

## SB0073S01 compared with SB0073

~~{deleted text}~~ shows text that was in SB0073 but was deleted in SB0073S01.

inserted text shows text that was not in SB0073 but was inserted into SB0073S01.

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Senator Ronald M. Winterton proposes the following substitute bill:

### STATE FOOD SUPPLY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: {} Ronald M. Winterton**

House Sponsor: {} \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill restricts the regulation of local food.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;

~~{ } → provides that local food is exempt from regulation by the federal government;~~

- ▶ places restrictions on state regulation of local food;
- ▶ limits rulemaking authority in relation to local food; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

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None

### Utah Code Sections Affected:

#### AMENDS:

**4-1-109**, as renumbered and amended by Laws of Utah 2017, Chapter 345

**26A-1-102**, as last amended by Laws of Utah 2023, Chapter 327

**26A-1-114**, as last amended by Laws of Utah 2023, Chapters 90, 327

**26B-7-201**, as renumbered and amended by Laws of Utah 2023, Chapter 308

**26B-7-202**, as renumbered and amended by Laws of Utah 2023, Chapter 308

**26B-7-301**, as renumbered and amended by Laws of Utah 2023, Chapter 308

**26B-7-302**, as renumbered and amended by Laws of Utah 2023, Chapter 308

**73-3d-101**, as enacted by Laws of Utah 2023, Chapter 126

**73-3d-201**, as enacted by Laws of Utah 2023, Chapter 126

#### ENACTS:

~~{ [4-1-113, Utah Code Annotated 1953](#)~~

{ [53-2a-222, Utah Code Annotated 1953](#)

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

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

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

As used in this title:

(1) "Agricultural product" or "product of agriculture" means any product that is derived from agriculture, including any product derived from aquaculture as defined in Section 4-37-103.

(2) "Agriculture" means the science and art of the production of plants and animals useful to man, including the preparation of plants and animals for human use and disposal by marketing or otherwise.

(3) "Commissioner" means the commissioner of agriculture and food.

(4) "Department" means the Department of Agriculture and Food created in Chapter 2, Administration.

(5) "Dietary supplement" means the same as that term is defined in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.

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(6) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.

(7) "Local food" means an agricultural product or livestock that is:

(a) produced, processed, and distributed for sale or consumption within the state; and

(b) sold to an end consumer within the state.

~~(7)~~ (8) "Organization" means a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

~~(8)~~ (9) "Person" means a natural person or individual, corporation, organization, or other legal entity.

Section 2. Section ~~{4-1-113}~~26A-1-102 is ~~{enacted}~~amended to read:

~~{~~ **4-1-113. Exemption of local food from federal jurisdiction.**

~~\_\_\_\_\_~~ (1) Local food is exempt from regulation by the federal government, except as allowed by the United States Constitution.

~~\_\_\_\_\_~~ (2) This section does not prevent local food producers from receiving federal aid or voluntarily participating in federal programs.

~~\_\_\_\_\_~~ Section 3. Section 26A-1-102 is amended to read:

~~‡~~ **26A-1-102. Definitions.**

As used in this part:

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

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

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

(4) "Department" means the Department of Health and Human Services created in Section 26B-1-201.

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

~~(5)~~ (6) "Local health department" means:

(a) a single county local health department;

(b) a multicounty local health department;

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- (c) a united local health department; or
- (d) a multicounty united local health department.

~~[(6)]~~ (7) "Mental health authority" means a local mental health authority created in Section 17-43-301.

~~[(7)]~~ (8) "Multicounty local health department" means a local health department that is formed under Section 26A-1-105 and that serves two or more contiguous counties and municipalities within those counties.

~~[(8)]~~ (9) "Multicounty united local health department" means a united local health department that is formed under Section 26A-1-105.5 and that serves two or more contiguous counties and municipalities within those counties.

~~[(9)]~~ (10) (a) "Order of constraint" means an order, rule, or regulation issued by a local health department in response to a declared public health emergency under this chapter that:

(i) applies to all or substantially all:

- (A) individuals or a certain group of individuals; or
- (B) public places or certain types of public places; and

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

- (A) establishes, maintains, or enforces isolation or quarantine;
- (B) establishes, maintains, or enforces a stay-at-home order;
- (C) exercises physical control over property or individuals;
- (D) requires an individual to perform a certain action or engage in a certain behavior;

or

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

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

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

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

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

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

(b) may include exceptions for certain essential tasks.

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

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

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

(b) includes a multicounty united local health department.

Section ~~{4}~~3. Section **26A-1-114** is amended to read:

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

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

(a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances, department rules, and local health department standards and regulations relating to public health and sanitation, including the plumbing code administered by the Division of Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction Code Administration Act, and under Title 26B, Chapter 7, Part 4, General Sanitation and Food Safety~~[-]~~, in all incorporated and unincorporated areas served by the local health department;

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

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

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

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

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

(e) close theaters, schools, and other public places and prohibit gatherings of people

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when necessary to protect the public health;

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

(g) make necessary sanitary and health investigations and inspections on the local health department's own initiative or in cooperation with the Department of Health and Human Services or the Department of Environmental Quality, or both, as to any matters affecting the public health;

(h) pursuant to county ordinance or interlocal agreement:

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

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

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

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

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

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

(j) investigate the causes of morbidity and mortality;

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

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

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

(n) cooperate with the state health department, the Department of Corrections, the Administrative Office of the Courts, the Division of Juvenile Justice and Youth Services, and the Crime Victim Reparations Board to conduct testing for HIV infection of alleged sexual

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offenders, convicted sexual offenders, and any victims of a sexual offense;

(o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321; and

(p) provide public health assistance in response to a national, state, or local emergency, a public health emergency as defined in Section 26B-7-301, or a declaration by the President of the United States or other federal official requesting public health-related activities.

(2) The local health department shall:

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

(b) investigate infectious and other diseases of public health importance and implement measures to control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health which may include involuntary testing of alleged sexual offenders for the HIV infection pursuant to Section 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection pursuant to Section 53-10-803;

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

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

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

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

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

(iv) is reviewed and updated annually.

(3) The local health department has the following duties regarding public and private schools within the local health department's boundaries:

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

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

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

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

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

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

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

(6) ~~[Nothing in this part may be construed to]~~ This part does not authorize a local health department to ~~[enforce an ordinance, rule, or regulation requiring]:~~

(a) require the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling~~[-]; or~~

(b) control~~[-, during an emergency or otherwise,]~~ the production, processing, distribution, or sale price of local food in response to a public health emergency.

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

(b) The local health department:

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

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

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



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

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

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

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

(ii) A vote by the relevant county governing body to terminate a public health emergency or an order of constraint as described in Subsection (7)(d)(i) is not subject to veto by the relevant chief executive officer.

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

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

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

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

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

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

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legislative body.

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

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

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

(e) For a public health emergency declared by a local health department under this chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable Diseases, the Legislature may terminate by joint resolution a public health emergency that was declared based on exigent circumstances or that has been in effect for more than 30 days.

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

(9) (a) During a public health emergency declared under this chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable Diseases:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) During a public health emergency declared as described in this title, the department or a local health department shall not issue a public health order or impose or implement a

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regulation that substantially burdens an individual's exercise of religion unless the department or local health department demonstrates that the application of the burden to the individual:

- (i) is in furtherance of a compelling government interest; and
- (ii) is the least restrictive means of furthering that compelling government interest.

(d) Notwithstanding Subsections [~~(8)(a) and (c)~~] (10)(a) and (c), the department or a local health department shall allow reasonable accommodations for an individual to perform or participate in a religious practice or rite.

(11) An order of constraint issued by a local health department pursuant to a declared public health emergency does not apply to a facility, property, or area owned or leased by the state, including the capitol hill complex, as that term is defined in Section 63C-9-102.

(12) A local health department may not:

(a) require a person to obtain an inspection, license, or permit from the local health department to engage in a practice described in Subsection 58-11a-304(5); or

(b) prevent or limit a person's ability to engage in a practice described in Subsection 58-11a-304(5) by:

(i) requiring the person to engage in the practice at a specific location or at a particular type of facility or location; or

(ii) enforcing a regulation applicable to a facility or location where the person chooses to engage in the practice.

Section ~~(5)4~~. Section **26B-7-201** is amended to read:

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

As used in this part:

(1) "Ambulatory surgical center" means the same as that term is defined in Section 26B-2-201.

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

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carrier, or long duration, as a chronic carrier.

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

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

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

(6) "End stage renal disease facility" is as defined in Section 26B-2-201.

(7) (a) "Epidemic" means the occurrence or outbreak in a community or region of cases of an illness clearly in excess of normal expectancy and derived from a common or propagated source.

(b) The number of cases indicating an epidemic will vary according to the infectious agent, size, and type of population exposed, previous experience or lack of exposure to the disease, and time and place of occurrence.

(c) Epidemicity is considered to be relative to usual frequency of the disease in the same area, among the specified population, at the same season of the year.

(8) "General acute hospital" is as defined in Section 26B-2-201.

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~{6}~~5. Section **26B-7-202** is amended to read:

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

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

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

~~[(2)]~~ (3) (a) As part of the requirements of Subsection (1), the department shall

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distribute to the public and to health care professionals:

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

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

(B) medically accepted treatment for sexually transmitted diseases;

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

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

(ii) information about:

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

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

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

(b) The information [~~required by~~] described in Subsection [~~(2)(a)~~] (3)(a):

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

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

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

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

(c) (i) Except as provided in Subsection [~~(2)(c)(ii)~~] (3)(c)(ii), the department shall develop written material that includes the information [~~required by~~] described in this Subsection [~~(2)~~] (3).

(ii) In addition to the written materials [~~required by~~] described in Subsection [~~(2)(c)(i)~~] (3)(c)(i), the department may distribute the information [~~required by~~] described in this Subsection [~~(2)~~] (3) by any other methods the department determines is appropriate to educate

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the public, excluding public schools, including websites, toll free telephone numbers, and the media.

(iii) If the information [~~required by~~] described in Subsection [~~(2)(b)(ii)(A)~~] (3)(b)(ii)(A) is not included in the written pamphlet developed by the department, the written material shall include either a website, or a 24-hour toll free telephone number that the public may use to obtain that information.

~~(3)~~ (4) (a) The Legislature may at any time terminate by joint resolution an order of constraint issued by the department as described in this section in response to a declared public health emergency.

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

Section ~~(7)~~6. Section **26B-7-301** is amended to read:

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

As used in this part:

(1) "Bioterrorism" means:

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

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

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

(3) "Epidemic or pandemic disease":

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

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

(4) "Exigent circumstances" means a significant change in circumstances following the



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expiration of a public health emergency declared in accordance with this title that:

- (a) substantially increases the threat to public safety or health relative to the circumstances in existence when the public health emergency expired;
- (b) poses an imminent threat to public safety or health; and
- (c) was not known or foreseen and could not have been known or foreseen at the time the public health emergency expired.

(5) "First responder" means:

- (a) a law enforcement officer as defined in Section 53-13-103;
- (b) emergency medical service personnel as defined in Section 26B-4-101;
- (c) firefighters; and
- (d) public health personnel having jurisdiction over the location where an individual subject to restriction is found.

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

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

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

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

- (i) applies to all or substantially all:
  - (A) individuals or a certain group of individuals; or
  - (B) public places or certain types of public places; and
- (ii) for the protection of the public health and in response to the declared public health emergency:
  - (A) establishes, maintains, or enforces isolation or quarantine;
  - (B) establishes, maintains, or enforces a stay-at-home order;
  - (C) exercises physical control over property or individuals;
  - (D) requires an individual to perform a certain action or engage in certain behavior; or
  - (E) closes theaters, schools, or other public places or prohibits gatherings of people to protect the public health.

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

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

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

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

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

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

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

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

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

- (a) infected or suspected to be infected with a communicable disease that poses a threat to the public health and who does not take action as required by the department to prevent spread of the disease;
- (b) contaminated or suspected to be contaminated with an infectious agent that poses a threat to the public health, and that could be spread to others if remedial action is not taken;
- (c) in a condition or suspected condition which, if the individual is exposed to others, poses a threat to public health, or is in a condition which if treatment is not completed the individual will pose a threat to public health; or
- (d) contaminated or suspected to be contaminated with a chemical or biological agent

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that poses a threat to the public health and that could be spread to others if remedial action is not taken.

Section ~~{8}~~7. Section **26B-7-302** is amended to read:

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

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

(2) ~~This part does not authorize the executive director~~~~{, during a public health hazard or otherwise.}~~ to control the production, processing, distribution, or sale price of local food **in response to a public health hazard.**

Section ~~{9}~~8. Section **53-2a-222** is enacted to read:

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

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

(2) ~~{During a state of emergency or local emergency}~~Subject to the provisions of Title 13, Chapter 41, Price Controls During Emergencies Act, the governor, an executive branch agency, or a political subdivision may not control the distribution or sale price of local food **in response to a state of emergency or local emergency.**

Section ~~{10}~~9. Section **73-3d-101** is amended to read:

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

As used in this chapter:

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

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

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

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

(a) the holder of an approved but unperfected application to appropriate water;

(b) the record owner of a perfected water right; or

(c) a person who provides water using an approved but unperfected application or a perfected water right with the written authorization of a person described in Subsection ~~(3)~~(a) (4)(a) or (b).

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

Section ~~(11)~~10. Section 73-3d-201 is amended to read:

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

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

(i) threatens:

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

(B) the operation of the economy; and

(ii) because of the threats described in Subsection (1)(a)(i), jeopardizes the peace, health, safety, or welfare of the people of this state.

(b) The governor may only issue the executive order declaring a temporary water shortage emergency described in Subsection (1)(a):

(i) with the advice and recommendation of the state engineer; and

(ii) in consultation with the emergency management administration committee created

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by Section 53-2a-105.

(c) An executive order issued under this Subsection (1) shall state with specificity:

(i) the nature of the interruption of water supply;

(ii) subject to Subsection (2), the time period for which the temporary water shortage emergency is declared;

(iii) a description of the geographic area that is subject to the executive order;

(iv) a list of the specific persons entitled to make a request who may exercise the preferential use of water under Section 73-3d-301 during the effective period of the temporary water shortage emergency; and

(v) the purposes outlined in Subsection 73-3d-301(1) for which a person who is described in Subsection (1)(c)(iv) may take the water subject to Section 73-3d-301.

(d) ~~Am~~ Subject to the provisions of Title 13, Chapter 41, Price Controls During Emergencies Act, an executive order issued under this Subsection (1) may not control the distribution or sale price of local food.

~~(d)~~ (e) Before providing a recommendation to the governor under Subsection (1)(b)(i), the state engineer shall require a person entitled to make a request who is described in Subsection (1)(c)(iv) to provide a written statement describing how the person entitled to make a request has exhausted other reasonable means to acquire water.

~~(e)~~ (f) A person entitled to make a request who is described in Subsection (1)(c)(iv) may take water preferentially during a temporary water shortage emergency only for a purpose authorized by the executive order.

~~(f)~~ (g) (i) Within seven calendar days of the day on which the governor issues an executive order declaring a temporary water shortage emergency, the Legislative Management Committee shall:

(A) review the executive order;

(B) advise the governor on the declaration of a temporary water shortage emergency;

and

(C) recommend to the Legislature whether the executive order should be kept as issued by the governor, extended, or terminated.

(ii) The failure of the Legislative Management Committee to meet as required by Subsection ~~(1)(f)(i)~~ (1)(g)(i) does not affect the validity of the executive order declaring a

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temporary water shortage emergency.

(2) (a) The governor shall state in an executive order declaring a temporary water shortage emergency the time period for which the temporary water shortage emergency is declared, except that the governor may not declare a temporary water shortage emergency for longer than 30 days after the date the executive order is issued.

(b) The governor may terminate an executive order declaring a temporary water shortage emergency before the expiration of the time period stated in the executive order.

(c) An executive order declaring a temporary water emergency issued by the governor within 30 days of the expiration or termination of a prior executive order for the same emergency is considered an extension subject to Subsection (2)(e).

(d) The Legislature may extend the time period of an executive order declaring a temporary water shortage emergency by joint resolution, except that the Legislature may not extend a temporary water shortage emergency for longer than one year from the day on which the executive order declaring a temporary water shortage emergency is issued.

(e) An executive order declaring a temporary water shortage emergency may be renewed or extended only by joint resolution of the Legislature.

Section ~~{12}~~11. **Effective date.**

This bill takes effect on May 1, 2024.