State of Utah

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Governor

SPENCER J. COX
Lieutenant Governor

Utah Department of Health
Executive Director's Office

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Deputy Director

State Public Health Order
2020-17

Declaring a Statewide Public Health Emergency

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) has been characterized by the World Health Organization as a worldwide pandemic caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, on October 2, 2020, the United States Department of Health and Human Services renewed its January 31, 2020, determination that a nationwide public health emergency exists and has existed since January 27, 2020;

WHEREAS, COVID-19 has and continues to spread and cause serious illness and death to Utah residents, threatening public health and wellness throughout the state;

WHEREAS, Utah Code § 26-1-30(3) requires and authorizes the Utah Department of Health (the "Department") to promote and protect the health and wellness of the people within the state;

WHEREAS, Utah Code §§ 26-1-30-(5) and 26-6-3 require and authorize the Department to investigate and control the causes of epidemic, infectious, communicable and other disease to control the causes of epidemic, infectious, communicable, and other diseases affecting the public health;

WHEREAS, Utah Code §§ 26-1-30(6) and 26-6-3 require and authorize the Department to prevent and control communicable infectious, acute, chronic, or any other disease or health

hazard that the Department considers to be dangerous, important, or likely to affect the public health;.

WHEREAS, Utah Code § 26-1-10 authorizes the executive director of the Department to issue public health orders to enforce state laws, including Utah Code §§ 26-1-30 and 26-6-3;

WHEREAS, Utah Code § 26-23b-104(3)(a) authorizes the executive director of the Department, with the concurrence of the Governor, to issue a public health emergency order if the Department determines that a public health emergency exists;

WHEREAS, Utah Code § 26-23b-102(6) provides that a "public health emergency" means an occurrence or imminent credible threat of an illness or health condition caused by, among other things, an epidemic or pandemic disease that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability;

WHEREAS, Utah Code § 26-23b-102(4) provides that an "epidemic or pandemic disease" means the occurrence in a community or region of cases of an illness clearly in excess of normal expectancy and includes diseases designated by the Department which have the potential to cause serious illness or death;

WHEREAS, the Utah Department of Health has reported 87,819 total cases of COVID-19 and 4,383 COVID-19-related hospitalizations as of October 13, 2020;

WHEREAS, the Utah Department of Health has reported 522 COVID-19-related deaths as of October 13, 2020;

WHEREAS, the rate and number of reported COVID-19 cases are increasing, and on October 8, 2020, the Utah Department of Health reported a record-high number of 1,501 new cases and a seven-day average of 1,114 cases per day;

WHEREAS, the number of COVID-19 cases in Utah has sharply increased;

WHEREAS, Utah is experiencing a significant increase in the use of medical resources;

WHEREAS, COVID-19 is a new disease caused by a virus for which a vaccine is still being developed but does not yet exist;

WHEREAS, the Department finds and Governor Gary R. Herbert concurs that a public health emergency exists and that a declaration of a statewide public health emergency is appropriate to protect public health and wellness and control the causes of the COVID-19 pandemic.

Based on the foregoing, in accordance with the authority vested in me as the Interim Executive Director of the Utah Department of Health by Utah Code §§ 26-1-10, 26-1-30, 26-6-3, and 26-23b-104, and being fully advised and finding the factual basis and legal requirements have been established;

NOW, THEREFORE, I, Richard Saunders, Interim Executive Director of the Utah Department of Health, hereby declare a statewide public health emergency due to the COVID-19 pandemic.

This Order is effective immediately and shall remain in effect until otherwise modified, amended, rescinded, or superseded.

Made at 3:00 p.m. the 14th day of October, 2020.

Richard G. Saunders
Interim Executive Director
Utah Department of Health