

1                   **PANDEMIC AND EMERGENCY RESPONSE ACT**

2                                   2020 THIRD SPECIAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Francis D. Gibson**

5                                   Senate Sponsor: Evan J. Vickers

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7   **LONG TITLE**

8   **General Description:**

9           This bill requires the governor to notify certain legislative branch members in response  
10 to an epidemic or pandemic disease emergency.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ makes legislative findings;
- 15           ▶ requires the governor to provide notice to certain legislative branch officers before  
16 issuing a declaration of a state of emergency or making other executive orders or  
17 actions in response to an epidemic or pandemic disease;
- 18           ▶ provides an exemption to the notice requirement if there is an imminent threat of  
19 serious injury, loss of life, or harm to property;
- 20           ▶ prohibits the governor from suspending the enforcement or application of certain  
21 provisions; and
- 22           ▶ allows the Legislature to terminate by joint resolution certain executive actions  
23 during a state of emergency under certain circumstances.

24 **Money Appropriated in this Bill:**

25           None

26 **Other Special Clauses:**

27           This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 ENACTS:

30 [53-2a-215](#), Utah Code Annotated 1953

31 [53-2a-216](#), Utah Code Annotated 1953

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

34 Section 1. Section **53-2a-215** is enacted to read:

35 **53-2a-215. Requirements for an epidemic or pandemic disease emergency**  
36 **response -- Notice.**

37 (1) As used in this section:

38 (a) "Epidemic or pandemic disease" means the same as that term is defined in Section  
39 [26-23b-102](#).

40 (b) "Executive action" means any of the following actions in response to an epidemic  
41 or pandemic disease:

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

43 (ii) an order, a rule, or a regulation made by the governor as described in Section  
44 [53-2a-209](#);

45 (iii) an action by the governor to suspend or modify a statute as described in Subsection  
46 [53-2a-204\(1\)\(j\)](#); or

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

49 (c) "Legislative pandemic response team" means:

50 (i) the speaker of the House of Representatives;

51 (ii) the president of the Senate;

52 (iii) the minority leader of the House of Representatives; and

53 (iv) the minority leader of the Senate.

54 (2) The Legislature finds and acknowledges that existing and increasing threats of the  
55 occurrence of an epidemic or pandemic disease emergency could greatly affect the health,  
56 safety, and welfare of the people of this state, and subject to provisions of this section, the  
57 Legislature recognizes the important role of the governor to respond to an epidemic or

58 pandemic disease emergency through executive action.

59 (3) (a) (i) Except as provided in Subsection (4), and in accordance with Subsection  
60 (3)(b), the governor may not take an executive action in response to an epidemic or pandemic  
61 disease until the governor has provided notice of the proposed action to the legislative  
62 pandemic response team no later than 24 hours before the governor issues the executive action.

63 (ii) The governor:

64 (A) shall provide the notice required by Subsection (3)(a)(i) using the best available  
65 method under the circumstances as determined by the governor;

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

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

68 (b) Except for any conflicting provision in this section, the governor shall comply with  
69 the requirements of this chapter to take an executive action.

70 (c) If the governor takes executive action in response to an epidemic or pandemic  
71 disease as described in this Subsection (3), the governor is not required to provide:

72 (i) the notice described in Subsection [53-2a-209\(4\)\(a\)\(v\)](#); or

73 (ii) the report described in Section [53-2a-210](#).

74 (4) (a) The governor may take executive action in response to an epidemic or pandemic  
75 disease without complying with Subsection (3) only if the governor finds that:

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

78 (ii) compliance with Subsection (3) would increase the threat of serious bodily injury,  
79 loss of life, or substantial harm to property.

80 (b) If the governor takes executive action in response to an epidemic or pandemic  
81 emergency without complying with the requirements of Subsection (3)(a), the governor shall  
82 provide in the executive action an explanation why the requirements of Subsection (3)(a) were  
83 not met.

84 (5) This section supersedes any conflicting provisions of Utah law.

85 (6) Notwithstanding any other provision of law, the governor may not suspend the

86 application or enforcement of this section.

87 Section 2. Section **53-2a-216** is enacted to read:

88 **53-2a-216. Termination of an executive action or directive.**

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

90 (a) an order, a rule, or a regulation made by the governor as described in Section  
91 [53-2a-209](#);

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

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

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

97 Section 3. **Effective date.**

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