) severe acute respiratory syndrome coronavirus 2; or

131 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

132 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health
133 Organization declared a pandemic on March 11, 2020.

134 (2) Except as provided in Subsections (3), (4), and (5), a state of emergency and any
135 executive order issued pursuant to this part pertaining to any response to COVID-19 and the
136 COVID-19 emergency is terminated on the day on which the following thresholds are met:

137 (a) the state's 14-day case rate is less than 191 per 100,000 people;

138 (b) the statewide seven-day average COVID-19 ICU utilization is less than 15%; and

139 (c) the Department of Health provides notice that 1,633,000 prime doses of a
140 COVID-19 vaccine have been allocated to the state.

141 (3) (a) Subject to Subsection (3)(b), a public health order issued by the Department of
142 Health or a local health department issued pursuant to a public health emergency declared by
143 the Department of Health or a local health department pertaining to response to COVID-19 and
144 the COVID-19 emergency that pertains to public health safety measures in a K-12 school may
145 remain in place.

146 (b) A public health order or health and safety requirement described in Subsection
147 (3)(a) shall be terminated no later than July 1, 2021.

148 (4) (a) Except as provided in Subsection (4)(b) or (c), a public health order issued by
149 the Department of Health or a local health department pertaining to a statewide mask

150 requirement in response to the COVID-19 emergency is terminated.

151 (b) Notwithstanding Subsection (4)(a), but subject to Subsection (4)(d), a public health
152 order pertaining to the wearing of a mask issued by the Department of Health or a local health
153 department may remain in effect if:

154 (i) the mask requirement pertains only to a gathering of 50 or more people; and

155 (ii) an individual at the gathering of 50 or more people is unable to physically distance
156 at least six feet from another individual who is not a member of the individual's party.

157 (c) Subject to Subsection (4)(d), a local health department, with approval from the
158 relevant county legislative body, may issue a public health order requiring the wearing of a
159 mask.

160 (d) A public health order described in Subsection (4)(b) or (c) is terminated on the date
161 the thresholds described in Subsection (2) are met.

162 (5) Notwithstanding Subsections (2), (3), or (4):

163 (a) a declaration of a public health emergency issued by the Department of Health or a
164 local health department in response to COVID-19 or the COVID-19 emergency may remain in
165 effect; and

166 (b) the governor, the Department of Health, or a local health department may issue a
167 public health order related to the distribution of COVID-19 vaccines.

168 Section 4. Section **63I-2-226** is amended to read:

169 **63I-2-226. Repeal dates, Title 26.**

170 (1) Subsection 26-1-7(1)(c), in relation to the Air Ambulance Committee, is repealed
171 July 1, 2024.

172 (2) Section 26-6-33, in relation to termination of public health emergency powers
173 pertaining to COVID-19, is repealed on July 1, 2021.

174 [~~2~~] (3) Subsection 26-7-8(3) is repealed January 1, 2027.

175 [~~3~~] (4) Section 26-8a-107 is repealed July 1, 2024.

176 [~~4~~] (5) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

177 [~~5~~] (6) Section 26-8a-211 is repealed July 1, 2023.

178 [~~6~~] (7) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
179 26-8a-602(1)(a) is amended to read:

180 "(a) provide the patient or the patient's representative with the following information

181 before contacting an air medical transport provider:

182 (i) which health insurers in the state the air medical transport provider contracts with;

183 (ii) if sufficient data is available, the average charge for air medical transport services
184 for a patient who is uninsured or out of network; and

185 (iii) whether the air medical transport provider balance bills a patient for any charge
186 not paid by the patient's health insurer; and".

187 [~~7~~] (8) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

188 [~~8~~] (9) Subsection 26-18-411(8), related to reporting on the health coverage
189 improvement program, is repealed January 1, 2023.

190 [~~9~~] (10) Subsection 26-18-420(5), related to reporting on coverage for in vitro
191 fertilization and genetic testing, is repealed July 1, 2030.

192 [~~10~~] (11) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

193 [~~11~~] (12) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
194 26-21-32(1)(a) is amended to read:

195 "(a) provide the patient or the patient's representative with the following information
196 before contacting an air medical transport provider:

197 (i) which health insurers in the state the air medical transport provider contracts with;

198 (ii) if sufficient data is available, the average charge for air medical transport services
199 for a patient who is uninsured or out of network; and

200 (iii) whether the air medical transport provider balance bills a patient for any charge
201 not paid by the patient's health insurer; and".

202 [~~12~~] (13) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

203 [~~13~~] (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
204 Program, is repealed July 1, 2027.

205 [~~14~~] (15) Subsection 26-55-107(8) is repealed January 1, 2021.

206 [~~15~~] (16) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

207 [~~16~~] (17) Subsection 26-61-202(5) is repealed January 1, 2022.

208 (18) Section 26A-1-130, in relation to termination of public health emergency powers
209 pertaining to COVID-19, is repealed on July 1, 2021.

210 Section 5. Section 63I-2-253 is amended to read:

211 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

212 (1) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic
213 emergency, is repealed on December 31, 2021.

214 (b) When repealing Section 53-2a-217, the Office of Legislative Research and General
215 Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
216 necessary changes to subsection numbering and cross references.

217 (2) Section 53-2a-218, in relation to termination of emergency powers pertaining to
218 COVID-19, is repealed on July 1, 2021.

219 [~~2~~] (3) Section 53B-2a-103 is repealed July 1, 2021.

220 [~~3~~] (4) Section 53B-2a-104 is repealed July 1, 2021.

221 [~~4~~] (5) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a
222 technical college board of trustees, is repealed July 1, 2022.

223 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and
224 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
225 necessary changes to subsection numbering and cross references.

226 [~~5~~] (6) Section 53B-6-105.7 is repealed July 1, 2024.

227 [~~6~~] (7) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as
228 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

229 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's
230 change in performance with the technical college's average performance, is repealed July 1,
231 2021.

232 [~~7~~] (8) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as
233 provided in Subsection (3)(b)," is repealed July 1, 2021.

234 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college
235 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

236 [~~8~~] (9) Section 53B-8-114 is repealed July 1, 2024.

237 [~~9~~] (10) (a) The following sections, regarding the Regents' scholarship program, are
238 repealed on July 1, 2023:

239 (i) Section 53B-8-202;

240 (ii) Section 53B-8-203;

241 (iii) Section 53B-8-204; and

242 (iv) Section 53B-8-205.

243 (b) (i) Subsection [53B-8-201](#)(2), regarding the Regents' scholarship program for
244 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

245 (ii) When repealing Subsection [53B-8-201](#)(2), the Office of Legislative Research and
246 General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3), make
247 necessary changes to subsection numbering and cross references.

248 [~~10~~] [\(11\)](#) Section [53B-10-101](#) is repealed on July 1, 2027.

249 [~~11~~] [\(12\)](#) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
250 is repealed July 1, 2023.

251 [~~12~~] [\(13\)](#) Section [53E-3-519](#) regarding school counselor services is repealed July 1,
252 2020.

253 [~~13~~] [\(14\)](#) Section [53E-3-520](#) is repealed July 1, 2021.

254 [~~14~~] [\(15\)](#) Subsection [53E-5-306](#)(3)(b)(ii)(B), related to improving school
255 performance and continued funding relating to the School Recognition and Reward Program, is
256 repealed July 1, 2020.

257 [~~15~~] [\(16\)](#) Section [53E-5-307](#) is repealed July 1, 2020.

258 [~~16~~] [\(17\)](#) Subsection [53E-10-309](#)(7), related to the PRIME pilot program, is repealed
259 July 1, 2024.

260 [~~17~~] [\(18\)](#) In Subsections [53F-2-205](#)(4) and (5), regarding the State Board of
261 Education's duties if contributions from the minimum basic tax rate are overestimated or
262 underestimated, the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1,
263 2023.

264 [~~18~~] [\(19\)](#) Subsection [53F-2-301](#)(1), relating to the years the section is not in effect, is
265 repealed July 1, 2023.

266 [~~19~~] [\(20\)](#) In Subsection [53F-2-515](#)(1), the language that states "or [53F-2-301.5](#), as
267 applicable" is repealed July 1, 2023.

268 [~~20~~] [\(21\)](#) Section [53F-4-207](#) is repealed July 1, 2022.

269 [~~21~~] [\(22\)](#) In Subsection [53F-9-302](#)(3), the language that states "or [53F-2-301.5](#), as
270 applicable" is repealed July 1, 2023.

271 [~~22~~] [\(23\)](#) In Subsection [53F-9-305](#)(3)(a), the language that states "or [53F-2-301.5](#), as
272 applicable" is repealed July 1, 2023.

273 [~~23~~] [\(24\)](#) In Subsection [53F-9-306](#)(3)(a), the language that states "or [53F-2-301.5](#), as

274 applicable" is repealed July 1, 2023.

275 [~~(24)~~] (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
276 as applicable" is repealed July 1, 2023.

277 [~~(25)~~] (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),
278 related to the civics engagement pilot program, are repealed on July 1, 2023.

279 [(26)] (27) On July 1, 2023, when making changes in this section, the Office of
280 Legislative Research and General Counsel shall, in addition to the office's authority under
281 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
282 identified in this section are complete sentences and accurately reflect the office's perception of
283 the Legislature's intent.

284 Section 6. **Effective date.**

285 If approved by two-thirds of all the members elected to each house, this bill takes effect
286 upon approval by the governor, or the day following the constitutional time limit of Utah
287 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
288 the date of veto override.