

Representative Val L. Peterson proposes the following substitute bill:

EMERGENCY RESPONSE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Val L. Peterson

Cosponsor: Jani Iwamoto

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



25 by:

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

49 **Money Appropriated in this Bill:**

50 None

51 **Other Special Clauses:**

52 None

53 **Utah Code Sections Affected:**

54 AMENDS:

55 **26-1-10**, as enacted by Laws of Utah 1981, Chapter 126

- 56 **26-1-30**, as last amended by Laws of Utah 2019, Chapter 87
- 57 **26-6-2**, as last amended by Laws of Utah 2012, Chapter 150
- 58 **26-6-3**, as last amended by Laws of Utah 2019, Chapter 349
- 59 **26-6b-3**, as last amended by Laws of Utah 2015, Chapter 73
- 60 **26-23-6**, as last amended by Laws of Utah 2009, Chapter 347
- 61 **26-23b-102**, as last amended by Laws of Utah 2008, Chapter 3
- 62 **26-23b-104**, as last amended by Laws of Utah 2011, Chapter 297
- 63 **26-23b-108**, as enacted by Laws of Utah 2002, Chapter 155
- 64 **26A-1-102**, as last amended by Laws of Utah 2018, Chapter 68
- 65 **26A-1-114**, as last amended by Laws of Utah 2011, Chapters 14 and 177
- 66 **26A-1-121**, as last amended by Laws of Utah 2012, Chapter 307
- 67 **53-2a-104**, as last amended by Laws of Utah 2020, Chapter 85
- 68 **53-2a-203**, as last amended by Laws of Utah 2019, Chapter 136
- 69 **53-2a-204**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 7
- 70 **53-2a-205**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 71 **53-2a-206**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 72 **53-2a-208**, as last amended by Laws of Utah 2015, Chapter 352
- 73 **53-2a-209**, as last amended by Laws of Utah 2016, Chapter 193
- 74 **53-2a-215**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 13
- 75 **53-2a-216**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 13
- 76 **53-2a-217**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 7
- 77 **53-2a-703**, as last amended by Laws of Utah 2018, Chapter 202
- 78 **63G-3-304**, as last amended by Laws of Utah 2016, Chapter 193
- 79 **63G-3-501**, as last amended by Laws of Utah 2019, Chapter 454
- 80 **63G-3-502**, as renumbered and amended by Laws of Utah 2008, Chapter 382

81 ENACTS:

- 82 **53-2a-218**, Utah Code Annotated 1953
- 83 **53-2a-219**, Utah Code Annotated 1953



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

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

87 **26-1-10. Executive director -- Enforcement powers.**

88 ~~[The]~~ Subject to the restrictions in this title, the executive director is empowered to
89 issue orders to enforce state laws and rules established by the department except where the
90 enforcement power is given to a committee created pursuant to Section 26-1-7.

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

92 **26-1-30. Powers and duties of department.**

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

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

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

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

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

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

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

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

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

118 (9) establish and operate programs necessary or desirable for the promotion or
119 protection of the public health and the control of disease or which may be necessary to
120 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
121 programs may not be established if adequate programs exist in the private sector;

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

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

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

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

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

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

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

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

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

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

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

149 of statistics authorized in this Subsection (20);

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

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

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

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

- 180 (t) swimming pools, public baths, and bathing beaches;
- 181 (u) state, county, or municipal institutions, including hospitals and other buildings,
- 182 centers, and places used for public gatherings; and
- 183 (v) any other facilities in public buildings or on public grounds;
- 184 (24) conduct health planning for the state;
- 185 (25) monitor the costs of health care in the state and foster price competition in the
- 186 health care delivery system;
- 187 (26) adopt rules for the licensure of health facilities within the state pursuant to Title
- 188 26, Chapter 21, Health Care Facility Licensing and Inspection Act;
- 189 (27) license the provision of child care;
- 190 (28) accept contributions to and administer the funds contained in the Organ Donation
- 191 Contribution Fund created in Section [26-18b-101](#);
- 192 (29) serve as the collecting agent, on behalf of the state, for the nursing care facility
- 193 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,
- 194 and adopt rules for the enforcement and administration of the nursing facility assessment
- 195 consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;
- 196 (30) establish methods or measures for health care providers, public health entities, and
- 197 health care insurers to coordinate among themselves to verify the identity of the individuals
- 198 they serve;
- 199 (31) (a) designate Alzheimer's disease and related dementia as a public health issue
- 200 and, within budgetary limitations, implement a state plan for Alzheimer's disease and related
- 201 dementia by incorporating the plan into the department's strategic planning and budgetary
- 202 process; and
- 203 (b) coordinate with other state agencies and other organizations to implement the state
- 204 plan for Alzheimer's disease and related dementia;
- 205 (32) ensure that any training or certification required of a public official or public
- 206 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
- 207 22, State Training and Certification Requirements, if the training or certification is required:
- 208 (a) under this title;
- 209 (b) by the department; or
- 210 (c) by an agency or division within the department; and

211 (33) oversee public education vision screening as described in Section 53G-9-404.

212 Section 3. Section 26-6-2 is amended to read:

213 **26-6-2. Definitions.**

214 As used in this chapter:

215 (1) "Ambulatory surgical center" is as defined in Section 26-21-2.

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

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

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

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

234 (6) "End stage renal disease facility" is as defined in Section 26-21-2.

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

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

243 (9) "Incubation period" means the time interval between exposure to an infectious
244 agent and appearance of the first sign or symptom of the disease in question.

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

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

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

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

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

261 (15) "Order of constraint" means the same as that term is defined in Section
262 [26-23b-102](#).

263 ~~[(+5)]~~ (16) "Quarantine" means the restriction of the activities of well individuals or
264 animals who have been exposed to a communicable disease during its period of
265 communicability to prevent disease transmission.

266 ~~[(+6)]~~ (17) "School" means a public, private, or parochial nursery school, licensed or
267 unlicensed day care center, child care facility, family care home, headstart program,
268 kindergarten, elementary, or secondary school through grade 12.

269 ~~[(+7)]~~ (18) "Sexually transmitted disease" means those diseases transmitted through
270 sexual intercourse or any other sexual contact.

271 ~~[(+8)]~~ (19) "Specialty hospital" is as defined in Section [26-21-2](#).

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

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

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

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

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

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

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

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

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

289 (ii) information about:

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

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

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

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

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

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

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

303 (B) providing the information in English as well as other languages that may be

304 appropriate for the geographic area.

305 (c) (i) Except as provided in Subsection (2)(c)(ii), the department shall develop written
306 material that includes the information required by this Subsection (2).

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

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

315 (3) (a) The Legislature may at any time terminate by joint resolution an order of
316 constraint issued by the department as described in this section in response to a declared public
317 health emergency.

318 (b) A county governing body may at any time terminate by majority vote an order of
319 constraint issued by the relevant local health department as described in this section in response
320 to a declared public health emergency.

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

322 **26-6b-3. Order of restriction.**

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

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

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

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

333 (i) observation;

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

335 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

364 (3) Pending issuance of a written order of restriction under Section 26-6b-3.3, or
365 judicial review of an order of restriction by the district court pursuant to Section 26-6b-6, an

366 individual who is subject to the order of restriction may be required to submit to involuntary
 367 examination, quarantine, isolation, or treatment in the individual's home, a hospital, or any
 368 other suitable facility under reasonable conditions prescribed by the department.

369 (4) The department that issued the order of restriction shall take reasonable measures,
 370 including the provision of medical care, as may be necessary to assure proper care related to the
 371 reason for the involuntary examination, treatment, isolation, or quarantine of an individual
 372 ordered to submit to an order of restriction.

373 (5) (a) The Legislature may at any time terminate by joint resolution an order of
 374 restriction issued by the department as described in this section in response to a declared public
 375 health emergency.

376 (b) A county governing body may at any time terminate by majority vote an order of
 377 restriction issued by the relevant local health department as described in this section issued in
 378 response to a declared public health emergency.

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

380 **26-23-6. Criminal and civil penalties and liability for violations.**

381 (1) (a) Any person, association, or corporation, or the officers of any of them, who
 382 violates any provision of this chapter or lawful orders of the department or a local health
 383 department in a criminal proceeding is guilty of a class B misdemeanor for the first violation,
 384 and for any subsequent similar violation within two years, is guilty of a class A misdemeanor,
 385 except this section does not establish the criminal penalty for violation of Section [26-23-5.5](#).

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

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

393 ~~[(a) shall be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of~~
 394 ~~\$10,000 per violation; or]~~

395 ~~[(b) in an administrative action in accordance with Title 63G, Chapter 4, Administrative~~
 396 ~~Procedures Act, or similar procedures adopted by local or county government, a penalty not to~~

397 ~~exceed the sum of \$10,000 per violation.]~~

398 (2) (a) Subject to Subsections (2)(c) and (d), any association, or corporation, or the
399 officers of any of them, who violate any provision of this title or lawful orders of the
400 department or a local health department, or rules adopted under this title by the department:

401 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
402 \$5,000 per violation; or

403 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
404 4, Administrative Procedures Act, or similar procedures adopted by local or county
405 government, a penalty not to exceed the sum of \$5,000 per violation.

406 (b) Subject to Subsections (2)(c) and (d), an individual who violates any provision of
407 this title or lawful orders of the department or a local health department, or rules adopted under
408 this title by the department:

409 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
410 \$150 per violation; or

411 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
412 4, Administrative Procedures Act, or similar procedures adopted by local or county
413 government, a penalty not to exceed the sum of \$150 per violation.

414 (c) (i) Except as provided in Subsection (2)(c)(ii), a penalty described in Subsection
415 (2)(a) or (b) may only be assessed against the same individual, association, or corporation one
416 time in a calendar week.

417 (ii) Notwithstanding Subsection (2)(c)(i), an individual, an association, a corporation,
418 or the officers of any of them, that willfully disregard or recklessly violate a provision of this
419 title or lawful orders of the department or a local health department, or rules adopted under this
420 title by the department, may be assessed a penalty as described in Subsection (2)(a) for each
421 day of violation if it is determined that the violation is likely to result in a serious threat to
422 public health.

423 (d) Upon reasonable cause shown in judicial civil proceeding or an administrative
424 action, a penalty imposed under this Subsection (2) may be waived or reduced.

425 (3) Assessment of any civil penalty or administrative penalty does not preclude the
426 department or a local health department from seeking criminal penalties or to deny, revoke,
427 impose conditions on, or refuse to renew a permit, license, or certificate or to seek other

428 injunctive or equitable remedies.

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

433 ~~[(5) Each day of violation of a provision of this title, lawful orders of the department or~~
434 ~~a local health department, or rules adopted by the department under it is a separate violation.]~~

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

436 **26-23b-102. Definitions.**

437 As used in this chapter:

438 (1) "Bioterrorism" means:

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

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

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

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

450 (4) "Epidemic or pandemic disease":

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

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

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

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

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

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

462 ~~[(5)]~~ (6) "Health care provider" [shall have the meaning provided for] means the same
463 as that term is defined in Section 78B-3-403.

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

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

468 (i) applies to all or substantially all:

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

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

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

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

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

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

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

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

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

480 ~~[(6)]~~ (9) "Public health emergency" means an occurrence or imminent credible threat of
481 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or novel
482 and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant
483 number of human fatalities or incidents of permanent or long-term disability. Such illness or
484 health condition includes an illness or health condition resulting from a natural disaster.

485 ~~[(7)]~~ (10) "Reportable emergency illness and health condition" includes the diseases,
486 conditions, or syndromes designated by the [Utah] Department of Health.

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

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

490 respective residences; and

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

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

493 **26-23b-104. Authorization to report.**

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

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

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

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

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

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

503 (c) the date and time of visit;

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

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

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

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

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

509 (3) (a) [~~H~~] Subject to Subsections (3)(b) and (4), if the department determines that a
510 public health emergency exists, the department may, with the concurrence of the governor and
511 the executive director or in the absence of the executive director, the executive director's
512 designee, [~~issue~~] declare a public health emergency [~~order~~], issue an order of constraint, and
513 mandate reporting under this section for a limited reasonable period of time, as necessary to
514 respond to the public health emergency.

515 (b) (i) During a public health emergency that has been in effect for more than 30 days,
516 the department may not issue an order of constraint until the department has provided notice of
517 the proposed action to the legislative emergency response committee no later than 24 hours
518 before the department issues the order of constraint.

519 (ii) The department:

520 (A) shall provide the notice required by Subsection (3)(b)(i) using the best available

521 method under the circumstances as determined by the executive director;

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

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

524 ~~[(b)]~~ (c) The department may not mandate reporting under this subsection for more

525 than 90 days. [If more than 90 days is needed to abate the public health emergency declared

526 under Subsection (3)(a), the department shall obtain the concurrence of the governor to extend

527 the period of time beyond 90 days.]

528 (4) (a) Except as provided in Subsection (4)(b), a public health emergency declared by

529 the department as described in Subsection (3) expires at the earliest of:

530 (i) the day on which the department or the governor finds that the threat or danger has

531 passed or the public health emergency reduced to the extent that emergency conditions no

532 longer exist;

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

534 emergency; or

535 (iii) the day on which the public health emergency is terminated by a joint resolution of

536 the Legislature.

537 (b) (i) The Legislature, by joint resolution, may extend a public health emergency for a

538 time period designated in the joint resolution.

539 (ii) If the Legislature extends a public health emergency as described in Subsection

540 (4)(b)(i), the public health emergency expires on the date designated by the Legislature.

541 (c) Except as provided in Subsection (4)(d), if a public health emergency declared by

542 the department expires as described in Subsection (4)(a) or (b), the department may not declare

543 a public health emergency for the same illness or occurrence that precipitated the previous

544 public health emergency declaration.

545 (d) (i) Notwithstanding Subsection (4)(c), subject to Subsection (4)(e), if the

546 department finds that exigent circumstances exist, after providing notice to the Legislature, the

547 department may declare a new public health emergency for the same illness or occurrence that

548 precipitated a previous public health emergency declaration.

549 (ii) A public health emergency declared as described in Subsection (4)(d)(i) expires in

550 accordance with Subsection (4)(a) or (b).

551 (e) If the Legislature terminates a public health emergency declared due to exigent

552 circumstances as described in Subsection (4)(d)(i), the department may not declare a new
553 public health emergency for the same illness, occurrence, or exigent circumstances.

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

555 (a) the Legislature may:

556 (i) at any time by joint resolution terminate an order of constraint issued by the
557 department; or

558 (ii) by joint resolution terminate ~~H~~→ **an order of constraint issued by** ←~~H~~ a local health
558a department in response to a public

559 health emergency that has been in effect for more than 30 days; and

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

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

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

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

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

579 (ii) may jointly convene the committee created in Section [53-2a-218](#).

580 (c) If the department provides notice as described in Subsection (6)(a)(i) for a public
581 health emergency that has been extended beyond the 30 days from the initial declaration of the
582 public health emergency, the speaker of the House of Representatives and the president of the

583 Senate shall jointly convene the committee created in Section 53-2a-218.

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

586 (a) discuss the nature of the public health emergency and conditions of the public
587 health emergency;

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

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

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

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

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

595 (i) the department or a local health department may not impose an order of constraint
596 on a religious gathering that is more restrictive than an order of constraint that applies to any
597 other public gathering; and

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

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

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

604 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
605 prevent the violation of this Subsection (8).

606 ~~[(4)]~~ (9) (a) Unless the provisions of Subsection (3) apply, a health care provider is not
607 subject to penalties for failing to submit a report under this section.

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

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

611 **26-23b-108. Investigation of suspected bioterrorism and diseases.**

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

613 (a) ascertain the existence of cases of an illness or condition caused by the factors

614 described in Subsections 26-23b-103(1) and 26-23b-104(1);

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

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

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

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

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

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

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

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

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

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

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

636 and

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

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

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

645 of:

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

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

649 (b) (a) The Legislature may at any time terminate by joint resolution an order of
650 constraint issued by the department in response to a declared public health emergency.

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

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

655 **26A-1-102. Definitions.**

656 As used in this part:

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

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

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

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

664 (5) "Local health department" means:

665 (a) a single county local health department;

666 (b) a multicounty local health department;

667 (c) a united local health department; or

668 (d) a multicounty united local health department.

669 (6) "Mental health authority" means a local mental health authority created in Section
670 **17-43-301**.

671 (7) "Multicounty local health department" means a local health department that is
672 formed under Section **26A-1-105** and that serves two or more contiguous counties and
673 municipalities within those counties.

674 (8) "Multicounty united local health department" means a united local health
675 department that is formed under Section **26A-1-105.5** and that serves two or more contiguous

676 counties and municipalities within those counties.

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

679 (i) applies to all or substantially all:

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

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

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

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

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

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

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

688 or

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

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

692 (10) "Public health emergency" means the same as that term is defined in Section
693 [26-23b-102](#).

694 ~~[(9)]~~ (11) "Single county local health department" means a local health department that
695 is created by the governing body of one county to provide services to the county and the
696 municipalities within that county.

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

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

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

702 ~~[(10)]~~ (13) "Substance abuse authority" means a local substance abuse authority
703 created in Section [17-43-201](#).

704 ~~[(11)]~~ (14) "United local health department":

705 (a) means a substance abuse authority, a mental health authority, and a local health
706 department that join together under Section [26A-1-105.5](#); and

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

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

709 **26A-1-114. Powers and duties of departments.**

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

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

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

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

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

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

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

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

730 (f) abate nuisances or eliminate sources of filth and infectious and communicable
731 diseases affecting the public health and bill the owner or other person in charge of the premises
732 upon which this nuisance occurs for the cost of abatement;

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

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

737 (i) establish and collect appropriate fees for the performance of services and operation

738 of authorized or required programs and duties;

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

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

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

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

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

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

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

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

754 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
755 within the jurisdiction of the boards;

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

760 (o) investigate suspected bioterrorism and disease pursuant to Section 26-23b-108; and

761 (p) provide public health assistance in response to a national, state, or local emergency,
762 a public health emergency as defined in Section 26-23b-102, or a declaration by the President
763 of the United States or other federal official requesting public health-related activities.

764 (2) The local health department shall:

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

767 (b) investigate infectious and other diseases of public health importance and implement
768 measures to control the causes of epidemic and communicable diseases and other conditions

769 significantly affecting the public health which may include involuntary testing of alleged sexual
770 offenders for the HIV infection pursuant to Section 76-5-502 and voluntary testing of victims
771 of sexual offenses for HIV infection pursuant to Section 76-5-503;

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

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

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

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

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

785 (iv) is reviewed and updated annually.

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

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

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

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

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

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

799 (4) If those responsible for the health-related condition of the school buildings and

800 premises do not carry out any instructions for corrections provided in a report in Subsection
801 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the
802 persons responsible.

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

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

809 (7) (a) Except as provided in Subsection (7)(c), a local health department may not
810 declare a public health emergency or issue an order of constraint until the local health
811 department has provided notice of the proposed action to the chief executive officer of the
812 relevant county no later than 24 hours before the local health department issues the order or
813 declaration.

814 (b) The local health department:

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

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

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

819 (c) (i) Notwithstanding Subsection (7)(a), a local health department may declare a
820 public health emergency or issue an order of constraint without approval of the chief executive
821 officer of the relevant county if the passage of time necessary to obtain approval of the chief
822 executive officer of the relevant county as required in Subsection (7)(a) would substantially
823 increase the likelihood of loss of life due to an imminent threat.

824 (ii) If a local health department declares a public health emergency or issues an order
825 of constraint as described in Subsection (7)(c), the local health department shall notify the chief
826 executive officer of the relevant county before issuing the order of constraint.

827 (iii) The chief executive officer of the relevant county may terminate a declaration of a
828 public health emergency or an order of constraint issued as described in Subsection (7)(c)(i)
829 within 72 hours of declaration of the public health emergency or issuance of the order of
830 constraint.

831 (d) The relevant county governing body may at any time terminate a public health
832 emergency or an order of constraint issued by the local health department by majority vote of
833 the county governing body in response to a declared public health emergency.

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

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

839 (ii) 30 days after the date on which the local health department declared the public
840 health emergency; or

841 (iii) the day on which the public health emergency is terminated by majority vote of the
842 county governing body.

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

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

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

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

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

858 (e) For a public health emergency declared by a local health department under this
859 chapter or under Title 26, Chapter 23b, Detection of Public Health Emergencies Act, the
860 Legislature may terminate by joint resolution a public health emergency that was declared
861 based on exigent circumstances or that has been in effect for more than 30 days.

862 (f) If the Legislature or county legislative body terminates a public health emergency
863 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local health
864 department may not declare a new public health emergency for the same illness, occurrence, or
865 exigent circumstances.

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

868 (i) except as provided in Subsection (9)(b), a local health department may not issue an
869 order of constraint without approval of the chief executive officer of the relevant county;

870 (ii) the Legislature may at any time terminate by joint resolution an order of constraint
871 issued by a local health department in response to a declared public health emergency that has
872 been in effect for more than 30 days; and

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

876 (b) (i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an
877 order of constraint without approval of the chief executive officer of the relevant county if the
878 passage of time necessary to obtain approval of the chief executive officer of the relevant
879 county as required in Subsection (9)(a)(i) would substantially increase the likelihood of loss of
880 life due to an imminent threat.

881 (ii) If a local health department issues an order of constraint as described in Subsection
882 (9)(b), the local health department shall notify the chief executive officer of the relevant county
883 before issuing the order of constraint.

884 (iii) The chief executive officer of the relevant county may terminate an order of
885 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of the order of
886 constraint.

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

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

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

894 (i) the department or a local health department may not impose an order of constraint
895 on a religious gathering that is more restrictive than an order of constraint that applies to any
896 other public gathering; and

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

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

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

903 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
904 prevent the violation of this Subsection (10).

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

906 **26A-1-121. Standards and regulations adopted by local board -- Local standards**
907 **not more stringent than federal or state standards -- Exceptions for written findings --**
908 **Administrative and judicial review of actions.**

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

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

913 (ii) necessary for the promotion of public health, environmental health quality, injury
914 control, and the prevention of outbreaks and spread of communicable and infectious diseases.

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

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

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

922 (c) (i) The board may make standards and regulations more stringent than
923 corresponding federal law, state statute, or state administrative rules for the purposes described

924 in Subsection (1)(a), only if the board makes a written finding after public comment and
925 hearing and based on evidence in the record, that corresponding federal laws, state statutes, or
926 state administrative rules are not adequate to protect public health and the environment of the
927 state.

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

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

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

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

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

941 (A) except as provided in Subsection (1)(h), a local health department may not issue an
942 order of constraint without approval of the chief executive officer of the relevant county;

943 (B) the Legislature may at any time terminate by joint resolution an order of constraint
944 issued by a local health department in response to a declared public health emergency that has
945 been in effect for more than 30 days; and

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

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

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

955 (h) (i) Notwithstanding Subsection (1)(g)(i)(A), a local health department may issue an
956 order of constraint without approval of the chief executive officer of the relevant county if the
957 passage of time necessary to obtain approval of the chief executive officer of the relevant
958 county as required in Subsection (1)(g)(i)(A) would substantially increase the likelihood of loss
959 of life due to an imminent threat.

960 (ii) If a local health department issues an order of constraint as described in Subsection
961 (1)(h)(i), the local health department shall notify the chief executive officer of the relevant
962 county before issuing the order of constraint.

963 (iii) The chief executive officer of the relevant county may terminate an order of
964 constraint issued as described in Subsection (1)(h)(i) within 72 hours of issuance of the order
965 of constraint.

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

967 (A) a local health department may not impose an order of constraint on a public
968 gathering that applies to a religious gathering differently than the order of constraint applies to
969 any other public gathering; and

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

975 (ii) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
976 prevent the violation of this Subsection (1)(i).

977 (j) If a local health department declares a public health emergency as described in this
978 chapter, and the local health department finds that the public health emergency conditions
979 warrant an extension of the public health emergency beyond the 30-day term or another date
980 designated by the local legislative body, the local health department shall provide written
981 notice to the local legislative body at least 10 days before the expiration of the public health
982 emergency.

983 (2) (a) A person aggrieved by an action or inaction of the local health department
984 relating to the public health shall have an opportunity for a hearing with the local health officer
985 or a designated representative of the local health department. The board shall grant a

986 subsequent hearing to the person upon the person's written request.

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

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

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

998 (e) The board's answer shall certify and file with the court all documents and papers
999 and a transcript of all testimony taken in the matter together with the board's findings of fact,
1000 conclusions of law, and order.

1001 (f) The appellant and the board are parties to the appeal.

1002 (g) The Departments of Health and Environmental Quality may become a party by
1003 intervention as in a civil action upon showing cause.

1004 (h) A further appeal may be taken to the Court of Appeals under Section [78A-4-103](#).

1005 (3) Nothing in the provisions of Subsection (1)(b)(ii) or (c), shall limit the ability of a
1006 local health department board to make standards and regulations in accordance with Subsection
1007 (1)(a) for:

1008 (a) emergency rules made in accordance with Section [63G-3-304](#); or

1009 (b) items not regulated under federal law, state statute, or state administrative rule.

1010 Section 13. Section **53-2a-104** is amended to read:

1011 **53-2a-104. Division duties -- Powers.**

1012 (1) ~~[The]~~ Subject to limitation by the Legislature as described in Subsection
1013 [53-2a-206\(5\)](#), the division shall:

1014 (a) respond to the policies of the governor and the Legislature;

1015 (b) perform functions relating to emergency management as directed by the governor
1016 or by the commissioner, including:

- 1017 (i) coordinating with state agencies and local governments the use of personnel and
1018 other resources of these governmental entities as agents of the state during an interstate disaster
1019 in accordance with the Emergency Management Assistance Compact described in Section
1020 [53-2a-402](#);
- 1021 (ii) coordinating the requesting, activating, and allocating of state resources during an
1022 intrastate disaster or a local state of emergency;
- 1023 (iii) receiving and disbursing federal resources provided to the state in a declared
1024 disaster;
- 1025 (iv) appointing a state coordinating officer who is the governor's representative and
1026 who shall work with a federal coordinating officer during a federally declared disaster; and
- 1027 (v) appointing a state recovery officer who is the governor's representative and who
1028 shall work with a federal recovery officer during a federally declared disaster;
- 1029 (c) prepare, implement, and maintain programs and plans to provide for:
- 1030 (i) prevention and minimization of injury and damage caused by disasters;
- 1031 (ii) prompt and effective response to and recovery from disasters;
- 1032 (iii) identification of areas particularly vulnerable to disasters;
- 1033 (iv) coordination of hazard mitigation and other preventive and preparedness measures
1034 designed to eliminate or reduce disasters;
- 1035 (v) assistance to local officials, state agencies, and the business and public sectors, in
1036 developing emergency action plans;
- 1037 (vi) coordination of federal, state, and local emergency activities;
- 1038 (vii) coordination of emergency operations plans with emergency plans of the federal
1039 government;
- 1040 (viii) coordination of urban search and rescue activities;
- 1041 (ix) coordination of rapid and efficient communications in times of emergency; and
- 1042 (x) other measures necessary, incidental, or appropriate to this part;
- 1043 (d) coordinate with local officials, state agencies, and the business and public sectors in
1044 developing, implementing, and maintaining a state energy emergency plan in accordance with
1045 Section [53-2a-902](#);
- 1046 (e) administer Part 6, Disaster Recovery Funding Act, in accordance with that part;
- 1047 (f) conduct outreach annually to agencies and officials who have access to IPAWS; and

1048 (g) coordinate with counties to ensure every county has the access and ability to send,
1049 or a plan to send, IPAWS messages, including Wireless Emergency Alerts and Emergency
1050 Alert System messages.

1051 (2) Every three years, organizations that have the ability to send IPAWS messages,
1052 including emergency service agencies, public safety answering points, and emergency
1053 managers shall send verification of Federal Emergency Management Agency training to the
1054 Division.

1055 (3) (a) The Department of Public Safety shall designate state geographical regions and
1056 allow the political subdivisions within each region to:

1057 (i) coordinate planning with other political subdivisions, tribal governments, and as
1058 appropriate, other entities within that region and with state agencies as appropriate, or as
1059 designated by the division;

1060 (ii) coordinate grant management and resource purchases; and

1061 (iii) organize joint emergency response training and exercises.

1062 (b) The political subdivisions within a region designated in Subsection (3)(a) may not
1063 establish the region as a new government entity in the emergency disaster declaration process
1064 under Section 53-2a-208.

1065 (4) The division may make rules in accordance with Title 63G, Chapter 3, Utah
1066 Administrative Rulemaking Act, to:

1067 (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and
1068 the activities described in Subsection (3);

1069 (b) coordinate federal, state, and local resources in a declared disaster or local
1070 emergency; and

1071 (c) implement provisions of the Emergency Management Assistance Compact as
1072 provided in Section 53-2a-402 and Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

1073 (5) The division may consult with the Legislative Management Committee, the Judicial
1074 Council, and legislative and judicial staff offices to assist the division in preparing emergency
1075 succession plans and procedures under Title 53, Chapter 2a, Part 8, Emergency Interim
1076 Succession Act.

1077 (6) The division shall report annually in writing not later than October 31 to the Law
1078 Enforcement and Criminal Justice, and Political Subdivisions Interim Committees regarding

1079 the status of the emergency alert system in the state. The report shall include:

1080 (a) a status summary of the number of alerting authorities in Utah;

1081 (b) any changes in that number;

1082 (c) administrative actions taken; and

1083 (d) any other information considered necessary by the division.

1084 Section 14. Section **53-2a-203** is amended to read:

1085 **53-2a-203. Definitions.**

1086 As used in this part:

1087 (1) "Chief executive officer" means:

1088 (a) for a municipality:

1089 (i) the mayor for a municipality operating under all forms of municipal government
1090 except the council-manager form of government; or

1091 (ii) the city manager for a municipality operating under the council-manager form of
1092 government;

1093 (b) for a county:

1094 (i) the chair of the county commission for a county operating under the county
1095 commission or expanded county commission form of government;

1096 (ii) the county executive officer for a county operating under the county-executive
1097 council form of government; or

1098 (iii) the county manager for a county operating under the council-manager form of
1099 government; [or]

1100 (c) for a special service district:

1101 (i) the chief executive officer of the county or municipality that created the special
1102 service district if authority has not been delegated to an administrative control board as
1103 provided in Section [17D-1-301](#);

1104 (ii) the chair of the administrative control board to which authority has been delegated
1105 as provided in Section [17D-1-301](#); or

1106 (iii) the general manager or other officer or employee to whom authority has been
1107 delegated by the governing body of the special service district as provided in Section
1108 [17D-1-301](#); or

1109 (d) for a local district:

1110 (i) the chair of the board of trustees selected as provided in Section [17B-1-309](#); or
1111 (ii) the general manager or other officer or employee to whom authority has been
1112 delegated by the board of trustees.

1113 (2) "Executive action" means any of the following actions by the governor during a
1114 state of emergency:

1115 (a) an order, a rule, or a regulation made by the governor as described in Section
1116 [53-2a-209](#);

1117 (b) an action by the governor to suspend or modify a statute as described in Subsection
1118 [53-2a-204\(1\)\(j\)](#); or

1119 (c) an action by the governor to suspend the enforcement of a statute as described in
1120 Subsection [53-2a-209\(4\)](#).

1121 (3) "Exigent circumstances" means a significant change in circumstances following the
1122 expiration of a state of emergency declared in accordance with this chapter that:

1123 (a) substantially increases the threat to public safety or health relative to the
1124 circumstances in existence when the state of emergency expired;

1125 (b) poses an imminent threat to public safety or health; and

1126 (c) was not known or foreseen and could not have been known or foreseen at the time
1127 the state of emergency expired.

1128 (4) "Legislative emergency response committee" means the Legislative Emergency
1129 Response Committee created in Section [53-2a-218](#).

1130 [~~(2)~~] (5) "Local emergency" means a condition in any municipality or county of the
1131 state which requires that emergency assistance be provided by the affected municipality or
1132 county or another political subdivision to save lives and protect property within its jurisdiction
1133 in response to a disaster, or to avoid or reduce the threat of a disaster.

1134 (6) "Long-term state of emergency" means a state of emergency:

1135 (a) that lasts longer than 30 days; or

1136 (b) declared to respond to exigent circumstances as described in Subsection
1137 [53-2a-206\(3\)](#).

1138 [~~(3)~~] (7) "Political subdivision" means a municipality, county, special service district,
1139 or local district.

1140 Section 15. Section **53-2a-204** is amended to read:

1141 **53-2a-204. Authority of governor -- Federal assistance -- Fraud or willful**
1142 **misstatement in application for financial assistance -- Penalty.**

1143 (1) In addition to any other authorities conferred upon the governor, if the governor
1144 issues an executive order declaring a state of emergency, subject to limitation by the
1145 Legislature as described in Subsection 53-2a-206(5), the governor may:

1146 (a) utilize all available resources of state government as reasonably necessary to cope
1147 with a state of emergency;

1148 (b) employ measures and give direction to state and local officers and agencies that are
1149 reasonable and necessary for the purpose of securing compliance with the provisions of this
1150 part and with orders, rules, and regulations made pursuant to this part;

1151 (c) recommend and advise the evacuation of all or part of the population from any
1152 stricken or threatened area within the state if necessary for the preservation of life;

1153 (d) recommend routes, modes of transportation, and destination in connection with
1154 evacuation;

1155 (e) in connection with evacuation, suspend or limit the sale, dispensing, or
1156 transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful
1157 bearing of arms;

1158 (f) control ingress and egress to and from a disaster area, the movement of persons
1159 within the area, and recommend the occupancy or evacuation of premises in a disaster area;

1160 (g) clear or remove from publicly or privately owned land or water debris or wreckage
1161 that is an immediate threat to public health, public safety, or private property, including
1162 allowing an employee of a state department or agency designated by the governor to enter upon
1163 private land or waters and perform any tasks necessary for the removal or clearance operation if
1164 the political subdivision, corporation, organization, or individual that is affected by the removal
1165 of the debris or wreckage:

1166 (i) presents an unconditional authorization for removal of the debris or wreckage from
1167 private property; and

1168 (ii) agrees to indemnify the state against any claim arising from the removal of the
1169 debris or wreckage;

1170 (h) enter into agreement with any agency of the United States:

1171 (i) for temporary housing units to be occupied by victims of a state of emergency or

1172 persons who assist victims of a state of emergency; and

1173 (ii) to make the housing units described in Subsection (1)(h)(i) available to a political
1174 subdivision of this state;

1175 (i) assist any political subdivision of this state to acquire sites and utilities necessary for
1176 temporary housing units described in Subsection (1)(h)(i) by passing through any funds made
1177 available to the governor by an agency of the United States for this purpose;

1178 (j) subject to Sections 53-2a-209 and 53-2a-214, temporarily suspend or modify by
1179 executive order, during the state of emergency, any public health, safety, zoning, transportation,
1180 or other requirement of a statute or administrative rule within this state if such action is
1181 essential to provide temporary housing described in Subsection (1)(h)(i);

1182 (k) upon determination that a political subdivision of the state will suffer a substantial
1183 loss of tax and other revenues because of a state of emergency and the political subdivision so
1184 affected has demonstrated a need for financial assistance to perform its governmental
1185 functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section
1186 10-8-6:

1187 (i) apply to the federal government for a loan on behalf of the political subdivision if
1188 the amount of the loan that the governor applies for does not exceed 25% of the annual
1189 operating budget of the political subdivision for the fiscal year in which the state of emergency
1190 occurs; and

1191 (ii) receive and disburse the amount of the loan to the political subdivision;

1192 (l) accept funds from the federal government and make grants to any political
1193 subdivision for the purpose of removing debris or wreckage from publicly owned land or
1194 water;

1195 (m) subject to Section 53-2a-217, upon determination that financial assistance is
1196 essential to meet expenses related to a state of emergency of individuals or families adversely
1197 affected by the state of emergency that cannot be sufficiently met from other means of
1198 assistance, apply for, accept, and expend a grant by the federal government to fund the financial
1199 assistance, subject to the terms and conditions imposed upon the grant;

1200 (n) recommend to the Legislature other actions the governor considers to be necessary
1201 to address a state of emergency; or

1202 (o) authorize the use of all water sources as necessary for fire suppression.

1203 (2) A person who fraudulently or willfully makes a misstatement of fact in connection
1204 with an application for financial assistance under this section shall, upon conviction of each
1205 offense, be subject to a fine of not more than \$5,000 or imprisonment for not more than one
1206 year, or both.

1207 Section 16. Section **53-2a-205** is amended to read:

1208 **53-2a-205. Authority of chief executive officers of political subdivisions --**
1209 **Ordering of evacuations.**

1210 (1) (a) In order to protect life and property when a state of emergency or local
1211 emergency has been declared, subject to limitation by the Legislature as described in
1212 Subsection 53-2a-206(5), and subject to Section 53-2a-216, the chief executive officer of each
1213 political subdivision of the state is authorized to:

1214 (i) carry out, in the chief executive officer's jurisdiction, the measures as may be
1215 ordered by the governor under this part; and

1216 (ii) take any additional measures the chief executive officer may consider necessary,
1217 subject to the limitations and provisions of this part.

1218 (b) The chief executive officer may not take an action that is inconsistent with any
1219 order, rule, regulation, or action of the governor.

1220 (2) [~~When~~] Subject to Section 53-2a-216, when a state of emergency or local
1221 emergency is declared, the authority of the chief executive officer includes:

1222 (a) utilizing all available resources of the political subdivision as reasonably necessary
1223 to manage a state of emergency or local emergency;

1224 (b) employing measures and giving direction to local officers and agencies which are
1225 reasonable and necessary for the purpose of securing compliance with the provisions of this
1226 part and with orders, rules, and regulations made under this part;

1227 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or
1228 part of the population from any stricken or threatened area within the political subdivision;

1229 (d) recommending routes, modes of transportation, and destinations in relation to an
1230 evacuation;

1231 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages,
1232 explosives, and combustibles in relation to an evacuation, except that the chief executive
1233 officer may not restrict the lawful bearing of arms;

1234 (f) controlling ingress and egress to and from a disaster area, controlling the movement
1235 of persons within a disaster area, and ordering the occupancy or evacuation of premises in a
1236 disaster area;

1237 (g) clearing or removing debris or wreckage that may threaten public health, public
1238 safety, or private property from publicly or privately owned land or waters, except that where
1239 there is no immediate threat to public health or safety, the chief executive officer shall not
1240 exercise this authority in relation to privately owned land or waters unless:

1241 (i) the owner authorizes the employees of designated local agencies to enter upon the
1242 private land or waters to perform any tasks necessary for the removal or clearance; and

1243 (ii) the owner provides an unconditional authorization for removal of the debris or
1244 wreckage and agrees to indemnify the local and state government against any claim arising
1245 from the removal; and

1246 (h) invoking the provisions of any mutual aid agreement entered into by the political
1247 subdivision.

1248 (3) (a) If the chief executive is unavailable to issue an order for evacuation under
1249 Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue
1250 an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for
1251 the preservation of life.

1252 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement
1253 officer's order.

1254 (4) Notice of an order or the ratification, modification, or revocation of an order issued
1255 under this section shall be:

1256 (a) given to the persons within the jurisdiction by the most effective and reasonable
1257 means available; and

1258 (b) filed in accordance with Subsection [53-2a-209](#)(1).

1259 Section 17. Section **53-2a-206** is amended to read:

1260 **53-2a-206. State of emergency -- Declaration -- Termination -- Commander in**
1261 **chief of military forces.**

1262 (1) A state of emergency may be declared by executive order of the governor if the
1263 governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in
1264 any area of the state in which state government assistance is required to supplement the

1265 response and recovery efforts of the affected political subdivision or political subdivisions.

1266 ~~[(2) A state of emergency shall continue until the governor finds the threat or danger~~
1267 ~~has passed or the disaster reduced to the extent that emergency conditions no longer exist.]~~

1268 ~~[(3) A state of emergency may not continue for longer than 30 days unless extended by~~
1269 ~~joint resolution of the Legislature, which may also terminate a state of emergency by joint~~
1270 ~~resolution at any time.]~~

1271 (2) (a) Except as provided in Subsection (2)(b), a state of emergency described in
1272 Subsection (1) expires at the earlier of:

1273 (i) the day on which the governor finds that the threat or danger has passed or the
1274 disaster reduced to the extent that emergency conditions no longer exist;

1275 (ii) 30 days after the date on which the governor declared the state of emergency; or

1276 (iii) the day on which the Legislature terminates the state of emergency by joint
1277 resolution.

1278 (b) (i) The Legislature may, by joint resolution, extend a state of emergency for a time
1279 period designated in the joint resolution.

1280 (ii) If the Legislature extends a state of emergency in accordance with this subsection,
1281 the state of emergency expires on the date designated in the joint resolution.

1282 (c) Except as provided in Subsection (3), if a state of emergency expires as described in
1283 Subsection (2), the governor may not declare a new state of emergency for the same disaster or
1284 occurrence as the expired state of emergency.

1285 (3) (a) After a state of emergency expires in accordance with Subsection (2), and
1286 subject to Subsection (4), the governor may declare a new state of emergency in response to the
1287 same disaster or occurrence as the expired state of emergency, if the governor finds that exigent
1288 circumstances exist.

1289 (b) A state of emergency declared in accordance with Subsection (3)(a) expires in
1290 accordance with Subsections (2)(a) and (b).

1291 (c) After a state of emergency declared in accordance with Subsection (3)(a) expires,
1292 the governor may not declare a new state of emergency in response to the same disaster or
1293 occurrence as the expired state of emergency, regardless of whether exigent circumstances
1294 exist.

1295 (4) (a) (i) If the Legislature finds that emergency conditions warrant the extension of a

1296 state of emergency beyond 30 days as described in Subsection (2)(b), the Legislature may
1297 extend the state of emergency and specify which emergency powers described in this part are
1298 necessary to respond to the emergency conditions present at the time of the extension of the
1299 state of emergency.

1300 (ii) Circumstances that may warrant the extension of a state of emergency with limited
1301 emergency powers include:

1302 (A) the imminent threat of the emergency has passed, but continued fiscal response
1303 remains necessary; or

1304 (B) emergency conditions warrant certain executive actions, but certain emergency
1305 powers such as suspension of enforcement of statute are not necessary.

1306 (b) For any state of emergency extended by the Legislature beyond 30 days as
1307 described in Subsection (2)(b), the Legislature may, by joint resolution:

1308 (i) extend the state of emergency and maintain all of the emergency powers described
1309 in this part; or

1310 (ii) limit or restrict certain emergency powers of:

1311 (A) the division as described in Section [53-2a-104](#);

1312 (B) the governor as described in Section [53-2a-204](#);

1313 (C) a chief executive officer of a political subdivision as described in Section
1314 [53-2a-205](#); or

1315 (D) other executive emergency powers described in this chapter.

1316 (c) If the Legislature limits emergency powers as described in Subsection (4)(b), the
1317 Legislature shall:

1318 (i) include in the joint resolution findings describing the nature and current conditions
1319 of the emergency that warrant the continuation or limitation of certain emergency powers; and

1320 (ii) clearly enumerate and describe in the joint resolution which powers:

1321 (A) are being limited or restricted; or

1322 (B) shall remain in force.

1323 ~~[(4)]~~ (5) ~~[The]~~ If the Legislature terminates a state of emergency by joint resolution, the
1324 governor shall issue an executive order ending the state of emergency on receipt of the
1325 Legislature's resolution.

1326 ~~[(5)]~~ (6) An executive order described in this section to declare a state of emergency

1327 shall state:

1328 (a) the nature of the state of emergency;

1329 (b) the area or areas threatened; and

1330 (c) the conditions creating such an emergency or those conditions allowing termination

1331 of the state of emergency.

1332 ~~[(6)]~~ (7) During the continuance of any state of emergency the governor is commander

1333 in chief of the military forces of the state in accordance with Utah Constitution Article VII,

1334 Section 4, and Title 39, Chapter 1, State Militia.

1335 Section 18. Section **53-2a-208** is amended to read:

1336 **53-2a-208. Local emergency -- Declarations.**

1337 ~~[(1) (a) A local emergency may be declared by proclamation of the chief executive~~
1338 ~~officer of a municipality or county.]~~

1339 ~~[(b) A local emergency shall not be continued or renewed for a period in excess of 30~~
1340 ~~days except by or with the consent of the governing body of the municipality or county.]~~

1341 ~~[(c) Any order or proclamation declaring, continuing, or terminating a local emergency~~
1342 ~~shall be filed promptly with the office of the clerk of the affected municipality or county.]~~

1343 (1) A chief executive officer of a municipality or county may declare by proclamation a
1344 state of emergency if the chief executive officer finds:

1345 (a) a disaster has occurred or the occurrence or threat of a disaster is imminent in an
1346 area of the municipality or county; and

1347 (b) the municipality or county requires additional assistance to supplement the
1348 response and recovery efforts of the municipality or county.

1349 (2) A declaration of a local emergency:

1350 (a) constitutes an official recognition that a disaster situation exists within the affected
1351 municipality or county;

1352 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
1353 from other political subdivisions or from the state or federal government;

1354 (c) activates the response and recovery aspects of any and all applicable local disaster
1355 emergency plans; and

1356 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

1357 (3) A local emergency proclamation issued under this section shall state:

- 1358 (a) the nature of the local emergency;
- 1359 (b) the area or areas that are affected or threatened; and
- 1360 (c) the conditions which caused the emergency.
- 1361 (4) The emergency declaration process within the state shall be as follows:
- 1362 (a) a city, town, or metro township shall declare to the county;
- 1363 (b) a county shall declare to the state;
- 1364 (c) the state shall declare to the federal government; and
- 1365 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the
- 1366 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.
- 1367 (5) Nothing in this part affects:
- 1368 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
- 1369 (b) the duties, requests, reimbursements, or other actions taken by a political
- 1370 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
- 1371 Part 3, Statewide Mutual Aid Act.
- 1372 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in
- 1373 Subsection (1) expires the earlier of:
- 1374 (i) the day on which the chief executive officer finds that:
- 1375 (A) the threat or danger has passed;
- 1376 (B) the disaster reduced to the extent that emergency conditions no longer exist; or
- 1377 (C) the municipality or county no longer requires state government assistance to
- 1378 supplement the response and recovery efforts of the municipality or county;
- 1379 (ii) 30 days after the day on which the chief executive officer declares the state of
- 1380 emergency; or
- 1381 (iii) the day on which the legislative body of the municipality or county terminates the
- 1382 state of emergency by majority vote.
- 1383 (b) (i) (A) The legislative body of a municipality may at any time terminate by majority
- 1384 vote a state of emergency declared by the chief executive officer of the municipality.
- 1385 (B) The legislative body of a county may at any time terminate by majority vote a state
- 1386 of emergency declared by the chief executive officer of the county.
- 1387 (ii) The legislative body of a municipality or county may by majority vote extend a
- 1388 state of emergency for a time period stated in the motion.

1389 (iii) If the legislative body of a municipality or county extends a state of emergency in
1390 accordance with this subsection, the state of emergency expires on the date designated by the
1391 legislative body in the motion.

1392 (c) Except as provided in Subsection (7), after a state of emergency expires in
1393 accordance with this Subsection (6), the chief executive officer may not declare a new state of
1394 emergency in response to the same disaster or occurrence as the expired state of emergency.

1395 (7) (a) After a state of emergency expires in accordance with Subsection (2), the chief
1396 executive officer may declare a new state of emergency in response to the same disaster or
1397 occurrence as the expired state of emergency, if the chief executive officer finds that exigent
1398 circumstances exist.

1399 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
1400 accordance with Subsections (6)(a) and (b).

1401 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires,
1402 the chief executive officer may not declare a new state of emergency in response to the same
1403 disaster or occurrence as the expired state of emergency, regardless of whether exigent
1404 circumstances exist.

1405 Section 19. Section **53-2a-209** is amended to read:

1406 **53-2a-209. Orders, rules, and regulations having force of law -- Filing**
1407 **requirements -- Suspension of state agency rules -- Suspension of enforcement of certain**
1408 **statutes during a state of emergency.**

1409 (1) [AH] Subject to Section [53-2a-216](#), all orders, rules, and regulations promulgated
1410 by the governor, a municipality, a county, or other agency authorized by this part to make
1411 orders, rules, and regulations, not in conflict with existing laws except as specifically provided
1412 in this section, shall have the full force and effect of law during the state of emergency.

1413 (2) A copy of the order, rule, or regulation promulgated under Subsection (1) shall be
1414 filed as soon as practicable with:

1415 (a) the Office of Administrative Rules, if issued by the governor or a state agency; or

1416 (b) the office of the clerk of the municipality or county, if issued by the chief executive
1417 officer of a municipality or county.

1418 (3) The governor may suspend the provisions of any order, rule, or regulation of any
1419 state agency, if the strict compliance with the provisions of the order, rule, or regulation would

1420 substantially prevent, hinder, or delay necessary action in coping with the emergency or
1421 disaster.

1422 (4) (a) Except as provided in Subsection (4)(b) and subject to Subsections (4)(c) and
1423 (d), the governor may by executive order suspend the enforcement of a statute if:

1424 (i) the governor declares a state of emergency in accordance with Section 53-2a-206;

1425 (ii) the governor determines that suspending the enforcement of the statute is:

1426 (A) directly related to the state of emergency described in Subsection (4)(a)(i); and

1427 (B) necessary to address the state of emergency described in Subsection (4)(a)(i);

1428 (iii) the executive order:

1429 (A) describes how the suspension of the enforcement of the statute is:

1430 (I) directly related to the state of emergency described in Subsection (4)(a)(i); and

1431 (II) necessary to address the state of emergency described in Subsection (4)(a)(i); and

1432 (B) provides the citation of the statute that is the subject of suspended enforcement;

1433 (iv) the governor acts in good faith;

1434 (v) the governor provides notice of the suspension of the enforcement of the statute to

1435 the speaker of the House of Representatives and the president of the Senate no later than 24

1436 hours after suspending the enforcement of the statute; and

1437 (vi) the governor makes the report required by Section 53-2a-210.

1438 (b) (i) Except as provided in Subsection (4)(b)(ii), the governor may not suspend the
1439 enforcement of a criminal penalty created in statute.

1440 (ii) The governor may suspend the enforcement of a misdemeanor or infraction if:

1441 (A) the misdemeanor or infraction relates to food, health, or transportation; and

1442 (B) the requirements of Subsection (4)(a) are met.

1443 (c) A suspension described in this Subsection (4) terminates no later than the date the
1444 governor terminates the state of emergency in accordance with Section 53-2a-206 to which the
1445 suspension relates.

1446 (d) The governor:

1447 (i) shall provide the notice required by Subsection (4)(a)(v) using the best available
1448 method under the circumstances as determined by the governor;

1449 (ii) may provide the notice required by Subsection (4)(a)(v) in electronic format; and

1450 (iii) shall provide the notice in written form, if practicable.

1451 (e) If circumstances prevent the governor from providing notice to the speaker of the
1452 House of Representatives or the president of the Senate, notice shall be provided in the best
1453 available method to the presiding member of the respective body as is reasonable.

1454 Section 20. Section **53-2a-215** is amended to read:

1455 **53-2a-215. Requirements for long-term emergency response -- Notice.**

1456 [~~(1) As used in this section:~~]

1457 [~~(a) "Epidemic or pandemic disease" means the same as that term is defined in Section~~
1458 ~~26-23b-102.~~]

1459 [~~(b) "Executive action" means any of the following actions in response to an epidemic~~
1460 ~~or pandemic disease:~~]

1461 [~~(i) a declaration of a state of emergency as described in Section 53-2a-206;~~]

1462 [~~(ii) an order, a rule, or a regulation made by the governor as described in Section~~
1463 ~~53-2a-209;~~]

1464 [~~(iii) an action by the governor to suspend or modify a statute as described in~~
1465 ~~Subsection 53-2a-204(1)(j); or]~~

1466 [~~(iv) an action by the governor to suspend the enforcement of a statute as described in~~
1467 ~~Subsection 53-2a-209(4).~~]

1468 [~~(c) "Legislative pandemic response team" means:~~]

1469 [~~(i) the speaker of the House of Representatives;~~]

1470 [~~(ii) the president of the Senate;~~]

1471 [~~(iii) the minority leader of the House of Representatives; and]~~

1472 [~~(iv) the minority leader of the Senate.~~]

1473 [~~(2) The Legislature finds and acknowledges that existing and increasing threats of the~~
1474 ~~occurrence of an epidemic or pandemic disease emergency could greatly affect the health,~~
1475 ~~safety, and welfare of the people of this state, and subject to provisions of this section, the~~
1476 ~~Legislature recognizes the important role of the governor to respond to an epidemic or~~
1477 ~~pandemic disease emergency through executive action.~~]

1478 [~~(3)] (1) (a) (i) Except as provided in Subsection [~~(4)] (2), and in accordance with~~
1479 ~~Subsection [~~(3)(b)] (1)(b), during a long-term state of emergency, the governor may not take an~~~~
1480 ~~executive action in response to [an epidemic or pandemic disease] the emergency until the~~
1481 ~~governor has provided notice of the proposed action to the legislative [pandemic response~~~~

1482 ~~team~~ emergency response committee no later than 24 hours before the governor issues the
1483 executive action.

1484 (ii) The governor:

1485 (A) shall provide the notice required by Subsection ~~[(3)]~~ (1)(a)(i) using the best
1486 available method under the circumstances as determined by the governor;

1487 (B) may provide the notice required by Subsection ~~[(3)]~~ (1)(a)(i) in electronic format;
1488 and

1489 (C) shall provide the notice in written form, if practicable.

1490 (b) Except for any conflicting provision in this section, the governor shall comply with
1491 the requirements of this chapter to take an executive action in response to a long-term
1492 emergency.

1493 (c) If the governor takes executive action in response to ~~[an epidemic or pandemic~~
1494 ~~disease]~~ a long-term emergency as described in this Subsection ~~[(3)]~~ (1), the governor is not
1495 required to provide:

1496 (i) the notice described in Subsection 53-2a-209(4)(a)(v); or

1497 (ii) the report described in Section 53-2a-210.

1498 ~~[(4)]~~ (2) (a) The governor may take executive action in response ~~[to an epidemic or~~
1499 ~~pandemic disease]~~ during a long-term emergency without complying with Subsection ~~[(3)]~~ (1)
1500 only if the governor finds that:

1501 (i) there is an imminent threat of serious bodily injury, loss of life, or substantial harm
1502 to property; and

1503 (ii) compliance with Subsection ~~[(3)]~~ (1) would increase the threat of serious bodily
1504 injury, loss of life, or substantial harm to property.

1505 (b) If the governor takes executive action in response to ~~[an epidemic or pandemic]~~ a
1506 long-term emergency without complying with the requirements of Subsection ~~[(3)]~~ (1)(a), the
1507 governor shall provide in the executive action an explanation why the requirements of
1508 Subsection ~~[(3)]~~ (1)(a) were not met.

1509 ~~[(5)]~~ (3) This section supersedes any conflicting provisions of Utah law.

1510 ~~[(6)]~~ (4) Notwithstanding any other provision of law, the governor may not suspend the
1511 application or enforcement of this section.

1512 Section 21. Section **53-2a-216** is amended to read:

1513 **53-2a-216. Termination of an executive action or directive.**

1514 (1) The Legislature may at any time terminate by joint resolution:

1515 (a) an order, a rule, ordinance, or action by a chief executive officer of a county or
1516 municipality as described in Section 53-2a-205 in response to a state of emergency that has
1517 been in effect for more than 30 days;

1518 (b) a local declaration of emergency described in Section 53-2a-208 that has been in
1519 effect for more than 30 days;

1520 ~~[(a)]~~ (c) an order, a rule, or a regulation made by the governor, a municipality, county,
1521 or other agency as described in Section 53-2a-209;

1522 ~~[(b)]~~ (d) an action by the governor to suspend the enforcement of a statute as described
1523 in Subsection 53-2a-209(4); or

1524 ~~[(c)]~~ (e) an executive action as described in Section 53-2a-215.

1525 (2) Notwithstanding any other provision of law, the governor may not suspend the
1526 application or enforcement of this section.

1527 Section 22. Section 53-2a-217 is amended to read:

1528 **53-2a-217. Procurement process during an epidemic or pandemic emergency.**

1529 (1) As used in this section, "epidemic or pandemic disease" means the same as that
1530 term is defined in Section ~~[53-2a-215]~~ 26-23b-102.

1531 (2) (a) During a state of emergency declared as described in Section 53-2a-206 that is
1532 in response or related to an epidemic or pandemic disease emergency, or during a national
1533 epidemic or pandemic emergency, the governor shall provide notice to the Legislature within
1534 24 hours after an expenditure or procurement, if the expenditure or procurement:

- 1535 (i) uses federal funds received as described in Subsection 53-2a-204(1)(m);
- 1536 (ii) totals more than \$2,000,000 or includes a line item of more than \$2,000,000; and
- 1537 (iii) is made using emergency procurement processes as described in Section
1538 63G-6a-803.

1539 (b) The governor may not divide an expenditure or procurement into multiple
1540 expenditures or procurements to fall below the \$2,000,000 threshold described in Subsection
1541 (2)(a)(ii).

1542 Section 23. Section 53-2a-218 is enacted to read:

1543 **53-2a-218. Legislative Emergency Response Committee.**

- 1544 (1) There is created an ad hoc committee known as the Legislative Emergency
1545 Response Committee.
- 1546 (2) (a) The committee membership includes:
- 1547 (i) the same membership as the Executive Appropriations Committee as constituted at
1548 the time the committee is convened; and
- 1549 (ii) between four and six additional members designated by the speaker of the House of
1550 Representatives, chosen from the following:
- 1551 (A) one or more members of the House of Representatives that serve as chair or
1552 vice-chair of a legislative committee with a subject matter focus relevant to the current
1553 emergency;
- 1554 (B) one or more members of the House of Representatives with relevant expertise or
1555 experience relevant to the current emergency; or
- 1556 (C) one or more members of the House of Representatives from a minority party that
1557 serves on a relevant legislative committee or that has expertise and experience relevant to the
1558 current emergency; and
- 1559 (iii) between four and six additional members designated by the president of the
1560 Senate, chosen from the following:
- 1561 (A) one or more members of the Senate that serve as chair or vice-chair of a legislative
1562 committee with a subject matter focus relevant to the current emergency;
- 1563 (B) one or more members of the Senate with relevant expertise or experience relevant
1564 to the current emergency; or
- 1565 (C) one or more members of the Senate from a minority party that serves on a relevant
1566 legislative committee or that has expertise and experience relevant to the current emergency.
- 1567 (b) The speaker of the House of Representatives and the president of the Senate shall
1568 coordinate to ensure they each appoint the same number of legislators as described under
1569 Subsections (2)(a)(ii) and (iii).
- 1570 (3) The speaker of the House of Representatives and the president of the Senate shall
1571 serve as chairs of the committee.
- 1572 (4) The Office of Legislative Research and General Counsel shall provide staff support
1573 to the committee.
- 1574 (5) (a) If the governor declares a state of emergency as described in this chapter, and

1575 the governor finds that the emergency conditions warrant an extension of the state of
1576 emergency beyond the 30-day term or another date designated by the Legislature as described
1577 in Section 53-2a-206, the governor shall provide written notice to the speaker of the House of
1578 Representatives and the president of the Senate at least 10 days before the expiration of the
1579 state of emergency.

1580 (b) If the speaker of the House of Representatives and the president of the Senate
1581 receive notice as described in Subsection (5)(a) for a state of emergency within the first 30 days
1582 from the initial declaration of the state of emergency, or from the Department of Health as
1583 described in Section 26-23b-10, or from a local health department as described in Section
1584 26A-1-121, the speaker of the House of Representatives and the president of the Senate:

1585 (i) shall poll the members of their respective bodies to determine whether the
1586 Legislature will extend the state of emergency; and

1587 (ii) may jointly convene the committee.

1588 (c) If the speaker of the House of Representatives and the president of the Senate
1589 receive notice as described in Subsection (5)(a) for a state of emergency that has been extended
1590 beyond the 30 days from the initial declaration of a state of emergency, the speaker of the
1591 House of Representatives and the president of the Senate shall jointly convene the committee.

1592 (6) If the committee is convened as described in Subsection (5), the committee shall
1593 conduct a public meeting to:

1594 (a) discuss the nature of the emergency and conditions of the emergency;

1595 (b) evaluate options for emergency response;

1596 (c) receive testimony from individuals with expertise relevant to the current
1597 emergency;

1598 (d) receive testimony from members of the public; and

1599 (e) provide a recommendation to the Legislature whether to extend the state of
1600 emergency by joint resolution.

1601 Section 24. Section **53-2a-219** is enacted to read:

1602 **53-2a-219. Religious practice during a state of emergency.**

1603 (1) During a state of emergency declared as described in this chapter:

1604 (a) the governor or chief executive officer of a political subdivision may not impose a
1605 restriction on a religious gathering that is more restrictive than a restriction on any other public

1606 gathering; and

1607 (b) an individual, while acting or purporting to act within the course and scope of the
1608 individual's official government capacity, may not:

1609 (i) prevent a religious gathering that is held in a manner consistent with any order or
1610 restriction issued pursuant to this part; or

1611 (ii) impose a penalty for a previous religious gathering that was held in a manner
1612 consistent with any order or restriction issued pursuant to this part.

1613 (2) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
1614 prevent the violation of this section.

1615 Section 25. Section **53-2a-703** is amended to read:

1616 **53-2a-703. Hazardous materials emergency -- Recovery of expenses.**

1617 (1) (a) The Hazardous Chemical Emergency Response Commission may recover from
1618 those persons whose negligent actions caused the hazardous materials emergency, expenses
1619 directly associated with a response to a hazardous materials emergency taken under authority of
1620 this part, Title 53, Chapter 2a, Part 1, Emergency Management Act, or Title 53, Chapter 2a,
1621 Part 2, Disaster Response and Recovery Act, that are incurred by:

1622 (i) a state agency;

1623 (ii) a political subdivision as defined in [~~Subsection 53-2a-203(3)~~] Section 53-2a-203;

1624 or

1625 (iii) an interlocal entity, described in Section 11-13-203, providing emergency services
1626 to a political subdivision pursuant to written agreement.

1627 (b) The payment of expenses under this Subsection (1) is not an admission of liability
1628 or negligence in any legal action for damages.

1629 (c) The Hazardous Chemical Emergency Response Commission may obtain assistance
1630 from the attorney general or a county attorney of the affected jurisdiction to assist in recovering
1631 expenses and legal fees.

1632 (d) Any recovered costs shall be deposited in the General Fund as dedicated credits to
1633 be used by the division to reimburse an entity described in Subsection (1)(a) for costs incurred
1634 by the entity.

1635 (2) (a) If the cost directly associated with emergency response exceeds all available
1636 funds of the division within a given fiscal year, the division, with approval from the governor,

1637 may incur a deficit in its line item budget.

1638 (b) The Legislature shall provide a supplemental appropriation in the following year to
1639 cover the deficit.

1640 (c) The division shall deposit all costs associated with any emergency response that are
1641 collected in subsequent fiscal years into the General Fund.

1642 (3) Any political subdivision may enact local ordinances pursuant to existing statutory
1643 or constitutional authority to provide for the recovery of expenses incurred by the political
1644 subdivision.

1645 Section 26. Section **63G-3-304** is amended to read:

1646 **63G-3-304. Emergency rulemaking procedure.**

1647 (1) All agencies shall comply with the rulemaking procedures of Section **63G-3-301**
1648 unless an agency finds that these procedures would:

1649 (a) cause an imminent peril to the public health, safety, or welfare;

1650 (b) cause an imminent budget reduction because of budget restraints or federal
1651 requirements; or

1652 (c) place the agency in violation of federal or state law.

1653 (2) (a) When finding that its rule is excepted from regular rulemaking procedures by
1654 this section, the agency shall file with the office and the members of the Administrative Rules
1655 Review Committee:

1656 (i) the text of the rule; and

1657 (ii) a rule analysis that includes the specific reasons and justifications for its findings.

1658 (b) The office shall publish the rule in the bulletin as provided in Subsection
1659 **63G-3-301**(4).

1660 (c) The agency shall notify interested persons as provided in Subsection
1661 **63G-3-301**(10).

1662 (d) [~~The~~] Subject to Subsection **63G-3-502**(4), the rule becomes effective for a period
1663 not exceeding 120 days on the date of filing or any later date designated in the rule.

1664 (3) If the agency intends the rule to be effective beyond 120 days, the agency shall also
1665 comply with the procedures of Section **63G-3-301**.

1666 Section 27. Section **63G-3-501** is amended to read:

1667 **63G-3-501. Administrative Rules Review Committee.**

- 1668 (1) (a) There is created an Administrative Rules Review Committee of the following
1669 10 permanent members:
- 1670 (i) five members of the Senate appointed by the president of the Senate, no more than
1671 three of whom may be from the same political party; and
- 1672 (ii) five members of the House of Representatives appointed by the speaker of the
1673 House of Representatives, no more than three of whom may be from the same political party.
- 1674 (b) Each permanent member shall serve:
- 1675 (i) for a two-year term; or
1676 (ii) until the permanent member's successor is appointed.
- 1677 (c) (i) A vacancy exists when a permanent member ceases to be a member of the
1678 Legislature, or when a permanent member resigns from the committee.
- 1679 (ii) When a vacancy exists:
- 1680 (A) if the departing member is a member of the Senate, the president of the Senate
1681 shall appoint a member of the Senate to fill the vacancy; or
- 1682 (B) if the departing member is a member of the House of Representatives, the speaker
1683 of the House of Representatives shall appoint a member of the House of Representatives to fill
1684 the vacancy.
- 1685 (iii) The newly appointed member shall serve the remainder of the departing member's
1686 unexpired term.
- 1687 (d) (i) The president of the Senate shall designate a member of the Senate appointed
1688 under Subsection (1)(a)(i) as a cochair of the committee.
- 1689 (ii) The speaker of the House of Representatives shall designate a member of the
1690 House of Representatives appointed under Subsection (1)(a)(ii) as a cochair of the committee.
- 1691 (e) Three representatives and three senators from the permanent members are a quorum
1692 for the transaction of business at any meeting.
- 1693 (f) (i) Subject to Subsection (1)(f)(ii), the committee shall meet at least once each
1694 month to review new agency rules, amendments to existing agency rules, and repeals of
1695 existing agency rules.
- 1696 (ii) The committee chairs may suspend the meeting requirement described in
1697 Subsection (1)(f)(i) at the committee chairs' discretion.
- 1698 (2) The office shall submit a copy of each issue of the bulletin to the committee.

1699 (3) (a) The committee shall exercise continuous oversight of the rulemaking process.

1700 (b) The committee shall examine each rule, including any rule made according to the
1701 emergency rulemaking procedure described in Section 63G-3-304, submitted by an agency to
1702 determine:

1703 (i) whether the rule is authorized by statute;

1704 (ii) whether the rule complies with legislative intent;

1705 (iii) the rule's impact on the economy and the government operations of the state and
1706 local political subdivisions;

1707 (iv) the rule's impact on affected persons;

1708 (v) the rule's total cost to entities regulated by the state;

1709 (vi) the rule's benefit to the citizens of the state; and

1710 (vii) whether adoption of the rule requires legislative review or approval.

1711 (c) The committee may examine and review:

1712 (i) any executive order issued pursuant to Title 53, Chapter 2a, Part 2, Disaster
1713 Response and Recovery Act; or

1714 (ii) any public health order issued during a public health emergency declared in
1715 accordance with Title 26, Utah Health Code, or Title 26A, Local Health Authorities.

1716 ~~[(c)]~~ (d) (i) To carry out these duties, the committee may examine any other issues that
1717 the committee considers necessary.

1718 (ii) The committee may also notify and refer rules to the chairs of the interim
1719 committee that has jurisdiction over a particular agency when the committee determines that an
1720 issue involved in an agency's rules may be more appropriately addressed by that committee.

1721 ~~[(d)]~~ (e) In reviewing a rule, the committee shall follow generally accepted principles
1722 of statutory construction.

1723 (4) When the committee reviews an existing rule, the committee chairs shall invite the
1724 Senate and House chairs of the standing committee and of the appropriation subcommittee that
1725 have jurisdiction over the agency whose existing rule is being reviewed to participate as
1726 nonvoting, ex officio members with the committee.

1727 (5) The committee may request that the Office of the Legislative Fiscal Analyst prepare
1728 a fiscal note on any rule.

1729 (6) In order to accomplish the committee's functions described in this chapter, the

1730 committee has all the powers granted to legislative interim committees under Section 36-12-11.

1731 (7) (a) The committee may prepare written findings of the committee's review of a rule
1732 or policy and may include any recommendation, including legislative action.

1733 (b) When the committee reviews a rule, the committee shall provide to the agency that
1734 enacted the rule:

1735 (i) the committee's findings, if any; and

1736 (ii) a request that the agency notify the committee of any changes the agency makes to
1737 the rule.

1738 (c) The committee shall provide a copy of the committee's findings, if any, to:

1739 (i) any member of the Legislature, upon request;

1740 (ii) any person affected by the rule, upon request;

1741 (iii) the president of the Senate;

1742 (iv) the speaker of the House of Representatives;

1743 (v) the Senate and House chairs of the standing committee that has jurisdiction over the
1744 agency that made the rule; and

1745 (vi) the Senate and House chairs of the appropriation subcommittee that has
1746 jurisdiction over the agency that made the rule.

1747 (8) (a) (i) The committee may submit a report on the committee's review of state
1748 agency rules to each member of the Legislature at each regular session.

1749 (ii) The report shall include:

1750 (A) any finding or recommendation the committee made under Subsection (7);

1751 (B) any action an agency took in response to a committee recommendation; and

1752 (C) any recommendation by the committee for legislation.

1753 (b) If the committee receives a recommendation not to reauthorize a rule, as described
1754 in Subsection 63G-3-301(13)(b), and the committee recommends to the Legislature
1755 reauthorization of the rule, the committee shall submit a report to each member of the
1756 Legislature detailing the committee's decision.

1757 Section 28. Section 63G-3-502 is amended to read:

1758 **63G-3-502. Legislative reauthorization of agency rules -- Extension of rules by**
1759 **governor.**

1760 (1) All grants of rulemaking power from the Legislature to a state agency in any statute

1761 are made subject to the provisions of this section.

1762 (2) (a) Except as provided in Subsection (2)(b), every agency rule that is in effect on
1763 February 28 of any calendar year expires on May 1 of that year unless it has been reauthorized
1764 by the Legislature.

1765 (b) Notwithstanding the provisions of Subsection (2)(a), an agency's rules do not expire
1766 if:

1767 (i) the rule is explicitly mandated by a federal law or regulation; or

1768 (ii) a provision of Utah's constitution vests the agency with specific constitutional
1769 authority to regulate.

1770 (3) (a) The Administrative Rules Review Committee shall have omnibus legislation
1771 prepared for consideration by the Legislature during its annual general session.

1772 (b) The omnibus legislation shall be substantially in the following form: "All rules of
1773 Utah state agencies are reauthorized except for the following:".

1774 (c) Before sending the legislation to the governor for the governor's action, the
1775 Administrative Rules Review Committee may send a letter to the governor and to the agency
1776 explaining specifically why the committee believes any rule should not be reauthorized.

1777 (d) For the purpose of this section, the entire rule, a single section, or any complete
1778 paragraph of a rule may be excepted for reauthorization in the omnibus legislation considered
1779 by the Legislature.

1780 (4) (a) The Administrative Rules Review Committee may have legislation prepared for
1781 consideration by the Legislature in the annual general session or a special session regarding any
1782 rule made according to emergency rulemaking procedures described in Section [63G-3-304](#).

1783 [~~4~~] (5) The Legislature's reauthorization of a rule by legislation does not constitute
1784 legislative approval of the rule, nor is it admissible in any proceeding as evidence of legislative
1785 intent.

1786 [~~5~~] (6) (a) If an agency believes that a rule that has not been reauthorized by the
1787 Legislature or that will be allowed to expire should continue in full force and effect and is a
1788 rule within their authorized rulemaking power, the agency may seek the governor's declaration
1789 extending the rule beyond the expiration date.

1790 (b) In seeking the extension, the agency shall submit a petition to the governor that
1791 affirmatively states:

- 1792 (i) that the rule is necessary; and
1793 (ii) a citation to the source of its authority to make the rule.
1794 (c) (i) If the governor finds that the necessity does exist, and that the agency has the
1795 authority to make the rule, the governor may declare the rule to be extended by publishing that
1796 declaration in the Administrative Rules Bulletin on or before April 15 of that year.
1797 (ii) The declaration shall set forth the rule to be extended, the reasons the extension is
1798 necessary, and a citation to the source of the agency's authority to make the rule.
1799 (d) If the omnibus bill required by Subsection (3) fails to pass both houses of the
1800 Legislature or is found to have a technical legal defect preventing reauthorization of
1801 administrative rules intended to be reauthorized by the Legislature, the governor may declare
1802 all rules to be extended by publishing a single declaration in the Administrative Rules Bulletin
1803 on or before June 15 without meeting requirements of Subsections [~~5~~] (6)(b) and (c).