

**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:**

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



28 **26B-7-301**, as renumbered and amended by Laws of Utah 2023, Chapter 308

29 **26B-7-302**, as renumbered and amended by Laws of Utah 2023, Chapter 308

30 **73-3d-101**, as enacted by Laws of Utah 2023, Chapter 126

31 **73-3d-201**, as enacted by Laws of Utah 2023, Chapter 126

32 ENACTS:

33 **4-1-113**, Utah Code Annotated 1953

34 **53-2a-222**, Utah Code Annotated 1953



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

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

38 **4-1-109. General definitions.**

39 As used in this title:

40 (1) "Agricultural product" or "product of agriculture" means any product that is derived  
41 from agriculture, including any product derived from aquaculture as defined in Section  
42 **4-37-103**.

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

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

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

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

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

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

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

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

57 [~~7~~] (8) "Organization" means a corporation, government or governmental subdivision  
58 or agency, business trust, estate, trust, partnership, association, two or more persons having a

59 joint or common interest, or any other legal entity.

60 ~~[(8)]~~ (9) "Person" means a natural person or individual, corporation, organization, or  
61 other legal entity.

62 Section 2. Section 4-1-113 is enacted to read:

63 **4-1-113. Exemption of local food from federal jurisdiction.**

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

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

68 Section 3. Section 26A-1-102 is amended to read:

69 **26A-1-102. Definitions.**

70 As used in this part:

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

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

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

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

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

79 ~~[(5)]~~ (6) "Local health department" means:

80 (a) a single county local health department;

81 (b) a multicounty local health department;

82 (c) a united local health department; or

83 (d) a multicounty united local health department.

84 ~~[(6)]~~ (7) "Mental health authority" means a local mental health authority created in  
85 Section 17-43-301.

86 ~~[(7)]~~ (8) "Multicounty local health department" means a local health department that is  
87 formed under Section 26A-1-105 and that serves two or more contiguous counties and  
88 municipalities within those counties.

89 ~~[(8)]~~ (9) "Multicounty united local health department" means a united local health

90 department that is formed under Section 26A-1-105.5 and that serves two or more contiguous  
91 counties and municipalities within those counties.

92 ~~[(9)]~~ (10) (a) "Order of constraint" means an order, rule, or regulation issued by a local  
93 health department in response to a declared public health emergency under this chapter that:

94 (i) applies to all or substantially all:

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

96 (B) public places or certain types of public places; and

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

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

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

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

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

103 or

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

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

107 ~~[(10)]~~ (11) "Public health emergency" means the same as that term is defined in  
108 Section 26B-7-301.

109 ~~[(11)]~~ (12) "Single county local health department" means a local health department  
110 that is created by the governing body of one county to provide services to the county and the  
111 municipalities within that county.

112 ~~[(12)]~~ (13) "Stay-at-home order" means an order of constraint that:

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

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

117 ~~[(13)]~~ (14) "Substance abuse authority" means a local substance abuse authority  
118 created in Section 17-43-201.

119 ~~[(14)]~~ (15) "United local health department":

120 (a) means a substance abuse authority, a mental health authority, and a local health

121 department that join together under Section 26A-1-105.5; and

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

123 Section 4. Section 26A-1-114 is amended to read:

124 **26A-1-114. Powers and duties of departments.**

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

126 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,

127 department rules, and local health department standards and regulations relating to public

128 health and sanitation, including the plumbing code administered by the Division of

129 Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction Code

130 Administration Act, and under Title 26B, Chapter 7, Part 4, General Sanitation and Food

131 Safety[;], in all incorporated and unincorporated areas served by the local health department;

132 (b) establish, maintain, and enforce isolation and quarantine, and exercise physical

133 control over property and over individuals as the local health department finds necessary for

134 the protection of the public health;

135 (c) establish and maintain medical, environmental, occupational, and other laboratory

136 services considered necessary or proper for the protection of the public health;

137 (d) establish and operate reasonable health programs or measures not in conflict with

138 state law which:

139 (i) are necessary or desirable for the promotion or protection of the public health and

140 the control of disease; or

141 (ii) may be necessary to ameliorate the major risk factors associated with the major

142 causes of injury, sickness, death, and disability in the state;

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

144 when necessary to protect the public health;

145 (f) abate nuisances or eliminate sources of filth and infectious and communicable

146 diseases affecting the public health and bill the owner or other person in charge of the premises

147 upon which this nuisance occurs for the cost of abatement;

148 (g) make necessary sanitary and health investigations and inspections on the local

149 health department's own initiative or in cooperation with the Department of Health and Human

150 Services or the Department of Environmental Quality, or both, as to any matters affecting the

151 public health;

- 152 (h) pursuant to county ordinance or interlocal agreement:
- 153 (i) establish and collect appropriate fees for the performance of services and operation
- 154 of authorized or required programs and duties;
- 155 (ii) accept, use, and administer all federal, state, or private donations or grants of funds,
- 156 property, services, or materials for public health purposes; and
- 157 (iii) make agreements not in conflict with state law which are conditional to receiving a
- 158 donation or grant;
- 159 (i) prepare, publish, and disseminate information necessary to inform and advise the
- 160 public concerning:
  - 161 (i) the health and wellness of the population, specific hazards, and risk factors that may
  - 162 adversely affect the health and wellness of the population; and
  - 163 (ii) specific activities individuals and institutions can engage in to promote and protect
  - 164 the health and wellness of the population;
  - 165 (j) investigate the causes of morbidity and mortality;
  - 166 (k) issue notices and orders necessary to carry out this part;
  - 167 (l) conduct studies to identify injury problems, establish injury control systems,
  - 168 develop standards for the correction and prevention of future occurrences, and provide public
  - 169 information and instruction to special high risk groups;
  - 170 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
  - 171 within the jurisdiction of the boards;
  - 172 (n) cooperate with the state health department, the Department of Corrections, the
  - 173 Administrative Office of the Courts, the Division of Juvenile Justice and Youth Services, and
  - 174 the Crime Victim Reparations Board to conduct testing for HIV infection of alleged sexual
  - 175 offenders, convicted sexual offenders, and any victims of a sexual offense;
  - 176 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321; and
  - 177 (p) provide public health assistance in response to a national, state, or local emergency,
  - 178 a public health emergency as defined in Section 26B-7-301, or a declaration by the President of
  - 179 the United States or other federal official requesting public health-related activities.
- 180 (2) The local health department shall:
  - 181 (a) establish programs or measures to promote and protect the health and general
  - 182 wellness of the people within the boundaries of the local health department;

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

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

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

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

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

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

201 (iv) is reviewed and updated annually.

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

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

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

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

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

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

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

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

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

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

225 (b) control, during an emergency or otherwise, the production, processing, distribution,  
226 or sale price of local food.

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

232 (b) The local health department:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

273 (d) (i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local  
274 health department finds that exigent circumstances exist, after providing notice to the county  
275 legislative body, the department may declare a new public health emergency for the same

276 illness or occurrence that precipitated a previous public health emergency declaration.

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

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

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

288 (9) (a) During a public health emergency declared under this chapter or under Title  
289 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable  
290 Diseases:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

337 (11) An order of constraint issued by a local health department pursuant to a declared

338 public health emergency does not apply to a facility, property, or area owned or leased by the  
339 state, including the capitol hill complex, as that term is defined in Section 63C-9-102.

340 (12) A local health department may not:

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

343 (b) prevent or limit a person's ability to engage in a practice described in Subsection  
344 58-11a-304(5) by:

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

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

349 Section 5. Section 26B-7-201 is amended to read:

350 **26B-7-201. Definitions.**

351 As used in this part:

352 (1) "Ambulatory surgical center" means the same as that term is defined in Section  
353 26B-2-201.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

401 ~~[(15)]~~ (16) "Order of constraint" means the same as that term is defined in Section  
402 [26B-7-301](#).

403 ~~[(16)]~~ (17) "Quarantine" means the restriction of the activities of well individuals or  
404 animals who have been exposed to a communicable disease during its period of  
405 communicability to prevent disease transmission.

406 ~~[(17)]~~ (18) "School" means a public, private, or parochial nursery school, licensed or  
407 unlicensed day care center, child care facility, family care home, Head Start program,  
408 kindergarten, elementary, or secondary school through grade 12.

409 ~~[(18)]~~ (19) "Sexually transmitted disease" means those diseases transmitted through  
410 sexual intercourse or any other sexual contact.

411 ~~[(19)]~~ (20) "Specialty hospital" is as defined in Section [26B-2-201](#).

412 Section 6. Section **26B-7-202** is amended to read:

413 **26B-7-202. Authority to investigate and control epidemic infections and**  
414 **communicable disease.**

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

419 (2) This part does not authorize the department, during an emergency or otherwise, to  
420 control the production, processing, distribution, or sale price of local food.

421 ~~[(2)]~~ (3) (a) As part of the requirements of Subsection (1), the department shall  
422 distribute to the public and to health care professionals:

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

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

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

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

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

431 (ii) information about:

432 (A) public services and agencies available to assist individuals with obtaining

433 treatment for the sexually transmitted disease;

434 (B) medical assistance benefits that may be available to the individual with the

435 sexually transmitted disease; and

436 (C) abstinence before marriage and fidelity after marriage being the surest prevention

437 of sexually transmitted disease.

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

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

440 charge;

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

442 by:

443 (A) listing addresses and telephone numbers for public clinics and agencies providing

444 services in the geographic area in which the information is distributed; and

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

446 appropriate for the geographic area.

447 (c) (i) Except as provided in Subsection ~~[(2)(c)(ii)]~~ (3)(c)(ii), the department shall

448 develop written material that includes the information ~~[required by]~~ described in this

449 Subsection ~~[(2)]~~ (3).

450 (ii) In addition to the written materials ~~[required by]~~ described in Subsection ~~[(2)(c)(i)]~~

451 (3)(c)(i), the department may distribute the information ~~[required by]~~ described in this

452 Subsection ~~[(2)]~~ (3) by any other methods the department determines is appropriate to educate

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

454 media.

455 (iii) If the information ~~[required by]~~ described in Subsection ~~[(2)(b)(ii)(A)]~~

456 (3)(b)(ii)(A) is not included in the written pamphlet developed by the department, the written

457 material shall include either a website, or a 24-hour toll free telephone number that the public

458 may use to obtain that information.

459 ~~[(3)]~~ (4) (a) The Legislature may at any time terminate by joint resolution an order of

460 constraint issued by the department as described in this section in response to a declared public

461 health emergency.

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

465 Section 7. Section **26B-7-301** is amended to read:

466 **26B-7-301. Definitions.**

467 As used in this part:

468 (1) "Bioterrorism" means:

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

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

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

478 (3) "Epidemic or pandemic disease":

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

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

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

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

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

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

490 (5) "First responder" means:

491 (a) a law enforcement officer as defined in Section [53-13-103](#);

492 (b) emergency medical service personnel as defined in Section [26B-4-101](#);



493 (c) firefighters; and  
494 (d) public health personnel having jurisdiction over the location where an individual  
495 subject to restriction is found.

496 (6) "Health care provider" means the same as that term is defined in Section  
497 [78B-3-403](#).

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

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

501 ~~[(8)]~~ (9) (a) "Order of constraint" means an order, rule, or regulation issued in response  
502 to a declared public health emergency under this part, that:

503 (i) applies to all or substantially all:

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

505 (B) public places or certain types of public places; and

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

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

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

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

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

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

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

515 ~~[(9)]~~ (10) "Order of restriction" means an order issued by a department or a district  
516 court which requires an individual or group of individuals who are subject to restriction to  
517 submit to an examination, treatment, isolation, or quarantine.

518 ~~[(10)]~~ (11) "Public health emergency" means an occurrence or imminent credible threat  
519 of an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or  
520 novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a  
521 significant number of human fatalities or incidents of permanent or long-term disability. Such  
522 illness or health condition includes an illness or health condition resulting from a natural  
523 disaster.

524 [~~(11)~~] (12) "Public health official" means:

525 (a) the executive director or the executive director's authorized representative; or

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

528 [~~(12)~~] (13) "Reportable emergency illness and health condition" includes the diseases,  
529 conditions, or syndromes designated by the department.

530 [~~(13)~~] (14) "Stay-at-home order" means an order of constraint that:

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

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

535 [~~(14)~~] (15) "Subject to restriction" as applied to an individual, or a group of  
536 individuals, means the individual or group of individuals is:

537 (a) infected or suspected to be infected with a communicable disease that poses a threat  
538 to the public health and who does not take action as required by the department to prevent  
539 spread of the disease;

540 (b) contaminated or suspected to be contaminated with an infectious agent that poses a  
541 threat to the public health, and that could be spread to others if remedial action is not taken;

542 (c) in a condition or suspected condition which, if the individual is exposed to others,  
543 poses a threat to public health, or is in a condition which if treatment is not completed the  
544 individual will pose a threat to public health; or

545 (d) contaminated or suspected to be contaminated with a chemical or biological agent  
546 that poses a threat to the public health and that could be spread to others if remedial action is  
547 not taken.

548 Section 8. Section **26B-7-302** is amended to read:

549 **26B-7-302. Executive director -- Power to order abatement of public health**  
550 **hazard -- Limitation on power to control local food.**

551 (1) If the executive director finds that a condition of filth, sanitation, or other health  
552 hazard exists which creates a clear present hazard to the public health and which requires  
553 immediate action to protect human health or safety, the executive director with the concurrence  
554 of the governor may order persons causing or contributing to the condition to reduce,

555 discontinue, or ameliorate it to the extent that the public health hazard is eliminated.

556 (2) This part does not authorize the executive director, during a public health hazard or  
557 otherwise, to control the production, processing, distribution, or sale price of local food.

558 Section 9. Section **53-2a-222** is enacted to read:

559 **53-2a-222. Control of local food.**

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

561 (2) During a state of emergency or local emergency, the governor, an executive branch  
562 agency, or a political subdivision may not control the distribution or sale price of local food.

563 Section 10. Section **73-3d-101** is amended to read:

564 **73-3d-101. Definitions.**

565 As used in this chapter:

566 (1) "Electric utility" means:

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

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

574 ~~[(2)]~~ (3) "Military facility" means an installation, base, air field, camp, post, station,  
575 yard, center, or other facility owned, leased, or operated by, or under the jurisdiction of, the  
576 United States Department of Defense or the National Guard.

577 ~~[(3)]~~ (4) "Person entitled to make a request" means:

- 578 (a) the holder of an approved but unperfected application to appropriate water;
- 579 (b) the record owner of a perfected water right; or
- 580 (c) a person who provides water using an approved but unperfected application or a
- 581 perfected water right with the written authorization of a person described in Subsection ~~[(3)(a)]~~
- 582 (4)(a) or (b).

583 ~~[(4)]~~ (5) "Temporary water shortage emergency" means an interruption of water  
584 delivery for which the governor may declare an emergency in accordance with Section  
585 73-3d-201.

586 Section 11. Section **73-3d-201** is amended to read:

587 **73-3d-201. Declaration of a temporary water shortage emergency by the**  
588 **governor.**

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

594 (i) threatens:

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

597 (B) the operation of the economy; and

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

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

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

603 (ii) in consultation with the emergency management administration committee created  
604 by Section [53-2a-105](#).

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

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

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

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

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

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

615 (d) An executive order issued under this Subsection (1) may not control the distribution  
616 or sale price of local food.

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

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

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

627           (A) review the executive order;

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

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

632           (ii) The failure of the Legislative Management Committee to meet as required by  
633 Subsection ~~[(1)(f)(i)]~~ (1)(g)(i) does not affect the validity of the executive order declaring a  
634 temporary water shortage emergency.

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

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

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

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

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

650 Section 12. **Effective date.**

651 This bill takes effect on May 1, 2024.