

Effective 5/12/2015

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26-6b-3 Order of restriction.

- (1) The department having jurisdiction over the location where an individual or a group of individuals who are subject to restriction are found may:
 - (a) issue a written order of restriction for the individual or group of individuals pursuant to Section 26-1-30 or Subsection 26A-1-114(1)(b) upon compliance with the requirements of this chapter; and
 - (b) issue a verbal order of restriction for an individual or group of individuals pursuant to Subsection (2)(c).
- (2)
 - (a) A department's determination to issue an order of restriction shall be based upon the totality of circumstances reported to and known by the department, including:
 - (i) observation;
 - (ii) information that the department determines is credible and reliable information; and
 - (iii) knowledge of current public health risks based on medically accepted guidelines as may be established by the Department of Health by administrative rule.
 - (b) An order of restriction issued by a department shall:
 - (i) in the opinion of the public health official, be for the shortest reasonable period of time necessary to protect the public health;
 - (ii) use the least intrusive method of restriction that, in the opinion of the department, is reasonable based on the totality of circumstances known to the health department issuing the order of restriction;
 - (iii) be in writing unless the provisions of Subsection (2)(c) apply; and
 - (iv) contain notice of an individual's rights as required in Section 26-6b-3.3.
 - (c)
 - (i) A department may issue a verbal order of restriction, without prior notice to the individual or group of individuals if the delay in imposing a written order of restriction would significantly jeopardize the department's ability to prevent or limit:
 - (A) the transmission of a communicable or possibly communicable disease that poses a threat to public health;
 - (B) the transmission of an infectious agent or possibly infectious agent that poses a threat to public health;
 - (C) the exposure or possible exposure of a chemical or biological agent that poses a threat to public health; or
 - (D) the exposure or transmission of a condition that poses a threat to public health.
 - (ii) A verbal order of restriction issued under the provisions of Subsection (2)(c)(i):
 - (A) is valid for 24 hours from the time the order of restriction is issued;
 - (B) may be verbally communicated to the individuals or group of individuals subject to restriction by a first responder;
 - (C) may be enforced by the first responder until the department is able to establish and maintain the place of restriction; and
 - (D) may only be continued beyond the initial 24 hours if a written order of restriction is issued pursuant to the provisions of Section 26-6b-3.3.
 - (3) Pending issuance of a written order of restriction under Section 26-6b-3.3, or judicial review of an order of restriction by the district court pursuant to Section 26-6b-6, an individual who is subject to the order of restriction may be required to submit to involuntary examination,

quarantine, isolation, or treatment in the individual's home, a hospital, or any other suitable facility under reasonable conditions prescribed by the department.

- (4) The department that issued the order of restriction shall take reasonable measures, including the provision of medical care, as may be necessary to assure proper care related to the reason for the involuntary examination, treatment, isolation, or quarantine of an individual ordered to submit to an order of restriction.