

Senator Evan J. Vickers proposes the following substitute bill:

EMERGENCY RESPONSE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to emergency powers and public health emergencies.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ limits Department of Health and local health department powers related to public health emergency declarations and orders of constraint by:
 - limiting the time period for which certain orders or declarations may remain in place;
 - requiring notification of certain elected officials before taking certain actions;
 - allowing certain elected officials to terminate public health emergency declarations or orders of constraint; and
 - prohibiting declaration of a public health emergency after a previous declaration for the same public health emergency expires;
- ▶ limits emergency powers of the governor and chief executives of local governments by:
 - prohibiting the declaration of a state of emergency after a previous state of



- 26 emergency expires, absent exigent circumstances;
- 27 • clarifying how a declared state of emergency expires or is terminated; and
- 28 • allowing the Legislature and local legislative bodies to terminate an executive
- 29 order;
- 30 ▶ allows the governor to declare a new state of emergency based on the same disaster
- 31 or occurrence only when exigent circumstances warrant such a declaration;
- 32 ▶ provides a process for the Legislature to limit certain executive emergency powers
- 33 during a long-term state emergency;
- 34 ▶ creates an ad hoc legislative committee to review emergency circumstances that
- 35 could lead to a long-term state of emergency;
- 36 ▶ prohibits a restriction of a gathering of a religious institution that is more restrictive
- 37 than any other public gathering during an emergency;
- 38 ▶ requires notification from the governor before taking certain executive actions
- 39 during a long-term state of emergency;
- 40 ▶ amends provisions related to the Administrative Rules Review Committee,
- 41 including:
- 42 • a requirement for certain information about rules made pursuant to emergency
- 43 rulemaking procedures be provided to the members of the Administrative Rules
- 44 Review Committee; and
- 45 • review of certain rules and executive orders made or issued during a state of
- 46 emergency or public health emergency; and
- 47 ▶ makes technical changes.

48 **Money Appropriated in this Bill:**

49 None

50 **Other Special Clauses:**

51 None

52 **Utah Code Sections Affected:**

53 AMENDS:

54 **26-1-10**, as enacted by Laws of Utah 1981, Chapter 126

55 **26-1-30**, as last amended by Laws of Utah 2019, Chapter 87

56 **26-6-2**, as last amended by Laws of Utah 2012, Chapter 150

- 57 **26-6-3**, as last amended by Laws of Utah 2019, Chapter 349
- 58 **26-6b-3**, as last amended by Laws of Utah 2015, Chapter 73
- 59 **26-23-6**, as last amended by Laws of Utah 2009, Chapter 347
- 60 **26-23b-102**, as last amended by Laws of Utah 2008, Chapter 3
- 61 **26-23b-104**, as last amended by Laws of Utah 2011, Chapter 297
- 62 **26-23b-108**, as enacted by Laws of Utah 2002, Chapter 155
- 63 **26A-1-102**, as last amended by Laws of Utah 2018, Chapter 68
- 64 **26A-1-114**, as last amended by Laws of Utah 2011, Chapters 14 and 177
- 65 **26A-1-121**, as last amended by Laws of Utah 2012, Chapter 307
- 66 **53-2a-104**, as last amended by Laws of Utah 2020, Chapter 85
- 67 **53-2a-203**, as last amended by Laws of Utah 2019, Chapter 136
- 68 **53-2a-204**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 7
- 69 **53-2a-205**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 70 **53-2a-206**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 71 **53-2a-208**, as last amended by Laws of Utah 2015, Chapter 352
- 72 **53-2a-209**, as last amended by Laws of Utah 2016, Chapter 193
- 73 **53-2a-215**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 13
- 74 **53-2a-216**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 13
- 75 **53-2a-217**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 7
- 76 **53-2a-703**, as last amended by Laws of Utah 2018, Chapter 202
- 77 **63G-3-304**, as last amended by Laws of Utah 2016, Chapter 193
- 78 **63G-3-501**, as last amended by Laws of Utah 2019, Chapter 454
- 79 **63G-3-502**, as renumbered and amended by Laws of Utah 2008, Chapter 382

80 ENACTS:

81 **53-2a-218**, Utah Code Annotated 1953

82 **53-2a-219**, Utah Code Annotated 1953



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

85 Section 1. Section **26-1-10** is amended to read:

86 **26-1-10. Executive director -- Enforcement powers.**

87 [~~The~~] Subject to the restrictions in this title, the executive director is empowered to

88 issue orders to enforce state laws and rules established by the department except where the
89 enforcement power is given to a committee created pursuant to Section 26-1-7.

90 Section 2. Section 26-1-30 is amended to read:

91 **26-1-30. Powers and duties of department.**

92 [~~The~~] Subject to the restrictions in this title, the department shall exercise the following
93 powers and duties, in addition to other powers and duties established in this chapter:

94 (1) enter into cooperative agreements with the Department of Environmental Quality to
95 delineate specific responsibilities to assure that assessment and management of risk to human
96 health from the environment are properly administered;

97 (2) consult with the Department of Environmental Quality and enter into cooperative
98 agreements, as needed, to ensure efficient use of resources and effective response to potential
99 health and safety threats from the environment, and to prevent gaps in protection from potential
100 risks from the environment to specific individuals or population groups;

101 (3) promote and protect the health and wellness of the people within the state;

102 (4) establish, maintain, and enforce rules necessary or desirable to carry out the
103 provisions and purposes of this title to promote and protect the public health or to prevent
104 disease and illness;

105 (5) investigate and control the causes of epidemic, infectious, communicable, and other
106 diseases affecting the public health;

107 (6) provide for the detection, reporting, prevention, and control of communicable,
108 infectious, acute, chronic, or any other disease or health hazard which the department considers
109 to be dangerous, important, or likely to affect the public health;

110 (7) collect and report information on causes of injury, sickness, death, and disability
111 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
112 the state;

113 (8) collect, prepare, publish, and disseminate information to inform the public
114 concerning the health and wellness of the population, specific hazards, and risks that may affect
115 the health and wellness of the population and specific activities which may promote and protect
116 the health and wellness of the population;

117 (9) establish and operate programs necessary or desirable for the promotion or
118 protection of the public health and the control of disease or which may be necessary to

119 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
120 programs may not be established if adequate programs exist in the private sector;

121 (10) establish, maintain, and enforce isolation and quarantine, and for this purpose
122 only, exercise physical control over property and individuals as the department finds necessary
123 for the protection of the public health;

124 (11) close theaters, schools, and other public places and forbid gatherings of people
125 when necessary to protect the public health;

126 (12) abate nuisances when necessary to eliminate sources of filth and infectious and
127 communicable diseases affecting the public health;

128 (13) make necessary sanitary and health investigations and inspections in cooperation
129 with local health departments as to any matters affecting the public health;

130 (14) establish laboratory services necessary to support public health programs and
131 medical services in the state;

132 (15) establish and enforce standards for laboratory services which are provided by any
133 laboratory in the state when the purpose of the services is to protect the public health;

134 (16) cooperate with the Labor Commission to conduct studies of occupational health
135 hazards and occupational diseases arising in and out of employment in industry, and make
136 recommendations for elimination or reduction of the hazards;

137 (17) cooperate with the local health departments, the Department of Corrections, the
138 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
139 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
140 convicted sexual offenders, and any victims of a sexual offense;

141 (18) investigate the causes of maternal and infant mortality;

142 (19) establish, maintain, and enforce a procedure requiring the blood of adult
143 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
144 presence and concentration of alcohol;

145 (20) provide the Commissioner of Public Safety with monthly statistics reflecting the
146 results of the examinations provided for in Subsection (19) and provide safeguards so that
147 information derived from the examinations is not used for a purpose other than the compilation
148 of statistics authorized in this Subsection (20);

149 (21) establish qualifications for individuals permitted to draw blood pursuant to

150 Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or
151 77-23-213(3)(a)(vi), and to issue permits to individuals it finds qualified, which permits may
152 be terminated or revoked by the department;

153 (22) establish a uniform public health program throughout the state which includes
154 continuous service, employment of qualified employees, and a basic program of disease
155 control, vital and health statistics, sanitation, public health nursing, and other preventive health
156 programs necessary or desirable for the protection of public health;

157 (23) adopt rules and enforce minimum sanitary standards for the operation and
158 maintenance of:

- 159 (a) orphanages;
- 160 (b) boarding homes;
- 161 (c) summer camps for children;
- 162 (d) lodging houses;
- 163 (e) hotels;
- 164 (f) restaurants and all other places where food is handled for commercial purposes,
165 sold, or served to the public;
- 166 (g) tourist and trailer camps;
- 167 (h) service stations;
- 168 (i) public conveyances and stations;
- 169 (j) public and private schools;
- 170 (k) factories;
- 171 (l) private sanatoria;
- 172 (m) barber shops;
- 173 (n) beauty shops;
- 174 (o) physician offices;
- 175 (p) dentist offices;
- 176 (q) workshops;
- 177 (r) industrial, labor, or construction camps;
- 178 (s) recreational resorts and camps;
- 179 (t) swimming pools, public baths, and bathing beaches;
- 180 (u) state, county, or municipal institutions, including hospitals and other buildings,

181 centers, and places used for public gatherings; and
182 (v) any other facilities in public buildings or on public grounds;
183 (24) conduct health planning for the state;
184 (25) monitor the costs of health care in the state and foster price competition in the
185 health care delivery system;
186 (26) adopt rules for the licensure of health facilities within the state pursuant to Title
187 26, Chapter 21, Health Care Facility Licensing and Inspection Act;
188 (27) license the provision of child care;
189 (28) accept contributions to and administer the funds contained in the Organ Donation
190 Contribution Fund created in Section [26-18b-101](#);
191 (29) serve as the collecting agent, on behalf of the state, for the nursing care facility
192 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,
193 and adopt rules for the enforcement and administration of the nursing facility assessment
194 consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;
195 (30) establish methods or measures for health care providers, public health entities, and
196 health care insurers to coordinate among themselves to verify the identity of the individuals
197 they serve;
198 (31) (a) designate Alzheimer's disease and related dementia as a public health issue
199 and, within budgetary limitations, implement a state plan for Alzheimer's disease and related
200 dementia by incorporating the plan into the department's strategic planning and budgetary
201 process; and
202 (b) coordinate with other state agencies and other organizations to implement the state
203 plan for Alzheimer's disease and related dementia;
204 (32) ensure that any training or certification required of a public official or public
205 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
206 22, State Training and Certification Requirements, if the training or certification is required:
207 (a) under this title;
208 (b) by the department; or
209 (c) by an agency or division within the department; and
210 (33) oversee public education vision screening as described in Section [53G-9-404](#).
211 Section 3. Section **26-6-2** is amended to read:

212 **26-6-2. Definitions.**

213 As used in this chapter:

214 (1) "Ambulatory surgical center" is as defined in Section [26-21-2](#).

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

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

227 (4) "Communicable period" means the time or times during which an infectious agent
228 may be transferred directly or indirectly from an infected individual to another individual, from
229 an infected animal to man, or from an infected man to an animal, including arthropods.

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

233 (6) "End stage renal disease facility" is as defined in Section [26-21-2](#).

234 (7) "Epidemic" means the occurrence or outbreak in a community or region of cases of
235 an illness clearly in excess of normal expectancy and derived from a common or propagated
236 source. The number of cases indicating an epidemic will vary according to the infectious
237 agent, size, and type of population exposed, previous experience or lack of exposure to the
238 disease, and time and place of occurrence. Epidemicity is considered to be relative to usual
239 frequency of the disease in the same area, among the specified population, at the same season
240 of the year.

241 (8) "General acute hospital" is as defined in Section [26-21-2](#).

242 (9) "Incubation period" means the time interval between exposure to an infectious

243 agent and appearance of the first sign or symptom of the disease in question.

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

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

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

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

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

260 (15) "Order of constraint" means the same as that term is defined in Section
261 [26-23b-102](#).

262 [~~(15)~~] (16) "Quarantine" means the restriction of the activities of well individuals or
263 animals who have been exposed to a communicable disease during its period of
264 communicability to prevent disease transmission.

265 [~~(16)~~] (17) "School" means a public, private, or parochial nursery school, licensed or
266 unlicensed day care center, child care facility, family care home, headstart program,
267 kindergarten, elementary, or secondary school through grade 12.

268 [~~(17)~~] (18) "Sexually transmitted disease" means those diseases transmitted through
269 sexual intercourse or any other sexual contact.

270 [~~(18)~~] (19) "Specialty hospital" is as defined in Section [26-21-2](#).

271 Section 4. Section **26-6-3** is amended to read:

272 **26-6-3. Authority to investigate and control epidemic infections and**
273 **communicable disease.**

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

278 (2) (a) As part of the requirements of Subsection (1), the department shall distribute to
279 the public and to health care professionals:

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

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

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

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

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

288 (ii) information about:

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

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

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

295 (b) The information required by Subsection (2)(a):

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

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

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

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

304 (c) (i) Except as provided in Subsection (2)(c)(ii), the department shall develop written

305 material that includes the information required by this Subsection (2).

306 (ii) In addition to the written materials required by Subsection (2)(c)(i), the department
307 may distribute the information required by this Subsection (2) by any other methods the
308 department determines is appropriate to educate the public, excluding public schools, including
309 websites, toll free telephone numbers, and the media.

310 (iii) If the information required by Subsection (2)(b)(ii)(A) is not included in the
311 written pamphlet developed by the department, the written material shall include either a
312 website, or a 24-hour toll free telephone number that the public may use to obtain that
313 information.

314 (3) (a) The Legislature may at any time terminate by joint resolution an order of
315 constraint issued by the department as described in this section.

316 (b) A county governing body may at any time terminate by majority vote an order of
317 constraint issued by the relevant local health department as described in this section.

318 Section 5. Section **26-6b-3** is amended to read:

319 **26-6b-3. Order of restriction.**

320 (1) [~~The~~] Subject to Subsection (5), the department having jurisdiction over the
321 location where an individual or a group of individuals who are subject to restriction are found
322 may:

323 (a) issue a written order of restriction for the individual or group of individuals
324 pursuant to Section **26-1-30** or Subsection **26A-1-114(1)(b)** upon compliance with the
325 requirements of this chapter; and

326 (b) issue a verbal order of restriction for an individual or group of individuals pursuant
327 to Subsection (2)(c).

328 (2) (a) A department's determination to issue an order of restriction shall be based upon
329 the totality of circumstances reported to and known by the department, including:

330 (i) observation;

331 (ii) information that the department determines is credible and reliable information;

332 and

333 (iii) knowledge of current public health risks based on medically accepted guidelines as
334 may be established by the Department of Health by administrative rule.

335 (b) An order of restriction issued by a department shall:

336 (i) in the opinion of the public health official, be for the shortest reasonable period of
337 time necessary to protect the public health;

338 (ii) use the least intrusive method of restriction that, in the opinion of the department,
339 is reasonable based on the totality of circumstances known to the health department issuing the
340 order of restriction;

341 (iii) be in writing unless the provisions of Subsection (2)(c) apply; and

342 (iv) contain notice of an individual's rights as required in Section 26-6b-3.3.

343 (c) (i) A department may issue a verbal order of restriction, without prior notice to the
344 individual or group of individuals if the delay in imposing a written order of restriction would
345 significantly jeopardize the department's ability to prevent or limit:

346 (A) the transmission of a communicable or possibly communicable disease that poses a
347 threat to public health;

348 (B) the transmission of an infectious agent or possibly infectious agent that poses a
349 threat to public health;

350 (C) the exposure or possible exposure of a chemical or biological agent that poses a
351 threat to public health; or

352 (D) the exposure or transmission of a condition that poses a threat to public health.

353 (ii) A verbal order of restriction issued under the provisions of Subsection (2)(c)(i):

354 (A) is valid for 24 hours from the time the order of restriction is issued;

355 (B) may be verbally communicated to the individuals or group of individuals subject to
356 restriction by a first responder;

357 (C) may be enforced by the first responder until the department is able to establish and
358 maintain the place of restriction; and

359 (D) may only be continued beyond the initial 24 hours if a written order of restriction is
360 issued pursuant to the provisions of Section 26-6b-3.3.

361 (3) Pending issuance of a written order of restriction under Section 26-6b-3.3, or
362 judicial review of an order of restriction by the district court pursuant to Section 26-6b-6, an
363 individual who is subject to the order of restriction may be required to submit to involuntary
364 examination, quarantine, isolation, or treatment in the individual's home, a hospital, or any
365 other suitable facility under reasonable conditions prescribed by the department.

366 (4) The department that issued the order of restriction shall take reasonable measures,

367 including the provision of medical care, as may be necessary to assure proper care related to the
 368 reason for the involuntary examination, treatment, isolation, or quarantine of an individual
 369 ordered to submit to an order of restriction.

370 (5) (a) The Legislature may at any time terminate by joint resolution an order of
 371 restriction issued by the department as described in this section.

372 (b) A county governing body may at any time terminate by majority vote an order of
 373 restriction issued by the relevant local health department as described in this section.

374 Section 6. Section **26-23-6** is amended to read:

375 **26-23-6. Criminal and civil penalties and liability for violations.**

376 (1) (a) Any person, association, or corporation, or the officers of any of them, who
 377 violates any provision of this chapter or lawful orders of the department or a local health
 378 department in a criminal proceeding is guilty of a class B misdemeanor for the first violation,
 379 and for any subsequent similar violation within two years, is guilty of a class A misdemeanor,
 380 except this section does not establish the criminal penalty for violation of Section **26-23-5.5**.

381 (b) Conviction in a criminal proceeding does not preclude the department or a local
 382 health department from assessment of any civil penalty, administrative civil money penalty or
 383 to deny, revoke, condition, or refuse to renew a permit, license, or certificate or to seek other
 384 injunctive or equitable remedies.

385 (2) ~~(a) [Any person, association, or corporation, or the officers of any of them, who]~~
 386 An association or corporation that violates any provision of this title or lawful orders of the
 387 department or a local health department, or rules adopted under this title by the department:

388 ~~[(a)]~~ (i) ~~[shall]~~ may be assessed, in a judicial civil proceeding, a penalty not to exceed
 389 the sum of \$10,000 per violation; or

390 ~~[(b)]~~ (ii) may be assessed, in an administrative action in accordance with Title 63G,
 391 Chapter 4, Administrative Procedures Act, or similar procedures adopted by local or county
 392 government, a penalty not to exceed the sum of \$10,000 per violation.

393 (b) An individual who violates any provision of this title or a lawful order of the
 394 department or local health department, or rules adopted under this title by the department:

395 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
 396 \$150 per violation; or

397 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter

398 4, Administrative Procedures Act, or similar procedures adopted by a local our county
399 government, a penalty not to exceed the sum of \$150 per violation.

400 (c) (i) Upon reasonable cause shown, a court may waive or reduce any of the penalties
401 imposed pursuant to Subsection (2)(a) or (2)(b).

402 (ii) Upon making a record of the department's or local health department's actions, and
403 upon reasonable cause shown, the department or a local health department may waive or
404 reduce any of the penalties imposed pursuant to Subsection (2)(a)(ii) or (2)(b)(ii).

405 (3) Assessment of any civil penalty or administrative penalty does not preclude the
406 department or a local health department from seeking criminal penalties or to deny, revoke,
407 impose conditions on, or refuse to renew a permit, license, or certificate or to seek other
408 injunctive or equitable remedies.

409 (4) In addition to any penalties imposed under Subsection (1), the person, association,
410 or corporation, or the officers of any of them is liable for any expense incurred by the
411 department in removing or abating any health or sanitation violations, including any nuisance,
412 source of filth, cause of sickness, or dead animal.

413 (5) Each day of violation of a provision of this title, lawful orders of the department or
414 a local health department, or rules adopted by the department under it is a separate violation.

415 Section 7. Section **26-23b-102** is amended to read:

416 **26-23b-102. Definitions.**

417 As used in this chapter:

418 (1) "Bioterrorism" means:

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

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

425 (2) "Department" means the Department of Health created in Section 26-1-4 and a
426 local health department as defined in Section 26A-1-102.

427 (3) "Diagnostic information" means a clinical facility's record of individuals who
428 present for treatment, including the reason for the visit, chief complaint, presenting diagnosis,

429 final diagnosis, and any pertinent lab results.

430 (4) "Epidemic or pandemic disease":

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

433 (b) includes diseases designated by the Department of Health which have the potential
434 to cause serious illness or death.

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

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

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

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

442 ~~[(5)]~~ (6) "Health care provider" [shall have the meaning provided for] means the same
443 as that term is defined in Section 78B-3-403.

444 (7) "Legislative emergency response committee" means the same as that term is
445 defined in Section 53-2a-203.

446 (8) (a) "Order of constraint" means an order, rule, or regulation issued in response to a
447 declared public health emergency under this chapter, that:

448 (i) applies to all or substantially all:

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

450 (B) public places or a certain types of public places; and

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

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

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

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

456 (D) closes theaters, schools, or other public places or prohibits gatherings of people to
457 protect the public health.

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

459 ~~[(6)]~~ (9) "Public health emergency" means an occurrence or imminent credible threat of

460 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or novel
461 and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant
462 number of human fatalities or incidents of permanent or long-term disability. Such illness or
463 health condition includes an illness or health condition resulting from a natural disaster.

464 ~~[(7)]~~ (10) "Reportable emergency illness and health condition" includes the diseases,
465 conditions, or syndromes designated by the [Utah] Department of Health.

466 (11) "Stay-at-home order" means an order of constraint that:

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

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

471 Section 8. Section **26-23b-104** is amended to read:

472 **26-23b-104. Authorization to report.**

473 (1) A health care provider is authorized to report to the department any case of a
474 reportable emergency illness or health condition in any person when:

475 (a) the health care provider knows of a confirmed case; or

476 (b) the health care provider believes, based on the health care provider's professional
477 judgment that a person likely harbors a reportable emergency illness or health condition.

478 (2) A report pursuant to this section shall include, if known:

479 (a) the name of the facility submitting the report;

480 (b) a patient identifier that allows linkage with the patient's record for follow-up
481 investigation if needed;

482 (c) the date and time of visit;

483 (d) the patient's age and sex;

484 (e) the zip code of the patient's residence;

485 (f) the reportable illness or condition detected or suspected;

486 (g) diagnostic information and, if available, diagnostic codes assigned to the visit; and

487 (h) whether the patient was admitted to the hospital.

488 (3) (a) [H] Subject to Subsections (3)(b) and (4), if the department determines that a
489 public health emergency exists, the department may, with the concurrence of the governor and
490 the executive director or in the absence of the executive director, the executive director's

491 designee, issue a public health emergency order and mandate reporting under this section for a
492 limited reasonable period of time, as necessary to respond to the public health emergency.

493 (b) (i) The department may not declare a public health emergency or issue an order of
494 constraint until the department has provided notice of the proposed action to the legislative
495 emergency response committee no later than 24 hours before the department issues the order or
496 declaration.

497 (ii) The department:

498 (A) shall provide the notice required by Subsection (3)(b)(i) using the best available
499 method under the circumstances as determined by the executive director;

500 (B) may provide the notice required by Subsection (3)(b)(i) in electronic format; and

501 (C) shall provide the notice in written form, if practicable.

502 ~~[(b)] (c) The department may not mandate reporting under this subsection for more~~
503 ~~than 90 days. [If more than 90 days is needed to abate the public health emergency declared~~
504 ~~under Subsection (3)(a), the department shall obtain the concurrence of the governor to extend~~
505 ~~the period of time beyond 90 days.]~~

506 (4) (a) Except as provided in Subsection (4)(b), a public health emergency declared by
507 the department as described in Subsection (3) expires at the earliest of:

508 (i) the day on which the department or the governor finds that the threat or danger has
509 passed or the public health emergency reduced to the extent that emergency conditions no
510 longer exist;

511 (ii) 30 days after the date on which the department declared the public health
512 emergency; or

513 (iii) the day on which the public health emergency is terminated by a joint resolution of
514 the Legislature.

515 (b) (i) The Legislature, by joint resolution, may extend a public health emergency for a
516 time period designated in the joint resolution.

517 (ii) If the Legislature extends a public health emergency as described in Subsection
518 (4)(b)(i), the public health emergency expires on the date designated by the Legislature.

519 (c) Except as provided in Subsection (4)(d), if a public health emergency declared by
520 the department expires as described in Subsection (4)(a) or (b), the department may not declare
521 a public health emergency for the same illness or occurrence that precipitated the previous

522 public health emergency declaration.

523 (d) (i) Notwithstanding Subsection (4)(c), subject to Subsection (4)(e), if the
524 department finds that exigent circumstances exist, after providing notice to the Legislature, the
525 department may declare a new public health emergency for the same illness or occurrence that
526 precipitated a previous public health emergency declaration.

527 (ii) A public health emergency declared as described in Subsection (4)(d)(i) expires in
528 accordance with Subsection (4)(a) or (b).

529 (e) If the Legislature terminates a public health emergency declared due to exigent
530 circumstances as described in Subsection (4)(d)(i), the department may not declare a new
531 public health emergency for the same illness, occurrence, or exigent circumstances.

532 (5) During a declared public health emergency declared under this title:

533 (a) the Legislature may at any time by joint resolution terminate an order of constraint
534 issued by the department or a local health department in response to a public health emergency;
535 and

536 (b) a county legislative body may at any time terminate an order of constraint issued by
537 a local health department in response to a public health emergency.

538 (6) (a) (i) If the department declares a public health emergency as described in this
539 chapter, and the department finds that the public health emergency conditions warrant an
540 extension of the public health emergency beyond the 30-day term or another date designated by
541 the Legislature as described in this section, the department shall provide written notice to the
542 speaker of the House of Representatives and the president of the Senate at least 10 days before
543 the expiration of the public health emergency.

544 (ii) If a local health department declares a public health emergency as described in this
545 chapter, and the local health department finds that the public health emergency conditions
546 warrant an extension of the public health emergency beyond the 30-day term or another date
547 designated by the county governing body as described in this section, the local health
548 department shall provide written notice to the county governing body at least 10 days before
549 the expiration of the public health emergency.

550 (b) If the department provides notice as described in Subsection (6)(a)(i) for a public
551 health emergency within the first 30 days from the initial declaration of the public health
552 emergency, the speaker of the House of Representatives and the president of the Senate:

553 (i) shall poll the members of their respective bodies to determine whether the
554 Legislature will extend the public health emergency; and

555 (ii) may jointly convene the committee created in Section 53-2a-218.

556 (c) If the department provides notice as described in Subsection (6)(a)(i) for a public
557 health emergency that has been extended beyond the 30 days from the initial declaration of the
558 public health emergency, the speaker of the House of Representatives and the president of the
559 Senate shall jointly convene the committee created in Section 53-2a-218.

560 (7) If the committee created in Section 53-2a-218 is convened as described in
561 Subsection (6), the committee shall conduct a public meeting to:

562 (a) discuss the nature of the public health emergency and conditions of the public
563 health emergency;

564 (b) evaluate options for public health emergency response;

565 (c) receive testimony from individuals with expertise relevant to the current public
566 health emergency;

567 (d) receive testimony from members of the public; and

568 (e) provide a recommendation to the Legislature whether to extend the public health
569 emergency by joint resolution.

570 (8) (a) During a public health emergency declared as described in this title:

571 (i) except as described in Subsection (8)(b), the department or a local health
572 department may not impose an order of constraint on a religious gathering that is more
573 restrictive than an order of constraint that applies to any other public gathering; and

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

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

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

580 (b) Notwithstanding Subsection (8)(a), during a public health emergency declared as
581 described in this title, the department or a local health department may impose an order of
582 constraint on a religious gathering if an element of the religious practice is demonstrated to
583 create a unique risk that cannot be ameliorated by less-restrictive means.

584 (c) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
585 prevent the violation of this Subsection (8).

586 [~~(4)~~] (9) (a) Unless the provisions of Subsection (3) apply, a health care provider is not
587 subject to penalties for failing to submit a report under this section.

588 (b) If the provisions of Subsection (3) apply, a health care provider is subject to the
589 penalties of Subsection 26-23b-103(3) for failure to make a report under this section.

590 Section 9. Section 26-23b-108 is amended to read:

591 **26-23b-108. Investigation of suspected bioterrorism and diseases.**

592 (1) [~~The~~] Subject to Subsection (6), the department shall:

593 (a) ascertain the existence of cases of an illness or condition caused by the factors
594 described in Subsections 26-23b-103(1) and 26-23b-104(1);

595 (b) investigate all such cases for sources of infection or exposure;

596 (c) ensure that any cases, suspected cases, and exposed persons are subject to proper
597 control measures; and

598 (d) define the distribution of the suspected illness or health condition.

599 (2) (a) Acting on information received from the reports required by this chapter, or
600 other reliable information, the department shall identify all individuals thought to have been
601 exposed to an illness or condition described in Subsection 26-23b-103(1).

602 (b) The department may request information from a health care provider concerning an
603 individual's identifying information as described in Subsection 26-23b-103(2)(b) when:

604 (i) the department is investigating a potential illness or condition described in
605 Subsection 26-23b-103(1) and the health care provider has not submitted a report to the
606 department with the information requested; or

607 (ii) the department has received a report from a pharmacist under Section 26-23b-105,
608 a medical laboratory under Section 26-23b-106, or another health care provider under
609 Subsection 26-23b-104(1) and the department believes that further investigation is necessary to
610 protect the public health.

611 (c) A health care provider shall submit the information requested under this section to
612 the department within 24 hours after receiving a request from the department.

613 (3) The department shall counsel and interview identified individuals as appropriate to:

614 (a) assist in the positive identification of other cases and exposed individuals;

615 (b) develop information relating to the source and spread of the illness or condition;
616 and

617 (c) obtain the names, addresses, phone numbers, or other identifying information of
618 any other person from whom the illness or health condition may have been contracted and to
619 whom the illness or condition may have spread.

620 (4) The department shall, for examination purposes, close, evacuate, or decontaminate
621 any facility when the department reasonably believes that such facility or material may
622 endanger the public health due to a condition or illness described in Subsection 26-23b-103(1).

623 (5) The department will destroy personally identifying health information about an
624 individual collected by the department as a result of a report under this chapter upon the earlier
625 of:

626 (a) the department's determination that the information is no longer necessary to carry
627 out an investigation under this chapter; or

628 (b) 180 days after the information is collected.

629 (6) (a) The Legislature may at any time terminate by joint resolution an order of
630 constraint issued by the department in response to a public health emergency.

631 (b) A county governing body may at any time terminate by majority vote an order of
632 constraint issued by the relevant local health department in response to a public health
633 emergency.

634 Section 10. Section 26A-1-102 is amended to read:

635 **26A-1-102. Definitions.**

636 As used in this part:

637 (1) "Board" means a local board of health established under Section 26A-1-109.

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

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

642 (4) "Department" means the Department of Health created in Title 26, Chapter 1,
643 Department of Health Organization.

644 (5) "Local health department" means:

645 (a) a single county local health department;

646 (b) a multicounty local health department;

647 (c) a united local health department; or

648 (d) a multicounty united local health department.

649 (6) "Mental health authority" means a local mental health authority created in Section
650 [17-43-301](#).

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

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

657 (9) (a) "Order of constraint" means an order, rule, or regulation issued by a local health
658 department in response to a declared public health emergency under this chapter that:

659 (i) applies to all or substantially all:

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

661 (B) public places or a certain types of public places; and

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

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

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

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

667 (D) closes theaters, schools, or other public places or prohibits gatherings of people to
668 protect the public health.

669 (10) "Public health emergency" means the same as that term is defined in Section
670 [26-23b-102](#).

671 ~~(9)~~ (11) "Single county local health department" means a local health department that
672 is created by the governing body of one county to provide services to the county and the
673 municipalities within that county.

674 (12) "Stay-at-home order" means an order of constraint that:

675 (a) restricts movement of the general population to suppress or mitigate an epidemic or
676 pandemic disease by directing individuals within a defined geographic area to remain in their

677 respective residences; and

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

679 ~~[(+H)]~~ (13) "Substance abuse authority" means a local substance abuse authority
680 created in Section 17-43-201.

681 ~~[(+H)]~~ (14) "United local health department":

682 (a) means a substance abuse authority, a mental health authority, and a local health
683 department that join together under Section 26A-1-105.5; and

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

685 Section 11. Section 26A-1-114 is amended to read:

686 **26A-1-114. Powers and duties of departments.**

687 (1) ~~[A]~~ Subject to Subsections (7) and (8), a local health department may:

688 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
689 department rules, and local health department standards and regulations relating to public
690 health and sanitation, including the plumbing code administered by the Division of
691 Occupational and Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction
692 Code Administration Act, and under Title 26, Chapter 15a, Food Safety Manager Certification
693 Act, in all incorporated and unincorporated areas served by the local health department;

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

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

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

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

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

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

707 (f) abate nuisances or eliminate sources of filth and infectious and communicable

708 diseases affecting the public health and bill the owner or other person in charge of the premises
709 upon which this nuisance occurs for the cost of abatement;

710 (g) make necessary sanitary and health investigations and inspections on its own
711 initiative or in cooperation with the Department of Health or Environmental Quality, or both,
712 as to any matters affecting the public health;

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

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

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

718 (iii) make agreements not in conflict with state law which are conditional to receiving a
719 donation or grant;

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

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

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

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

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

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

731 (m) cooperate with boards created under Section [19-1-106](#) to enforce laws and rules
732 within the jurisdiction of the boards;

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

737 (o) investigate suspected bioterrorism and disease pursuant to Section [26-23b-108](#); and

738 (p) provide public health assistance in response to a national, state, or local emergency,

739 a public health emergency as defined in Section 26-23b-102, or a declaration by the President
740 of the United States or other federal official requesting public health-related activities.

741 (2) The local health department shall:

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

744 (b) investigate infectious and other diseases of public health importance and implement
745 measures to control the causes of epidemic and communicable diseases and other conditions
746 significantly affecting the public health which may include involuntary testing of alleged sexual
747 offenders for the HIV infection pursuant to Section 76-5-502 and voluntary testing of victims
748 of sexual offenses for HIV infection pursuant to Section 76-5-503;

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

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

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

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

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

762 (iv) is reviewed and updated annually.

763 (3) The local health department has the following duties regarding public and private
764 schools within its boundaries:

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

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

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

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

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

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

780 (5) The local health department may exercise incidental authority as necessary to carry
781 out the provisions and purposes of this part.

782 (6) Nothing in this part may be construed to authorize a local health department to
783 enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon
784 monoxide detector in a residential dwelling against anyone other than the occupant of the
785 dwelling.

786 (7) (a) A local health department may not declare a public health emergency or issue an
787 order of constraint until the local health department has provided notice of the proposed action
788 to the county governing body no later than 24 hours before the local health department issues
789 the order or declaration.

790 (b) The local health department:

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

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

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

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

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

800 (ii) 30 days after the date on which the local health department declared the public

801 health emergency; or

802 (iii) the day on which the public health emergency is terminated by a joint resolution of
803 the Legislature or majority vote of the county governing body.

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

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

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

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

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

819 (e) If the Legislature or county legislative body terminates a public health emergency
820 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local health
821 department may not declare a new public health emergency for the same illness, occurrence, or
822 exigent circumstances.

823 (9) (a) During a public health emergency declared under this chapter or under Title 26,
824 Chapter 23b, Detection of Public Health Emergencies Act:

825 (i) a local health department may not issue an order of constraint without approval of
826 the chief executive officer of the relevant county;

827 (ii) the Legislature may at any time terminate by joint resolution an order of constraint
828 issued by a local health department in response to a public health emergency; and

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

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

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

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

839 (i) except as described in Subsection (10)(b), the department or a local health
840 department may not impose an order of constraint on a religious gathering that is more
841 restrictive than an order of constraint that applies to any other public gathering; and

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

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

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

848 (b) Notwithstanding Subsection (10)(a), during a public health emergency declared as
849 described in this title, the department or a local health department may impose an order of
850 constraint on a religious gathering if an element of the religious practice is demonstrated to
851 create a unique risk that cannot be ameliorated by less-restrictive means.

852 (c) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
853 prevent the violation of this Subsection (10).

854 Section 12. Section **26A-1-121** is amended to read:

855 **26A-1-121. Standards and regulations adopted by local board -- Local standards**
856 **not more stringent than federal or state standards -- Exceptions for written findings --**
857 **Administrative and judicial review of actions.**

858 (1) (a) [~~The~~] Subject to Subsection (1)(g), the board may make standards and
859 regulations:

860 (i) not in conflict with rules of the Departments of Health and Environmental Quality;
861 and

862 (ii) necessary for the promotion of public health, environmental health quality, injury

863 control, and the prevention of outbreaks and spread of communicable and infectious diseases.

864 (b) The standards and regulations under Subsection (1)(a):

865 (i) supersede existing local standards, regulations, and ordinances pertaining to similar
866 subject matter; and

867 (ii) except as provided under Subsection (1)(c) and except where specifically allowed
868 by federal law or state statute, may not be more stringent than those established by federal law,
869 state statute, or administrative rules adopted by the [Utah] Department of Health in accordance
870 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

871 (c) (i) The board may make standards and regulations more stringent than
872 corresponding federal law, state statute, or state administrative rules for the purposes described
873 in Subsection (1)(a), only if the board makes a written finding after public comment and
874 hearing and based on evidence in the record, that corresponding federal laws, state statutes, or
875 state administrative rules are not adequate to protect public health and the environment of the
876 state.

877 (ii) The findings shall address the public health information and studies contained in
878 the record, which form the basis for the board's conclusion.

879 (d) The board shall provide public hearings prior to the adoption of any regulation or
880 standard. Notice of any public hearing shall be published at least twice throughout the county
881 or counties served by the local health department. The publication may be in one or more
882 newspapers, if the notice is provided in accordance with this Subsection (1)(d).

883 (e) The hearings may be conducted by the board at a regular or special meeting, or the
884 board may appoint hearing officers who may conduct hearings in the name of the board at a
885 designated time and place.

886 (f) A record or summary of the proceedings of a hearing shall be taken and filed with
887 the board.

888 (g) (i) During a declared public health emergency declared under this chapter or under
889 Title 26, Chapter 23b, Detection of Public Health Emergencies Act:

890 (A) a local health department may not issue an order of constraint without approval of
891 the chief executive officer of the relevant county;

892 (B) the Legislature may at any time terminate by joint resolution an order of constraint
893 issued by a local health department in response to a public health emergency; and

894 (C) a county governing body may at any time terminate, by majority vote of the
895 governing body, an order of constraint issued by a local health department in response to a
896 public health emergency.

897 (ii) (A) For a local health department that serves more than one county, the approval
898 described in Subsection (1)(g)(i)(A) is required for the chief executive officer for which the
899 order of constraint is applicable.

900 (B) For a local health department that serves more than one county, a county governing
901 body may only terminate an order of constraint as described in Subsection (1)(g)(i)(C) for the
902 county served by the county governing body.

903 (h) (i) During a public health emergency declared as described in this title:

904 (A) except as described in Subsection (1)(h)(ii), a local health department may not
905 impose an order of constraint on a public gathering that applies to a religious gathering
906 differently than the order of constraint applies to any other public gathering; and

907 (B) an individual, while acting or purporting to act within the course and scope of the
908 individual's official local health department capacity, may not prevent a religious gathering that
909 is held in a manner consistent with any order of constraint issued pursuant to this title, or
910 impose a penalty for a previous religious gathering that was held in a manner consistent with
911 any order of constraint issued pursuant to this title.

912 (ii) Notwithstanding Subsection (1)(h)(i)(A), during a public health emergency
913 declared as described in this title, a local health department may impose an order of constraint
914 on a religious gathering if an element of the religious practice is demonstrated to create a
915 unique risk that cannot be ameliorated by less-restrictive means.

916 (iii) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
917 prevent the violation of this Subsection (1)(h).

918 (i) If a local health department declares a public health emergency as described in this
919 chapter, and the local health department finds that the public health emergency conditions
920 warrant an extension of the public health emergency beyond the 30-day term or another date
921 designated by the local legislative body, the local health department shall provide written
922 notice to the local legislative body at least 10 days before the expiration of the public health
923 emergency.

924 (2) (a) A person aggrieved by an action or inaction of the local health department

925 relating to the public health shall have an opportunity for a hearing with the local health officer
926 or a designated representative of the local health department. The board shall grant a
927 subsequent hearing to the person upon the person's written request.

928 (b) In an adjudicative hearing, a member of the board or the hearing officer may
929 administer oaths, examine witnesses, and issue notice of the hearings or subpoenas in the name
930 of the board requiring the testimony of witnesses and the production of evidence relevant to a
931 matter in the hearing. The local health department shall make a written record of the hearing,
932 including findings of facts and conclusions of law.

933 (c) Judicial review of a final determination of the local board may be secured by a
934 person adversely affected by the final determination, or by the Departments of Health or
935 Environmental Quality, by filing a petition in the district court within 30 days after receipt of
936 notice of the board's final determination.

937 (d) The petition shall be served upon the secretary of the board and shall state the
938 grounds upon which review is sought.

939 (e) The board's answer shall certify and file with the court all documents and papers
940 and a transcript of all testimony taken in the matter together with the board's findings of fact,
941 conclusions of law, and order.

942 (f) The appellant and the board are parties to the appeal.

943 (g) The Departments of Health and Environmental Quality may become a party by
944 intervention as in a civil action upon showing cause.

945 (h) A further appeal may be taken to the Court of Appeals under Section [78A-4-103](#).

946 (3) Nothing in the provisions of Subsection (1)(b)(ii) or (c), shall limit the ability of a
947 local health department board to make standards and regulations in accordance with Subsection
948 (1)(a) for:

949 (a) emergency rules made in accordance with Section [63G-3-304](#); or

950 (b) items not regulated under federal law, state statute, or state administrative rule.

951 Section 13. Section **53-2a-104** is amended to read:

952 **53-2a-104. Division duties -- Powers.**

953 (1) [~~The~~] Subject to limitation by the Legislature as described in Subsection
954 [53-2a-206\(5\)](#), the division shall:

955 (a) respond to the policies of the governor and the Legislature;

956 (b) perform functions relating to emergency management as directed by the governor
957 or by the commissioner, including:

958 (i) coordinating with state agencies and local governments the use of personnel and
959 other resources of these governmental entities as agents of the state during an interstate disaster
960 in accordance with the Emergency Management Assistance Compact described in Section
961 [53-2a-402](#);

962 (ii) coordinating the requesting, activating, and allocating of state resources during an
963 intrastate disaster or a local state of emergency;

964 (iii) receiving and disbursing federal resources provided to the state in a declared
965 disaster;

966 (iv) appointing a state coordinating officer who is the governor's representative and
967 who shall work with a federal coordinating officer during a federally declared disaster; and

968 (v) appointing a state recovery officer who is the governor's representative and who
969 shall work with a federal recovery officer during a federally declared disaster;

970 (c) prepare, implement, and maintain programs and plans to provide for:

971 (i) prevention and minimization of injury and damage caused by disasters;

972 (ii) prompt and effective response to and recovery from disasters;

973 (iii) identification of areas particularly vulnerable to disasters;

974 (iv) coordination of hazard mitigation and other preventive and preparedness measures
975 designed to eliminate or reduce disasters;

976 (v) assistance to local officials, state agencies, and the business and public sectors, in
977 developing emergency action plans;

978 (vi) coordination of federal, state, and local emergency activities;

979 (vii) coordination of emergency operations plans with emergency plans of the federal
980 government;

981 (viii) coordination of urban search and rescue activities;

982 (ix) coordination of rapid and efficient communications in times of emergency; and

983 (x) other measures necessary, incidental, or appropriate to this part;

984 (d) coordinate with local officials, state agencies, and the business and public sectors in
985 developing, implementing, and maintaining a state energy emergency plan in accordance with
986 Section [53-2a-902](#);

987 (e) administer Part 6, Disaster Recovery Funding Act, in accordance with that part;
988 (f) conduct outreach annually to agencies and officials who have access to IPAWS; and
989 (g) coordinate with counties to ensure every county has the access and ability to send,
990 or a plan to send, IPAWS messages, including Wireless Emergency Alerts and Emergency
991 Alert System messages.

992 (2) Every three years, organizations that have the ability to send IPAWS messages,
993 including emergency service agencies, public safety answering points, and emergency
994 managers shall send verification of Federal Emergency Management Agency training to the
995 Division.

996 (3) (a) The Department of Public Safety shall designate state geographical regions and
997 allow the political subdivisions within each region to:

998 (i) coordinate planning with other political subdivisions, tribal governments, and as
999 appropriate, other entities within that region and with state agencies as appropriate, or as
1000 designated by the division;

1001 (ii) coordinate grant management and resource purchases; and

1002 (iii) organize joint emergency response training and exercises.

1003 (b) The political subdivisions within a region designated in Subsection (3)(a) may not
1004 establish the region as a new government entity in the emergency disaster declaration process
1005 under Section [53-2a-208](#).

1006 (4) The division may make rules in accordance with Title 63G, Chapter 3, Utah
1007 Administrative Rulemaking Act, to:

1008 (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and
1009 the activities described in Subsection (3);

1010 (b) coordinate federal, state, and local resources in a declared disaster or local
1011 emergency; and

1012 (c) implement provisions of the Emergency Management Assistance Compact as
1013 provided in Section [53-2a-402](#) and Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

1014 (5) The division may consult with the Legislative Management Committee, the Judicial
1015 Council, and legislative and judicial staff offices to assist the division in preparing emergency
1016 succession plans and procedures under Title 53, Chapter 2a, Part 8, Emergency Interim
1017 Succession Act.

1018 (6) The division shall report annually in writing not later than October 31 to the Law
1019 Enforcement and Criminal Justice, and Political Subdivisions Interim Committees regarding
1020 the status of the emergency alert system in the state. The report shall include:

- 1021 (a) a status summary of the number of alerting authorities in Utah;
- 1022 (b) any changes in that number;
- 1023 (c) administrative actions taken; and
- 1024 (d) any other information considered necessary by the division.

1025 Section 14. Section **53-2a-203** is amended to read:

1026 **53-2a-203. Definitions.**

1027 As used in this part:

1028 (1) "Chief executive officer" means:

1029 (a) for a municipality:

1030 (i) the mayor for a municipality operating under all forms of municipal government
1031 except the council-manager form of government; or

1032 (ii) the city manager for a municipality operating under the council-manager form of
1033 government;

1034 (b) for a county:

1035 (i) the chair of the county commission for a county operating under the county
1036 commission or expanded county commission form of government;

1037 (ii) the county executive officer for a county operating under the county-executive
1038 council form of government; or

1039 (iii) the county manager for a county operating under the council-manager form of
1040 government; [~~or~~]

1041 (c) for a special service district:

1042 (i) the chief executive officer of the county or municipality that created the special
1043 service district if authority has not been delegated to an administrative control board as
1044 provided in Section [17D-1-301](#);

1045 (ii) the chair of the administrative control board to which authority has been delegated
1046 as provided in Section [17D-1-301](#); or

1047 (iii) the general manager or other officer or employee to whom authority has been
1048 delegated by the governing body of the special service district as provided in Section

1049 [17D-1-301](#); or

1050 (d) for a local district:

1051 (i) the chair of the board of trustees selected as provided in Section [17B-1-309](#); or

1052 (ii) the general manager or other officer or employee to whom authority has been
1053 delegated by the board of trustees.

1054 (2) "Executive action" means any of the following actions by the governor during a
1055 state of emergency:

1056 (a) an order, a rule, or a regulation made by the governor as described in Section
1057 [53-2a-209](#);

1058 (b) an action by the governor to suspend or modify a statute as described in Subsection
1059 [53-2a-204\(1\)\(j\)](#); or

1060 (c) an action by the governor to suspend the enforcement of a statute as described in
1061 Subsection [53-2a-209\(4\)](#).

1062 (3) "Exigent circumstances" means a significant change in circumstances following the
1063 expiration of a state of emergency declared in accordance with this chapter that:

1064 (a) substantially increases the threat to public safety or health relative to the
1065 circumstances in existence when the state of emergency expired;

1066 (b) poses an imminent threat to public safety or health; and

1067 (c) was not known or foreseen and could not have been known or foreseen at the time
1068 the state of emergency expired.

1069 (4) "Legislative emergency response committee" means the Legislative Emergency
1070 Response Committee created in Section [53-2a-218](#).

1071 [~~2~~] (5) "Local emergency" means a condition in any municipality or county of the
1072 state which requires that emergency assistance be provided by the affected municipality or
1073 county or another political subdivision to save lives and protect property within its jurisdiction
1074 in response to a disaster, or to avoid or reduce the threat of a disaster.

1075 (6) "Long-term state of emergency" means a state of emergency:

1076 (a) that lasts longer than 30 days; or

1077 (b) declared to respond to exigent circumstances as described in Subsection
1078 [53-2a-206\(3\)](#).

1079 [~~3~~] (7) "Political subdivision" means a municipality, county, special service district,

1080 or local district.

1081 Section 15. Section **53-2a-204** is amended to read:

1082 **53-2a-204. Authority of governor -- Federal assistance -- Fraud or willful**
1083 **misstatement in application for financial assistance -- Penalty.**

1084 (1) In addition to any other authorities conferred upon the governor, if the governor
1085 issues an executive order declaring a state of emergency, subject to limitation by the
1086 Legislature as described in Subsection [53-2a-206\(5\)](#), the governor may:

1087 (a) utilize all available resources of state government as reasonably necessary to cope
1088 with a state of emergency;

1089 (b) employ measures and give direction to state and local officers and agencies that are
1090 reasonable and necessary for the purpose of securing compliance with the provisions of this
1091 part and with orders, rules, and regulations made pursuant to this part;

1092 (c) recommend and advise the evacuation of all or part of the population from any
1093 stricken or threatened area within the state if necessary for the preservation of life;

1094 (d) recommend routes, modes of transportation, and destination in connection with
1095 evacuation;

1096 (e) in connection with evacuation, suspend or limit the sale, dispensing, or
1097 transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful
1098 bearing of arms;

1099 (f) control ingress and egress to and from a disaster area, the movement of persons
1100 within the area, and recommend the occupancy or evacuation of premises in a disaster area;

1101 (g) clear or remove from publicly or privately owned land or water debris or wreckage
1102 that is an immediate threat to public health, public safety, or private property, including
1103 allowing an employee of a state department or agency designated by the governor to enter upon
1104 private land or waters and perform any tasks necessary for the removal or clearance operation if
1105 the political subdivision, corporation, organization, or individual that is affected by the removal
1106 of the debris or wreckage:

1107 (i) presents an unconditional authorization for removal of the debris or wreckage from
1108 private property; and

1109 (ii) agrees to indemnify the state against any claim arising from the removal of the
1110 debris or wreckage;

- 1111 (h) enter into agreement with any agency of the United States:
- 1112 (i) for temporary housing units to be occupied by victims of a state of emergency or
1113 persons who assist victims of a state of emergency; and
- 1114 (ii) to make the housing units described in Subsection (1)(h)(i) available to a political
1115 subdivision of this state;
- 1116 (i) assist any political subdivision of this state to acquire sites and utilities necessary for
1117 temporary housing units described in Subsection (1)(h)(i) by passing through any funds made
1118 available to the governor by an agency of the United States for this purpose;
- 1119 (j) subject to Sections 53-2a-209 and 53-2a-214, temporarily suspend or modify by
1120 executive order, during the state of emergency, any public health, safety, zoning, transportation,
1121 or other requirement of a statute or administrative rule within this state if such action is
1122 essential to provide temporary housing described in Subsection (1)(h)(i);
- 1123 (k) upon determination that a political subdivision of the state will suffer a substantial
1124 loss of tax and other revenues because of a state of emergency and the political subdivision so
1125 affected has demonstrated a need for financial assistance to perform its governmental
1126 functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section
1127 10-8-6:
- 1128 (i) apply to the federal government for a loan on behalf of the political subdivision if
1129 the amount of the loan that the governor applies for does not exceed 25% of the annual
1130 operating budget of the political subdivision for the fiscal year in which the state of emergency
1131 occurs; and
- 1132 (ii) receive and disburse the amount of the loan to the political subdivision;
- 1133 (l) accept funds from the federal government and make grants to any political
1134 subdivision for the purpose of removing debris or wreckage from publicly owned land or
1135 water;
- 1136 (m) subject to Section 53-2a-217, upon determination that financial assistance is
1137 essential to meet expenses related to a state of emergency of individuals or families adversely
1138 affected by the state of emergency that cannot be sufficiently met from other means of
1139 assistance, apply for, accept, and expend a grant by the federal government to fund the financial
1140 assistance, subject to the terms and conditions imposed upon the grant;
- 1141 (n) recommend to the Legislature other actions the governor considers to be necessary

1142 to address a state of emergency; or

1143 (o) authorize the use of all water sources as necessary for fire suppression.

1144 (2) A person who fraudulently or willfully makes a misstatement of fact in connection
1145 with an application for financial assistance under this section shall, upon conviction of each
1146 offense, be subject to a fine of not more than \$5,000 or imprisonment for not more than one
1147 year, or both.

1148 Section 16. Section **53-2a-205** is amended to read:

1149 **53-2a-205. Authority of chief executive officers of political subdivisions --**

1150 **Ordering of evacuations.**

1151 (1) (a) In order to protect life and property when a state of emergency or local
1152 emergency has been declared, subject to limitation by the Legislature as described in
1153 Subsection 53-2a-206(5), and subject to Section 53-2a-216, the chief executive officer of each
1154 political subdivision of the state is authorized to:

1155 (i) carry out, in the chief executive officer's jurisdiction, the measures as may be
1156 ordered by the governor under this part; and

1157 (ii) take any additional measures the chief executive officer may consider necessary,
1158 subject to the limitations and provisions of this part.

1159 (b) The chief executive officer may not take an action that is inconsistent with any
1160 order, rule, regulation, or action of the governor.

1161 (2) [~~When~~] Subject to Section 53-2a-216, when a state of emergency or local
1162 emergency is declared, the authority of the chief executive officer includes:

1163 (a) utilizing all available resources of the political subdivision as reasonably necessary
1164 to manage a state of emergency or local emergency;

1165 (b) employing measures and giving direction to local officers and agencies which are
1166 reasonable and necessary for the purpose of securing compliance with the provisions of this
1167 part and with orders, rules, and regulations made under this part;

1168 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or
1169 part of the population from any stricken or threatened area within the political subdivision;

1170 (d) recommending routes, modes of transportation, and destinations in relation to an
1171 evacuation;

1172 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages,

1173 explosives, and combustibles in relation to an evacuation, except that the chief executive
1174 officer may not restrict the lawful bearing of arms;

1175 (f) controlling ingress and egress to and from a disaster area, controlling the movement
1176 of persons within a disaster area, and ordering the occupancy or evacuation of premises in a
1177 disaster area;

1178 (g) clearing or removing debris or wreckage that may threaten public health, public
1179 safety, or private property from publicly or privately owned land or waters, except that where
1180 there is no immediate threat to public health or safety, the chief executive officer shall not
1181 exercise this authority in relation to privately owned land or waters unless:

1182 (i) the owner authorizes the employees of designated local agencies to enter upon the
1183 private land or waters to perform any tasks necessary for the removal or clearance; and

1184 (ii) the owner provides an unconditional authorization for removal of the debris or
1185 wreckage and agrees to indemnify the local and state government against any claim arising
1186 from the removal; and

1187 (h) invoking the provisions of any mutual aid agreement entered into by the political
1188 subdivision.

1189 (3) (a) If the chief executive is unavailable to issue an order for evacuation under
1190 Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue
1191 an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for
1192 the preservation of life.

1193 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement
1194 officer's order.

1195 (4) Notice of an order or the ratification, modification, or revocation of an order issued
1196 under this section shall be:

1197 (a) given to the persons within the jurisdiction by the most effective and reasonable
1198 means available; and

1199 (b) filed in accordance with Subsection 53-2a-209(1).

1200 Section 17. Section 53-2a-206 is amended to read:

1201 **53-2a-206. State of emergency -- Declaration -- Termination -- Commander in**
1202 **chief of military forces.**

1203 (1) A state of emergency may be declared by executive order of the governor if the

1204 governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in
1205 any area of the state in which state government assistance is required to supplement the
1206 response and recovery efforts of the affected political subdivision or political subdivisions.

1207 ~~[(2) A state of emergency shall continue until the governor finds the threat or danger~~
1208 ~~has passed or the disaster reduced to the extent that emergency conditions no longer exist.]~~

1209 ~~[(3) A state of emergency may not continue for longer than 30 days unless extended by~~
1210 ~~joint resolution of the Legislature, which may also terminate a state of emergency by joint~~
1211 ~~resolution at any time.]~~

1212 (2) (a) Except as provided in Subsection (2)(b), a state of emergency described in
1213 Subsection (1) expires at the earlier of:

1214 (i) the day on which the governor finds that the threat or danger has passed or the
1215 disaster reduced to the extent that emergency conditions no longer exist;

1216 (ii) 30 days after the date on which the governor declared the state of emergency; or

1217 (iii) the day on which the Legislature terminates the state of emergency by joint
1218 resolution.

1219 (b) (i) The Legislature may, by joint resolution, extend a state of emergency for a time
1220 period designated in the joint resolution.

1221 (ii) If the Legislature extends a state of emergency in accordance with this subsection,
1222 the state of emergency expires on the date designated in the joint resolution.

1223 (c) Except as provided in Subsection (3), if a state of emergency expires as described in
1224 Subsection (2), the governor may not declare a new state of emergency for the same disaster or
1225 occurrence as the expired state of emergency.

1226 (3) (a) After a state of emergency expires in accordance with Subsection (2), and
1227 subject to Subsection (4), the governor may declare a new state of emergency in response to the
1228 same disaster or occurrence as the expired state of emergency, if the governor finds that exigent
1229 circumstances exist.

1230 (b) A state of emergency declared in accordance with Subsection (3)(a) expires in
1231 accordance with Subsections (2)(a) and (b).

1232 (c) After a state of emergency declared in accordance with Subsection (3)(a) expires,
1233 the governor may not declare a new state of emergency in response to the same disaster or
1234 occurrence as the expired state of emergency, regardless of whether exigent circumstances

1235 exist.

1236 (4) (a) (i) If the Legislature finds that emergency conditions warrant the extension of a
1237 state of emergency beyond 30 days as described in Subsection (2)(b), the Legislature may
1238 extend the state of emergency and specify which emergency powers described in this part are
1239 necessary to respond to the emergency conditions present at the time of the extension of the
1240 state of emergency.

1241 (ii) Circumstances that may warrant the extension of a state of emergency with limited
1242 emergency powers include:

1243 (A) the imminent threat of the emergency has passed, but continued fiscal response
1244 remains necessary; or

1245 (B) emergency conditions warrant certain executive actions, but certain emergency
1246 powers such as suspension of enforcement of statute are not necessary.

1247 (b) For any state of emergency extended by the Legislature beyond 30 days as
1248 described in Subsection (2)(b), the Legislature may, by joint resolution:

1249 (i) extend the state of emergency and maintain all of the emergency powers described
1250 in this part; or

1251 (ii) limit or restrict certain emergency powers of:

1252 (A) the division as described in Section [53-2a-104](#);

1253 (B) the governor as described in Section [53-2a-204](#);

1254 (C) a chief executive officer of a political subdivision as described in Section
1255 [53-2a-205](#); or

1256 (D) other executive emergency powers described in this chapter.

1257 (c) If the Legislature limits emergency powers as described in Subsection (4)(b), the
1258 Legislature shall:

1259 (i) include in the joint resolution findings describing the nature and current conditions
1260 of the emergency that warrant the continuation or limitation of certain emergency powers; and

1261 (ii) clearly enumerate and describe in the joint resolution which powers:

1262 (A) are being limited or restricted; or

1263 (B) shall remain in force.

1264 ~~[(4)]~~ (5) [The] If the Legislature terminates a state of emergency by joint resolution, the
1265 governor shall issue an executive order ending the state of emergency on receipt of the

1266 Legislature's resolution.

1267 ~~[(5)]~~ (6) An executive order described in this section to declare a state of emergency
1268 shall state:

1269 (a) the nature of the state of emergency;

1270 (b) the area or areas threatened; and

1271 (c) the conditions creating such an emergency or those conditions allowing termination
1272 of the state of emergency.

1273 ~~[(6)]~~ (7) During the continuance of any state of emergency the governor is commander
1274 in chief of the military forces of the state in accordance with Utah Constitution Article VII,
1275 Section 4, and Title 39, Chapter 1, State Militia.

1276 Section 18. Section **53-2a-208** is amended to read:

1277 **53-2a-208. Local emergency -- Declarations.**

1278 ~~[(1) (a) A local emergency may be declared by proclamation of the chief executive~~
1279 ~~officer of a municipality or county.]~~

1280 ~~[(b) A local emergency shall not be continued or renewed for a period in excess of 30~~
1281 ~~days except by or with the consent of the governing body of the municipality or county.]~~

1282 ~~[(c) Any order or proclamation declaring, continuing, or terminating a local emergency~~
1283 ~~shall be filed promptly with the office of the clerk of the affected municipality or county.]~~

1284 (1) A chief executive officer of a municipality or county may declare by proclamation a
1285 state of emergency if the chief executive officer finds:

1286 (a) a disaster has occurred or the occurrence or threat of a disaster is imminent in an
1287 area of the municipality or county; and

1288 (b) the municipality or county requires additional assistance to supplement the
1289 response and recovery efforts of the municipality or county.

1290 (2) A declaration of a local emergency:

1291 (a) constitutes an official recognition that a disaster situation exists within the affected
1292 municipality or county;

1293 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
1294 from other political subdivisions or from the state or federal government;

1295 (c) activates the response and recovery aspects of any and all applicable local disaster
1296 emergency plans; and

- 1297 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.
- 1298 (3) A local emergency proclamation issued under this section shall state:
- 1299 (a) the nature of the local emergency;
- 1300 (b) the area or areas that are affected or threatened; and
- 1301 (c) the conditions which caused the emergency.
- 1302 (4) The emergency declaration process within the state shall be as follows:
- 1303 (a) a city, town, or metro township shall declare to the county;
- 1304 (b) a county shall declare to the state;
- 1305 (c) the state shall declare to the federal government; and
- 1306 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the
- 1307 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.
- 1308 (5) Nothing in this part affects:
- 1309 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
- 1310 (b) the duties, requests, reimbursements, or other actions taken by a political
- 1311 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
- 1312 Part 3, Statewide Mutual Aid Act.
- 1313 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in
- 1314 Subsection (1) expires the earlier of:
- 1315 (i) the day on which the chief executive officer finds that:
- 1316 (A) the threat or danger has passed;
- 1317 (B) the disaster reduced to the extent that emergency conditions no longer exist; or
- 1318 (C) the municipality or county no longer requires state government assistance to
- 1319 supplement the response and recovery efforts of the municipality or county;
- 1320 (ii) 30 days after the day on which the chief executive officer declares the state of
- 1321 emergency; or
- 1322 (iii) the day on which the legislative body of the municipality or county terminates the
- 1323 state of emergency by majority vote.
- 1324 (b) (i) The legislative body of a municipality or county may by majority vote extend a
- 1325 state of emergency for a time period stated in the motion.
- 1326 (ii) If the legislative body of a municipality or county extends a state of emergency in
- 1327 accordance with this subsection, the state of emergency expires on the date designated by the

1328 legislative body in the motion.

1329 (c) Except as provided in Subsection (7), after a state of emergency expires in
1330 accordance with this Subsection (6), the chief executive officer may not declare a new state of
1331 emergency in response to the same disaster or occurrence as the expired state of emergency.

1332 (7) (a) After a state of emergency expires in accordance with Subsection (2), the chief
1333 executive officer may declare a new state of emergency in response to the same disaster or
1334 occurrence as the expired state of emergency, if the chief executive officer finds that exigent
1335 circumstances exist.

1336 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
1337 accordance with Subsections (6)(a) and (b).

1338 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires,
1339 the chief executive officer may not declare a new state of emergency in response to the same
1340 disaster or occurrence as the expired state of emergency, regardless of whether exigent
1341 circumstances exist.

1342 Section 19. Section **53-2a-209** is amended to read:

1343 **53-2a-209. Orders, rules, and regulations having force of law -- Filing**
1344 **requirements -- Suspension of state agency rules -- Suspension of enforcement of certain**
1345 **statutes during a state of emergency.**

1346 (1) [AH] Subject to Section [53-2a-216](#), all orders, rules, and regulations promulgated
1347 by the governor, a municipality, a county, or other agency authorized by this part to make
1348 orders, rules, and regulations, not in conflict with existing laws except as specifically provided
1349 in this section, shall have the full force and effect of law during the state of emergency.

1350 (2) A copy of the order, rule, or regulation promulgated under Subsection (1) shall be
1351 filed as soon as practicable with:

1352 (a) the Office of Administrative Rules, if issued by the governor or a state agency; or

1353 (b) the office of the clerk of the municipality or county, if issued by the chief executive
1354 officer of a municipality or county.

1355 (3) The governor may suspend the provisions of any order, rule, or regulation of any
1356 state agency, if the strict compliance with the provisions of the order, rule, or regulation would
1357 substantially prevent, hinder, or delay necessary action in coping with the emergency or
1358 disaster.

- 1359 (4) (a) Except as provided in Subsection (4)(b) and subject to Subsections (4)(c) and
1360 (d), the governor may by executive order suspend the enforcement of a statute if:
- 1361 (i) the governor declares a state of emergency in accordance with Section 53-2a-206;
1362 (ii) the governor determines that suspending the enforcement of the statute is:
- 1363 (A) directly related to the state of emergency described in Subsection (4)(a)(i); and
1364 (B) necessary to address the state of emergency described in Subsection (4)(a)(i);
1365 (iii) the executive order:
- 1366 (A) describes how the suspension of the enforcement of the statute is:
- 1367 (I) directly related to the state of emergency described in Subsection (4)(a)(i); and
1368 (II) necessary to address the state of emergency described in Subsection (4)(a)(i); and
1369 (B) provides the citation of the statute that is the subject of suspended enforcement;
1370 (iv) the governor acts in good faith;
- 1371 (v) the governor provides notice of the suspension of the enforcement of the statute to
1372 the speaker of the House of Representatives and the president of the Senate no later than 24
1373 hours after suspending the enforcement of the statute; and
- 1374 (vi) the governor makes the report required by Section 53-2a-210.
- 1375 (b) (i) Except as provided in Subsection (4)(b)(ii), the governor may not suspend the
1376 enforcement of a criminal penalty created in statute.
- 1377 (ii) The governor may suspend the enforcement of a misdemeanor or infraction if:
- 1378 (A) the misdemeanor or infraction relates to food, health, or transportation; and
1379 (B) the requirements of Subsection (4)(a) are met.
- 1380 (c) A suspension described in this Subsection (4) terminates no later than the date the
1381 governor terminates the state of emergency in accordance with Section 53-2a-206 to which the
1382 suspension relates.
- 1383 (d) The governor:
- 1384 (i) shall provide the notice required by Subsection (4)(a)(v) using the best available
1385 method under the circumstances as determined by the governor;
- 1386 (ii) may provide the notice required by Subsection (4)(a)(v) in electronic format; and
1387 (iii) shall provide the notice in written form, if practicable.
- 1388 (e) If circumstances prevent the governor from providing notice to the speaker of the
1389 House of Representatives or the president of the Senate, notice shall be provided in the best

1390 available method to the presiding member of the respective body as is reasonable.

1391 Section 20. Section **53-2a-215** is amended to read:

1392 **53-2a-215. Requirements for long-term emergency response -- Notice.**

1393 [~~(1) As used in this section:~~]

1394 [~~(a) "Epidemic or pandemic disease" means the same as that term is defined in Section~~
1395 ~~26-23b-102.~~]

1396 [~~(b) "Executive action" means any of the following actions in response to an epidemic~~
1397 ~~or pandemic disease:~~]

1398 [~~(i) a declaration of a state of emergency as described in Section 53-2a-206;~~]

1399 [~~(ii) an order, a rule, or a regulation made by the governor as described in Section~~
1400 ~~53-2a-209;~~]

1401 [~~(iii) an action by the governor to suspend or modify a statute as described in~~
1402 ~~Subsection 53-2a-204(1)(j); or]~~

1403 [~~(iv) an action by the governor to suspend the enforcement of a statute as described in~~
1404 ~~Subsection 53-2a-209(4).~~]

1405 [~~(c) "Legislative pandemic response team" means:~~]

1406 [~~(i) the speaker of the House of Representatives;~~]

1407 [~~(ii) the president of the Senate;~~]

1408 [~~(iii) the minority leader of the House of Representatives; and]~~

1409 [~~(iv) the minority leader of the Senate.~~]

1410 [~~(2) The Legislature finds and acknowledges that existing and increasing threats of the~~
1411 ~~occurrence of an epidemic or pandemic disease emergency could greatly affect the health,~~
1412 ~~safety, and welfare of the people of this state, and subject to provisions of this section, the~~
1413 ~~Legislature recognizes the important role of the governor to respond to an epidemic or~~
1414 ~~pandemic disease emergency through executive action.~~]

1415 [~~(3)~~] (1) (a) (i) Except as provided in Subsection [~~(4)~~] (2), and in accordance with
1416 Subsection [~~(3)(b)~~] (1)(b), during a long-term state of emergency, the governor may not take an
1417 executive action in response to [~~an epidemic or pandemic disease~~] the emergency until the
1418 governor has provided notice of the proposed action to the legislative [~~pandemic response~~
1419 ~~team~~] emergency response committee no later than 24 hours before the governor issues the
1420 executive action.

1421 (ii) The governor:

1422 (A) shall provide the notice required by Subsection ~~[(3)]~~ (1)(a)(i) using the best
1423 available method under the circumstances as determined by the governor;

1424 (B) may provide the notice required by Subsection ~~[(3)]~~ (1)(a)(i) in electronic format;
1425 and

1426 (C) shall provide the notice in written form, if practicable.

1427 (b) Except for any conflicting provision in this section, the governor shall comply with
1428 the requirements of this chapter to take an executive action in response to a long-term
1429 emergency.

1430 (c) If the governor takes executive action in response to ~~[an epidemic or pandemic~~
1431 ~~disease]~~ a long-term emergency as described in this Subsection ~~[(3)]~~ (1), the governor is not
1432 required to provide:

1433 (i) the notice described in Subsection 53-2a-209(4)(a)(v); or

1434 (ii) the report described in Section 53-2a-210.

1435 ~~[(4)]~~ (2) (a) The governor may take executive action in response ~~[to an epidemic or~~
1436 ~~pandemic disease]~~ during a long-term emergency without complying with Subsection ~~[(3)]~~ (1)
1437 only if the governor finds that:

1438 (i) there is an imminent threat of serious bodily injury, loss of life, or substantial harm
1439 to property; and

1440 (ii) compliance with Subsection ~~[(3)]~~ (1) would increase the threat of serious bodily
1441 injury, loss of life, or substantial harm to property.

1442 (b) If the governor takes executive action in response to ~~[an epidemic or pandemic]~~ a
1443 long-term emergency without complying with the requirements of Subsection ~~[(3)]~~ (1)(a), the
1444 governor shall provide in the executive action an explanation why the requirements of
1445 Subsection ~~[(3)]~~ (1)(a) were not met.

1446 ~~[(5)]~~ (3) This section supersedes any conflicting provisions of Utah law.

1447 ~~[(6)]~~ (4) Notwithstanding any other provision of law, the governor may not suspend the
1448 application or enforcement of this section.

1449 Section 21. Section 53-2a-216 is amended to read:

1450 **53-2a-216. Termination of an executive action or directive.**

1451 (1) The Legislature may at any time terminate by joint resolution:

1452 (a) an order, a rule, ordinance, or action by a chief executive officer of a county or
1453 municipality as described in Section [53-2a-205](#);

1454 (b) a local declaration of emergency described in Section [53-2a-208](#);

1455 ~~[(a)]~~ (c) an order, a rule, or a regulation made by the governor, a municipality, county,
1456 or other agency as described in Section [53-2a-209](#);

1457 ~~[(b)]~~ (d) an action by the governor to suspend the enforcement of a statute as described
1458 in Subsection [53-2a-209](#)(4); or

1459 ~~[(c)]~~ (e) an executive action as described in Section [53-2a-215](#).

1460 (2) Notwithstanding any other provision of law, the governor may not suspend the
1461 application or enforcement of this section.

1462 Section 22. Section [53-2a-217](#) is amended to read:

1463 **[53-2a-217. Procurement process during an epidemic or pandemic emergency.](#)**

1464 (1) As used in this section, "epidemic or pandemic disease" means the same as that
1465 term is defined in Section [[53-2a-215](#)] [26-23b-102](#).

1466 (2) (a) During a state of emergency declared as described in Section [53-2a-206](#) that is
1467 in response or related to an epidemic or pandemic disease emergency, or during a national
1468 epidemic or pandemic emergency, the governor shall provide notice to the Legislature within
1469 24 hours after an expenditure or procurement, if the expenditure or procurement:

1470 (i) uses federal funds received as described in Subsection [53-2a-204](#)(1)(m);

1471 (ii) totals more than \$2,000,000 or includes a line item of more than \$2,000,000; and

1472 (iii) is made using emergency procurement processes as described in Section
1473 [63G-6a-803](#).

1474 (b) The governor may not divide an expenditure or procurement into multiple
1475 expenditures or procurements to fall below the \$2,000,000 threshold described in Subsection
1476 (2)(a)(ii).

1477 Section 23. Section [53-2a-218](#) is enacted to read:

1478 **[53-2a-218. Legislative Emergency Response Committee.](#)**

1479 (1) There is created an ad hoc committee known as the Legislative Emergency
1480 Response Committee.

1481 (2) (a) The committee membership includes:

1482 (i) the same membership as the Executive Appropriations Committee as constituted at

1483 the time the committee is convened; and

1484 (ii) between four and six additional members designated by the speaker of the House of
1485 Representatives, chosen from the following:

1486 (A) one or more members of the House of Representatives that serve as chair or
1487 vice-chair of a legislative committee with a subject matter focus relevant to the current
1488 emergency;

1489 (B) one or more members of the House of Representatives with relevant expertise or
1490 experience relevant to the current emergency; or

1491 (C) one or more members of the House of Representatives from a minority party that
1492 serves on a relevant legislative committee or that has expertise and experience relevant to the
1493 current emergency; and

1494 (iii) between four and six additional members designated by the president of the
1495 Senate, chosen from the following:

1496 (A) one or more members of the Senate that serve as chair or vice-chair of a legislative
1497 committee with a subject matter focus relevant to the current emergency;

1498 (B) one or more members of the Senate with relevant expertise or experience relevant
1499 to the current emergency; or

1500 (C) one or more members of the Senate from a minority party that serves on a relevant
1501 legislative committee or that has expertise and experience relevant to the current emergency.

1502 (b) The speaker of the House of Representatives and the president of the Senate shall
1503 coordinate to ensure they each appoint the same number of legislators as described under
1504 Subsections (2)(a)(ii) and (iii).

1505 (3) The speaker of the House of Representatives and the president of the Senate shall
1506 serve as chairs of the committee.

1507 (4) The Office of Legislative Research and General Counsel shall provide staff support
1508 to the committee.

1509 (5) (a) If the governor declares a state of emergency as described in this chapter, and
1510 the governor finds that the emergency conditions warrant an extension of the state of
1511 emergency beyond the 30-day term or another date designated by the Legislature as described
1512 in Section 53-2a-206, the governor shall provide written notice to the speaker of the House of
1513 Representatives and the president of the Senate at least 10 days before the expiration of the

1514 state of emergency.

1515 (b) If the speaker of the House of Representatives and the president of the Senate
1516 receive notice as described in Subsection (5)(a) for a state of emergency within the first 30 days
1517 from the initial declaration of the state of emergency, or from the Department of Health as
1518 described in Section [26-23b-10](#), or from a local health department as described in Section
1519 [26A-1-121](#), the speaker of the House of Representatives and the president of the Senate:

1520 (i) shall poll the members of their respective bodies to determine whether the
1521 Legislature will extend the state of emergency; and

1522 (ii) may jointly convene the committee.

1523 (c) If the speaker of the House of Representatives and the president of the Senate
1524 receive notice as described in Subsection (5)(a) for a state of emergency that has been extended
1525 beyond the 30 days from the initial declaration of a state of emergency, the speaker of the
1526 House of Representatives and the president of the Senate shall jointly convene the committee.

1527 (6) If the committee is convened as described in Subsection (5), the committee shall
1528 conduct a public meeting to:

1529 (a) discuss the nature of the emergency and conditions of the emergency;

1530 (b) evaluate options for emergency response;

1531 (c) receive testimony from individuals with expertise relevant to the current
1532 emergency;

1533 (d) receive testimony from members of the public; and

1534 (e) provide a recommendation to the Legislature whether to extend the state of
1535 emergency by joint resolution.

1536 Section 24. Section **53-2a-219** is enacted to read:

1537 **53-2a-219. Religious practice during a state of emergency.**

1538 (1) During a state of emergency declared as described in this chapter:

1539 (a) except as described in Subsection (2), the governor or chief executive officer of a
1540 political subdivision may not impose a restriction on a religious gathering that is more
1541 restrictive than a restriction on any other public gathering; and

1542 (b) an individual, while acting or purporting to act within the course and scope of the
1543 individual's official government capacity, may not:

1544 (i) prevent a religious gathering that is held in a manner consistent with any order or

1545 restriction issued pursuant to this part; or

1546 (ii) impose a penalty for a previous religious gathering that was held in a manner
1547 consistent with any order or restriction issued pursuant to this part.

1548 (2) Notwithstanding Subsection (1), during a state of emergency declared as described
1549 in this chapter, the governor or the chief executive officer of a political subdivision may
1550 impose a restriction on a religious gathering if an element of the religious practice is
1551 demonstrated to create a unique risk that cannot be ameliorated by less-restrictive means.

1552 (3) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
1553 prevent the violation of this section.

1554 Section 25. Section **53-2a-703** is amended to read:

1555 **53-2a-703. Hazardous materials emergency -- Recovery of expenses.**

1556 (1) (a) The Hazardous Chemical Emergency Response Commission may recover from
1557 those persons whose negligent actions caused the hazardous materials emergency, expenses
1558 directly associated with a response to a hazardous materials emergency taken under authority of
1559 this part, Title 53, Chapter 2a, Part 1, Emergency Management Act, or Title 53, Chapter 2a,
1560 Part 2, Disaster Response and Recovery Act, that are incurred by:

1561 (i) a state agency;

1562 (ii) a political subdivision as defined in [~~Subsection 53-2a-203(3)~~] Section 53-2a-203;

1563 or

1564 (iii) an interlocal entity, described in Section 11-13-203, providing emergency services
1565 to a political subdivision pursuant to written agreement.

1566 (b) The payment of expenses under this Subsection (1) is not an admission of liability
1567 or negligence in any legal action for damages.

1568 (c) The Hazardous Chemical Emergency Response Commission may obtain assistance
1569 from the attorney general or a county attorney of the affected jurisdiction to assist in recovering
1570 expenses and legal fees.

1571 (d) Any recovered costs shall be deposited in the General Fund as dedicated credits to
1572 be used by the division to reimburse an entity described in Subsection (1)(a) for costs incurred
1573 by the entity.

1574 (2) (a) If the cost directly associated with emergency response exceeds all available
1575 funds of the division within a given fiscal year, the division, with approval from the governor,

1576 may incur a deficit in its line item budget.

1577 (b) The Legislature shall provide a supplemental appropriation in the following year to
1578 cover the deficit.

1579 (c) The division shall deposit all costs associated with any emergency response that are
1580 collected in subsequent fiscal years into the General Fund.

1581 (3) Any political subdivision may enact local ordinances pursuant to existing statutory
1582 or constitutional authority to provide for the recovery of expenses incurred by the political
1583 subdivision.

1584 Section 26. Section **63G-3-304** is amended to read:

1585 **63G-3-304. Emergency rulemaking procedure.**

1586 (1) All agencies shall comply with the rulemaking procedures of Section **63G-3-301**
1587 unless an agency finds that these procedures would:

1588 (a) cause an imminent peril to the public health, safety, or welfare;

1589 (b) cause an imminent budget reduction because of budget restraints or federal
1590 requirements; or

1591 (c) place the agency in violation of federal or state law.

1592 (2) (a) When finding that its rule is excepted from regular rulemaking procedures by
1593 this section, the agency shall file with the office and the members of the Administrative Rules
1594 Review Committee:

1595 (i) the text of the rule; and

1596 (ii) a rule analysis that includes the specific reasons and justifications for its findings.

1597 (b) The office shall publish the rule in the bulletin as provided in Subsection
1598 **63G-3-301**(4).

1599 (c) The agency shall notify interested persons as provided in Subsection
1600 **63G-3-301**(10).

1601 (d) [~~The~~] Subject to Subsection **63G-3-502**(4), the rule becomes effective for a period
1602 not exceeding 120 days on the date of filing or any later date designated in the rule.

1603 (3) If the agency intends the rule to be effective beyond 120 days, the agency shall also
1604 comply with the procedures of Section **63G-3-301**.

1605 Section 27. Section **63G-3-501** is amended to read:

1606 **63G-3-501. Administrative Rules Review Committee.**

1607 (1) (a) There is created an Administrative Rules Review Committee of the following
1608 10 permanent members:

1609 (i) five members of the Senate appointed by the president of the Senate, no more than
1610 three of whom may be from the same political party; and

1611 (ii) five members of the House of Representatives appointed by the speaker of the
1612 House of Representatives, no more than three of whom may be from the same political party.

1613 (b) Each permanent member shall serve:

1614 (i) for a two-year term; or

1615 (ii) until the permanent member's successor is appointed.

1616 (c) (i) A vacancy exists when a permanent member ceases to be a member of the
1617 Legislature, or when a permanent member resigns from the committee.

1618 (ii) When a vacancy exists:

1619 (A) if the departing member is a member of the Senate, the president of the Senate
1620 shall appoint a member of the Senate to fill the vacancy; or

1621 (B) if the departing member is a member of the House of Representatives, the speaker
1622 of the House of Representatives shall appoint a member of the House of Representatives to fill
1623 the vacancy.

1624 (iii) The newly appointed member shall serve the remainder of the departing member's
1625 unexpired term.

1626 (d) (i) The president of the Senate shall designate a member of the Senate appointed
1627 under Subsection (1)(a)(i) as a cochair of the committee.

1628 (ii) The speaker of the House of Representatives shall designate a member of the
1629 House of Representatives appointed under Subsection (1)(a)(ii) as a cochair of the committee.

1630 (e) Three representatives and three senators from the permanent members are a quorum
1631 for the transaction of business at any meeting.

1632 (f) (i) Subject to Subsection (1)(f)(ii), the committee shall meet at least once each
1633 month to review new agency rules, amendments to existing agency rules, and repeals of
1634 existing agency rules.

1635 (ii) The committee chairs may suspend the meeting requirement described in
1636 Subsection (1)(f)(i) at the committee chairs' discretion.

1637 (2) The office shall submit a copy of each issue of the bulletin to the committee.

1638 (3) (a) The committee shall exercise continuous oversight of the rulemaking process.

1639 (b) The committee shall examine each rule, including any rule made according to the
1640 emergency rulemaking procedure described in Section 63G-3-304, submitted by an agency to
1641 determine:

1642 (i) whether the rule is authorized by statute;

1643 (ii) whether the rule complies with legislative intent;

1644 (iii) the rule's impact on the economy and the government operations of the state and
1645 local political subdivisions;

1646 (iv) the rule's impact on affected persons;

1647 (v) the rule's total cost to entities regulated by the state;

1648 (vi) the rule's benefit to the citizens of the state; and

1649 (vii) whether adoption of the rule requires legislative review or approval.

1650 (c) The committee may examine and review:

1651 (i) any executive order issued pursuant to Title 53, Chapter 2a, Part 2, Disaster
1652 Response and Recovery Act; or

1653 (ii) any public health order issued during a public health emergency declared in
1654 accordance with Title 26, Utah Health Code, or Title 26A, Local Health Authorities.

1655 [~~(c)~~] (d) (i) To carry out these duties, the committee may examine any other issues that
1656 the committee considers necessary.

1657 (ii) The committee may also notify and refer rules to the chairs of the interim
1658 committee that has jurisdiction over a particular agency when the committee determines that an
1659 issue involved in an agency's rules may be more appropriately addressed by that committee.

1660 [~~(d)~~] (e) In reviewing a rule, the committee shall follow generally accepted principles
1661 of statutory construction.

1662 (4) When the committee reviews an existing rule, the committee chairs shall invite the
1663 Senate and House chairs of the standing committee and of the appropriation subcommittee that
1664 have jurisdiction over the agency whose existing rule is being reviewed to participate as
1665 nonvoting, ex officio members with the committee.

1666 (5) The committee may request that the Office of the Legislative Fiscal Analyst prepare
1667 a fiscal note on any rule.

1668 (6) In order to accomplish the committee's functions described in this chapter, the

1669 committee has all the powers granted to legislative interim committees under Section 36-12-11.

1670 (7) (a) The committee may prepare written findings of the committee's review of a rule
1671 or policy and may include any recommendation, including legislative action.

1672 (b) When the committee reviews a rule, the committee shall provide to the agency that
1673 enacted the rule:

1674 (i) the committee's findings, if any; and

1675 (ii) a request that the agency notify the committee of any changes the agency makes to
1676 the rule.

1677 (c) The committee shall provide a copy of the committee's findings, if any, to:

1678 (i) any member of the Legislature, upon request;

1679 (ii) any person affected by the rule, upon request;

1680 (iii) the president of the Senate;

1681 (iv) the speaker of the House of Representatives;

1682 (v) the Senate and House chairs of the standing committee that has jurisdiction over the
1683 agency that made the rule; and

1684 (vi) the Senate and House chairs of the appropriation subcommittee that has
1685 jurisdiction over the agency that made the rule.

1686 (8) (a) (i) The committee may submit a report on the committee's review of state
1687 agency rules to each member of the Legislature at each regular session.

1688 (ii) The report shall include:

1689 (A) any finding or recommendation the committee made under Subsection (7);

1690 (B) any action an agency took in response to a committee recommendation; and

1691 (C) any recommendation by the committee for legislation.

1692 (b) If the committee receives a recommendation not to reauthorize a rule, as described
1693 in Subsection 63G-3-301(13)(b), and the committee recommends to the Legislature
1694 reauthorization of the rule, the committee shall submit a report to each member of the
1695 Legislature detailing the committee's decision.

1696 Section 28. Section 63G-3-502 is amended to read:

1697 **63G-3-502. Legislative reauthorization of agency rules -- Extension of rules by**
1698 **governor.**

1699 (1) All grants of rulemaking power from the Legislature to a state agency in any statute

1700 are made subject to the provisions of this section.

1701 (2) (a) Except as provided in Subsection (2)(b), every agency rule that is in effect on
1702 February 28 of any calendar year expires on May 1 of that year unless it has been reauthorized
1703 by the Legislature.

1704 (b) Notwithstanding the provisions of Subsection (2)(a), an agency's rules do not expire
1705 if:

1706 (i) the rule is explicitly mandated by a federal law or regulation; or

1707 (ii) a provision of Utah's constitution vests the agency with specific constitutional
1708 authority to regulate.

1709 (3) (a) The Administrative Rules Review Committee shall have omnibus legislation
1710 prepared for consideration by the Legislature during its annual general session.

1711 (b) The omnibus legislation shall be substantially in the following form: "All rules of
1712 Utah state agencies are reauthorized except for the following:".

1713 (c) Before sending the legislation to the governor for the governor's action, the
1714 Administrative Rules Review Committee may send a letter to the governor and to the agency
1715 explaining specifically why the committee believes any rule should not be reauthorized.

1716 (d) For the purpose of this section, the entire rule, a single section, or any complete
1717 paragraph of a rule may be excepted for reauthorization in the omnibus legislation considered
1718 by the Legislature.

1719 (4) (a) The Administrative Rules Review Committee may have legislation prepared for
1720 consideration by the Legislature in the annual general session or a special session regarding any
1721 rule made according to emergency rulemaking procedures described in Section [63G-3-304](#).

1722 [~~4~~] (5) The Legislature's reauthorization of a rule by legislation does not constitute
1723 legislative approval of the rule, nor is it admissible in any proceeding as evidence of legislative
1724 intent.

1725 [~~5~~] (6) (a) If an agency believes that a rule that has not been reauthorized by the
1726 Legislature or that will be allowed to expire should continue in full force and effect and is a
1727 rule within their authorized rulemaking power, the agency may seek the governor's declaration
1728 extending the rule beyond the expiration date.

1729 (b) In seeking the extension, the agency shall submit a petition to the governor that
1730 affirmatively states:

- 1731 (i) that the rule is necessary; and
1732 (ii) a citation to the source of its authority to make the rule.
1733 (c) (i) If the governor finds that the necessity does exist, and that the agency has the
1734 authority to make the rule, the governor may declare the rule to be extended by publishing that
1735 declaration in the Administrative Rules Bulletin on or before April 15 of that year.
1736 (ii) The declaration shall set forth the rule to be extended, the reasons the extension is
1737 necessary, and a citation to the source of the agency's authority to make the rule.
1738 (d) If the omnibus bill required by Subsection (3) fails to pass both houses of the
1739 Legislature or is found to have a technical legal defect preventing reauthorization of
1740 administrative rules intended to be reauthorized by the Legislature, the governor may declare
1741 all rules to be extended by publishing a single declaration in the Administrative Rules Bulletin
1742 on or before June 15 without meeting requirements of Subsections [~~5~~] (6)(b) and (c).