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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
- 26B-7-202**, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 26B-7-301**, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 26B-7-302**, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 73-3d-101**, as enacted by Laws of Utah 2023, Chapter 126
- 73-3d-201**, as enacted by Laws of Utah 2023, Chapter 126

ENACTS:

28 **53-2a-222**, Utah Code Annotated 1953

29

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

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

32 **4-1-109 . General definitions.**

33 As used in this title:

- 34 (1) "Agricultural product" or "product of agriculture" means any product that is derived
 35 from agriculture, including any product derived from aquaculture as defined in Section
 36 4-37-103.
- 37 (2) "Agriculture" means the science and art of the production of plants and animals useful
 38 to man, including the preparation of plants and animals for human use and disposal by
 39 marketing or otherwise.
- 40 (3) "Commissioner" means the commissioner of agriculture and food.
- 41 (4) "Department" means the Department of Agriculture and Food created in Chapter 2,
 42 Administration.
- 43 (5) "Dietary supplement" means the same as that term is defined in the Federal Food, Drug,
 44 and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
- 45 (6) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk
 46 as defined in Section 4-39-102, or any other domestic animal or domestic furbearer
 47 raised or kept for profit.
- 48 (7) "Local food" means an agricultural product or livestock that is:
 49 (a) produced, processed, and distributed for sale or consumption within the state; and
 50 (b) sold to an end consumer within the state.
- 51 [~~7~~] (8) "Organization" means a corporation, government or governmental subdivision or
 52 agency, business trust, estate, trust, partnership, association, two or more persons having
 53 a joint or common interest, or any other legal entity.
- 54 [~~8~~] (9) "Person" means a natural person or individual, corporation, organization, or other
 55 legal entity.

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

57 **26A-1-102 . Definitions.**

58 As used in this part:

- 59 (1) "Board" means a local board of health established under Section 26A-1-109.
- 60 (2) "County governing body" means one of the types of county government provided for in
 61 Title 17, Chapter 52a, Part 2, Forms of County Government.

- 62 (3) "County health department" means a local health department that serves a county and
63 municipalities located within that county.
- 64 (4) "Department" means the Department of Health and Human Services created in Section
65 26B-1-201.
- 66 (5) "Local food" means the same as that term is defined in Section 4-1-109.
- 67 [~~(5)~~] (6) "Local health department" means:
- 68 (a) a single county local health department;
- 69 (b) a multicounty local health department;
- 70 (c) a united local health department; or
- 71 (d) a multicounty united local health department.
- 72 [~~(6)~~] (7) "Mental health authority" means a local mental health authority created in Section
73 17-43-301.
- 74 [~~(7)~~] (8) "Multicounty local health department" means a local health department that is
75 formed under Section 26A-1-105 and that serves two or more contiguous counties and
76 municipalities within those counties.
- 77 [~~(8)~~] (9) "Multicounty united local health department" means a united local health
78 department that is formed under Section 26A-1-105.5 and that serves two or more
79 contiguous counties and municipalities within those counties.
- 80 [~~(9)~~] (10) (a) "Order of constraint" means an order, rule, or regulation issued by a local
81 health department in response to a declared public health emergency under this
82 chapter that:
- 83 (i) applies to all or substantially all:
- 84 (A) individuals or a certain group of individuals; or
- 85 (B) public places or certain types of public places; and
- 86 (ii) for the protection of the public health and in response to the declared public
87 health emergency:
- 88 (A) establishes, maintains, or enforces isolation or quarantine;
- 89 (B) establishes, maintains, or enforces a stay-at-home order;
- 90 (C) exercises physical control over property or individuals;
- 91 (D) requires an individual to perform a certain action or engage in a certain
92 behavior; or
- 93 (E) closes theaters, schools, or other public places or prohibits gatherings of
94 people to protect the public health.
- 95 (b) "Order of constraint" includes a stay-at-home order.

96 ~~[(10)]~~ (11) "Public health emergency" means the same as that term is defined in Section
 97 26B-7-301.

98 ~~[(11)]~~ (12) "Single county local health department" means a local health department that is
 99 created by the governing body of one county to provide services to the county and the
 100 municipalities within that county.

101 ~~[(12)]~~ (13) "Stay-at-home order" means an order of constraint that:

- 102 (a) restricts movement of the general population to suppress or mitigate an epidemic or
 103 pandemic disease by directing individuals within a defined geographic area to remain
 104 in their respective residences; and
- 105 (b) may include exceptions for certain essential tasks.

106 ~~[(13)]~~ (14) "Substance abuse authority" means a local substance abuse authority created in
 107 Section 17-43-201.

108 ~~[(14)]~~ (15) "United local health department":

- 109 (a) means a substance abuse authority, a mental health authority, and a local health
 110 department that join together under Section 26A-1-105.5; and
- 111 (b) includes a multicounty united local health department.

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

113 **26A-1-114 . Powers and duties of departments.**

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

- 115 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
 116 department rules, and local health department standards and regulations relating to
 117 public health and sanitation, including the plumbing code administered by the
 118 Division of Professional Licensing under Title 15A, Chapter 1, Part 2, State
 119 Construction Code Administration Act, and under Title 26B, Chapter 7, Part 4,
 120 General Sanitation and Food Safety[-], in all incorporated and unincorporated areas
 121 served by the local health department;
- 122 (b) establish, maintain, and enforce isolation and quarantine, and exercise physical
 123 control over property and over individuals as the local health department finds
 124 necessary for the protection of the public health;
- 125 (c) establish and maintain medical, environmental, occupational, and other laboratory
 126 services considered necessary or proper for the protection of the public health;
- 127 (d) establish and operate reasonable health programs or measures not in conflict with
 128 state law which:
 - 129 (i) are necessary or desirable for the promotion or protection of the public health and

- 130 the control of disease; or
- 131 (ii) may be necessary to ameliorate the major risk factors associated with the major
132 causes of injury, sickness, death, and disability in the state;
- 133 (e) close theaters, schools, and other public places and prohibit gatherings of people
134 when necessary to protect the public health;
- 135 (f) abate nuisances or eliminate sources of filth and infectious and communicable
136 diseases affecting the public health and bill the owner or other person in charge of the
137 premises upon which this nuisance occurs for the cost of abatement;
- 138 (g) make necessary sanitary and health investigations and inspections on the local health
139 department's own initiative or in cooperation with the Department of Health and
140 Human Services or the Department of Environmental Quality, or both, as to any
141 matters affecting the public health;
- 142 (h) pursuant to county ordinance or interlocal agreement:
- 143 (i) establish and collect appropriate fees for the performance of services and
144 operation of authorized or required programs and duties;
- 145 (ii) accept, use, and administer all federal, state, or private donations or grants of
146 funds, property, services, or materials for public health purposes; and
- 147 (iii) make agreements not in conflict with state law which are conditional to receiving
148 a donation or grant;
- 149 (i) prepare, publish, and disseminate information necessary to inform and advise the
150 public concerning:
- 151 (i) the health and wellness of the population, specific hazards, and risk factors that
152 may adversely affect the health and wellness of the population; and
- 153 (ii) specific activities individuals and institutions can engage in to promote and
154 protect the health and wellness of the population;
- 155 (j) investigate the causes of morbidity and mortality;
- 156 (k) issue notices and orders necessary to carry out this part;
- 157 (l) conduct studies to identify injury problems, establish injury control systems, develop
158 standards for the correction and prevention of future occurrences, and provide public
159 information and instruction to special high risk groups;
- 160 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
161 within the jurisdiction of the boards;
- 162 (n) cooperate with the state health department, the Department of Corrections, the
163 Administrative Office of the Courts, the Division of Juvenile Justice and Youth

- 164 Services, and the Crime Victim Reparations Board to conduct testing for HIV
165 infection of alleged sexual offenders, convicted sexual offenders, and any victims of
166 a sexual offense;
- 167 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321; and
168 (p) provide public health assistance in response to a national, state, or local emergency, a
169 public health emergency as defined in Section 26B-7-301, or a declaration by the
170 President of the United States or other federal official requesting public health-related
171 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
177 conditions significantly affecting the public health which may include involuntary
178 testing of alleged sexual offenders for the HIV infection pursuant to Section
179 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection
180 pursuant to Section 53-10-803;
- 181 (c) cooperate with the department in matters pertaining to the public health and in the
182 administration of state health laws; and
- 183 (d) coordinate implementation of environmental programs to maximize efficient use of
184 resources by developing with the Department of Environmental Quality a
185 Comprehensive Environmental Service Delivery Plan which:
- 186 (i) recognizes that the Department of Environmental Quality and local health
187 departments are the foundation for providing environmental health programs in
188 the state;
- 189 (ii) delineates the responsibilities of the department and each local health department
190 for the efficient delivery of environmental programs using federal, state, and local
191 authorities, responsibilities, and resources;
- 192 (iii) provides for the delegation of authority and pass through of funding to local
193 health departments for environmental programs, to the extent allowed by
194 applicable law, identified in the plan, and requested by the local health
195 department; and
- 196 (iv) is reviewed and updated annually.
- 197 (3) The local health department has the following duties regarding public and private

- 198 schools within the local health department's boundaries:
- 199 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
200 persons attending public and private schools;
- 201 (b) exclude from school attendance any person, including teachers, who is suffering
202 from any communicable or infectious disease, whether acute or chronic, if the person
203 is likely to convey the disease to those in attendance; and
- 204 (c) (i) make regular inspections of the health-related condition of all school buildings
205 and premises;
- 206 (ii) report the inspections on forms furnished by the department to those responsible
207 for the condition and provide instructions for correction of any conditions that
208 impair or endanger the health or life of those attending the schools; and
- 209 (iii) provide a copy of the report to the department at the time the report is made.
- 210 (4) If those responsible for the health-related condition of the school buildings and premises
211 do not carry out any instructions for corrections provided in a report in Subsection
212 (3)(c), the local health board shall cause the conditions to be corrected at the expense of
213 the persons responsible.
- 214 (5) The local health department may exercise incidental authority as necessary to carry out
215 the provisions and purposes of this part.
- 216 (6) ~~[Nothing in this part may be construed to]~~ This part does not authorize a local health
217 department to ~~[enforce an ordinance, rule, or regulation requiring]~~ :
- 218 (a) require the installation or maintenance of a carbon monoxide detector in a residential
219 dwelling against anyone other than the occupant of the dwelling[-]; or
- 220 (b) control the production, processing, distribution, or sale price of local food in
221 response to a public health emergency.
- 222 (7) (a) Except as provided in Subsection (7)(c), a local health department may not
223 declare a public health emergency or issue an order of constraint until the local health
224 department has provided notice of the proposed action to the chief executive officer
225 of the relevant county no later than 24 hours before the local health department issues
226 the order or declaration.
- 227 (b) The local health department:
- 228 (i) shall provide the notice required by Subsection (7)(a) using the best available
229 method under the circumstances as determined by the local health department;
- 230 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and
- 231 (iii) shall provide the notice in written form, if practicable.

- 232 (c) (i) Notwithstanding Subsection (7)(a), a local health department may declare a
233 public health emergency or issue an order of constraint without approval of the
234 chief executive officer of the relevant county if the passage of time necessary to
235 obtain approval of the chief executive officer of the relevant county as required in
236 Subsection (7)(a) would substantially increase the likelihood of loss of life due to
237 an imminent threat.
- 238 (ii) If a local health department declares a public health emergency or issues an order
239 of constraint as described in Subsection (7)(c)(i), the local health department shall
240 notify the chief executive officer of the relevant county before issuing the order of
241 constraint.
- 242 (iii) The chief executive officer of the relevant county may terminate a declaration of
243 a public health emergency or an order of constraint issued as described in
244 Subsection (7)(c)(i) within 72 hours of declaration of the public health emergency
245 or issuance of the order of constraint.
- 246 (d) (i) The relevant county governing body may at any time terminate a public health
247 emergency or an order of constraint issued by the local health department by
248 majority vote of the county governing body in response to a declared public health
249 emergency.
- 250 (ii) A vote by the relevant county governing body to terminate a public health
251 emergency or an order of constraint as described in Subsection (7)(d)(i) is not
252 subject to veto by the relevant chief executive officer.
- 253 (8) (a) Except as provided in Subsection (8)(b), a public health emergency declared by a
254 local health department expires at the earliest of:
- 255 (i) the local health department or the chief executive officer of the relevant county
256 finding that the threat or danger has passed or the public health emergency
257 reduced to the extent that emergency conditions no longer exist;
- 258 (ii) 30 days after the date on which the local health department declared the public
259 health emergency; or
- 260 (iii) the day on which the public health emergency is terminated by majority vote of
261 the county governing body.
- 262 (b) (i) The relevant county legislative body, by majority vote, may extend a public
263 health emergency for a time period designated by the county legislative body.
- 264 (ii) If the county legislative body extends a public health emergency as described in
265 Subsection (8)(b)(i), the public health emergency expires on the date designated

- 266 by the county legislative body.
- 267 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a
268 local health department expires as described in Subsection (8)(a), the local health
269 department may not declare a public health emergency for the same illness or
270 occurrence that precipitated the previous public health emergency declaration.
- 271 (d) (i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local
272 health department finds that exigent circumstances exist, after providing notice to
273 the county legislative body, the department may declare a new public health
274 emergency for the same illness or occurrence that precipitated a previous public
275 health emergency declaration.
- 276 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires
277 in accordance with Subsection (8)(a) or (b).
- 278 (e) For a public health emergency declared by a local health department under this
279 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine
280 Procedures for Communicable Diseases, the Legislature may terminate by joint
281 resolution a public health emergency that was declared based on exigent
282 circumstances or that has been in effect for more than 30 days.
- 283 (f) If the Legislature or county legislative body terminates a public health emergency
284 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local
285 health department may not declare a new public health emergency for the same
286 illness, occurrence, or exigent circumstances.
- 287 (9) (a) During a public health emergency declared under this chapter or under Title 26B,
288 Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for
289 Communicable Diseases:
- 290 (i) except as provided in Subsection (9)(b), a local health department may not issue
291 an order of constraint without approval of the chief executive officer of the
292 relevant county;
- 293 (ii) the Legislature may at any time terminate by joint resolution an order of
294 constraint issued by a local health department in response to a declared public
295 health emergency that has been in effect for more than 30 days; and
- 296 (iii) a county governing body may at any time terminate by majority vote of the
297 governing body an order of constraint issued by a local health department in
298 response to a declared public health emergency.
- 299 (b) (i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an

- 300 order of constraint without approval of the chief executive officer of the relevant
301 county if the passage of time necessary to obtain approval of the chief executive
302 officer of the relevant county as required in Subsection (9)(a)(i) would
303 substantially increase the likelihood of loss of life due to an imminent threat.
- 304 (ii) If a local health department issues an order of constraint as described in
305 Subsection (9)(b), the local health department shall notify the chief executive
306 officer of the relevant county before issuing the order of constraint.
- 307 (iii) The chief executive officer of the relevant county may terminate an order of
308 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of
309 the order of constraint.
- 310 (c) (i) For a local health department that serves more than one county, the approval
311 described in Subsection (9)(a)(i) is required for the chief executive officer for
312 which the order of constraint is applicable.
- 313 (ii) For a local health department that serves more than one county, a county
314 governing body may only terminate an order of constraint as described in
315 Subsection (9)(a)(iii) for the county served by the county governing body.
- 316 (10) (a) During a public health emergency declared as described in this title:
- 317 (i) the department or a local health department may not impose an order of constraint
318 on a religious gathering that is more restrictive than an order of constraint that
319 applies to any other relevantly similar gathering; and
- 320 (ii) an individual, while acting or purporting to act within the course and scope of the
321 individual's official department or local health department capacity, may not:
- 322 (A) prevent a religious gathering that is held in a manner consistent with any order
323 of constraint issued pursuant to this title; or
- 324 (B) impose a penalty for a previous religious gathering that was held in a manner
325 consistent with any order of constraint issued pursuant to this title.
- 326 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
327 prevent the violation of this Subsection (10).
- 328 (c) During a public health emergency declared as described in this title, the department
329 or a local health department shall not issue a public health order or impose or
330 implement a regulation that substantially burdens an individual's exercise of religion
331 unless the department or local health department demonstrates that the application of
332 the burden to the individual:
- 333 (i) is in furtherance of a compelling government interest; and

- 334 (ii) is the least restrictive means of furthering that compelling government interest.
- 335 (d) Notwithstanding Subsections [~~(8)(a) and (e)~~] (10)(a) and (c), the department or a
- 336 local health department shall allow reasonable accommodations for an individual to
- 337 perform or participate in a religious practice or rite.
- 338 (11) An order of constraint issued by a local health department pursuant to a declared
- 339 public health emergency does not apply to a facility, property, or area owned or leased
- 340 by the state, including the capitol hill complex, as that term is defined in Section
- 341 63C-9-102.
- 342 (12) A local health department may not:
- 343 (a) require a person to obtain an inspection, license, or permit from the local health
- 344 department to engage in a practice described in Subsection 58-11a-304(5); or
- 345 (b) prevent or limit a person's ability to engage in a practice described in Subsection
- 346 58-11a-304(5) by:
- 347 (i) requiring the person to engage in the practice at a specific location or at a
- 348 particular type of facility or location; or
- 349 (ii) enforcing a regulation applicable to a facility or location where the person
- 350 chooses to engage in the practice.

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

352 **26B-7-201 . Definitions.**

353 As used in this part:

- 354 (1) "Ambulatory surgical center" means the same as that term is defined in Section
- 355 26B-2-201.
- 356 (2) "Carrier" means an infected individual or animal who harbors a specific infectious agent
- 357 in the absence of discernible clinical disease and serves as a potential source of infection
- 358 for man. The carrier state may occur in an individual with an infection that is inapparent
- 359 throughout its course, commonly known as healthy or asymptomatic carrier, or during
- 360 the incubation period, convalescence, and postconvalescence of an individual with a
- 361 clinically recognizable disease, commonly known as incubatory carrier or convalescent
- 362 carrier. Under either circumstance the carrier state may be of short duration, as a
- 363 temporary or transient carrier, or long duration, as a chronic carrier.
- 364 (3) "Communicable disease" means illness due to a specific infectious agent or its toxic
- 365 products which arises through transmission of that agent or its products from a reservoir
- 366 to a susceptible host, either directly, as from an infected individual or animal, or
- 367 indirectly, through an intermediate plant or animal host, vector, or the inanimate

- 368 environment.
- 369 (4) "Communicable period" means the time or times during which an infectious agent may
370 be transferred directly or indirectly from an infected individual to another individual,
371 from an infected animal to a human, or from an infected human to an animal, including
372 arthropods.
- 373 (5) "Contact" means an individual or animal having had association with an infected
374 individual, animal, or contaminated environment so as to have had an opportunity to
375 acquire the infection.
- 376 (6) "End stage renal disease facility" is as defined in Section 26B-2-201.
- 377 (7) (a) "Epidemic" means the occurrence or outbreak in a community or region of cases
378 of an illness clearly in excess of normal expectancy and derived from a common or
379 propagated source.
- 380 (b) The number of cases indicating an epidemic will vary according to the infectious
381 agent, size, and type of population exposed, previous experience or lack of exposure
382 to the disease, and time and place of occurrence.
- 383 (c) Epidemicity is considered to be relative to usual frequency of the disease in the same
384 area, among the specified population, at the same season of the year.
- 385 (8) "General acute hospital" is as defined in Section 26B-2-201.
- 386 (9) "Incubation period" means the time interval between exposure to an infectious agent
387 and appearance of the first sign or symptom of the disease in question.
- 388 (10) "Infected individual" means an individual who harbors an infectious agent and who
389 has manifest disease or inapparent infection. An infected individual is one from whom
390 the infectious agent can be naturally acquired.
- 391 (11) "Infection" means the entry and development or multiplication of an infectious agent
392 in the body of man or animals. Infection is not synonymous with infectious disease; the
393 result may be inapparent or manifest. The presence of living infectious agents on
394 exterior surfaces of the body, or upon articles of apparel or soiled articles, is not
395 infection, but contamination of such surfaces and articles.
- 396 (12) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus,
397 protozoan, or helminth that is capable of producing infection or infectious disease.
- 398 (13) "Infectious disease" means a disease of man or animals resulting from an infection.
- 399 (14) "Isolation" means the separation, for the period of communicability, of infected
400 individuals or animals from others, in such places and under such conditions as to
401 prevent the direct or indirect conveyance of the infectious agent from those infected to

402 those who are susceptible or who may spread the agent to others.

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

404 ~~[(15)]~~ (16) "Order of constraint" means the same as that term is defined in Section
405 26B-7-301.

406 ~~[(16)]~~ (17) "Quarantine" means the restriction of the activities of well individuals or animals
407 who have been exposed to a communicable disease during its period of communicability
408 to prevent disease transmission.

409 ~~[(17)]~~ (18) "School" means a public, private, or parochial nursery school, licensed or
410 unlicensed day care center, child care facility, family care home, Head Start program,
411 kindergarten, elementary, or secondary school through grade 12.

412 ~~[(18)]~~ (19) "Sexually transmitted disease" means those diseases transmitted through sexual
413 intercourse or any other sexual contact.

414 ~~[(19)]~~ (20) "Specialty hospital" is as defined in Section 26B-2-201.

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

416 **26B-7-202 . Authority to investigate and control epidemic infections and**
417 **communicable disease.**

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

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

426 ~~[(2)]~~ (3) (a) As part of the requirements of Subsection (1), the department shall distribute
427 to the public and to health care professionals:

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

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

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

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

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

- 436 (ii) information about:
- 437 (A) public services and agencies available to assist individuals with obtaining
- 438 treatment for the sexually transmitted disease;
- 439 (B) medical assistance benefits that may be available to the individual with the
- 440 sexually transmitted disease; and
- 441 (C) abstinence before marriage and fidelity after marriage being the surest
- 442 prevention of sexually transmitted disease.
- 443 (b) The information [~~required by~~] described in Subsection [~~(2)(a)~~] (3)(a):
- 444 (i) shall be distributed by the department and by local health departments free of
- 445 charge;
- 446 (ii) shall be relevant to the geographic location in which the information is distributed
- 447 by:
- 448 (A) listing addresses and telephone numbers for public clinics and agencies
- 449 providing services in the geographic area in which the information is
- 450 distributed; and
- 451 (B) providing the information in English as well as other languages that may be
- 452 appropriate for the geographic area.
- 453 (c) (i) Except as provided in Subsection [~~(2)(e)(ii)~~] (3)(c)(ii), the department shall
- 454 develop written material that includes the information [~~required by~~] described in
- 455 this Subsection [~~(2)~~] (3).
- 456 (ii) In addition to the written materials [~~required by~~] described in Subsection [~~(2)(e)(i)~~]
- 457 (3)(c)(i), the department may distribute the information [~~required by~~] described in
- 458 this Subsection [~~(2)~~] (3) by any other methods the department determines is
- 459 appropriate to educate the public, excluding public schools, including websites,
- 460 toll free telephone numbers, and the media.
- 461 (iii) If the information [~~required by~~] described in Subsection [~~(2)(b)(ii)(A)~~]
- 462 (3)(b)(ii)(A) is not included in the written pamphlet developed by the department,
- 463 the written material shall include either a website, or a 24-hour toll free telephone
- 464 number that the public may use to obtain that information.
- 465 [~~(3)~~] (4) (a) The Legislature may at any time terminate by joint resolution an order of
- 466 constraint issued by the department as described in this section in response to a
- 467 declared public health emergency.
- 468 (b) A county governing body may at any time terminate by majority vote an order of
- 469 constraint issued by the relevant local health department as described in this section

470 in response to a declared public health emergency.

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

472 **26B-7-301 . Definitions.**

473 As used in this part:

474 (1) "Bioterrorism" means:

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

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

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

484 (3) "Epidemic or pandemic disease":

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

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

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

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

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

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

496 (5) "First responder" means:

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

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

499 (c) firefighters; and

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

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

503 (7) "Legislative emergency response committee" means the same as that term is defined in

504 Section 53-2a-203.

505 ~~(8)~~ (8) "Local food" means the same as that term is defined in Section 4-1-109.

506 ~~[(8)]~~ (9) (a) "Order of constraint" means an order, rule, or regulation issued in response
507 to a declared public health emergency under this part, that:

508 (i) applies to all or substantially all:

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

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

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

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

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

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

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

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

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

521 ~~[(9)]~~ (10) "Order of restriction" means an order issued by a department or a district court
522 which requires an individual or group of individuals who are subject to restriction to
523 submit to an examination, treatment, isolation, or quarantine.

524 ~~[(10)]~~ (11) "Public health emergency" means an occurrence or imminent credible threat of
525 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or
526 novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of
527 a significant number of human fatalities or incidents of permanent or long-term
528 disability. Such illness or health condition includes an illness or health condition
529 resulting from a natural disaster.

530 ~~[(11)]~~ (12) "Public health official" means:

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

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

534 ~~[(12)]~~ (13) "Reportable emergency illness and health condition" includes the diseases,
535 conditions, or syndromes designated by the department.

536 ~~[(13)]~~ (14) "Stay-at-home order" means an order of constraint that:

537 (a) restricts movement of the general population to suppress or mitigate an epidemic or

538 pandemic disease by directing individuals within a defined geographic area to remain
539 in their respective residences; and

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

541 ~~[(14)]~~ (15) "Subject to restriction" as applied to an individual, or a group of individuals,
542 means the individual or group of individuals is:

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

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

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

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

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

556 **26B-7-302 . Executive director -- Power to order abatement of public health**
557 **hazard -- Limitation on power to control local food.**

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

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

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

567 **53-2a-222 . Control of local food.**

568 (1) As used in this section, "local food" means the same as that term is defined in Section
569 4-1-109.

570 (2) Subject to the provisions of Title 13, Chapter 41, Price Controls During Emergencies
571 Act, the governor, an executive branch agency, or a political subdivision may not control

572 the distribution or sale price of local food in response to a state of emergency or local
 573 emergency.

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

575 **73-3d-101 . Definitions.**

576 As used in this chapter:

577 (1) "Electric utility" means:

- 578 (a) a municipal electric utility, as defined in Section 10-19-102;
- 579 (b) an electric interlocal entity, as defined in Section 11-13-103;
- 580 (c) an energy services interlocal entity, as defined in Section 11-13-103;
- 581 (d) a project entity, as defined in Section 11-13-103;
- 582 (e) an electric improvement district, as defined in Section 17B-2a-406; or
- 583 (f) an electrical corporation, as defined in Section 54-2-1.

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

585 [~~(2)~~] (3) "Military facility" means an installation, base, air field, camp, post, station, yard,
 586 center, or other facility owned, leased, or operated by, or under the jurisdiction of, the
 587 United States Department of Defense or the National Guard.

588 [~~(3)~~] (4) "Person entitled to make a request" means:

- 589 (a) the holder of an approved but unperfected application to appropriate water;
- 590 (b) the record owner of a perfected water right; or
- 591 (c) a person who provides water using an approved but unperfected application or a
 592 perfected water right with the written authorization of a person described in
 593 Subsection [~~(3)~~](a) (4)(a) or (b).

594 [~~(4)~~] (5) "Temporary water shortage emergency" means an interruption of water delivery for
 595 which the governor may declare an emergency in accordance with Section 73-3d-201.

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

597 **73-3d-201 . Declaration of a temporary water shortage emergency by the**
 598 **governor.**

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

604 (i) threatens:

605 (A) the availability or quality of an essential water supply or water supply

- 606 infrastructure; or
- 607 (B) the operation of the economy; and
- 608 (ii) because of the threats described in Subsection (1)(a)(i), jeopardizes the peace,
- 609 health, safety, or welfare of the people of this state.
- 610 (b) The governor may only issue the executive order declaring a temporary water
- 611 shortage emergency described in Subsection (1)(a):
- 612 (i) with the advice and recommendation of the state engineer; and
- 613 (ii) in consultation with the emergency management administration committee
- 614 created by Section 53-2a-105.
- 615 (c) An executive order issued under this Subsection (1) shall state with specificity:
- 616 (i) the nature of the interruption of water supply;
- 617 (ii) subject to Subsection (2), the time period for which the temporary water shortage
- 618 emergency is declared;
- 619 (iii) a description of the geographic area that is subject to the executive order;
- 620 (iv) a list of the specific persons entitled to make a request who may exercise the
- 621 preferential use of water under Section 73-3d-301 during the effective period of
- 622 the temporary water shortage emergency; and
- 623 (v) the purposes outlined in Subsection 73-3d-301(1) for which a person who is
- 624 described in Subsection (1)(c)(iv) may take the water subject to Section 73-3d-301.
- 625 (d) Subject to the provisions of Title 13, Chapter 41, Price Controls During Emergencies
- 626 Act, an executive order issued under this Subsection (1) may not control the
- 627 distribution or sale price of local food.
- 628 [~~(e)~~] (e) Before providing a recommendation to the governor under Subsection (1)(b)(i),
- 629 the state engineer shall require a person entitled to make a request who is described in
- 630 Subsection (1)(c)(iv) to provide a written statement describing how the person
- 631 entitled to make a request has exhausted other reasonable means to acquire water.
- 632 [~~(f)~~] (f) A person entitled to make a request who is described in Subsection (1)(c)(iv)
- 633 may take water preferentially during a temporary water shortage emergency only for
- 634 a purpose authorized by the executive order.
- 635 [~~(g)~~] (g) (i) Within seven calendar days of the day on which the governor issues an
- 636 executive order declaring a temporary water shortage emergency, the Legislative
- 637 Management Committee shall:
- 638 (A) review the executive order;
- 639 (B) advise the governor on the declaration of a temporary water shortage

- 640 emergency; and
- 641 (C) recommend to the Legislature whether the executive order should be kept as
- 642 issued by the governor, extended, or terminated.
- 643 (ii) The failure of the Legislative Management Committee to meet as required by
- 644 Subsection [~~(+)(f)(i)~~] (1)(g)(i) does not affect the validity of the executive order
- 645 declaring a temporary water shortage emergency.
- 646 (2) (a) The governor shall state in an executive order declaring a temporary water
- 647 shortage emergency the time period for which the temporary water shortage
- 648 emergency is declared, except that the governor may not declare a temporary water
- 649 shortage emergency for longer than 30 days after the date the executive order is
- 650 issued.
- 651 (b) The governor may terminate an executive order declaring a temporary water shortage
- 652 emergency before the expiration of the time period stated in the executive order.
- 653 (c) An executive order declaring a temporary water emergency issued by the governor
- 654 within 30 days of the expiration or termination of a prior executive order for the same
- 655 emergency is considered an extension subject to Subsection (2)(e).
- 656 (d) The Legislature may extend the time period of an executive order declaring a
- 657 temporary water shortage emergency by joint resolution, except that the Legislature
- 658 may not extend a temporary water shortage emergency for longer than one year from
- 659 the day on which the executive order declaring a temporary water shortage
- 660 emergency is issued.
- 661 (e) An executive order declaring a temporary water shortage emergency may be renewed
- 662 or extended only by joint resolution of the Legislature.

663 Section 11. **Effective date.**

664 This bill takes effect on May 1, 2024.