

**LOCAL HEALTH DEPARTMENT ORDER AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor: Kirk A. Cullimore

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**LONG TITLE**

**General Description:**

This bill excludes state facilities and the capitol hill complex from the authority and jurisdiction of a local health department.

**Highlighted Provisions:**

This bill:

- ▶ excludes state facilities and the capitol hill complex from the authority and jurisdiction of a local health department;
- ▶ limits the applicability of a public health order or order of constraint issued by a local health department;
- ▶ prohibits a chief executive officer of a municipality from exercising emergency powers in response to a pandemic, an epidemic, or a public health emergency;
- ▶ enacts a provision indicating that the Disaster Response and Recovery Act preempts and supersedes any law of a political subdivision of the state pertaining to disaster and emergency response; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**



28 AMENDS:

29 [26A-1-108](#), as last amended by Laws of Utah 2018, Chapter 256

30 [26A-1-114](#), as last amended by Laws of Utah 2021, Chapter 437

31 [53-2a-102](#), as last amended by Laws of Utah 2021, Chapter 106

32 [53-2a-205](#), as last amended by Laws of Utah 2021, Chapter 437

33 [53-2a-208](#), as last amended by Laws of Utah 2021, Chapter 437

34 [53-2a-213](#), as renumbered and amended by Laws of Utah 2013, Chapter 295

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

37 Section 1. Section [26A-1-108](#) is amended to read:

38 **[26A-1-108. Jurisdiction and duties of local health departments -- Registration as](#)**  
39 **[a limited purpose entity.](#)**

40 (1) (a) [~~A~~] Except as provided in Subsection (1)(b), a local health department has  
41 jurisdiction in all unincorporated and incorporated areas of the county or counties in which it  
42 is established and shall enforce state health laws, Department of Health, Department of  
43 Environmental Quality, and local health department rules, regulations, and standards within  
44 those areas.

45 (b) Notwithstanding Subsection (1)(a), a local health department does not have  
46 jurisdiction over any facility, property, or area owned by the state, including the capitol hill  
47 complex, as that term is defined in Section [63C-9-102](#).

48 (2) (a) Each local health department shall register and maintain the local health  
49 department's registration as a limited purpose entity, in accordance with Section [67-1a-15](#).

50 (b) A local health department that fails to comply with Subsection (2)(a) or Section  
51 [67-1a-15](#) is subject to enforcement by the state auditor, in accordance with Section [67-3-1](#).

52 Section 2. Section [26A-1-114](#) is amended to read:

53 **[26A-1-114. Powers and duties of departments.](#)**

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

55 (a) subject to the provisions in Section [26A-1-108](#), enforce state laws, local ordinances,  
56 department rules, and local health department standards and regulations relating to public  
57 health and sanitation, including the plumbing code administered by the Division of  
58 Occupational and Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction

59 Code Administration Act, and under Title 26, Chapter 15a, Food Safety Manager Certification  
60 Act, in all incorporated and unincorporated areas served by the local health department;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

90 adversely affect the health and wellness of the population; and

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

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

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

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

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

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

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

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

108 (2) The local health department shall:

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

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

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

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

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

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

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

129 (iv) is reviewed and updated annually.

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

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

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

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

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

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

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

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

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

152 dwelling.

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

158 (b) The local health department:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

249 (c) During a public health emergency declared as described in this title, the department  
250 or a local health department shall not issue a public health order or impose or implement a  
251 regulation that substantially burdens an individual's exercise of religion unless the department  
252 or local health department demonstrates that the application of the burden to the individual:

253 (i) is in furtherance of a compelling government interest; and

254 (ii) is the least restrictive means of furthering that compelling government interest.

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

258 (11) (a) A local health department does not have authority to enforce state laws, local  
259 ordinances, department rules, and local health department standards and regulations relating to  
260 public health and sanitation at a facility, property, or area owned by the state, including the  
261 capitol hill complex, as that term is defined in Section 63C-9-102.

262 (b) A public health order or an order of constraint issued by a local health department  
263 does not apply to a facility, property, or area owned by the state, including the capitol hill  
264 complex, as that term is defined in Section 63C-9-102.

265 Section 3. Section 53-2a-102 is amended to read:

266 **53-2a-102. Definitions.**

267 As used in this chapter:

268 (1) "Alerting authority" means a political subdivision that has received access to send  
269 alerts through the Integrated Public Alert and Warning System.

270 (2) "Attack" means a nuclear, cyber, conventional, biological, act of terrorism, or  
271 chemical warfare action against the United States of America or this state.

272 (3) "Commissioner" means the commissioner of the Department of Public Safety or the  
273 commissioner's designee.

274 (4) "Director" means the division director appointed under Section 53-2a-103 or the  
275 director's designee.

- 276 (5) "Disaster" means an event that:  
277 (a) causes, or threatens to cause, loss of life, human suffering, public or private  
278 property damage, or economic or social disruption resulting from attack, internal disturbance,  
279 natural phenomena, or technological hazard; and  
280 (b) requires resources that are beyond the scope of local agencies in routine responses  
281 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that  
282 require response by government, not-for-profit, or private entities.
- 283 (6) "Division" means the Division of Emergency Management created in Section  
284 [53-2a-103](#).
- 285 (7) "Emergency manager" means an individual designated as the emergency manager  
286 for a political subdivision as described in Section [53-2a-1402](#).
- 287 (8) "Energy" includes the energy resources defined in this chapter.
- 288 (9) "Expenses" means actual labor costs of government and volunteer personnel, and  
289 materials.
- 290 (10) "Hazardous materials emergency" means a sudden and unexpected release of any  
291 substance that because of its quantity, concentration, or physical, chemical, or infectious  
292 characteristics presents a direct and immediate threat to public safety or the environment and  
293 requires immediate action to mitigate the threat.
- 294 (11) "Internal disturbance" means a riot, prison break, terrorism, or strike.
- 295 (12) "IPAWS" means the Integrated Public Alert and Warning System administered by  
296 the Federal Emergency Management Agency.
- 297 (13) "Municipality" means the same as that term is defined in Section [10-1-104](#).
- 298 (14) "Natural phenomena" means any earthquake, tornado, storm, flood, landslide,  
299 avalanche, forest or range fire, or drought[, ~~or epidemic~~].
- 300 (15) "Officer" means a person who is elected or appointed to an office or position  
301 within a political subdivision.
- 302 (16) "Political subdivision" means the same as that term is defined in Section  
303 [11-61-102](#).
- 304 (17) "State of emergency" means a condition in any part of this state that requires state  
305 government emergency assistance to supplement the local efforts of the affected political  
306 subdivision to save lives and to protect property, public health, welfare, or safety in the event

307 of a disaster, or to avoid or reduce the threat of a disaster.

308 (18) "Technological hazard" means any hazardous materials accident, mine accident,  
309 train derailment, air crash, radiation incident, pollution, structural fire, or explosion.

310 (19) "Terrorism" means activities or the threat of activities that:

311 (a) involve acts dangerous to human life;

312 (b) are a violation of the criminal laws of the United States or of this state; and

313 (c) to a reasonable person, would appear to be intended to:

314 (i) intimidate or coerce a civilian population;

315 (ii) influence the policy of a government by intimidation or coercion; or

316 (iii) affect the conduct of a government by mass destruction, assassination, or  
317 kidnapping.

318 (20) "Urban search and rescue" means the location, extrication, and initial medical  
319 stabilization of victims trapped in a confined space as the result of a structural collapse,  
320 transportation accident, mining accident, or collapsed trench.

321 Section 4. Section **53-2a-205** is amended to read:

322 **53-2a-205. Authority of chief executive officers of political subdivisions --**

323 **Ordering of evacuations.**

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

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

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

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

334 (c) A chief executive officer of a municipality may not exercise powers under this  
335 chapter to respond to an epidemic, a pandemic, or another public health emergency.

336 (2) Subject to Section **53-2a-216**, when a state of emergency or local emergency is  
337 declared, the authority of the chief executive officer includes:

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

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

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

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

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

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

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

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

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

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

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

368 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement

369 officer's order.

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

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

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

375 Section 5. Section 53-2a-208 is amended to read:

376 **53-2a-208. Local emergency -- Declarations -- Termination of a local emergency.**

377 (1) (a) ~~Except as provided in Subsection (1)(b),~~ a chief executive officer of a  
378 municipality or county may declare by proclamation a state of emergency if the chief executive  
379 officer finds:

380 ~~(i)~~ (i) a disaster has occurred or the occurrence or threat of a disaster is imminent in  
381 an area of the municipality or county; and

382 ~~(ii)~~ (ii) the municipality or county requires additional assistance to supplement the  
383 response and recovery efforts of the municipality or county.

384 (b) A chief executive officer of a municipality may not declare by proclamation a state  
385 of emergency in response to an epidemic, a pandemic, or another public health emergency.

386 (2) A declaration of a local emergency:

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

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

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

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

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

395 (a) the nature of the local emergency;

396 (b) the area or areas that are affected or threatened; and

397 (c) the conditions which caused the emergency.

398 (4) The emergency declaration process within the state shall be as follows:

399 (a) a city, town, or metro township shall declare to the county;

400 (b) a county shall declare to the state;

401 (c) the state shall declare to the federal government; and

402 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the

403 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

404 (5) Nothing in this part affects:

405 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or

406 (b) the duties, requests, reimbursements, or other actions taken by a political

407 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,

408 Part 3, Statewide Mutual Aid Act.

409 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in

410 Subsection (1) expires the earlier of:

411 (i) the day on which the chief executive officer finds that:

412 (A) the threat or danger has passed;

413 (B) the disaster reduced to the extent that emergency conditions no longer exist; or

414 (C) the municipality or county no longer requires state government assistance to

415 supplement the response and recovery efforts of the municipality or county;

416 (ii) 30 days after the day on which the chief executive officer declares the state of

417 emergency; or

418 (iii) the day on which the legislative body of the municipality or county terminates the

419 state of emergency by majority vote.

420 (b) (i) (A) The legislative body of a municipality may at any time terminate by majority

421 vote a state of emergency declared by the chief executive officer of the municipality.

422 (B) The legislative body of a county may at any time terminate by majority vote a state

423 of emergency declared by the chief executive officer of the county.

424 (ii) The legislative body of a municipality or county may by majority vote extend a

425 state of emergency for a time period stated in the motion.

426 (iii) If the legislative body of a municipality or county extends a state of emergency in

427 accordance with this subsection, the state of emergency expires on the date designated by the

428 legislative body in the motion.

429 (c) Except as provided in Subsection (7), after a state of emergency expires in

430 accordance with this Subsection (6), the chief executive officer may not declare a new state of

431 emergency in response to the same disaster or occurrence as the expired state of emergency.

432 (7) (a) After a state of emergency expires in accordance with Subsection [~~(2)~~] (6), the  
433 chief executive officer may declare a new state of emergency in response to the same disaster  
434 or occurrence as the expired state of emergency, if the chief executive officer finds that exigent  
435 circumstances exist.

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

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

442 Section 6. Section **53-2a-213** is amended to read:

443 **53-2a-213. Authority additional to other emergency authority.**

444 (1) The special disaster emergency authority vested in the governor and political  
445 subdivisions of the state pursuant to this part shall be in addition to, and not in lieu of, any  
446 other emergency authority otherwise constitutionally or statutorily vested in the governor and  
447 political subdivisions of the state.

448 (2) The provisions of this chapter supersede and preempt any provision of law of a  
449 political subdivision of the state pertaining to disaster and emergency response.

450 Section 7. **Effective date.**

451 If approved by two-thirds of all the members elected to each house, this bill takes effect  
452 upon approval by the governor, or the day following the constitutional time limit of Utah  
453 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
454 the date of veto override.