

Senator Daniel McCay proposes the following substitute bill:

**JOINT RESOLUTION TO TERMINATE PUBLIC HEALTH
ORDERS PERTAINING TO FACE COVERINGS**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

LONG TITLE

General Description:

This resolution terminates public health orders of constraint requiring the wearing of a mask or face covering.

Highlighted Provisions:

This resolution:

- ▶ terminates public health orders of constraint that require the wearing of a mask or face covering in Salt Lake County, Summit County, Salt Lake City, or any other place in the state of Utah.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, on March 16, 2020, Mayor Jennifer Wilson of Salt Lake County issued an order declaring a public health state of emergency in Salt Lake County in response to the COVID-19 pandemic;

WHEREAS, the Salt Lake County Council has voted numerous times to extend the state of emergency, including the most recent vote on January 11, 2022, to extend the state of



26 emergency until midnight, February 15, 2022;

27 WHEREAS, on January 7, 2022, Mayor Wilson and Dr. Angela C. Dunn, Executive
28 Director of the Salt Lake County Health Department, jointly issued a public health order of
29 constraint "to require every individual living within or visiting Salt Lake County, Utah, to wear
30 a respirator (or until you are able to obtain a respirator, a well-fitting mask or face covering as
31 an alternative) in public spaces while indoors or queueing outdoors...";

32 WHEREAS, on August 21, 2021, Dr. Philip Bondurant, Summit County Health
33 Officer, issued an order declaring a public health state of emergency in Summit County in
34 response to the Delta Variant of COVID-19;

35 WHEREAS, on September 20, 2021, and again on December 31, 2021, the Summit
36 County Council voted to extend the public health state of emergency, with the current
37 expiration date of June 30, 2022;

38 WHEREAS, on January 6, 2022, Summit County and the Summit County Health
39 Department issued a public health order of constraint "to require all individuals living within or
40 visiting Summit County, Utah, to wear Face-Coverings while inside publicly accessed indoor
41 establishments...";

42 WHEREAS, on August 20, 2021, Salt Lake City Mayor Erin Mendenhall declared a
43 local emergency and issued an executive order stating that, "All staff, visitor, members of the
44 public, teachers, and students attending kindergarten through grade 12 at a public, charter, or
45 private school in Salt Lake City, shall be required to wear a face mask...";

46 WHEREAS, Utah Code Section [26A-1-114](#) empowers the Legislature to "terminate by
47 joint resolution an order of constraint issued by a local health department in response to a
48 declared public health emergency that has been in effect for more than 30 days";

49 WHEREAS, Utah Code Section [53-2a-216](#) empowers the Legislature to terminate by
50 joint resolution "an order, a rule, ordinance, or action by a chief executive officer of a county or
51 municipality as described in Section [53-2a-205](#) in response to a state of emergency that has
52 been in effect for more than 30 days":

53 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah does
54 not concede or confirm the validity of a state of emergency in Salt Lake County, Summit
55 County, or Salt Lake City declared pursuant to Title 53, Chapter 2a, Emergency Management
56 Act.

57 BE IT FURTHER RESOLVED that the Legislature does not concede or confirm the
58 validity of a public health emergency in Salt Lake County or Summit County declared pursuant
59 to Title 26A, Chapter 1, Local Health Departments.

60 BE IT FURTHER RESOLVED that the Legislature hereby terminates the public health
61 order of constraint dated January 7, 2022, signed by Mayor Jennifer Wilson and Director
62 Angela C. Dunn, requiring the wearing of a mask or face covering in Salt Lake County.

63 BE IT FURTHER RESOLVED that the Legislature hereby terminates the public health
64 order of constraint dated January 6, 2022, signed by Thomas C. Fisher, Summit County
65 Manager, and Dr. Philip Bondurant, Summit County Health Officer, requiring the wearing of a
66 mask or face covering in Summit County.

67 BE IT FURTHER RESOLVED that the Legislature hereby terminates the executive
68 order of Mayor Erin Mendenhall dated August 20, 2021, requiring the wearing of a mask or
69 face covering in K-12 schools in Salt Lake City;

70 BE IT FURTHER RESOLVED that the Legislature hereby terminates any other public
71 health order of constraint issued or in effect in the state as of the date of this resolution that
72 requires the wearing of a mask or face covering.

73 BE IT FURTHER RESOLVED that the Legislature prospectively terminates any public
74 health order of constraint requiring the wearing of a mask or face covering during the period
75 between the date of this resolution and April 1, 2022.