The following has special meaning:
green underline denotes added text
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2021 UT H 308	**Author:** Spendlove **Version:** Enacted **Version Date:** 03/16/2021

H.B. 308 Enrolled

COVID-19 VACCINE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Daniel McCay

Cosponsors:	Jefferson Moss	Norman K. Thurston
Stewart E. Barlow	Candice B. Pierucci	Steve Waldrip
Walt Brooks	Susan Pulsipher	Christine F. Watkins
Scott H. Chew	Paul Ray	Mike Winder
Stephen G. Handy	Rex P. Shipp	
Karianne Lisonbee	Mark A. Strong	

LONG TITLE

General Description:

This bill prohibits a governmental entity from requiring that an individual receive a vaccine for COVID-19.

Highlighted Provisions:

This bill:

• defines terms;

• prohibits a governmental entity from requiring that an individual receive a vaccine for COVID-19;

• provides exceptions to the prohibition in this bill; and

• provides a sunset date.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-226, as last amended by Laws of Utah 2020, Chapters 19, 154, 172, 181, 221, 232, 303, 347, and 429

ENACTS:

26-68-101, Utah Code Annotated 1953

26-68-102, Utah Code Annotated 1953

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

Section 1. Section **26-68-101** is enacted to read:

CHAPTER 68. COVID-19 VACCINE RESTRICTIONS ACT

26-68-101. Title.

This chapter is known as the "COVID-19 Vaccine Restrictions Act."

Section 2. Section **26-68-102** is enacted to read:

26-68-102. Governmental entities prohibited from requiring a COVID-19 vaccine.

(1) As used in this section:

(a) "Governmental entity" means the same as that term is defined in Section 63D-2-102.

(b) "Emergency COVID-19 vaccine" means a substance that is:

(i) authorized for use by the United States Food and Drug Administration under an emergency use authorization under 21 U.S.C. Sec. 360bbb-3;

(ii) injected into or otherwise administered to an individual; and

(iii) intended to immunize an individual against COVID-19 as defined in Section 78B-4-517.

(2) Except as provided in Subsection (4), a governmental entity may not require, directly or indirectly, that an individual receive an emergency COVID-19 vaccine.

(3) The prohibited activities under Subsection (2) include:

(a) making rules that require, directly or indirectly, that an individual receive an emergency COVID-19 vaccine;

(b) requiring that an individual receive an emergency COVID-19 vaccine as a condition of:

(i) employment;

(ii) participation in an activity of the governmental entity, including outside or extracurricular activities; or

(iii) attendance at events that are hosted or sponsored by the governmental entity; and

(c) any action that a reasonable person would not be able to deny without significant harm to the individual.

(4) Subsection (2) does not include:

(a) facilitating the distribution, dispensing, administration, coordination, or provision of an emergency COVID-19 vaccine;

(b) an employee of a governmental entity who is:

(i) acting in a public health or medical setting; and

(ii) required to receive vaccinations in order to perform the employee's assigned duties and responsibilities; or

(c) enforcement by a governmental entity of a non-discretionary requirement under federal law.

(5) This section may not be suspended or modified by the governor or any other chief executive officer under Title 53, Chapter 2a, Emergency Management Act.

Section 3. Section **63I-1-226** is amended to read:

63I-1-226. Repeal dates, Title 26.

(1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory Committee, is repealed July 1, 2024.

(2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed July 1, 2025.

(3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July 1, 2025.

(4) Section 26-1-40 is repealed July 1, 2022.

(5) Section 26-1-41 is repealed July 1, 2026.

(6) Section 26-7-10 is repealed July 1, 2025.

(7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1, 2028.

(8) Section 26-7-14 is repealed December 31, 2027.

(9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2025.

(10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee, is repealed July 1, 2026.

(11) Section 26-10-11 is repealed July 1, 2025.

(12) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed July 1, 2025.

(13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1, 2027.

(14) Subsection 26-18-417(3) relating to a report to the Health and Human services Interim Committee is repealed July 1, 2020.

(15) Subsection 26-18-418(2), the language that states "and the Behavioral Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.

(16) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant Coordinating Committee, is repealed July 1, 2021.

(17) Section 26-33a-117 is repealed on December 31, 2023.

(18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

(19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

(20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed July 1, 2024.

(21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

(22) Section 26-39-201, which creates the Residential Child Care Licensing Advisory Committee, is repealed July 1, 2024.

(23) Section 26-40-104, which creates the Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.

(24) Section 26-50-202, which creates the Traumatic Brain Injury Advisory Committee, is repealed July 1, 2025.

(25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

(26) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed July 1, 2026.

(27) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1, 2026.

(28) Title 26, Chapter 68, COVID-19 Vaccine Restrictions, is repealed July 1, 2024.

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