



PRESS RELEASE

On August 18, 2020, the Southeast Utah Health Department (SEUHD) and Grand County issued Joint Public Health Order 2020-08GC which requires a face covering over the mouth and nose of all persons in Grand County in all public indoor areas and outdoor public areas where six feet of spacing between persons cannot be maintained ("Joint Order").

On November 8, 2020, Governor Herbert issued Executive Order 2020-73, as superseded by 2020-74, that requires a face covering over the mouth and nose of all persons in the State of Utah in all public indoor areas and public outdoor areas where six feet of spacing between persons in different households cannot be maintained ("Executive Order").

The Executive Order also mandates that all businesses require employees and patrons to wear masks, and post signage to that effect. Please note that even after these orders eventually expire, the public should expect that the mask mandates will be extended for the foreseeable future.

On November 9, 2020, the Utah Labor Commission issued Emergency Administrative Rule R614-105.F which requires all employees to wear face masks completely covering their mouth and nose while the employee is at work, which rule is effective for 120 days unless extended ("Emergency Rule").

Since August, SEUHD staff has invested significant time and resources into educating businesses and the public about the mask requirements - and most businesses and people have been happy to comply in an effort to keep their business open, healthy, and thriving. There are, however, repeat offenders that are not in compliance with the mask mandate.

In the event of violations of the Joint Order, Executive Order, or Emergency Rule, Utah law allows SEUHD, Grand County and/or the City of Moab to file complaints with the Utah Labor Commission, to close the business, to fine the business \$10,000 for each day of violation, and to charge criminal violations as a class B misdemeanor (enhanceable to a class A misdemeanor). Criminal enforcement does not preclude civil enforcement, or vice versa.

SEUHD, Grand County and the City of Moab hereby provide notice that its enforcement authorities can and/or will file complaints with the Utah Labor Commission and issue criminal citations and/or civil penalties to individuals and businesses that are in violation of the Joint Order, Executive Order, or Emergency Rule.

Grand County and the City of Moab also hereby provide notice that criminal citations issued to managers, officers, directors, members, or shareholders of a business; the closure of a violating business; or civil penalties imposed on a violating business shall be considered by the City or County and may lead to revocation or denial of a business license. Similarly, businesses that hold a SEUHD permit are subject to revocation of any permit held if they are found in violation of the Public Health Order.



Relevant Orders, Statutes, and Rules (attached):

Joint Public Health Order 2020-08GC

Executive Order 2020-74

Rule R614-105.F (Face Mask Use to Prevent Spread of COVID-19)

26-23-3 (Violation of public health laws or orders unlawful)

26-23-6 (Criminal and civil penalties and liability for violations)

26A-1-123 (Unlawful acts -- Criminal and civil liability)

53-2a-209 (Orders, rules and regulations having force of law)

76-8-317 (Refusal to comply with orders issued in a local or state emergency - penalties)

UOSH Complaint Form (Notice of Alleged Workplace Safety and/or Health Violations)

Public Complaint Process against Violating Businesses:

The public can file complaints against violating businesses with the Utah Labor Commission's Division of Occupational Safety and Health (UOSH) via their online complaint portal. UOSH is committed to reviewing every complaint for validity, and all valid complaints will be investigated. UOSH's policy is to move a complaint through the investigation and citation process in approximately 45 days. The complaint application process can be found here: <https://laborcommission.utah.gov/divisions/uosh/compliance/>.

Additional Guidance for Businesses:

A private business CAN legally refuse service to anyone who poses a health concern to the business or the customers, or creates a hostile environment. This includes enforcing a mask mandate during a global pandemic where infection spreads via airborne particles.

While the Americans with Disabilities Act (ADA) requires places of "public accommodation" to provide equal enjoyment of goods and services to individuals with disabilities and requires consideration of reasonable accommodations, "reasonable accommodation" does not require you to create a health and safety risk for your employees or to put your staff or other customers at risk to allow an unmasked customer with a medical condition to enter your business.

Thus, so long as application of the mask requirement is neutral, meaning the business requires everyone to wear the mask, a business has the absolute right to restrict or deny entry to individuals who cannot or refuse to wear a mask.

Businesses may post a sign on your door that states something similar to the following:

MASKS ARE REQUIRED TO ENTER THIS STORE. IF YOU CANNOT WEAR A MASK DUE TO A MEDICAL CONDITION, PLEASE SEEK OR REQUEST OTHER ACCOMMODATIONS.

**BOARD OF HEALTH
IN AND FOR SOUTHEAST UTAH HEALTH DEPARTMENT
(CARBON COUNTY, EMERY COUNTY, GRAND COUNTY), STATE OF UTAH
AND
GRAND COUNTY COUNCIL
IN AND FOR GRAND COUNTY, UTAH**

In the matter of:

COVID-19 Pandemic within Utah

**PUBLIC
HEALTH ORDER**

Order No.: SEUHD 2020-08GC

Date: August 18, 2020

Legal Authority: Utah Code §26A-1-114
Utah Code §53-2A-209

Utah Code § 26A-1-106(2) provides that “[r]egulations or standards relating to public health or environmental health services adopted or established by a local health department may not be less restrictive than [State Department of Health orders].”

COVID-19 is a contagion that spreads from person to person. The Health Officer for Southeast Utah recognizes the need for the public to continue to work cooperatively and proactively to slow the spread of COVID-19 and to address the myriad challenges that may arise due to COVID-19. The Health Officer and the Grand County Council find that this need is especially present in Grand County.

The Executive Director finds COVID-19 poses a continuing and immediate threat to the public health of Grand County residents and visitors.

This is a critical moment in Grand County and the State of Utah, and all County residents, businesses, community organizations, visitors, and government must do their respective parts to slow the transmission of COVID-19, enhance and improve the ability of our healthcare system to meet this mounting challenge, restore consumer confidence, and reduce the economic impact of this global healthcare crisis.

THEREFORE, pursuant to the authority granted to Bradon C. Bradford, MSPH, MPA, REHS, Southeast Utah Health Department Officer by Utah Code §26A-1-114(2)(a) and to the Grand County Council under Utah Code §53-2A-209, they hereby jointly ORDER the following for GRAND COUNTY, UTAH:

Section 1. The intent of this Public Health Order is to ensure a coordinated implementation of practices which slow the transmission of COVID-19 by providing Grand County residents, businesses, community organizations, visitors, and government with access to the information needed to implement those practices.

Section 2. All Grand County residents, businesses, visitors, and community organizations shall comply with the guidelines for Grand County set forth in version 4.7 of the “Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation” (“Guidelines”) and any subsequent modification to the Guidelines and assigned risk phase (Green, Yellow, Orange, or RED) released by the Utah Department of Health and assigned by the Governor during the effective period of this Public Health Order. The Guidelines can be found at: <https://coronavirus.utah.gov/>.

Section 3. Subject to Section 4, all individuals within Grand County shall be required to wear a Face Covering that completely covers the nose and mouth in public areas, including any indoor or outdoor space open to the public, where consistent social distancing of at least six feet is not possible, reasonable, or prudent.

Section 4. The following individuals are exempt from wearing a Face Covering:

4.1 Individuals age two years or under;

4.2 Individuals with a medical condition, mental health condition, or disability that prevents wearing a Face Covering or Face Shield;

4.3 Individuals who are hearing impaired, or communicating with an individual who is hearing impaired, where the ability to see the mouth is essential for communication;

4.4 Individuals for whom wearing a Face Covering or Face Shield would create a risk to the individual related to their work or activity, as determined by local, state or federal regulators or workplace safety guidelines;

4.5 Individuals who are obtaining a service involving the nose or face for which temporary removal of the Face Covering or Face Shield is necessary to perform the service;

4.6 Individuals who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking;

4.7 Individuals who are purchasing a product or receiving a service that requires identification may briefly remove a Face Covering or Face Shield, as necessary, so that the retailer or service provider can verify identity;

4.8 Individuals engaging in work where they are alone in an indoor establishment or facility.

Because children between the ages of two (2) and twelve (12) years of age can have challenges wearing a Face Covering or Face Shield properly (e.g., excessively touching the Face Covering, not changing the Face Covering if visibly soiled, risk of strangulation or suffocation, etc.), they are to be worn with the assistance and close supervision of an adult. Face Coverings or Face Shields should never be worn by children when sleeping.

Section 5. All businesses open to the public where Face Coverings are required hereunder shall post a notice in form and substance promulgated by SEUHD in a clearly visible location at or near the entrance of such business that declares Face Coverings are required by this Order.

Section 6. This Public Health Order takes immediate effect. This Public Health Order will expire at 11:59 p.m. on December 31, 2020, unless extended, rescinded, superseded, or amended in writing, and shall be re-evaluated as warranted.

BY ORDER OF THE SOUTHEAST UTAH HEALTH DEPARTMENT HEALTH OFFICER AND THE GRAND COUNTY COUNCIL



Bradon C. Bradford, MSPH, MPA, REHS - SEUHD Health Officer

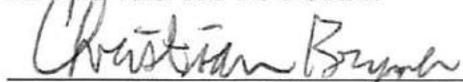
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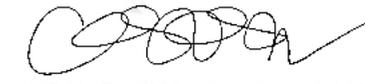


Quinn Hall, Grand County Clerk/Auditor

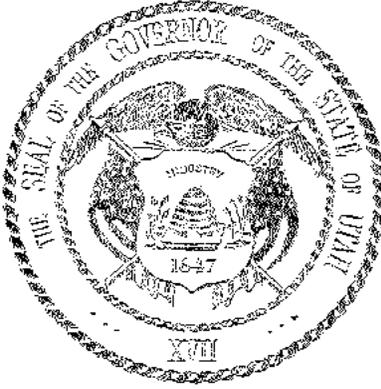
Mary McGann - Grand County Council Chair

APPROVED AS TO FORM:



Christian Bryner, Attorney for SEUHD

Christina Sloan, Attorney for Grand County



Gary Richard Herbert

Governor

EXECUTIVE ORDER

2020-74

Temporary Statewide COVID-19 Restrictions

WHEREAS, on November 8, 2020, I issued Executive Order 2020-72, declaring a state of emergency Due to Rising COVID-19 Case Counts Creating a Shortage of Hospital Beds;

WHEREAS, 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, the number of COVID-19 cases in Utah has sharply increased, causing serious illness and death to Utah residents, threatening public health and wellness throughout the state;

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

WHEREAS, new minimum standards are needed to prevent and control the rapidly changing consequences of COVID-19 throughout the state;

WHEREAS, the Centers for Disease Control (CDC) has called on Americans to wear face coverings, with the CDC director stating that “[c]loth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus—particularly when used universally within a community setting,” and that “[a]ll Americans have a responsibility to protect themselves, their families, and their communities”;

WHEREAS, analysis by Brigham Young University researchers reviewing more than 115 studies on the effectiveness of masks in controlling COVID-19 found that “[t]here is clear evidence that face coverings reduce the spray of droplets produced during speaking, coughing, and sneezing” and that “masks could be one of the most powerful and cost-effective tools to stop COVID-19 and accelerate the economic recovery”;

WHEREAS, published scientific research has shown that the probability of transmission during exposure between a person infected with COVID-19 to an uninfected person is 17.4% if face coverings are not worn, and 3.1% if face coverings are worn;

WHEREAS, Utah Code § 53-2a-209(1) provides that orders issued by the governor under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, have the “full force and effect of law”;

WHEREAS, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with orders made pursuant to the Disaster Response and Recovery Act:

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the following:

1. **Definitions.** As used in this Order:

- a. "COVID-19" means Novel Coronavirus Disease 2019 caused by Severe Acute Respiratory Syndrome Coronavirus 2, also known as SARS-CoV-2.
- b. "Department" means the Department of Health created in Utah Code § 26-1-8.
- c. "Event host" means a person that owns, operates, provides facilities for, or has formal oversight over any of the following where a social gathering occurs: an amusement or water park, arena, aquarium, aviary, botanical garden, ceremony, cinema, comedy club, commercial event venue, commercial party venue, concert or concert hall, conference, convention or convention center, dance or dance hall, driver's education training, fair or fairground, museum, organized athletic or sporting event, recital, stadium, theater, or zoo.
- d. "Extracurricular activity" means an activity, a course, or a program that is:
 - i. not directly related to delivering instruction;
 - ii. not a curricular activity or co-curricular activity as those terms are defined in Utah Code § 53G-7-501; and
 - iii. provided, sponsored, or supported by a school or a public or private institution of higher education, including a degree-granting institution and a technical college.
- e. "Face mask" means a mask that completely covers the nose and mouth, is made of synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. "Face mask" does not include a mask with an exhalation valve, vent, or other hole or opening, or a mask that is crocheted or made of lace, mesh, or similar open weblike construction or material.
- f. "Face shield" means a shield that covers the entire face—including the eyes, nostrils, and mouth of the wearer—is made of clear plastic or similar nonpermeable transparent material, and can be used in conjunction with a face mask for enhanced protection.
- g. "Household" means an individual or a group of individuals who reside in the same residence.
- h. "Local Education Agency" or "LEA" means a school district or a charter school.
- i. "Person" means the same as that term is defined in Utah Code § 68-3-12.5(18).
- j. "School" means an LEA or private school that provides any kindergarten through grade-12 program or service, including a residential treatment center that provides any kindergarten through grade-12 program or service.
- k. "Social gathering" means an in-person gathering of individuals from separate households. "Social gathering" does not include a gathering for a primarily educational or religious purpose.

2. **Restrictions.** The following restrictions apply statewide:

- a. *Individuals.* An individual:
 - i. shall wear a face mask while within six feet of any individual from a separate household;
 - ii. may not eat or drink within six feet of an individual from a separate household while at a bar or restaurant; and
 - iii. may not attend a social gathering unless:
 - A. the social gathering has an event host or occurs at a business, including a bar or restaurant; and
 - B. the individual complies with all face mask and physical distancing requirements.
- b. *Event hosts.* An event host of a social gathering shall:

- i. require each individual attending the social gathering to wear a face mask, including in an area of ingress or egress;
 - ii. require at least six feet of physical distance between individuals from separate households who attend the social gathering, including in an area of ingress or egress, unless the event host received a waiver pursuant to State Public Health Order 2020-19 or State Public Health Order 2020-20;
 - iii. post conspicuous signage at the social gathering that:
 - A. lists COVID-19 symptoms;
 - B. asks individuals experiencing COVID-19 symptoms to stay home; and
 - C. provides notice of face mask and physical distancing requirements; and
 - iv. complete and implement the Event Management Template provided by the Department.
- c. *Businesses.*
- i. A business, including a bar or restaurant, whether or not acting as an event host, shall:
 - A. require each employee and contractor to wear a face mask while at work;
 - B. require each patron that enters the premises of the business to wear a face mask, including in an area of ingress or egress;
 - C. require at least six feet of physical distance, including in an area of ingress or egress, between each:
 1. separate household group at a business other than a bar or restaurant; or
 2. separate party at a bar or restaurant; and
 - D. post conspicuous signage at each entrance to the business that:
 1. lists COVID-19 symptoms;
 2. asks employees and customers experiencing COVID-19 symptoms to stay home; and
 3. provides notice of face mask and physical distancing requirements.
 - ii. An on-premise licensee of the Department of Alcoholic Beverage Control shall not sell, offer to sell, or furnish liquor or beer after 10:00 p.m.
- d. *Athletic and Extracurricular Social Gatherings.*
- i. Except as provided in Subsection (2)(d)(ii), a person may not participate in or be an event host for a social gathering that is an organized athletic or sporting event or extracurricular activity.
 - ii. Subsection (2)(d)(i) does not apply to:
 - A. an intercollegiate or professional athletic event; or
 - B. a high school football practice or competition if the following conditions are met:
 1. in-person attendance is limited to only participating athletes—including football players, cheerleaders, and drill team members—and their coaches, trainers, staff members, and no more than two additional individuals per attending coach, trainer, athlete, or staff member;
 2. each attending athlete, coach, trainer, and staff member, wears a face mask, except as provided in Subsection (3)(a)(viii);
 3. each attending spectator wears a face mask and maintains at least six feet of physical distance from any other individual from a separate household;
 4. an athlete, coach, trainer, or staff member is permitted to participate in a competition only if the coach, trainer, staff member, or athlete receives a negative test result from a diagnostic test approved by the United States Food and Drug Administration to determine current COVID-19 infection within 72 hours before the game; and

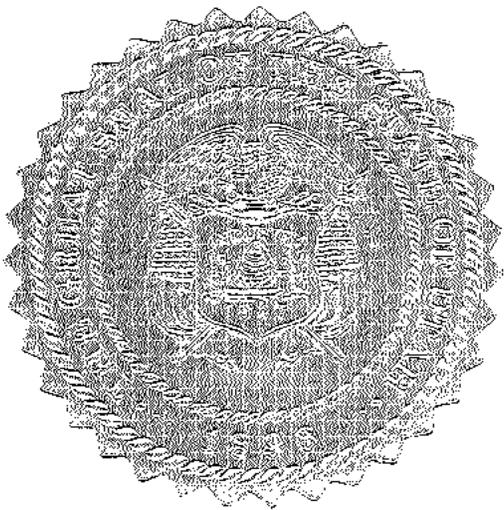
5. an Event Management Template provided by the Department is completed and implemented for the practice or competition
- C. an athletic event held by a private business or organization, that is not a school, including a fitness facility or athletic club, if the following conditions are met:
1. in-person attendance is limited to only participating athletes and their coaches, trainers, staff members, and no more than two additional individuals per attending coach, trainer, athlete, or staff member;
 2. each attending athlete, coach, trainer, and staff member maintains six feet physical distance from any individual from a separate household;
 3. each attending spectator wears a face mask and maintains at least six feet of physical distance from an individual from a separate household; and
 4. an Event Management Template provided by the Department is completed and implemented for the athletic event.
- iii. A person that owns, operates, provides facilities for, or has formal oversight over an athletic event, including a practice or competition, authorized under Subsection (2)(d)(ii) is not subject to the requirements of Subsection (2)(b) for that event.
- e. *Institutions of Higher Education.* Beginning as soon as possible, but no later than January 1, 2021, a public or private institution of higher education, including a degree-granting institution or technical college, shall require each individual who is enrolled as a student of the institution of higher education and who lives in on-campus housing or attends at least one in-person class provided by the institution of higher education to obtain a diagnostic test approved by the United States Food and Drug Administration to determine current COVID-19 infection each week.

3. Face mask exceptions.

- a. Notwithstanding any other provision of this Order, an individual who is otherwise required by this Order to wear a face mask may remove the face mask in the following situations:
- i. while actively eating or drinking;
 - ii. while as the sole occupant of a room, cubicle, or similar enclosure;
 - iii. when communicating with an individual who is deaf or hard of hearing if:
 - A. communication cannot be achieved through other means; and
 - B. the speaker wears a face shield or uses alternative protection such as a plexiglass barrier;
 - iv. while obtaining or providing a service that requires the temporary removal of the face mask, such as dental services or speech therapy services;
 - v. while sleeping;
 - vi. while exercising or engaging in athletic training while:
 - A. outdoors; or
 - B. indoors and maintaining at least six feet of physical distance from any other individual from a separate household;
 - vii. while swimming or on duty as a lifeguard;
 - viii. while actively performing as an athlete at an organized athletic event authorized under Subsection (2)(d)(ii);
 - ix. while giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation or performance for an audience;
 - x. when engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines;
 - xi. when necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution; and
 - xii. when federal or state law or regulations prohibit wearing a face mask.

- b. The following individuals are exempt from the face mask requirements in Section (2):
 - i. a child who is younger than three years old;
 - ii. an individual who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance; and
 - iii. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face mask; and
 - iv. an individual who is incarcerated.
- 4. **Local education agencies.**
 - a. An LEA is not subject to the provisions of Section (2)(b) and (2)(c).
 - b. An LEA shall comply with the requirements of the "Planning Requirements and Recommendations for K-12 School Reopening," created by the Utah State Board of Education.
- 5. **Religious services.** This Order does not apply to a religious service. Faith-based organizations are strongly encouraged to implement protocols to mitigate the spread of COVID-19.
- 6. **Effect on other laws.**
 - a. This Order supersedes Executive Order 2020-73;
 - b. To the extent that any provision of this Order conflicts with a provision of State Public Health Order 2020-11, the provisions of this Order shall control.
 - c. Nothing in this Order may be construed to prohibit a local health department from issuing a health order that is more stringent than this Order.
- 7. **Severability.** If a provision of this Order or the application of a provision to any person or circumstance is held invalid, the remainder of this Order shall be given effect without the invalid provision or application. The provisions of this Order are severable.

This Order is effective on November 9, 2020, at 1:00 p.m. and shall remain in effect through November 23, 2020, unless otherwise modified, amended, rescinded, or superseded.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 9th day of November, 2020.

Gary R. Herbert
Governor

Spencer J. Cox
Lieutenant Governor

ATTEST:

UOSH Emergency Rule

Face Mask Use to Prevent the Spread of COVID-19

Effective Date: 11/09/2020

Utah Administrative Code R614-1-5.F.

F. Novel Coronavirus Disease 2019 (COVID-19).

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. COVID-19 has and continues to spread and cause serious illness and death to Utah residents, threatening public health and wellness throughout the state. On November 9, 2020, the Utah Department of Health declared a state public health emergency due to the spread of COVID-19 in Utah State Public Health Order 2020-21. At the direction of Governor Gary Herbert:

1. Hereafter, every employee shall be required to wear a face mask while that employee is at work, subject to the exceptions below.

a. "Face mask" means a mask that completely covers the nose and mouth, is made of synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. "Face mask" does not include a mask with an exhalation valve, vent, or other hole or opening, or a mask that is crocheted or made of lace, mesh, or similar open weblike construction or material.

b. Notwithstanding any other provision of these rules, an employee who is otherwise required by this rule to wear a face mask may remove the face mask in the following situations:

- i. while actively eating or drinking;
- ii. while as the sole occupant of a room, cubicle, or similar enclosure, so long as a physical distance of at least six feet from another individual can be maintained;
- iii. when communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means and the speaker wears a face shield or uses alternative protection such as a plexiglass barrier;
- iv. while obtaining or providing a service that requires the temporary removal of the face mask, such as dental services or speech therapy services;
- v. while swimming or on duty as a lifeguard;
- vi. while giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation or performance for an audience;
- vii. when engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines;
- viii. when necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution; and
- ix. when federal or state law or regulations prohibit wearing a face mask.

c. The following employees are exempt from the face mask requirements above:

- i. an individual who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance; and

ii. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face mask.

2. Nothing in this rule supersedes or negates the requirements for wearing a respirator or respiratory protections as set forth elsewhere in these rules.

26-23-3 Violation of public health laws or orders unlawful.

It shall be unlawful for any person, association, or corporation, and the officers thereof:

- (1) to willfully violate, disobey, or disregard the provisions of the public health laws or the terms of any lawful notice, order, standard, rule, or regulation issued thereunder; or
- (2) to fail to remove or abate from private property under the person's control at his own expense, within 48 hours, or such other reasonable time as the health authorities shall determine, after being ordered to do so by the health authorities, any nuisance, source of filth, cause of sickness, dead animal, health hazard, or sanitation violation within the jurisdiction and control of the department, whether the person, association, or corporation shall be the owner, tenant, or occupant of such property; provided, however, when any such condition is due to an act of God, it shall be removed at public expense; or
- (3) to pay, give, present, or otherwise convey to any officer or employee of the department any gift, remuneration or other consideration, directly or indirectly, which such officer or employee is forbidden to receive by the provisions of this chapter;
- (4) to fail to make or file reports required by law or rule of the department relating to the existence of disease or other facts and statistics relating to the public health.

Enacted by Chapter 126, 1981 General Session

26-23-6 Criminal and civil penalties and liability for violations.

- (1)
 - (a) Any person, association, or corporation, or the officers of any of them, who violates any provision of this chapter or lawful orders of the department or a local health department in a criminal proceeding is guilty of a class B misdemeanor for the first violation, and for any subsequent similar violation within two years, is guilty of a class A misdemeanor, except this section does not establish the criminal penalty for violation of Section 26-23-5.5.
 - (b) Conviction in a criminal proceeding does not preclude the department or a local health department from assessment of any civil penalty, administrative civil money penalty or to deny, revoke, condition, or refuse to renew a permit, license, or certificate or to seek other injunctive or equitable remedies.
- (2) Any person, association, or corporation, or the officers of any of them, who violates any provision of this title or lawful orders of the department or a local health department, or rules adopted under this title by the department:
 - (a) shall be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of \$10,000 per violation; or
 - (b) in an administrative action in accordance with Title 63G, Chapter 4, Administrative Procedures Act, or similar procedures adopted by local or county government, a penalty not to exceed the sum of \$10,000 per violation.
- (3) Assessment of any civil penalty or administrative penalty does not preclude the department or a local health department from seeking criminal penalties or to deny, revoke, impose conditions on, or refuse to renew a permit, license, or certificate or to seek other injunctive or equitable remedies.
- (4) In addition to any penalties imposed under Subsection (1), the person, association, or corporation, or the officers of any of them is liable for any expense incurred by the department in removing or abating any health or sanitation violations, including any nuisance, source of filth, cause of sickness, or dead animal.
- (5) Each day of violation of a provision of this title, lawful orders of the department or a local health department, or rules adopted by the department under it is a separate violation.

Amended by Chapter 347, 2009 General Session

26A-1-123 Unlawful acts -- Criminal and civil liability.

- (1) It is unlawful for any person, association, or corporation, and the officers of the association or corporation to:
 - (a) violate state laws or any lawful notice, order, standard, rule, or regulation issued under state laws or local ordinances regarding public health or sanitation;
 - (b) violate, disobey, or disregard any notice or order issued by a local health department pursuant to any state or federal law, federal regulation, local ordinance, rule, standard, or regulation relating to public health or sanitation;
 - (c) fail to make or file reports required by law relating to the existence of disease or other facts and statistics relating to the public health;
 - (d) willfully and falsely make or alter any certificate or certified copy issued under public health laws;
 - (e) fail to remove or abate from private property under the control of the person, association, or corporation at their own expense, within a reasonable time not to exceed 30 days after issuance of an order to remove or abate, any nuisance, source of filth, cause of sickness, dead animal, health hazard, or sanitation violation within the boundaries of the local health department whether the person, association, or corporation is the owner, tenant, or occupant of the private property; or
 - (f) pay, give, present, or otherwise convey to any local health officer or employee of a local health department or any member of a local board of health any gift, remuneration, or other consideration, directly or indirectly, which the officer or employee is prohibited from receiving by this section.
- (2) Removal or abatement under Subsection (1)(e) shall be ordered by the local health department and accomplished within a reasonable time determined by the local health department, but not exceeding 30 days after issuance of an order to remove or abate.
- (3) It is unlawful for any local health officer or employee of any local health department or member of any local board of health to accept any gift, remuneration, or other consideration, directly or indirectly, for the performance of the duties imposed upon the officer, employee, or member by or on behalf of the health department or by this part.
- (4) It is unlawful for any local health officer or employee of a local health department, during the hours of the officer's or employee's regular employment by the local health department, to perform any work, labor, or services other than duties assigned to the officer or employee by or on behalf of the local health department.
- (5)
 - (a) Any person, association, corporation, or the officers of the association or corporation who violates any provision of this section is:
 - (i) on the first violation guilty of a class B misdemeanor; and
 - (ii) on a subsequent similar violation within two years, guilty of a class A misdemeanor.
 - (b) In addition any person, association, corporation, or the officers of the association or corporation, are liable for any expense incurred in removing or abating any nuisance, source of filth, cause of sickness, dead animal, health hazard, or sanitation violation.
- (6) Conviction under this section or any other public health law does not relieve the person convicted from civil liability for any act that was also a violation of the public health laws.
- (7) Each day of violation of this section is a separate violation.

Amended by Chapter 112, 1991 General Session

Renumbered and Amended by Chapter 269, 1991 General Session

Effective 5/10/2016

53-2a-209 Orders, rules, and regulations having force of law -- Filing requirements -- Suspension of state agency rules -- Suspension of enforcement of certain statutes during a state of emergency.

- (1) All orders, rules, and regulations promulgated by the governor, a municipality, a county, or other agency authorized by this part to make orders, rules, and regulations, not in conflict with existing laws except as specifically provided in this section, shall have the full force and effect of law during the state of emergency.
- (2) A copy of the order, rule, or regulation promulgated under Subsection (1) shall be filed as soon as practicable with:
 - (a) the Office of Administrative Rules, if issued by the governor or a state agency; or
 - (b) the office of the clerk of the municipality or county, if issued by the chief executive officer of a municipality or county.
- (3) The governor may suspend the provisions of any order, rule, or regulation of any state agency, if the strict compliance with the provisions of the order, rule, or regulation would substantially prevent, hinder, or delay necessary action in coping with the emergency or disaster.
- (4)
 - (a) Except as provided in Subsection (4)(b) and subject to Subsections (4)(c) and (d), the governor may by executive order suspend the enforcement of a statute if:
 - (i) the governor declares a state of emergency in accordance with Section 53-2a-206;
 - (ii) the governor determines that suspending the enforcement of the statute is:
 - (A) directly related to the state of emergency described in Subsection (4)(a)(i); and
 - (B) necessary to address the state of emergency described in Subsection (4)(a)(i);
 - (iii) the executive order:
 - (A) describes how the suspension of the enforcement of the statute is:
 - (I) directly related to the state of emergency described in Subsection (4)(a)(i); and
 - (II) necessary to address the state of emergency described in Subsection (4)(a)(i); and
 - (B) provides the citation of the statute that is the subject of suspended enforcement;
 - (iv) the governor acts in good faith;
 - (v) the governor provides notice of the suspension of the enforcement of the statute to the speaker of the House of Representatives and the president of the Senate no later than 24 hours after suspending the enforcement of the statute; and
 - (vi) the governor makes the report required by Section 53-2a-210.
 - (b)
 - (i) Except as provided in Subsection (4)(b)(ii), the governor may not suspend the enforcement of a criminal penalty created in statute.
 - (ii) The governor may suspend the enforcement of a misdemeanor or infraction if:
 - (A) the misdemeanor or infraction relates to food, health, or transportation; and
 - (B) the requirements of Subsection (4)(a) are met.
 - (c) A suspension described in this Subsection (4) terminates no later than the date the governor terminates the state of emergency in accordance with Section 53-2a-206 to which the suspension relates.
 - (d) The governor:
 - (i) shall provide the notice required by Subsection (4)(a)(v) using the best available method under the circumstances as determined by the governor;
 - (ii) may provide the notice required by Subsection (4)(a)(v) in electronic format; and
 - (iii) shall provide the notice in written form, if practicable.

- (e) If circumstances prevent the governor from providing notice to the speaker of the House of Representatives or the president of the Senate, notice shall be provided in the best available method to the presiding member of the respective body as is reasonable.

Amended by Chapter 193, 2016 General Session

76-8-317 Refusal to comply with order to evacuate or other orders issued in a local or state emergency -- Penalties.

- (1) A person may not refuse to comply with an order to evacuate issued under this chapter or refuse to comply with any other order issued by the governor in a state of an emergency under Section 53-2a-204 or by a chief executive officer in a local emergency under Section 53-2a-205, if notice of the order has been given to that person.
- (2) A person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 295, 2013 General Session

NOTICE OF ALLEGED WORKPLACE SAFETY AND/OR HEALTH VIOLATIONS

INSTRUCTIONS:

Complete items 1 through 17 as accurately and completely as possible if it does not apply mark as Not Applicable (NA). Describe each hazard you think exists in as much detail as you can. If the hazards described in your complaint are not all in the same area, please identify where each hazard can be found at the worksite. If there is any particular evidence that supports your suspicion that a hazard exists (for instance, a recent accident or physical symptoms of employees at your site) include the information in your description.

After you have completed the form, return it to:

LABOR COMMISSION
UTAH OCCUPATIONAL SAFETY & HEALTH DIVISION (UOSH)
160 EAST 300 SOUTH 3rd Floor
P O BOX 146650
SALT LAKE CITY UT 84114-6650
Telephone: (801)-530-6901
FAX Number: (801)-530-7606

NOTE:

The filing of a Complaint does not automatically instigate an inspection of the company; an investigation of the allegations will be made.

(1) Employer Name:	
(2a) Mailing Address:	(2b) City, State, Zip:
(2c) Mailing Phone #:	(2d) Mailing Fax #:
(3a) Site Address:	(3b) City, State, Zip:
(3c) Site Phone #:	(3d) Site Fax #:
(4) Management Official:	(5) Type of Business:
(6) Hazard Description (Describe briefly the hazard(s) which you believe exists. Include the approximate number of employees exposed to or threatened by each hazard. Use another page if needed.):	
(7) Hazard Location (Specify particular building or worksite where the alleged violation exists):	
(8) Has this condition been brought to the attention of (Mark "X" in all that apply): <input type="checkbox"/> Employer <input type="checkbox"/> Other Government Agency (Specify) _____	
(9) Please indicate: <input type="checkbox"/> Do not reveal my name to the Employer. <input type="checkbox"/> My name may be revealed to Employer.	
(10) The Undersigned; Believes that a violation of an Occupational Safety/Health standard exists which is a job safety/health hazard at the establishment named on this form. (My Status: Mark "X" in only one box): <input type="checkbox"/> Employee <input type="checkbox"/> Ex-Employee (Reason for leaving, when) _____ <input type="checkbox"/> Federal Safety/Health Committee <input type="checkbox"/> Employer <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Representative Employees	
(11) Complainant Name (Type or print name):	
(12) Address (Street, City, State, Zip):	
(13) Telephone Number:	(14) Email:
(15) If you are an authorized representative of employees affected by this complaint, please state the name of the organization that you represent and your title.	
Organization:	Representative:
(16) Signature:	(17) Date:

NOTICE OF ALLEGED WORKPLACE SAFETY AND/OR HEALTH VIOLATIONS

This form is provided for the assistance of any Complaint and is not intended to constitute the exclusive means by which a complaint may be registered with the Utah Occupational Safety and Health Division (UOSH).

34A-6-301(6)(a)(i) Any employee or representative of employees who believes that a violation of an adopted safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the division's authorized representative of the violation or danger. The notice shall be in writing, setting forth with reasonable particularity the grounds for notice, and signed by the employee or representative of employees. A copy of the notice shall be provided the employer or the employer's agent no later than at the time of the inspection. Upon request of the person giving notice, the person's name and the names of individual employees referred to in the notice shall not appear in the copy or on any record published, released, or made available pursuant to Subsection (7).

(ii)(A) If upon receipt of the notice the division's authorized representative determines there are reasonable grounds to believe that a violation or danger exists, the authorized representative shall make a special inspection in accordance with this section as soon as practicable to determine if a violation or danger exists.

(B) If the division's authorized representative determines there are no reasonable grounds to believe that a violation or danger exists, the authorized representative shall notify the employee or representative of the employees in writing of that determination.

34A-6-203(1) A person may not discharge or in any manner discriminate against any employee because:

(a) the employee has filed any complaint or instituted or caused to be instituted any proceedings under or related to this chapter;

(b) the employee has testified or is about to testify in any proceeding; or

(c) the employee has exercised any right granted by this chapter on behalf of himself or others.

(2) (a) Any employee who believes that the employee has been discharged or otherwise discriminated against by any person in violation of this section may, within 30 days after the violation occurs, file a complaint with the division in the commission alleging discrimination.

(b)(i) Upon receipt of the complaint, the division shall cause an investigation to be made.

(ii) The division may employ investigators as necessary to carry out the purpose of this subsection.

(c) If the investigator reports a violation and the employer requests a hearing on the alleged violation, the commission shall hold an evidentiary hearing to determine if provisions of this subsection have been violated.

(d) If the commission determines that a violation has occurred, it may order the violation to be restrained and may order all appropriate relief, including reinstatement of the employee to his former position with back pay.(1987)

34A-6-307(5)(c) Any person who knowingly makes a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter is guilty of a class A misdemeanor.

When Can a Formal Complaint Be Filed?

UOSH recommends that employees try to resolve safety and health issues first by reporting them to their supervisors, managers or the safety and health committee. At any time, however, employees can complain to their UOSH Office and ask for an inspection or an investigation.

Who Can Formally Complain?

Employees or their representatives have a right to file a formal complaint (Notice) to request an inspection of a workplace if they believe there is a violation of a safety or health standard, or if there is any danger that threatens physical harm, or if an "imminent danger" exists. Anyone who knows about a workplace safety or health hazard may complain, and UOSH will investigate the concerns reported.

NOTE: A formal complaint is a written Notice signed by a current employee or their representative.

What Information Must the Employee Give?

The employees or their representatives must provide enough information for UOSH to determine the nature of the safety or health hazards and whether they are potential violations of safety or health standards or other dangers that can cause injury or illness. This means describing the alleged hazard in enough detail so UOSH can determine the existence and seriousness of the hazard. Workers do not have to know whether a specific OSHA standard has been violated in order to file a formal complaint, as long as they have a good-faith belief that dangerous conditions exist in their workplace.

How does UOSH Respond to Formal Complaints?

There are two ways that UOSH can respond to a complaint. UOSH can either perform an on-site inspection or an off-site investigation, also known as a "phone/fax investigation".

While every worker has a right to receive an onsite inspection if certain conditions are met, there are times when a phone/fax (or letter) investigation may be a better alternative. A phone/fax investigation enables UOSH to respond more quickly to lower priority hazards. It also permits the agency to concentrate its resources on more serious workplace hazards. Employees who choose to request a phone/fax investigation do not give up the right to request an on-site inspection of potential violations and hazards if they are not satisfied by the investigation. Before deciding what kind of complaint to file, workers should call the UOSH Office to discuss their options.

If an off-site investigation is appropriate, the agency telephones the employer, describes the alleged hazards and then follows up with a fax or letter. The employer must respond in writing within five days, identifying any problems found and noting corrective actions taken or planned. If the response is adequate, UOSH generally will not conduct an inspection. The employee or employee representative who filed the original formal complaint (Notice) will receive a copy of the employer's response and, if still not satisfied, may then request an on-site inspection.

If the employee or employee representative files a written formal complaint (Notice) that meets certain conditions then an on-site inspection may be conducted.

Those conditions include claims of serious physical harm that have already resulted in disabling injuries or illnesses or claims of imminent danger situations; written, signed complaints requesting inspections; and situations where the employer provided an inadequate response to a phone/fax investigation.