

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Government Operations, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

PROCLAMATION

WHEREAS, since the close of the 2024 General Session of the 65th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the state of Utah provides that the governor may, by proclamation, convene the Senate into Extraordinary Session; and

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 65th Legislature of the state of Utah into the 13th Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 18th day of December 2024, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2024 General Session of the Legislature of the state of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 17th day of December 2024.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2024-13E

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between December 03, 2024, 12:00 a.m., and December 15, 2023, 11:59 p.m. are included in this, the January 01, 2025, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least January 31, 2025. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through May 01, 2025, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R21-3

Filing ID: 56975

Agency Information

1. Title catchline:	Government Operations, Debt Collection	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W, Floor 1	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141001	
City, state and zip:	Salt Lake City, UT 84114-1001	
Contact persons:		
Name:	Phone:	Email:
Paul Bowers	385-321-2131	paulb@utah.gov
Van Christensen	801-808-0698	vhchristensen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R21-3. Debt Collection Through Administrative Offset
3. Purpose of the new rule or reason for the change:
This rule, as it's currently written, does not impose any time limit by which an Injured Spouse claim must be submitted following a tax levy. The Office of State Debt Collection (OSDC) believes the deadline should be 21 days, which would bring this rule to align with the same time limit by which debtors must request a hearing to dispute a levy, per Section 63A-3-305. OSDC doesn't believe it was ever intended for this particular action to have no time limit. OSDC also determined that terminology updates were necessary upon review of this rule.
4. Summary of the new rule or change:
The change is to clarify that Injured Spouse claims must be submitted in a timely manner. After levying a tax refund, OSDC only retains the funds for a limited time before distributing them. This has always been OSDC's procedure, and it says so on the Injured Spouse form posted on OSDC's website but was not in the rule. Not having a submission deadline in rule for these claims has forced OSDC to refund money which OSDC is no longer in possession of, which puts the agency in a difficult position. Also, OSDC is proposing making corrections to update the verbiage from "garnishment" to "levy" since the current language is technically incorrect. Additionally, style and formatting changes were made according to the Rulewriting Manual for Utah.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This proposed rule change may have a small positive effect on the state's budget, although the exact amount of extra revenue is impossible to predict. There is no way to know in advance how many claims, if any, will be filed past the proposed deadline in any given tax season. OSDC is completely self-funded.

This rule change will not have an impact on any fees that are charged or collected. Similarly, there are no identified savings as a result of this rule change. There may be a small increase in retained revenue from claims that are denied due to untimeliness and therefore, do not need to be refunded.

B) Local governments:

This proposed rule change is not anticipated to have a fiscal impact on local governments.

OSDC does not charge fees for its services to any government entities. Therefore, none of the changes being proposed will provide any additional costs or savings to local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This proposed rule change is not anticipated to have a fiscal impact on small businesses.

OSDC does not charge fees for its services to any businesses. Therefore, none of the changes being proposed will alter how OSDC currently carries out its duties.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This proposed rule change is not anticipated to have a fiscal impact on non-small businesses. OSDC does not charge fees for its services to any businesses. Therefore, none of the changes being proposed will alter how OSDC currently carries out its duties.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This proposed rule change is not anticipated to have a fiscal impact on other persons. OSDC does not charge fees for its services to any of these entities. Therefore, none of the changes being proposed will alter how OSDC currently carries out its duties.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

This rule change is not expected to create a compliance cost for any person. This rule change clarifies pre-existing operations and will not change any fees or interest charged.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 63A-3-310		
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Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)****A) Comments will be accepted until:**

01/31/2025

9. This rule change MAY become effective on:

02/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information**Agency head or designee and title:**

Van Christensen, Division Director

Date:

12/16/2024

R21. Government Operations, Debt Collection.**R21-3. Debt Collection Through Administrative Offset.****R21-3-1. Purpose.**

The purpose of this rule is to establish procedures to be followed by agencies to reduce or eliminate accounts receivable through administrative offset of tax overpayments or state payments due to entities.

R21-3-2. Authority.

This rule is authorized under Section 63A-3-310[5] and Subsection 63A-3-504(2)(f), which authorize the Division of Finance to establish, by rule, an implementation of the debt collection technique of administrative offset.

R21-3-3. Definitions.

In addition to terms defined in Section 63A-3-501, the following terms are defined as follows:

(1) "Division" means the Division of Finance.

(2) [~~"Match or Matched"~~]"Match" or "matched" means a one-to-one corresponding of a social security number or a federal employer's identification number between the entity and the tax overpayment or other state payment to the entity.

R21-3-4. Eligible Accounts Receivable.

(1) If a delinquent account receivable meets the criteria established under Section 59-10-529, an agency shall proceed under this rule to collect the delinquent amount against tax overpayments.

(2) If a delinquent account receivable meets the criteria established under Section 63A-3-302, an agency shall proceed under this rule to collect the delinquent amount against tax overpayments or state payments due to entities.

R21-3-5. Submission of Accounts Receivable to the Division.

(1) Upon qualifying the account for administrative offset as established in Section R21-3-4, the agency shall submit the account receivable to the division. [-]The account receivable submission shall include the:

(a) name of the entity;

(b) social security number or federal employer's identification number of the entity; and

(c) amount of the delinquent account receivable.

(2) Once the account has been established for administrative offset, it matches continuously from the date of the establishment until the account receivable is totally satisfied.

R21-3-6. Control of Matched Tax Overpayments or Payment Due to Entity by the Division.

The division shall place the entity's matched tax overpayment or payment due to entity in a separate agency fund in the [S]state's accounting system (FINET).

NOTICES OF PROPOSED RULES

R21-3-7. Notification to Debtors.

- (1) ~~[Notifications]~~ Any notification authorized under Section 63A-3-303 must be sent within two business days of the date listed on the notice.
- (2) ~~[Notifications]~~ Any notification sent to ~~[joint filers]~~ a joint filer must include instructions regarding defenses, such as injured spouse treatment authorized under Section R21-3-9 and the right to administrative hearing authorized under Section 63A-3-306.

R21-3-8. Notification and Response.

- (1) The division shall notify the agency submitting the account receivable of each administrative offset match.
- (2)(a) The agency shall verify the delinquent account balance; and
- (b) notify the division of the amount to be offset.
- (3) The amount shall include the outstanding balance of the delinquent account receivable plus any penalty, interest, or applicable collection costs.
- (4) The agency shall identify for the division the exact amount to be offset as early as practicable.

R21-3-9. Treatment of Injured Spouse Forms.

- (1) Subject to Subsection R21-3-9(2), upon receipt of an injured spouse claim from the spouse of a debtor, a ~~[garnisher]~~ levying agency shall:
 - (a) review the claim for validity;
 - (b) determine the frequency of claims made; and
 - (c) when a claim is approved by the levying agency, release the offset of matched funds proportionate to the income of the injured spouse using the following formula: (income of injured spouse/total household gross income) x levied amount.
- (2) Recognizing that ~~[garnishers]~~ levying agencies are not statutorily required to honor injured spouse claims:
 - (a) agencies ~~[garnishing]~~ levying taxes under this section must honor at least a first-time injured spouse claim that is determined to be valid if the claim is received within 21 calendar days of the date of the notification required under Section R21-3-7. Claims that are not received within 21 days may be denied at the discretion of the levying agency.
 - (b) subsequent claims may be denied at the discretion of the ~~[garnisher]~~ levying agency.
 - (3) Valid injured spouse claims should require at a minimum:
 - (a) federal tax returns;
 - (b) IRS Form 8379;
 - (c) income documents, including ~~[all]~~ any Form W-2s and Form 1099s; and
 - (d) state tax returns.

R21-3-10. Offsetting Matched Accounts.

- (1) The division will offset the matched entity tax overpayment or payment due to entity by:
 - (a) an administrative fee which shall be charged for performing debt collection functions associated with the administrative offset;and
- (b) the amount identified in Subsection R21-3-8(3) to satisfy the delinquent account receivable.

R21-3-11. Release of Matched Accounts by the Division.

- (1) In the event of a declared state of emergency, the division may suspend matching receivables in the administrative offset program subject to the following conditions.
 - (a) The suspended matching of receivables submitted under this rule may not infringe upon the rights of victims. Receivables collected on behalf of victims may include restitution orders, wage claims, and past due child support.
 - ~~_____ (b) The division is not required to receive consent from agencies submitting receivables under this rule, but is required to notify parties listed by the agency in writing before suspension.~~
 - (b)(i) Before suspension, the division shall notify affected agencies in writing.
 - (ii) The division is not required to receive consent from agencies submitting receivables under this rule.
- (2) If a matched account is not ~~[garnished]~~ levied within 21 days of the date matched, the division shall release the tax overpayment or other state payment to:
 - (a) first, the next agency with a matched receivable that is not suspended, if any; or
 - (b) second, the entity to which the tax overpayment is owed or the entity for which the payment is due.

R21-3-12. Release of Offset Funds by the Division.

- (1) The division shall ~~[retain]~~ keep the administrative charge.
- (2) The division shall release the offset funds to the agency.
- (3) The division shall release the balance of any available funds from the match to the entity.

R21-3-13. Credit of Accounts Receivable.

Upon receipt of the offset funds from the division, the agency shall deposit the amount into their account and credit the entity's accounts receivable for the amount received.

R21-3-14. Administrative Fee.

Authorized by Subsection 63A-3-502(4), the division may charge the agency a fee for the debt collection effort. This fee may be deducted from the amounts collected.

KEY: accounts receivable, administrative offset

Date of Last Change: [~~April 29, 2022~~]2025

Notice of Continuation: December 1, 2021

Authorizing, and Implemented or Interpreted Law: 63A-3-310; 63A-3-504(2)(f)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R70-101	Filing ID: 56972
Agency Information		
1. Title catchline:	Agriculture and Food, Regulatory Services	
Building:	Taylorsville State Office Buildings, South Bldg., Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Kelly Pehrson	801-982-2200	Kwpehrson@Utah.gov
Travis Waller	801-982-2200	Twaller@Utah.gov
Please address questions regarding information on this notice to the persons listed above.		
General Information		
2. Rule or section catchline:		
R70-101. Bedding, Upholstered Furniture, and Quilted Clothing		
3. Purpose of the new rule or reason for the change:		
In an effort to proactively address potential confusion regarding the online sales requirements, the Department of Agriculture and Food is amending this rule to provide enhanced clarity. The proposed changes will help various stakeholders understand and comply with the requirements upon their implementation in May 2025.		
4. Summary of the new rule or change:		
This amendment clarifies a definition, exemptions for a wholesaler and manufacturer from supplying a sample label, provides additional clarification for the online sales requirements.		
It also aligns a violation with the intent of the original rule to align with Section 4-10-112.		
Fiscal Information		
5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:		
A) State budget:		
The proposed changes are only for clarification and will not change the state's budget.		
B) Local governments:		
The proposed changes are only for clarification and will not change local governments.		

C) Small businesses ("small business" means a business employing 1-49 persons):
 The proposed changes are only for clarification and will not change small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 The proposed changes are only for clarification and will not change non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
 A person's cost will not change because the proposed changes clarify the requirements and don't change the costs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
 The compliance costs for this program are not changing and the proposed changes are only for clarification.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Department of Agriculture and Food, Craig Butters, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 4-10-103		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2025
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9. This rule change MAY become effective on:	02/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Craig Butters, Commissioner	Date:	12/09/2024
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R70. Agriculture and Food, Regulatory Services.

R70-101. Bedding, Upholstered Furniture, and Quilted Clothing.

R70-101-1. Authority and Purpose.

Pursuant to Section 4-10-103, this rule establishes the standards, practices, and procedures for the manufacture, repair, sale, and distribution of bedding, upholstered furniture, quilted clothing products, and filling materials.

R70-101-2. Definitions.

This rule defines the following terms in addition to the terms in Section 4-10-102:

- (1) "Clean" means free from stains, dirt, trash, filth, pulp, sludge, oil, grease, fat, skin, epidermis, excreta, vermin, insects, insect eggs, insect carcasses, contamination, hazardous materials, or residual or objectionable substances or odors.
- (2) "Department" means the Utah Department of Agriculture and Food.
- (3) "Digital Law Label" or "Digital Textile Label" means an electronic copy of the applicable law label or textile label that mirrors the label attached to the article.
- (4) "Law Label" means a label attached to new bedding or upholstered furniture that provides specific information about the product to the consumer and meets the requirements of this rule.
- (5) "Made to Order" or "MTO" means a manufacturing process of upholstered furniture in which the production of an item begins after a consumer or retailer places an order and includes articles with consumer options that could impact the final law label.
- (6) "Made to Stock" or "MTS" means a traditional production method used to produce articles either before or after the consumer places the order that the retailer may stock as inventory or display through an online retailer until the consumer purchases them and includes articles produced with consumer options that do not impact the final law or textile label.
- (7) "Manufacture" means the making, processing, or preparing of new or secondhand bedding, upholstered furniture, quilted clothing, or filling material.
- (8) "Manufacturer" means a person who makes or has employees make any bedding, upholstered furniture, quilted clothing, filling material, or any part.
- (9) "Non-resident" means a person permitted under this rule who does not have premises in Utah.
- (10) "Online Retailer" means a person or a company that sells articles to a consumer via the Internet or another electronic network.
- (11) "Online sales" means the process of selling articles through the Internet, where customers can browse products, make purchases, and complete transactions using digital platforms or an online marketplace.
- (12) "Person" means an individual, partnership, association, firm, auctioneer, trust, limited liability company, or corporation.
- (13) "Premises" means a place that sells bedding, upholstered furniture, quilted clothing, or filling material, or offers for sale, exposes for sale, stores, renovates, or manufactures, and includes the delivery vehicle used to transport articles.
- (14) "Supply dealer" means a person who manufactures, processes, or sells at wholesale any felt, batting, pads, or other fillings, loose in a bag, in a bale or a container, concealed or not concealed, intended for use in bedding, upholstered furniture, or quilted clothing.
- (15) "Second Hand Law Tag" or "Tag" means a tag attached to a previously used product or filling material[~~that has previously been used~~].
- (16) "Sterilization Permit Number" means the number a state may issue to identify the sterilizing facility, person, or company and certifies that the filling material is safe for consumer use.
- (17) "Sterilize" means a process used to make wool, feathers, down, shoddy, or hair free from bacteria or any other living microorganism.
- (18) "Sterilizer" means a person who sterilizes wool, feathers, down, shoddy, or hair.
- (19) "Textile Label" means a label attached to a new quilted clothing product that provides information required in 16 CFR Parts 300, 301, 303, and this rule.
- (20) "Uniform Registry Number" or "URN" means the number issued by a state to be used on the law label of bedding, upholstered furniture, or filling material to identify the manufacturing facility, person, or company.

R70-101-3. Application of Rule.

This rule shall apply to any person engaged in the business of manufacturing, retailing, online retailing, wholesaling, processing, repairing, sterilizing, and selling items of bedding, upholstered furniture, quilted clothing, and filling material, regardless of their point of origin.

R70-101-4. Permit Requirements for Manufacturers, Repairers, and Wholesalers.

- (1) A person who advertises, solicits, or contracts to manufacture or repair bedding, upholstered furniture, or filling material shall secure a permit from the department before offering to sell the product in Utah.
- (2) A person who advertises, solicits, or contracts to manufacture quilted clothing shall secure a permit from the department before the person offers articles for sale in Utah.

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(3) A person seeking a permit shall provide the following to the department:

- (a) a completed permit form; and
- (b) a sample of the law label that will be used.

(4)(a) The department may exempt a wholesaler ~~[dealer]~~ of bedding~~[;]~~ or upholstered furniture from providing a sample law label.

~~(b) [; or] The department may exempt a manufacturer of quilted clothing from providing a [sample law label or] sample textile label[; respectably].~~

(5)(a) The department shall assess an annual permit fee.

(b) The applicant shall pay the fee before January 1, or the department shall include a late fee with the permit fee.

(6) Each person who conducts business under multiple state-issued URNs or permits shall obtain a permit for each number used on articles for sale in Utah.

(7) A person's license or permit shall be current with the state that issues the URN for the number to be valid in Utah.

R70-101-5. Sterilization Permit Requirements for Sterilizers.

(1) A person who advertises, solicits, or contracts as a sterilizer shall secure a sterilization permit from the department before offering to sell sterilized products in Utah.

(2) A person applying for a sterilization permit shall provide the department with a sterilization permit application completed by a department authorized third party inspector.

(3)(a) The department shall assess an annual sterilization permit fee.

(b) Each applicant shall pay the fee before January 1, or the department shall charge a late fee with the sterilization permit fee.

(4)(a) Each sterilization permittee's facility shall be inspected every three years.

(b) A permittee shall submit a copy of the inspection report to the department with the renewal form for that year.

R70-101-6. Revocation of Permit.

(1) The department shall have the authority to suspend or revoke a permit for any violation of this rule.

(2) A suspension or revocation shall be in accordance with Section 4-1-106.

R70-101-7. Sanitation Requirements.

(1) A permittee or retailer shall keep the premises, delivery equipment, machinery, and any appliances, articles, and devices free from refuse, dirt, contamination, or insects.

(2) A permittee may not use in the making, repairing, or renovating of bedding, upholstered furniture, or quilted clothing any filling material that:

(a) contains any insect, vermin, or filth;

(b) is not clean; or

(c) contains burlap or other material used for baling.

(3) A permittee or retailer shall store bedding, quilted clothing, and filling material four inches off the floor on the premises.

(4) A permittee or retailer shall store new and used articles separately.

R70-101-8. Sterilization Requirements for New Fill Material.

(1) A sterilizer shall clean and sterilize any wool, feathers, down, shoddy, and hair before using it as a new filling material.

(2) The department allows the following methods for sterilization.

(a)(i) Pressure Steam.

(ii) Expose the material to treatment by steam at 15 PSI (.104 mPA) for 30 minutes or 20 PSI (.0138 mPA) for 20 minutes.

(iii) The gauge for registering steam pressure shall be visible from the outside of the room or chamber.

(b)(i) Streaming Steam.

(ii) Two applications of streaming steam maintained for one hour each, applied at intervals using not less than six nor more than 24 hours.

(iii) When streaming steam is employed, the valved outlets shall be provided near the bottom and the top of the room or chamber.

(c)(i) Heat.

(ii) A temperature of 235 degrees F held for two hours within a closed container.

(3) Upon request, the department may approve other methods of sterilization.

R70-101-9. Manufacturing, Wholesale, Sterilizers, and Supply Dealer Textile Labeling Requirements for Quilted Clothing.

(1) The department incorporates by reference the March 8, 2024, version of 16 CFR Parts 300, 301, and 303.

(2) Articles of plumage-filled clothing shall meet the following textile label requirements.

(a)(i) Any label stating that an article of clothing contains down, Goose Down, or Duck Down shall also state the minimum percentage of down, Goose Down, or Duck Down contained in the article.

(ii) The down label is a general label and shall include in parentheses the minimum percentage of down in the product, which shall be 75% or greater.

(b)(i) "Down and Waterfowl Feathers" text may designate any plumage product containing between 50% minimum and 74% down and plumes.

(ii) The sewn in label and hang tags shall state both percentages.

- (c)(i) "Waterfowl Feathers and Down" may designate any plumage product containing between 5% minimum and 49% down and plumules.
- (ii) The sewn in label and hang tags shall state both percentages.
- (d) "Waterfowl Feathers" may designate any plumage product containing less than 5% down and plumules.
- (e) The department may not permit the use of quill feathers unless disclosed on the textile label.
- (f) The textile label shall separately list each component, in order of predominance, any other plumage products that do not meet the requirements for any of the listed categories from Subsection R70-101-9(2).
- (3) The textile label shall list the sterilization permit number as "PER. NO. " .
- (4) A textile label shall contain the same form of identification as supplied to the department with the permit application.
- (5) The textile label shall be easily accessible to the consumer for examination.

R70-101-10. Filling Material.

- (1) A permittee shall use the terms or definitions of a filling material approved by the International Association of Bedding Law Officials except as otherwise required by this rule.
- (2) Pursuant to Subsection 4-10-107(6)(a), a manufacturing facility may use the term "recycled" for items containing down or feather if the facility:
- (a)(i) is Global Recycled Standard (GRS) or Recycled Claim Standard (RCS) certified, and provides:
- (ii) proof of GRS or RCS certification to the department on the permit form; and
- (iii) a copy of the certificate or the certification number on the invoice to the retailer for each lot or batch of filling material;
- (b) certifies under another industry accepted standard consistent with the International Organization for Standardization ISO 17065 and provides documentation to the department.
- (3) Upon request, a manufacturing facility shall provide a copy of the certificate or the certification numbers for each batch or lot to the department.
- (4) Plumage material shall follow the standards that the "USA-2000 Labeling Standards- Down and Feather Products" outlines and this rule incorporates by reference.
- (5) Any other filling material shall be clean.
- (6) The tag or label must state "Imperfect, irregular foam" which means any foam product that shows a major imperfection or that falls below the foam manufacturer's usual standards or specifications as "imperfect" or "irregular" along with the generic name of the foam.
- (7) The tag or label must state "Imperfect, irregular fibers" which means any fiber that has an imperfection or that falls below the fiber manufacturer's usual standards or specifications as "imperfect" or "irregular" along with the generic name of the fiber.
- (8) The qualifying statement may not use the terms "Prime," "Super," "Northern," and similar terms that imply superior unless the filling material can prove to be of superior quality and meet the terms of the qualifying statement.

R70-101-11. Generic Names, Grades, Descriptive Terms, and Definitions of Filling Material.

- (1) The law label or textile label shall describe the filling material using the following:
- (a) true generic name;
- (b) grade;
- (c) description terms; or
- (d) definition of the filling material approved by the department.
- (2)(a) When a mixture uses more than one kind of filling material, the label shall list the percentage by weight in order of predominance, per Subsection 4-10-107(2).
- (b) Federal fiber tolerance standards are applicable, except as pertains to a plumage product.
- (c) In accordance with Section R70-101-10, describe any blends used in the filling material.
- (d)(i) Quilted clothing articles may use different filling materials for different parts of the article.
- (ii) The textile label shall name the areas of the article followed by the name of the filling material used in that specific area.

R70-101-12. Law Label Requirements for Bedding and Upholstered Furniture.

- (1)(a) Any article of bedding or upholstered furniture shall have a law label that uses the format adopted by the International Association of Bedding and Furniture Law Officials (IABFLO), as listed in the Manual of Labeling Laws of the International Sleep Products Association, 2024 edition, which this rule incorporates by reference.
- (2) The law label for a newly manufactured product, including an article that is MTS or MTO, shall meet the following requirements:
- (a) white on each side of the law label;
- (b) made of material that cannot be easily torn;
- (c) printed in black ink;
- (d) printed in English;
- (e) printed clearly and legibly; and
- (f) firmly attached to the article.
- (3) Required information shall be printed on one side of the law label with the opposite side remaining blank.
- (4) Each law label shall include the following, in order:
- (a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the law label in capital letters no less than 1/8 inches in height;

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- (b) the phrase "ALL NEW MATERIAL" in bold, capital letters no less than 1/8 inch in height, followed by the phrase "CONSISTING OF", no case or height requirements, followed by the filling contents in bold capital letters no less than 1/8 inch in height;
 - (c) the words "CONTENTS STERILIZED" in bold capital letters no less than 1/8 inch in height;
 - (d)(i) The URN of the final assembler of the article;
 - (ii) The department only allows one URN on the attached law label although a digital law label may display multiple URNs;
 - (e) the sterilization permit number of the sterilization facility that obtained the material, in bold capital letters no less than 1/8 inch in height;
 - (f) the phrase, "Certification is made by the manufacturer that the materials in this article are described in accordance with law"; and
 - (g) the name and complete address of the manufacturer, importer, or distributor of the article.
- (5)(a) The law label shall be easily accessible to the consumer for examination.
- (b) A product for sale in a box or in other packaging that makes a law label inaccessible shall reproduce a legible facsimile of the law label on the outer container or covering.
 - (6) A person may not place any other mark, label, printed matter, illustration, sticker, or device placed on the law label.
 - (7) The form of identification used on a law label shall be the same as those supplied to the department in a permit application.

R70-101-13. Online Sales Requirements.

The following requirements apply beginning on May 15, 2025.

- (1) Online retailers of quilted clothing shall ~~[display information]~~ provide a digital textile label that satisfies the requirements of Section R70-101-9 for each article, so it is easily accessible for the consumer to examine before purchase.
 - (a) Quilted clothing articles ~~[may]~~ shall have the digital textile label~~[-, or equivalent information,]~~ displayed or hyperlinked, on each article landing page in:
 - (i) the product description, or its equivalent;
 - (ii) the product specifications, or its equivalent;
 - (iii) an image gallery or carousel; or
 - (iv) another specific location approved by the department.
 - (b) The department may approve displaying multiple textile labels on one document.
- (2) If an online retailer of quilted clothing elects not to ~~[display]~~ provide a digital textile label~~[- in accordance with Subsection R70-101-13(1)],~~ they shall ~~[provide a]~~ display or hyperlink to the following information in a format determined by the online retailer ~~[for]~~ on each article landing page:
 - (a) applicable filling material as required in Sections R70-101-9 and R70-101-10;
 - (b) the form of identification that is used on a textile label~~[- shall be the same identification supplied to the department in a permit application];~~ and
 - (c) any applicable sterilization permit number.
- (3) Online retailers of bedding and upholstered furniture shall ~~[display information]~~ provide a digital law label that satisfies the requirements of Section R70-101-12 for each article, so it is easily accessible for the consumer to examine before purchase.
 - (a) Bedding and upholstered furniture articles ~~[may]~~ shall have the digital law label~~[-, or equivalent information,]~~ displayed or hyperlinked, on each article landing page in:
 - (i) the product description, or its equivalent;
 - (ii) the product specifications, or its equivalent;
 - (iii) an image gallery or carousel; or
 - (iv) another specific location approved by the department.
 - (b) The department may approve displaying multiple law labels on one document.
- (4) If an online retailer of bedding or upholstered furniture elects not to ~~[display]~~ provide a digital law label~~[- in accordance with Subsection R70-101-13(3)],~~ they shall ~~[provide a]~~ display or hyperlink to the following information in a format determined by the online retailer ~~[for]~~ on each article landing page:
 - (a) applicable filling material as required in Subsection 4-10-107(2) and Sections R70-101-10 and R70-101-11;
 - (b) any applicable URN; and
 - (c) any applicable sterilization permit number.
- (5) MTO articles ordered in a brick and mortar location are exempt from digital law label requirements under this section.

R70-101-14. Second Hand Tagging Requirements.

- (1) A tag for a second hand article shall be:
 - (a) a minimum of two inches by three inches;
 - (b) yellow on both sides of the tag;
 - (c) made of material that cannot be easily torn;
 - (d) printed in English;
 - (e) printed in black ink;
 - (f) printed clearly and legibly; and
 - (g) ~~[comply with Subsection 4-10-110(2)(b)]~~ firmly attached to the article.
- (2) The required information shall be printed on one side of the tag, with the opposite side remaining blank.
- (3) A second hand tag shall contain the following information, in order:

- (a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;
- (b) the phrase, "THIS ARTICLE CONTAINS SECOND HAND MATERIAL CONSISTING OF CONTENTS UNKNOWN". The words "SECONDHAND MATERIAL" and "CONTENTS UNKNOWN" shall be in capital letters, size not less than 1/8 inches in height;
- (c) the phrase, "Certification is made that the materials in this article are described in accordance with law"; and
- (d) the store name and complete corporate address.
- (4) A tag shall be easily accessible to the consumer for examination.
- (5) A tag may not contain marks, labels, printed matter, illustrations, stickers, or any other device.

R70-101-15. Tagging Requirements for Repaired, Reupholstered, and Renovated Products.

- (1) A tag for a repaired, reupholstered, or renovated product shall:
 - (a) be a minimum of two inches by three inches;
 - (b) be yellow on both sides of the tag;
 - (c) be made of material that cannot be easily torn;
 - (d) have the required information printed on one side of the tag with the opposite side remaining blank;
 - (e) be printed in English;
 - (f) be printed in black ink;
 - (g) be printed clearly and legibly; and
 - (h) be firmly attached to the article.
- (2) A tag for a repaired, reupholstered, or renovated product shall contain the following information, in order:
 - (a) the phrase, "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;
 - (b) the phrase, "THIS ARTICLE IS NOT FOR SALE OWNER'S MATERIAL" in bold in capital letters, no less than 1/8 inch in height;
 - (c) the phrase, "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN THE ACCORDANCE WITH LAW, AND CONSIST OF THE FOLLOWING:" followed by a description of the filling material;
 - (d) a description of the work that was done on the product;
 - (e) the URN number;
 - (f) the name and address of the renovator or repairer; and
 - (g) the date of pick-up, owner's name, and address.

R70-101-16. Used Mattresses.

- (1) A retailer selling a customer returned, refurbished, or used mattress shall follow the second hand tag requirements listed in Section R70-101-14.
- (2) In addition, a retailer shall also display a tag on the mattress stating "USED" in bold capital letters.
- (3) The USED tag shall:
 - (a) be a minimum of three inches by six inches;
 - (b) be yellow on both sides of the tag;
 - (c) use a font that is a minimum of one inch in height;
 - (d) be printed in black ink; and
 - (e) be printed in English.
- (4) The tag with the required information shall be printed on one side of the tag, with the opposite side remaining blank.
- (5) The USED tag shall be clearly visible to the consumer.
- (6) A retailer selling used bedding, including used mattresses shall comply with Subsection 4-10-110(2).

R70-101-17. Variance.

- (1) The department may issue a variance on law or textile label and tag requirements.
- (2)(a) A permittee may request a variance to the department in writing.
 - (b) The variance shall contain the following information:
 - (i) the product associated with the variance request;
 - (ii) where the variance will be used;
 - (iii) an explanation of the need for a variance;
 - (iv) a description of the application of the variance in practice; and
 - (v) an example of the substitute law or textile label or tag that will be used instead of the required label or tag.
- (3) The department shall give approval of a variance in writing.
- (4) A variance shall be subject to a period of review.

R70-101-18. Making or Selling Material or Parts.

A permittee may not purchase, make, process, prepare, or sell, directly or indirectly, at wholesale or retail, or otherwise, any filling material or other component parts to be used in bedding, upholstered furniture, or quilted clothing without appropriately tagging the material.

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R70-101-19. Retailer Responsibilities.

- (1) A retailer, including online retailers, shall ensure the following:
 - (a) any article of bedding, upholstered furniture, quilted clothing, or filling material sold by the retailer is labeled and tagged correctly;
 - (b) the label complies with state law and the department's rules governing false and misleading advertisements;
 - (c) the manufacturer from whom a retailer purchases a product has a valid permit with the department;
 - (d) the importer from whom a retailer purchases a product has a valid permit with the department; and
 - (e) the law label or textile label is easily accessible to the consumer for examination before purchase.
- (2) Upon request of the department, a retailer shall provide the identity of the manufacturer or wholesaler of an article of bedding, upholstered furniture, quilted clothing, or filling material sold.
- (3) A retailer may apply for a permit in lieu of a manufacturer or wholesaler if the department has not permitted the manufacturer or wholesaler.
- (4) A retailer shall ensure that bedding or filling material using the term "recycled" meets the requirement listed in Subsection R70-101-10(2)

R70-101-20. Violations.

- (1) Each improperly labeled or tagged article of bedding, upholstered furniture, quilted clothing, or filling material made or sold shall be a separate violation of this rule.
- (2) No permittee or retailer shall be in violation if that permittee or retailer received, from the manufacturer or supplier of an article, a guarantee in good faith that the article is not contrary to this rule in the form prescribed by the Textile Fiber Products Identification Act, 15 U.S.C. 70, Wool Products Labeling Act, 15 U.S.C. 68, and related Federal Trade Commission rules.
- (3) A permittee or retailer may not remove, or cause to be removed, any tag, or device placed upon any article of bedding, upholstered furniture, quilted clothing, or filling material by an inspector.
- (4) A permittee or retailer may not remove condemned articles that the department has ordered held on an inspection notice.
- (5) A permittee or retailer may not interfere with, obstruct, or hinder the performance of the department inspector's duties.
- (6) The department may withhold from sale any article of bedding, upholstered furniture, quilted clothing, or filling material that a manufacturer, sterilizer, or wholesaler produces [~~or wholesales~~] without a permit until the manufacturer, sterilizer, or wholesaler obtains the required permit.
- (7) ~~[No]~~A permittee may not use the term "recycled" for bedding or filling material unless the product meets the requirements of Subsection R70-101-10(2).

R70-101-21. Products Not Intended for Use Subject to This Rule.

The Commissioner may exclude from this rule a textile fiber product:

- (1) that has an insignificant or inconsequential textile fiber content; or
- (2) if the disclosure of the textile fiber content is not necessary for the protection of the consumer.

KEY: inspections, labeling, quality control, registration

Date of Last Change: 2025[October 23, 2024]

Notice of Continuation: March 12, 2020

Authorizing, and Implemented or Interpreted Law: 4-10-103

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-113	Filing ID: 56980
Agency Information		
1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R277-113. LEA Fiscal and Auditing Policies

3. Purpose of the new rule or reason for the change:

This rule is being amended due to H.B. 29 and H.B. 261 in the 2024 General Session, requiring a Public Education Hotline process that receives all types of concerns and is not limited to only financial concerns (i.e. fraud, waste, and abuse).

4. Summary of the new rule or change:

The amendments specifically remove the requirement in Section R277-113-6 for a Local Education Agency (LEA) governing board to provide a hotline independent from administration.

The amendments also make updates to Section R277-113-8, requiring LEAs to submit reimbursements for federal programs at a minimum of semi-annually. This will ensure that the Utah State Board of Education (USBE) is able to monitor these programs in a timely manner and also mitigate against the risk of losing unused funds where reimbursements aren't timely submitted.

Section R277-113-11 is also added, specifying the requirements for LEA Recordkeeping for Flexible Use of Restricted Funds.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments do not affect the USBE or other state government budgets because they only apply to LEA requirements.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

While these amendments change LEA requirements, they do not add costs or change revenues for LEAs. The removal of the requirement to provide a hotline independent of administration simply facilitates an LEA response to a hotline complaint; complaints about the LEA's administration can be made to the USBE or other state entities and this is current practice based on existing state statute.

The requirement to submit reimbursements for federal programs in a timely manner is intended to maximize LEA revenues by ensuring they apply for all funds they are eligible for and allow unused funds to be redistributed in the timeliest manner. This does not add costs for LEAs because they are already required to submit reimbursements for federal funds.

The addition of the LEA recordkeeping for flexible use of restricted funds is due to the removal of the sunset of Section 53F-2-209 in the special legislative session.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This only impacts LEAs and the USBE.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only impacts the USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons.

This only affects the USBE and LEAs. While these amendments change LEA requirements, they do not add costs or change revenues for LEAs.

The removal of the requirement to provide a hotline independent of administration simply facilitates an LEA response to a hotline complaint; complaints about the LEA's administration can be made to the USBE or other state entities and this is current practice based on existing state statute.

The requirement to submit reimbursements for federal programs in a timely manner is intended to maximize LEA revenues by ensuring they apply for all funds they are eligible for and allow unused funds to be redistributed in the timeliest manner. This does not add costs for LEAs because they are already required to submit reimbursements for federal funds.

The addition of the LEA recordkeeping for flexible use of restricted funds is due to the removal of the sunset of Section 53F-2-209 in the special legislative session.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(e)
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2025
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9. This rule change MAY become effective on:	02/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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R277. Education, Administration.**R277-113. LEA Fiscal and Auditing Policies.****R277-113-1. Authority, ~~and~~ Purpose, and Oversight Category.**

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Subsection 53E-3-501(1)(e)(i), which directs the Board to establish rules and minimum standards for school productivity and cost effectiveness measures;
 - (d) Subsection 53E-3-501(1)(e)(iv), which allows the Board to adopt rules regarding financial, statistical, and student accounting requirements;
 - (e) Section 53E-3-602, which allows the Board to approve auditing standards for LEA governing boards;
 - (f) Section 53E-3-603, which requires the Board to verify accounting procedures of LEA governing boards for determining the allocation of Uniform School Funds;
 - (g) Section 53E-5-202, which directs the Board to adopt rules to implement a statewide accountability system;
 - (h) Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools, including an annual financial audit report;
 - (i) Subsection 53F-2-209(2), which requires the Board to make rules for flexible use of restricted funds; and
 - (j) ESSA, which requires states to revise and redesign school accountability systems.
- (2) The purpose of this rule is to:
- (a) require LEAs to formally adopt and implement policies regarding the management and use of public funds;
 - (b) provide minimum standards, procedures, and definitions for LEA policies;
 - (c) direct that LEAs make policies, procedures, and training materials available to the public and readily accessible on LEA or public school websites, to the extent of resources available;
 - (d) require LEAs to train employees in:
 - (i) appropriate financial practices;
 - (ii) necessary accounting procedures; and
 - (iii) ethical financial practices;
 - (e) specify uniform budgeting, accounting, and auditing procedures for LEAs consistent with GAAP, GAAS, and GAGAS; and
 - (f) establish reporting and accounting requirements for LEAs to enable the Board to comply with ESSA.
- (3) This Rule R277-113 is categorized as Category 3 as described in Rule R277-111.

R277-113-2. Definitions.

- (1) "Accrual basis of accounting" means a basis of accounting that records:
- (a) revenue when earned and expenses when incurred; and
 - (b) transactions irrespective of the dates on which any associated cash flows occur.
- (2) "Administration" means:
- (a) an LEA superintendent or director;
 - (b) a deputy or associate superintendent or director;
 - (c) a business administrator or manager; or
 - (d) another LEA educational administrator, designated staff, or a designated educational service provider.
- (3) "Arm's length transaction" means a transaction between two unrelated, independent, and unaffiliated parties or a transaction between two parties acting in their own self interest that is conducted as if the parties were strangers so that no conflict of interest exists.
- (4) "Cash" or "cash receipts" means cash, checks, credit cards, electronic payments via a website or a mobile payment application, or other items used for payment.
- (5) "Exclusive contract or arrangement" means an agreement requiring a buyer to purchase or exchange needed goods or services from one seller.

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(6) "GAAP" means Generally Accepted Accounting Principles or a common framework of accounting rules and standards for financial reporting promulgated by GASB.

(7) "GAAS" means Generally Accepted Auditing Standards or a set of auditing standards and guidelines promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants.

(8) "GAGAS" means Generally Accepted Government Auditing Standards or a set of auditing standards and guidelines promulgated by the Government Accountability Office.

(9) "GASB" means the Governmental Accounting Standards Board whose purpose is to establish GAAP for state and local governments within the United States.

(10) "Internal controls" means a process, implemented by an entity's governing body, administration, or other personnel, designed to:

(a) provide reasonable assurance regarding the achievement of objectives in the following categories:

(i) effectiveness and efficiency of operations;

(ii) reliability of reporting for internal and external use; and

(iii) compliance with applicable laws and regulations;

(b) provide reasonable assurance regarding the achievement of the following objectives over state and federal awards:

(i) proper recording and accounting for transactions, to:

(A) permit the preparation of reliable financial statements and state and federal reports;

(B) maintain accountability over assets; and

(C) demonstrate compliance with state and federal statutes, regulations, and the terms and conditions of state and federal awards;

and

(ii) execution of transactions in compliance with:

(A) state and federal statutes and regulations; and

(B) the terms and conditions of state or federal awards; and

(c) safeguard funds, property, and other against loss from unauthorized use or disposition.

(11) "Modified accrual basis of accounting" means a basis of accounting, commonly used by government agencies, that recognizes revenues when they become available and measurable and recognizes expenditures when liabilities are incurred.

(12) "Non-operating LEA" means an LEA that has not received minimum school program funds or federal funds and is not providing educational services during a fiscal year, such as an LEA in a start-up period.

(13) "N-size" means the minimum size necessary to disclose or display data to ensure maximum student group visibility while protecting student privacy.

(14) "Operating LEA" means an LEA that has received state minimum school program funds or federal funds and is providing educational services during a fiscal year.

(15)(a) "Provided, sponsored, or supported by a school" has the same meaning as defined in Section R277-407-2.

(b) "Provided, sponsored, or supported by a school" does not apply to non-curricular clubs specifically authorized and meeting the requirements of Sections 53G-7-704 through 53G-7-707.

(16) "Public funds" has the same meaning as that term is defined in Subsection 51-7-3(26).

(17) "Title IX" refers to that portion of the United States Education Amendments of 1972 codified as 20 U.S.C. 1681 through 20 U.S.C. 1688.

(18) "Utah Public Officers' and Employees' Ethics Act," means Title 67, Chapter 16, which provides standards of conduct for officers and employees of the state of Utah and its political subdivisions in areas where there are actual or potential conflicts of interest between public duties and private interests.

R277-113-3. Superintendent Responsibilities.

(1) The Superintendent shall provide training, informational materials, and model policies for use by LEAs in developing LEA and public school-specific financial policies.

(2) The Superintendent shall provide online training and resources for LEAs regarding the use and management of public funds and ethical practices for licensed Utah educators who manage, control, participate in fundraising, or expend public funds.

(3) The Superintendent shall provide training and informational materials for use by LEA governing boards in establishing their audit committees and internal audit programs in compliance with Section 53G-7-402.

(4) The Superintendent shall provide and establish a cycle for state review of LEA fiscal policies and standards.

(5) The Superintendent shall work with and provide information upon request to the Utah State Auditor's Office, the Legislative Fiscal Auditors, and other state agencies with the right to information from the Board.

R277-113-4. LEA Audit Responsibilities.

(1) The presiding officer of an LEA governing board shall ensure that the members of the governing board and audit committee are provided with training on the requirements of Title 53G, Chapter 7, Part 4, Internal Audits, and this Section R277-113-4 as part of the member on-boarding process.

(2) The training described in Subsection (1) shall:

(a) comply with Title 63G, Chapter 22, State Training and Certification Requirements; and

(b) use the online training and informational materials provided by the Superintendent in accordance with Subsection R277-113-

3(3).

(3) An LEA governing board shall:

- (a) designate board members to serve on an audit committee, consistent with Subsection 53G-7-401(1); and
- (b) maintain the following information on the LEA's website:
 - (i) names of the governing board members who serve on the audit committee; and
 - (ii) if required by Subsection 53G-7-402(2);
- (A) the name and contact information of the internal audit director; and
- (B) a copy of the LEA's annual audit plan.
- (4) An LEA audit committee shall:
 - (a) ensure the LEA obtains all audits, agreed-upon procedures, engagements, and financial reports required by Section 51-2a-201 and Subsection 53G-5-404(4);
 - (b) provide an independent forum for internal auditors, internal audit contractors, and other regulatory bodies to report findings of fraud, waste, abuse, non-compliance, or control weaknesses, particularly if LEA administration is involved;
 - (c) ensure that corrective action on findings, concerns, issues and exceptions reported by independent external auditors, internal auditors, or other regulatory bodies are resolved in a timely manner by LEA administration;
 - (d) present, as appropriate, information and reports from the audit committee's meetings to the LEA board; and
 - (e) receive, as appropriate, reports of reviews, monitoring, or investigations conducted by LEA administration and ensure appropriate corrective action is taken in a timely manner.
- (5) With regards to engagements completed by an independent external auditor, an LEA audit committee shall:
 - (a) manage the audit procurement and quality process in compliance with Title 63G, Chapter 6a, State Procurement Code and Rule R123-5;
 - (b) ensure that the independent external auditor has access to directly communicate with the audit committee;
 - (c) review disagreements between independent external auditors and LEA administration;
 - (d) consider LEA responses to audits or agreed-upon procedures; and
 - (e) determine the scope and objectives of other non-audit services, as necessary.
 - (6) An LEA audit committee shall if required by Section 53G-7-402:
 - (a) establish an internal audit program that provides internal audit services for the programs administered by the LEA;
 - (b) advise the LEA board in the appointment of an audit director or in contracting for internal audit services in accordance with Subsection 53G-7-402(3);
 - (c) conduct or advise the LEA board in an annual evaluation of the internal audit director or contractors providing internal audit services;
 - (d) prioritize the internal audit plan based on risk;
 - (e) receive regular updates on the internal audit plan and internal audit project progress; and
 - (f) receive final internal audit reports from internal auditors or contractors providing internal audit services.

R277-113-5. LEA Fiscal Responsibilities and Required Fiscal Policies.

- (1) An LEA shall review the LEA's fiscal policies and procedures regularly.
- (2) An LEA shall develop a plan for annual training of LEA and public school employees on policies and procedures enacted by the LEA specific to job function.
- (3) LEA fiscal policies and procedures shall be available at each LEA main office, at individual public schools, and be publicly available on the LEA's website.
- (4) LEA fiscal policies, procedures, and training may have different components, specificity, and levels of complexity for public elementary and secondary schools.
- (5) An LEA may have one or more policies to satisfy the minimum requirements of this Rule R277-113.
- (6) An LEA fiscal policy may reference specific training manuals or other resources that provide detailed descriptions of business practices which are too lengthy or detailed to include in the LEA policy.
- (7) A public education foundation established by an LEA shall follow the requirements set forth in Section 53E-3-403.
- (8)(a) An LEA shall ensure that the LEA's written fiscal policies and procedures address applicable state and federal statutes and regulations.
 - (b) The requirements set forth in this Section R277-113-5 are minimum requirements.
 - (c) An LEA may include other related items, provide LEA specific policy and guidance, and set policies that are more restrictive and inclusive than the minimum provisions established by Board rule.
- (9) LEA fiscal policies shall include the following:
 - (a) a program accounting policy that establishes internal controls and procedures to record program revenues and expenditures in accordance with:
 - (i) GAAP; and
 - (ii) the school fee provisions in Section R277-407-12;
 - (b) a program accounting policy that:
 - (i) accurately reflects the use of funds for allowable costs and activities;
 - (ii) requires that transactions be recorded when they occur;
 - (iii) allows adjusting journal entries during the year and at the end of the year, in accordance with GAAP; and
 - (iv) requires that initial transactions, and adjusting entries if applicable, be recorded in the proper program, utilizing the following codes as established by the Board approved chart of accounts:
 - (A) fund;

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- (B) function;
- (C) program;
- (D) location; and
- (E) object or revenue code, as applicable;
- (c) a cash handling policy, which shall address cash receipts, including cash, checks, credit cards, electronic payments via a website or a mobile payment application, and other items used for payment, collected at the LEA and individual public schools and shall include:
 - (i) establishment of internal controls and procedures over the collection, deposit, and reconciliation of cash receipts received; and
 - (ii) compliance with Subsection 51-4-2(2) regarding deposits.
- (d) an expenditure policy, which shall address expenditures made by the LEA and individual public schools and shall include:
 - (i) establishment of internal controls and procedures over the initiation, approval and monitoring of expenditures, including:
 - (A) credit, debit, or purchase card transactions;
 - (B) employee reimbursements;
 - (C) travel; and
 - (D) payroll;
 - (ii) directives regarding the appropriate use of the LEA's tax exempt status number;
 - (iii) compliance with Section 63G-6a-1204 regarding length of multi-year contracts;
 - (iv) compliance with:
 - (A) Title 63G, Chapter 6a, Utah Procurement Code;
 - (B) Board rule regarding construction and improvements; and
 - (C) federal Title IX requirements, found in 20 U.S.C. 1681, et seq.;
 - (v) requirements for LEA contracts, including:
 - (A) inclusion of specific scope of work language;
 - (B) inclusion of federal requirements;
 - (C) inclusion of language regarding data privacy and use, where appropriate; and
 - (D) legal review before LEA approval; and
 - (vi) procedures and documentation maintained by the LEA if the LEA chooses to enter into exclusive contracts or arrangements consistent with state procurement law and the LEA procurement policy; and
 - (vii) procedures for determining allowability of costs in accordance with relevant regulations and terms and conditions of awards;
- (e) a fundraising policy that:
 - (i) establishes procedures for LEA and public school fundraising in general;
 - (ii) establishes an approval process for fundraising activities for school sponsored activities;
 - (iii) provides for compliance with the requirements of Rule R277-408; and
 - (iv) includes:
 - (A) specific designation of employees by title or job description who are authorized to approve fundraising and school sponsored fundraising activities;
 - (B) establishment of internal controls and procedures over the approval of fundraising and school sponsored activities and compliance with associated cash handling and expenditure policies;
 - (C) directives regarding the appropriate use of the LEA's tax exempt status number and issuance of charitable donation written disclosure in accordance with IRS regulations;
 - (D) procedures governing LEA or public school employee interaction with parents, donors, and organizations doing fundraisers not provided, supported, or sponsored, by a school or LEA;
 - (E) disclosure requirements for LEA and public school employees approving, managing, or overseeing fundraising activities, who also have a financial or controlling interest or access to bank accounts in the fundraising organization or company;
 - (F) provisions establishing compliance with:
 - (I) Utah Constitution, Article X, Section 2, establishing a free public education system;
 - (II) Rule R277-408; and
 - (III) federal Title IX requirements, found in 20 U.S.C. 1681, et seq.
 - (v) may include procedures governing:
 - (A) student participation and incentives offered to students;
 - (B) allowable types of individual or group fundraising activities; and
 - (C) participation in school sponsored activities by volunteer or outside organizations;
- (f) an LEA donation and gift policy that includes:
 - (i) an acceptance and approval process for:
 - (A) monetary donations;
 - (B) donations and gifts with donor restrictions;
 - (C) donations of gifts, goods, materials, or equipment; and
 - (D) donation of funds or items designated for construction or improvements of facilities;
 - (ii) establishment of internal controls and procedures over the acceptance and approval of donations and gifts and compliance with associated cash handling and expenditure policies;
 - (iii) directives regarding the appropriate use of the LEA's tax exempt status number, and issuance of charitable donation written disclosure in accordance with IRS regulations;

- (iv) procedures regarding the objective valuation of donations or gifts if advertising or other services are offered to the donor in exchange for a donation or gift;
- (v) procedures governing LEA or public school employee conduct with parents, donors, and nonschool sponsored organizations;
- (vi) procedures establishing provisions for direct donations or gifts to the LEA or LEA programs, individual public school or public school programs;
- (vii) provisions restricting donations from being directed at specific LEA employees, individual students, vendors, or brand name goods or services;
- (viii) compliance with:
 - (A) Title 63G, Chapter 6a, Utah Procurement Code;
 - (B) state law and Board rule regarding construction and improvements;
 - (C) IRS regulations and tax deductible directives; and
 - (D) Title IX;
- (ix) procedures for:
 - (A) accepting donations and gifts through an LEA's legally organized foundation, if applicable;
 - (B) recognition of donors; or
 - (C) granting naming rights; and
- (g) an LEA Financial Reporting policy, which shall include the following:
 - (i) a requirement that the LEA shall ensure external audits of LEA financial reporting, compliance, and performance, in accordance with GAAS and GAGAS;
 - (ii)(A) a requirement that the LEA shall provide financial reporting in a manner consistent with the basis of accounting as required by GAAP, as applicable to the entity; and
 - (B) a requirement that the basis of accounting will be GASB; and
 - (iii) a requirement that the LEA shall provide data and information consistent with budgeting, accounting, including the uniform chart of accounts for LEAs, and auditing standards for Utah LEAs provided online annually by the Superintendent.
- (10) The Superintendent shall maintain a School Finance website with applicable Utah statutes, Board rules, and uniform rules for:
 - (a) budgeting;
 - (b) financial accounting, including a chart of accounts required for an LEA;
 - (c) student membership and attendance accounting;
 - (d) indirect costs and proration;
 - (e) financial audits;
 - (f) statistical audits; and
 - (g) compliance and performance audits.

R277-113-6. LEA Governing Board Fiscal Responsibilities.

- ~~[(1)]~~An LEA governing board shall have the following responsibilities:
- ~~[(a)]~~1 approve written fiscal policies and procedures required by Section R277-113-5;
 - ~~[(b)]~~2 ensure, considering guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission, that LEA administration establish, document, and maintain an effective internal control system for the LEA;
 - ~~[(c)]~~3 develop a process to regularly discuss and review LEA:
 - ~~[(i)]~~a budget and financial reporting practices;
 - ~~[(i)]~~b financial statements and annual financial and program reports;
 - ~~[(i)]~~c financial position;
 - ~~[(i)]~~d expenditure of restricted funds to ensure administration is complying with applicable laws, regulations, and award terms and conditions; and
 - ~~[(i)]~~e systems and software applications for compliance with financial and student privacy laws;
 - ~~[(d)]~~4 receive the results of required annual audits from the external auditor in accordance with Section R123-5-4;
 - ~~[(e)]~~5 oversee procurement processes in compliance with Title 63G, Chapter 6a, Utah Procurement Code, and Rule R277-115, including:
 - ~~[(i)]~~a reviewing the scope and objectives of LEA contracts or subawards with entities that provide business or educational services; and
 - ~~[(i)]~~b receiving reports regarding the compliance and performance of entities with contracts or subawards;
 - ~~[(f)]~~6 ensure the procurement process for an external auditor is in compliance with Section R123-5-4;
 - ~~[(g)]~~7 ensure LEA administration implements sufficient internal controls over the functions of entities with contracts or subawards to perform services on behalf of the LEA;
- ~~[(2)]~~ An LEA governing board shall:
- ~~[(a)]~~(i) provide a hotline independent from administration for stakeholders to report concerns of fraud, waste, abuse, or non-compliance; and
 - ~~[(i)]~~(ii) post on the school's website in a readily accessible location:
 - ~~[(A)]~~(A) a hotline phone number;
 - ~~[(B)]~~(B) a hotline email; or
 - ~~[(C)]~~(C) an online complaint form; or

~~_____ (b) post a link on the school's website in a readily accessible location with contact information for the Board's hotline.]~~

R277-113-7. Reporting of School Level Expenditures.

(1) In accordance with ESSA, the Superintendent shall make public the per pupil expenditures of federal, state, and local funds, for each LEA and each school in the state.

(a) The Superintendent shall exclude expenditures that:

- (i) are non-current;
- (ii) do not reflect the day-to-day operations of an LEA or school;
- (iii) do not contribute to k-12 education; or
- (iv) are significant, unique expenditures that may skew data in certain years and thwart year-to-year comparison.

(b) The Superintendent shall publish and make available a comprehensive list of expenditures that are excluded from per pupil expenditure information.

(2) The Superintendent's school level report for each school shall include:

- (a) average daily membership for the fiscal year covered by the report;
- (b) an indicator if the school is:
 - (i) a Title I School; or
 - (ii) a Necessarily Existent Small School;
- (c) grade levels served by each school;
- (d) student demographics;
- (e) expenditures recorded at the school level and central expenditures allocated to each school by:
 - (i) federal program expenditures; and
 - (ii) state and local combined expenditures;
- (f) calculated per pupil expenditures; and
- (g) average teacher salary.

(3) The Superintendent may not report expenditure data for a school with an n-size of less than 10.

R277-113-8. LEA Accounting Requirements.

(1) Each LEA shall:

- (a) record revenues and expenditures in compliance with the Board approved chart of accounts;
- (b) record expenditures using school location codes that can be mapped to official school location codes used in the Board system of record;
- (c) record expenditures using approved district and school codes in the Board system of record;
- (d) submit expenditures using location codes in the Utah Public Education Financial System;
- (e) perform program accounting in accordance with GAAP and this rule; and
- (f) beginning with the fiscal year that begins on July 1, 2021, accrue school fees, and fee waivers and use contra-revenue accounts to record fee waivers in the LEA's accounting system.

(2) Each LEA shall record and report the following expenditures for each school annually:

- (a) salaries;
- (b) benefits;
- (c) supplies;
- (d) contracted services; and
- (e) equipment.

(3) If an LEA pays for contracted services that occur at the school level, the LEA shall record the payments to the contractors in the appropriate function and object codes established under Subsection (2) at the school level.

(4)(a) An LEA shall record centralized administrative costs to the administrative location code.

(b) The Superintendent shall allocate such costs to each school based on school enrollment.

(5) The Superintendent shall present one expenditure report for a school receiving more than one report card under Subsection R277-497-4(8).

(6) If an LEA reports expenditures in programs, the LEA shall report the expenditures to one or more schools.

(7) Each LEA shall request reimbursement for federal programs no less than semi-annually as funds are available.

(8) Each LEA shall submit an intent to fully expend or waive a federal award nine months before the end of the federal program grant award period.

R277-113-9. Activities Provided, Sponsored, or Supported by a School.

(1) An LEA or school shall comply with this Section R277-113-9 for all activities provided, sponsored, or supported by a school.

(2) An LEA shall ensure that revenues raised from or during activities provided, sponsored, or supported by a school are classified, recorded, and deposited as public funds in compliance with LEA cash handling, program accounting, and expenditure of funds policies as required by Section R277-113-5.

(3) An LEA shall:

- (a) maintain records in sufficient detail to:
 - (i) track individual contributions and expenditures;
 - (ii) track overall financial outcomes; and

- (iii) verify compliance with relevant regulations; and
- (b) make records of activities available to parents, students, and donors, except as restricted by state or federal law;
- (4) An LEA may establish LEA specific rules or policies:
 - (a) designating categories of activities or groups as provided, sponsored, or supported by the school; and
 - (b) regarding use of facilities or LEA resources.
- (5) An LEA shall document their annual review of fundraising activities that support or subsidize LEA or public school-authorized clubs, activities, sports, classes, or programs to determine if the activities are provided, sponsored, or supported by a school.
 - (6)(a) An LEA may enter into contractual agreements to allow for fundraising and use of LEA facilities.
 - (b) An agreement under Subsection (6)(a) shall take into consideration the LEA's fiduciary responsibility for the management and use of public funds, resources, and assets.
 - (c) An LEA shall review an agreement under Subsection (6)(a) with the LEA's insurer or legal counsel to consider risk to the LEA.
- (7) An LEA shall comply with this Subsection (7) for any activity not provided, sponsored, or supported by a school:
 - (a) an LEA shall conduct transactions at arm's length;
 - (b) an LEA may not co-mingle revenue and expenditures with public funds; and
 - (c) a public school employee may only provide educational services outside of the employee's regular employment consistent with Rule R277-107.

R277-113-10. LEA Policies and Compliance with State and Federal Law.

- (1) An LEA is responsible to ensure that its policies comply with the following:
 - (a) Utah Constitution Article X, Section 3;
 - (b) Title 63G, Chapter 6a, Utah Procurement Code;
 - (c) Title 51, Chapter 4, Deposit of Funds Due State;
 - (d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
 - (e) Family Educational Rights and Privacy Act, 20 U.S.C. 1232g;
 - (f) Title 63G, Chapter 2, Government Records Access and Management Act;
 - (g) Title 53G, Chapter 7, Part 5, Student Fees;
 - (h) Title 53G, Chapter 7, Part 6, Textbook Fees;
 - (i) Section 53E-3-403, Establishment of Public Education Foundations;
 - (j) Title 53G, Chapter 7, Part 7, Student Clubs Act;
 - (k) Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
 - (l) Additional state legal compliance guides for operating LEAs and non-operating LEAs as published by the office of the state Auditor;
 - (m) Subsection 51-7-3(26), Definition of Public Funds;
 - (n) Title 53G, Chapter 7, Part 4, Internal Audits;
 - (o) Rule R277-407, School Fees;
 - (p) Rule R277-107, Educational Services Outside of Educator's Regular Employment;
 - (q) Rule R277-217, Utah Educator Standards;
 - (r) Rule R277-605, Coaching Standards and Athletic Clinics;
 - (s) Rule R123-5, Audit Requirements for Audits of Political Subdivisions and Governmental Nonprofit Corporations; and
 - (t) 2 CFR. 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2020).
- (2) An LEA shall include the following requirements of Title IX in LEA policies:
 - (a) Fundraising shall equitably benefit males and females;
 - (b) Males and females shall have reasonably equal access to facilities, fields, and equipment;
 - (c) School sponsored activities shall be reasonably equal for males and females.

R277-113-11. LEA Recordkeeping for Flexible Use of Restricted Funds.

- (1) An LEA may reallocate funds for flexible uses as described in Section 53F-2-209.
- (2) An LEA that makes flexible adjustments as described in Subsection (1) shall:
 - (a) report accounting transactions and adjust entries utilizing the Board approved chart of accounts, including:
 - (i) a dedicated program code;
 - (ii) a dedicated other financing uses code for fund or program transfers from state restricted funds; and
 - (iii) expenditure details accurately describing transactions in response to changing circumstances and student needs; and
 - (b) refund to the state restricted program from which the original transfer originated any remaining funds transferred under Subsection (1) not completely or materially expended at the end of each fiscal year.
- (3) An LEA that makes flexible adjustments under this section shall ensure that the LEA continues to meet:
 - (a) federal maintenance of effort requirements; and
 - (b) other state or federal requirements on restricted funding, including requirements for program-specific effort, matching, and equity.
- (4) The Superintendent shall publish online a list of eligible state restricted programs meeting requirements of Section 53F-2-209 no later than May 30 of each year.

R277-113-~~11~~12. Applicability to the Utah Schools for the Deaf and the Blind.

The Utah Schools for the Deaf and the Blind shall comply with:

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- (1) Subsection R277-113-5(9)(f);
- (2) Section R277-113-9; ~~and~~
- (3) Section R277-113-10; ~~and~~
- (4) Section R277-113-11.

KEY: school sponsored activities, public funds, fiscal policies and procedures, audit committee

Date of Last Change: ~~2025~~ ~~August 7, 2024~~

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); 53E-3-501(1)(e)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-114	Filing ID: 56981

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-114. Response to Compliance and Related Issues
3. Purpose of the new rule or reason for the change:
This rule is being amended in order to comply with federal law. This rule does not apply to federal programs, with the exception of the section referencing appeals, which require staff to place a Local Education Agency (LEA) on corrective action as soon as non-compliance is identified.
4. Summary of the new rule or change:
The amendments specifically clarify that, except for Section R277-114-6 (Corrective Action Appeals), this rule does not apply to the oversight of federal programs. The amendments also add an oversight Category 4 for this rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself. The clarification about which parts of the rule apply to federal programs does not add costs or affect revenues for the USBE, it simply clarifies for stakeholders which parts of this rule are applicable for federal programs.

B) Local governments:

This rule change is not expected to have fiscal impact on local government revenues or expenditures. The oversight framework categorization is part of the USBE effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself. LEAs will not incur increased costs or have effects to their revenues because this change is simply a clarification of which parts of this rule are applicable to federal programs.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This only applies to the USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only applies to the USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The oversight framework categorization is part of the USBE effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself. LEAs and the USBE will not incur increased costs or have effects to their revenues because this change is simply a clarification of which parts of this rule are applicable to federal programs.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027

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State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Section 53E-3-401	Subsection 53E-3-401(4)
Section 53F-1-104		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on: 02/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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R277. Education, Administration.

R277-114. Response to Compliance and Related Issues.

R277-114-1. Authority, ~~and~~ Purpose, and Oversight Category.

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Subsection 53E-3-401(8), which allows the Board to make rules setting forth the procedures to be followed for enforcing Board rules;
 - (d) Section 53F-1-104, which requires the Board to monitor state-funded education programs and the expenditure of state funds in accordance with certain statutory provisions; and
 - (e) Section 53E-3-301, which requires the Superintendent to:
 - (i) administer programs assigned to the state board in accordance with the policies and the standards established by the state board; and
 - (ii) investigate matters pertaining to public schools.
- (2) The purpose of the rule is to provide procedures for responses to compliance and related issues, including corrective action and related appeals procedures.
- (3) Except for Section R277-114-6, this rule does not apply to oversight of federal programs.
- (4) This Rule R277-114 is categorized as Category 4 as described in Rule R277-111.

R277-114-2. Definitions.

- (1) "Framework" means the Board Oversight Framework established in Rule R277-111.
- (2) "Oversight entity" means the same as that term is defined in Rule R277-111.
- (3) "Program or set of requirements" means the same as that term is defined in Rule R277-111.

R277-114-3. Use of Framework for Compliance and Related Issues.

(1)(a) Except as provided in Subsection (1)(b), for an alleged compliance issue regarding a program or set of requirements in framework category one or two, the Superintendent shall refer reports and complaints back to the oversight entity for resolution.

(b) The Superintendent may work informally with an oversight entity to resolve an alleged compliance issue arising under a program or set of requirements in framework category one or two, including discussing whether:

- (i) the oversight entity had adequate time to comply; or
- (ii) the oversight entity needs additional training.

(2) For a compliance issue arising under a program or set of requirements in framework category three or four, the Superintendent shall pursue formal corrective action:

- (a) as described in Section R277-114-4 or R277-114-5; and
- (b) in accordance with a state law, administrative rule, or a contract associated with the program or set of requirements.

(3)(a) In response to an alleged compliance issue regarding a program or set of requirements, Board leadership may work informally with the oversight entity toward resolving the issue, which efforts may include:

- (i) for an issue regarding an LEA, meeting with the chair of the LEA's governing board, the LEA's superintendent, or charter director;

or

- (ii) considering whether training or additional time will allow the oversight entity to resolve the issue.

(b) Before Board leadership works informally with an oversight entity as described in Subsection (3)(a), Board leadership shall notify the Board member or members who represent the area where the oversight entity is located.

(c)(i) For an alleged compliance issue regarding a program or set of requirements uncategorized or in framework category one or two, the Board's audit committee may determine an appropriate method to investigate the alleged compliance issue, including requesting the Board's internal audit function to investigate the alleged issue in accordance with Rule R277-116.

(ii) If the Board's audit committee directs an investigation as described in Subsection (3)(c)(i), the entity conducting the investigation shall notify the oversight entity that the investigation will review an alleged compliance issue in accordance with this section.

(d) Based on the results of an investigation described in Subsection (3)(c), the Board may:

- (i) take no further action;
- (ii) resolve the issue informally;
- (iii) direct the Superintendent to pursue corrective action as described in Section R277-114-4 or R277-114-5; or
- (iv) take other action.

R277-114-4. Corrective Action for Contract Requirements.

For corrective action related to a program or set of requirements established or culminating in a contract between the Board and an oversight entity, the Superintendent shall take corrective action in accordance with the provisions of the contract.

R277-114-5. Corrective Action for Non-Contractual Requirements.

(1) For corrective action related to a program or set of requirements not established in contract, the Superintendent may take corrective action as described in this section.

(2)(a) In taking corrective action under this section, the Superintendent shall act in accordance with state and federal law applicable to the program or set of requirements.

(b) Before the Superintendent places an oversight entity on a corrective action plan as described in Subsection (3), the Superintendent shall:

- (i) provide written notice of initiating the process 30 days before the day on which the corrective action plan is finalized; and
- (ii) during the 30 days, discuss with the LEA's superintendent, charter director or the oversight entity's primary contact the nature of the issue and try to resolve the issue informally, including discussing whether:

- (A) the oversight entity has adequate time to comply; or
- (B) the oversight entity needs additional training.

(c) If the corrective action plan is due to an oversight entity's failure to provide information, the notice described in Subsection (2)(b)(i) shall include a statement confirming that the information is not available elsewhere.

(3) The Superintendent may place an oversight entity on a corrective action plan if the Board, the Superintendent, or an external or internal audit determines that the oversight entity:

- (a) demonstrates non-compliance with published expectations for program outcomes or allowable program expenditures;
- (b) demonstrates unsatisfactory outcomes in performance as evidenced by audit results or framework category three or four monitoring;

(c) demonstrates financial fraud, waste, or abuse; or

(d) did not comply with a request to provide timely, accurate and complete program or financial information, in accordance with oversight procedures.

(4) A corrective action plan shall contain the following elements:

- (a) the background information that led to corrective action;
- (b) each identified issue, including the reasons for the corrective action plan as described in Subsection (3);
- (c) details of the identified issue, based on evidence gathered, including dates;
- (d) the specific conditions the oversight entity must meet as a result of the issues;
- (e) steps required to satisfy the corrective action plan and estimated time frame for completing the steps;
- (f) a procedure for communication during the course of the corrective action, including:

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- (i) designation of a primary contact at the oversight entity;
- (ii) a schedule for the frequency of updates provided by the contact;
- (iii) the format of required updates; and
- (iv) the designated recipient of the updates;
- (g) a procedure to close the corrective action, including:
 - (i) designation of an individual authorized to close the corrective action;
 - (ii) the criteria for closing the corrective action;
 - (iii) an estimated schedule for closing the corrective action; and
 - (iv) how the authorized individual will communicate closure to the oversight entity; and
 - (h) notice of the option for appeal as described in Section R277-114-6.
- (5) In creating a corrective action plan, the Superintendent shall emphasize providing technical support to assist the oversight entity to achieve compliance and performance.
 - (6) The specific conditions described in Subsection (4)(b) may include:
 - (a) requiring the oversight entity to obtain technical or management support, including program assistance such as mentoring;
 - (b) requiring the oversight entity to receive payment as a reimbursement instead of advance payment;
 - (c) requiring evidence of acceptable performance within a given period before the oversight entity may proceed to the next corrective action step;
 - (d) requiring more frequent or more intensive monitoring than what is required from the related program or set of requirements;
 - (e) requiring additional or more detailed financial or compliance reports; or
 - (f) establishing additional prior approvals.
 - (7) The Superintendent may also include in a corrective action plan a provision and timeline for:
 - (a) training for the oversight entity's staff;
 - (b) a referral for risk-based monitoring, for a program or set of requirements that does not already perform risk-based monitoring;
 - (c) a referral for an audit or other agreed-upon procedure by:
 - (i) an external auditor; or
 - (ii) the Board's internal audit section, with approval of the Board's Audit Committee;
 - (d) periodic meetings between an oversight entity administrator or governing board member and the Superintendent or a Deputy Superintendent; and
 - (e) a planned appearance before the Board or a Board committee to provide status updates
- (8) For an oversight entity that is a charter school the Superintendent shall:
 - (a) consult with the charter authorizer in the creation of the corrective action plan; and
 - (b) report regularly to the charter authorizer about the status of the oversight entity.
- (9) The Superintendent may implement escalating restrictive conditions in a corrective action plan based on:
 - (a) the severity of the violation as determined by the program's monitoring plan or process; or
 - (b) repeated violations by an oversight entity.
- (10)(a) The Superintendent may include penalties for non-compliance with a corrective action plan in accordance with Subsection 53E-3-401(8).
 - (b) If the Superintendent determines to withhold funding as part of a corrective action plan, the corrective action plan will state:
 - (i) the circumstances that led to the determination;
 - (ii) a timeline for withholding funds; and
 - (iii) the steps the oversight entity is required to satisfy to reinstate funding.
- (11) The Superintendent shall give notice and a hard or electronic copy of the corrective action plan to:
 - (a) the designated primary contact described in Subsection (4)(d)(i);
 - (b) the respective oversight entity's governing board; and
 - (c) the charter school authorizer, in accordance with Subsection (8).
- (12) As requested, the Superintendent shall report to the Board about the status of a corrective action plan in force for an oversight entity.

R277-114-6. Corrective Action Appeals.

- (1) An oversight entity may submit an appeal to the Board relating to:
 - (a) a reason the Superintendent is imposing the corrective action plan;
 - (b) the requirements of a corrective action plan; or
 - (c) an action the Superintendent takes to impose or implement a corrective action plan.
- (2) For an appeal described in Subsection (1), the oversight entity shall:
 - (a) state in the appeal the plan requirement or action with which the oversight entity disagrees; and
 - (b) submit the appeal to the Board in accordance with Section R277-102-3.
- (3) Except for corrective action subject to 34 CFR 76.783, the Board may:
 - (a) review the appeal as a full board;
 - (b) refer the matter to the Board audit committee to make a recommendation to the Board for action; or
 - (c) identify another method to review the appeal.

KEY: monitoring, corrective action, oversight

Date of Last Change: ~~2025~~~~March 11, 2024~~

Notice of Continuation: August 15, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-3-401(4); 53F-1-104

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R277-123

Filing ID: 56982

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-123. Process for Members of the Public to Report Violations of Statute and Board Rule
3. Purpose of the new rule or reason for the change:
This rule is being amended due to H.B. 261 and H.B. 29 in the 2024 General Session. The amendments specifically require a hotline that supports all types of concerns, not just those related to fraud, waste, and abuse (i.e. financial) and places the hotline related requirements at the state level and local level in proximity, which is more transparent and efficient.
4. Summary of the new rule or change:
The amendments move the requirement for a Local Education Agency (LEA) to have a hotline from Rule R277-113 to this Rule R277-123. The amendments also update the processes the Utah State Board of Education's (USBE) Internal Audit Department will follow after receiving hotline complaints. Additionally, this rule has been categorized for oversight purposes as Category 2, or Exempt.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The oversight framework categorization is part of the USBE effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself. The USBE believes any fiscal impact from the hotline requirements were captured in the fiscal notes to H.B. 261 and H.B. 29 and the rule does not add any additional costs for the USBE or LEAs.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself. The USBE believes any fiscal impact from the hotline requirements were captured in the fiscal notes to H.B. 261 and H.B. 29 and this rule does not add any additional costs for the USBE or LEAs.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This only applies to the USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only applies to the USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The oversight framework categorization is part of the USBE effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself. The USBE believes any fiscal impact from the hotline requirements were captured in the fiscal notes to H.B. 261 and H.B. 29 and this rule does not add any additional costs for the USBE or LEAs.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Subsections 53E-3-401(4) and (8)
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on: 02/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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R277. Education, Administration.

R277-123. Process for Members of the Public to Report Violations of Statute and Board Rule.

R277-123-1. Authority, ~~and~~ Purpose, and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;~~and~~
 - (c) Subsection 53E-3-401(8)(a), which allows the Board to take corrective action, withhold funds, issue penalties, and require reimbursement of funds;
 - (d) Subsection 53E-3-401(8)(c), which directs the Board to make rules related to violations of the public education code or board rule;
 - (~~e~~) Subsection 53E-3-401(8)(d), which ~~requires~~allows the Board to establish a process in rule for an individual to bring a violation of statute or board rule to the attention of the Board;~~and~~
 - (f) Subsections 53G-2-103(8), 53G-2-104(5), and 53G-2-105(6), which allow a report of violations of these subsections to the Board in accordance with Section 53E-3-401; and
 - (g) Subsection 53G-10-103(8), which requires the Board to establish a process to allow an individual to report violations of that subsection by an LEA to the Board.
- (2) The purpose of this rule is to establish a process for an individual to bring an alleged violation of statute or board rule to the attention of the Board.
 - (3)(a) Sections R277-123-4 and R277-123-5, insofar as they create requirements for LEAs, are categorized as Category 2 as described in Rule R277-111.
 - (b) The remainder of the rule is categorized as exempt as described in Rule R277-111.

R277-123-2. Definitions.

- (1)(a) "Alleged violation" means an alleged violation of statute or Board rule raised consistent with Subsection 53E-3-401(8)(d).
- (b) An "alleged violation" does not include a violation of a local school or LEA policy or procedure, except for purposes of Section R277-123-6.
- (2) "Complainant" means an individual who submits a hotline complaint to the public education hotline.

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~~(2)[3] "Hotline [report]complaint" means a [report of an alleged violation submitted to the Board's public education hotline]complaint that includes an alleged violation or other concern submitted to the Board's public education hotline directly or forwarded to the IAD by an individual, entity, or agency, or submitted to a local education hotline.~~

~~(4) "IAD" means the Board's Internal Audit Department.~~

~~(3)[5] "Individual with standing" means, for purposes of Section R277-123-6[~~an individual who:~~~~

~~(a) submitted a request for review of library materials with an LEA;~~

~~(b) a parent who did not serve on an LEA review committee whose child attends the same school as a parent who submitted a request for review of library materials within an LEA;~~

~~(c) a student enrolled in the LEA; or~~

~~(d) an employee of the LEA.] an individual described in Subsection 53G-10-103(3)(a).~~

~~(6) "Other concern" means a hotline complaint or concern that does not meet the requirement of Subsection 53E-3-401(8)(d).~~

~~(7) "Local education hotline" means the process maintained by an LEA where an individual may report a hotline complaint to the LEA.~~

~~(4)[8] "Public education hotline" [or "hotline"]means the process[~~and database~~] maintained by [the Board's internal audit staff]the IAD where an individual may report [an alleged violation]a hotline complaint.~~

~~(9)(a) "Resolved" means that an investigation has been completed and the findings reported to a complainant.~~

~~(b) "Resolved" does not mean or require that the findings are satisfactory to the complainant.~~

R277-123-3. [Individual Reports of Alleged Violations of Statute and Board Rule – Public Education Hotline Reports]Reports of Hotline Complaints to the Public Education Hotline -- Internal Audit Department Responsibilities.

~~(1) [An individual may report an alleged violation of statute or state board rule to the Board's public education hotline.]Anyone may report an alleged violation to the public education hotline.[~~which can be found at https://schools.utah.gov/internalaudit?mid=892&tid=3.~~~~

~~(2) A hotline report may be submitted through the internal audit web page on the Board's website, form, mail, phone, or email.~~

~~(3)(a) As part of the individual's hotline report, the individual may provide:~~

~~(i) a detailed description of the report or alleged violation, including any laws, regulations, or policies that are relevant;~~

~~(ii) the name of the individual, program, and, if applicable, funding, involved;~~

~~(iii) the location where the action or concern occurred;~~

~~(iv) the date the action or concern occurred; and~~

~~(v) any additional information, including:~~

~~(A) other witnesses; and~~

~~(B) supporting documents or evidence.]~~

~~(4)[2] The [Board's internal audit staff]IAD shall [conduct a preliminary analysis of an alleged violation]review all hotline complaints and may request additional information from the individual.~~

~~(3) If after two attempts to obtain information from a complainant as described in Subsection (2), the complainant does not respond to IAD within 14 calendar days, the IAD shall close the hotline complaint and notify the complainant of closure.~~

~~[~~(5) Upon review of the information described in this Section R277-123-3, internal audit staff may refer an alleged violation to the applicable LEA to be resolved or to applicable staff.~~~~

~~(6) An alleged violation related to special education or educator misconduct shall be reviewed and resolved in accordance with:~~

~~(a) for a report related to special education, Rule R277-750; or~~

~~(b) for a report related to educator misconduct, Rules R277-210 through R277-217.~~

~~(7) If a response is requested by an individual or implied, internal audit or other staff shall respond to the individual who submits an alleged violation within three business days.~~

~~(8) If a staff member requests additional information from an individual who submitted an alleged violation, the individual shall respond to the request in a timely manner.~~

~~(9) If after two attempts to obtain information from an individual as described in Subsection (8) the individual does not respond to staff, the alleged violation shall be closed in the public education hotline.]~~

~~(4) Upon receipt of a hotline complaint, the IAD shall conduct a high-level screening of the complaint to consider criteria related to the hotline complaint and to make referrals to those individuals and entities with potential authority to investigate and resolve the complaint.~~

~~(5) The IAD shall make one or more referrals to:~~

~~(a) the Complainant;~~

~~(b) Board leadership and the Board member representing the district;~~

~~(c) the applicable LEA, USBE section, charter authorizer, and other entity or organization responsible to receive, investigate or resolve a hotline complaint.~~

~~(d) appropriate USBE special education staff for a hotline related to special education, for review and resolution in accordance with Rule R277-750;~~

~~(e) the Utah Professional Practices Advisory Commission for hotline complaints with allegations of educator misconduct, for review and resolution in accordance with Rules R277-210 through R277-217 and Title 53E, Chapter 6, Part 6, License Denial and Discipline.~~

~~(6)(a) When the IAD makes a referral to an LEA, the referral shall be sent to at least two members of LEA leadership.~~

~~(b) The IAD may also send the referral to an individual designated by the LEA to receive hotline complaints.~~

~~(c) If a referral includes allegations about a particular individual, the IAD shall exclude that individual from the referral.~~

~~(7) The IAD may make referrals with limited or missing information, and may reopen a closed hotline complaint if a complainant provides additional information or may take other action as permitted by statute or rule, including recommending corrective action.~~

(8) If a response is requested by a complainant, the IAD shall respond to the complainant within three business days or as soon as possible.

(9) The IAD may provide additional related resources and information to a complainant, where appropriate.

(10) The IAD shall provide training and informational materials for use by an LEA governing board and administration in maintaining a hotline and investigating alleged violations.

R277-123-4. Reports of Alleged Violations to a Local Education Hotline and Referrals to LEAs -- LEA Responsibilities.

(1) The presiding officer of an LEA governing board shall ensure that members of the governing board and LEA administration are provided with training on the requirements of this rule as part of the member or employee on-boarding process.

(2) The training described in Subsection (1) shall:

(a) comply with Title 63G, Chapter 22, State Training and Certification Requirements; and

(b) use the online training and information materials provided by the IAD in accordance with Subsection R277-123-3(9).

(3)(a) An LEA governing board shall allow individuals to report alleged violations consistent with Subsection R277-123-3(1) by providing on its LEA website and each school's website:

(i) a readily accessible local education hotline; or

(ii) a link to the state public education hotline.

(4) An LEA that displays information for the public education hotline on its websites shall include a notice that hotline complaints go directly to the USBE Internal Audit Department.

(5) An LEA governing board shall have a policy outlining how the LEA will respond to and resolve hotline complaints, regardless of whether the LEA receives the hotline complaint via referral from the IAD or a direct submission to a local education hotline.

(6) An LEA receiving a referral from the IAD shall disclose information concerning the allegations only as necessary to investigate the hotline complaint in accordance with the LEA's policy adopted in accordance with Subsection (4).

(7) An LEA receiving a referral from the IAD shall provide an update or summary to the IAD of the status of an alleged violation that was referred within 45 days of the referral.

(8) Nothing in this rule shall require the disclosure of information that is considered protected or private under federal or state law.

R277-123-5. Resubmitted Complaints.

(1) A complainant whose alleged violation is referred to another entity, may resubmit the alleged violation to the public education hotline.

(2) Upon receiving a resubmitted alleged violation, the IAD may complete a risk assessment and submit its assessment to the Board Audit Committee.

(3) At the direction of the Board Audit Committee, the IAD may conduct an investigation of the alleged violation, using standards and methodologies similar to those used when conducting audits under Rule R277-116.

(4) If the IAD conducts an investigation of a hotline complaint, the Section R277-116-4 apply to the entity at issue in the hotline complaint.

(5) After an investigation, if the IAD determines an alleged violation is substantiated or a significant risk is identified, the IAD may recommend:

(a) the Board Audit Committee recommend prioritization of an audit to the full Board;

(b) the Superintendent implement corrective or other action in accordance with Rule R277-114; or

(c) other appropriate action given the risks identified.

(6) If a complainant provided contact information, the IAD shall:

(a) notify the complainant in a timely manner if the resubmission was investigated or not; and

(b) if the resubmission was investigated, provide a summary of the resolution.

R277-123-6. Board Review of Appeals on LEA [Library] Sensitive Materials Decisions.

(1) An individual with standing may request the Board review an LEA determination on a [Library] sensitive materials appeal by filing a request on a form provided by the Board's legal counsel within 30 days of the LEA's final decision.

(2) The Board's legal counsel shall review an appeal submitted under Subsection (1) to determine if the request presents an allegation that the LEA violated the procedure outlined in the LEA's [Library] sensitive materials appeal policy.

(3)(a) If the Board's legal counsel determines that an appeal presents a question appropriate for Board review, the Board's legal counsel shall refer the appeal to Board leadership to place on a standing committee agenda.

(b) A standing committee shall make a recommendation to the Board for final action.

(c) The Board shall take action on an appeal within 60 days of the Board's legal counsel referring the matter to the Board.

(4) The Board may review an appeal of an LEA decision only to determine if the LEA appeals process violated the procedure outlined in the LEA's [Library] sensitive materials policy.

(5)(a) If the Board determines that an LEA did not correctly follow the procedure outlined in the LEA's [Library] sensitive materials review policy, the Board shall return the appeal to the LEA with an order stating:

(i) the reasons for the Board's determination;

(ii) recommendations to the LEA, which may include a request to include a governing board review as part of the [Library] sensitive materials policy; and

(iii) a requirement that the LEA repeat its review process in compliance with the LEA's policy.

(b) An LEA shall post an order issued under Subsection (5)(a) on its website.

KEY: hotline, report, and violations

Date of Last Change: ~~2025~~ ~~November 7, 2022~~

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4) and (8)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R277-306

Filing ID: 56983

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-306. Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers
3. Purpose of the new rule or reason for the change:
This rule is being amended in order to make several technical updates to this rule's requirements.
4. Summary of the new rule or change:
The amendments specifically add an oversight Category 3. In addition, the amendments update the requirement that candidates in school psychologist preparation programs are to follow 2020 National Association of School Psychologists Professional Standards, and candidates in school counselor preparation programs are prepared to meet the 2019 American School Counselor Association Professional Standards and Competencies.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself. The amendments clarify which standards that school psychologist and school counselor candidates should use and do not add costs to the USBE or any other state agency. The 2019 updates to the American School Counselor Association Professional Standards "outline the mindsets and behaviors school counselors need to meet the rigorous demands of the school counseling profession" (https://www.schoolcounselor.org/getmedia/a8d59c2c-51de-4ec3-a565-a3235f3b93c3/SC-Competencies.pdf) and do not add time requirements or educational attainment over the previous standards and therefore do not have an increased fiscal impact.

The 2020 National Association of School Psychologists Professional Standards similarly are "a unified set of national principles that guide professional practices, credentialing, graduate preparation, and ethical behavior of effective school psychologists" (<https://www.nasponline.org/standards-and-certification>).

Adopting these standards allows the USBE and LEAs to align with current industry standards and practices but this does not add additional educational requirements or credentialing time for school counselors, and therefore, the USBE does not believe it carries any additional fiscal impact.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE's effort through Rule R77-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself. The amendments clarify which standards that school psychologist and school counselor candidates should use and do not add costs for Local Education Agencies (LEAs).

The 2019 updates to the American School Counselor Association Professional Standards "outline the mindsets and behaviors school counselors need to meet the rigorous demands of the school counseling profession" (<https://www.schoolcounselor.org/getmedia/a8d59c2c-51de-4ec3-a565-a3235f3b93c3/SC-Competencies.pdf>) and do not add time requirements or educational attainment over the previous standards and therefore do not have an increased fiscal impact.

The 2020 National Association of School Psychologists Professional Standards similarly are "a unified set of national principles that guide professional practices, credentialing, graduate preparation, and ethical behavior of effective school psychologists" (<https://www.nasponline.org/standards-and-certification>).

Adopting these standards allows the USBE and LEAs to align with current industry standards and practices but this does not add additional educational requirements or credentialing time for school counselors, and therefore, the USBE does not believe it carries any additional fiscal impact.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects the USBE and LEAs.

The 2019 updates to the American School Counselor Association Professional Standards "outline the mindsets and behaviors school counselors need to meet the rigorous demands of the school counseling profession" (<https://www.schoolcounselor.org/getmedia/a8d59c2c-51de-4ec3-a565-a3235f3b93c3/SC-Competencies.pdf>) and do not add time requirements or educational attainment over the previous standards and therefore, do not have an increased fiscal impact.

The 2020 National Association of School Psychologists Professional Standards similarly are "a unified set of national principles that guide professional practices, credentialing, graduate preparation, and ethical behavior of effective school psychologists" (<https://www.nasponline.org/standards-and-certification>).

Adopting these standards allows the USBE and LEAs to align with current industry standards and practices but this does not add additional educational requirements or credentialing time for school counselors, and therefore, the USBE does not believe it carries any additional fiscal impact.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only affects the USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself. The amendments clarify which standards that school psychologist and school counselor candidates should use and do not add costs for the USBE or LEAs.

The 2019 updates to the American School Counselor Association Professional Standards "outline the mindsets and behaviors school counselors need to meet the rigorous demands of the school counseling profession" (<https://www.schoolcounselor.org/get-media/a8d59c2c-51de-4ec3-a565-a3235f3b93c3/SC-Competencies.pdf>) and do not add time requirements or educational attainment over the previous standards and therefore do not have an increased fiscal impact.

The 2020 National Association of School Psychologists Professional Standards similarly are "a unified set of national principles that guide professional practices, credentialing, graduate preparation, and ethical behavior of effective school psychologists" (<https://www.nasponline.org/standards-and-certification>).

Adopting these standards allows the USBE and LEAs to align with current industry standards and practices but this does not add additional educational requirements or credentialing time for school counselors, and therefore, the USBE does not believe it carries any additional fiscal impact.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-6-201
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2025
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9. This rule change MAY become effective on:	02/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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R277. Education, Administration.**R277-306. Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers.****R277-306-1. Authority, ~~and~~ Purpose, and Oversight Category.**

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Subsection 53E-6-201(3)(a), which allows the Board to establish criteria for obtaining educator licenses.
- (2) The purpose of this rule is to establish standards for educator preparation programs for:
- (a) School Psychologists;
 - (b) Audiologists;
 - (c) Speech-Language Pathologists;
 - (d) Speech-Language Technicians;
 - (e) School Counselors; and
 - (f) School Social Workers.
- (3) This rule is categorized as Category 3 as described in Rule R277-111.

R277-306-2. School Psychologist Preparation Programs.

- (1) A Utah institution of higher education may seek approval by the Board for a school psychologist preparation program if the program:
- (a) results in a masters degree or higher in school psychology;
 - (b) meets the ~~[2010]~~2020 Standards for Graduate Preparation of School Psychologists created by the National Association of School Psychologists (NASP);
 - (c) prepares candidates to provide comprehensive and integrated services across the ten general domains of school psychology as defined in the ~~[2010]~~2020 Model for Comprehensive and Integrated School Psychological Services;
 - (d) prepares candidates to follow the ~~[2010 Principles for Professional Ethics created by NASP]~~2020 National Association of School Psychologists Professional Standards and apply those standards and competencies in compliance with Utah law; and
 - (e) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on practices that:
 - (i) are significant in number, depth, breadth, and duration; and
 - (ii) are progressively more complex.
- (2) For a program applicant accepted after January 1, 2020, a school psychologist preparation program shall require multiple opportunities for a program applicant to successfully demonstrate the application of knowledge and skills gained through the program in a school-based setting in each of the following:
- (a) administering varied models and methods of assessment and data collection for:
 - (i) identifying strengths and needs of students;
 - (ii) developing effective services and programs for students; and
 - (iii) measuring progress and outcomes for students;
 - (b) implementing varied models and strategies of consultation, collaboration, and communication with individuals, families, groups, and systems;
 - (c) implementing varied strategies that promote social-emotional functioning and mental health in students; and collecting and analyzing data for evaluation and support of effective practices at the individual, group, and systems levels.
- (3) An individual that holds the Nationally Certified School Psychologist (NCSP) credential issued by NASP meets the out of state licensing requirement for a professional school psychologist license area of concentration detailed in Subsection R277-301-~~[5(3)(e)(ii)]~~6(6).

R277-306-3. School Audiologist Preparation Program.

- (1) A Utah institution of higher education may seek approval by the Board for a school audiologist preparation program if the program:

NOTICES OF PROPOSED RULES

- (a) is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; and
- (b) prepares candidates to provide comprehensive and integrated services in a school setting as detailed in the 2018 Scope of Practice in Audiology created by the American Speech-Language-Hearing Association;
- (2) An individual that completes a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology outside of Utah qualifies for an associate license with an associate school audiologist license area of concentration detailed in Subsections R277-301-4(5) and (6).
- (3) An individual that holds a current Certificate of Clinical Competence in Audiology (CCC-A) issued by the American Speech-Language-Hearing Association meets the out of state licensing requirement for a professional audiologist license area of concentration detailed in Subsection R277-301-~~[5(3)(e)(ii)]~~6(6).

R277-306-4. Speech-Language Pathologist (SLP) Preparation Program.

- (1) A Utah institution of higher education may seek approval by the Board for a speech-language pathologist (SLP) preparation program if the program:
 - (a) is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; and
 - (b) prepares candidates to provide comprehensive and integrated services in a school setting as detailed in the 2016 Scope of Practice in Speech-Language Pathology created by the American Speech-Language-Hearing Association.
- (2) An individual that completes a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology outside of Utah qualifies for an associate license with a speech-language pathologist license area of concentration detailed in Subsections R277-301-4(5) and (6).
- (3) An individual that holds a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) issued by the American Speech-Language-Hearing Association meets the out of state licensing requirements for a professional speech-language pathologist license area of concentration detailed in Subsection R277-301-~~[5(3)(e)(ii)]~~6(6).

R277-306-5. Speech-Language Technician (SLT) Preparation Program.

- (1) The Superintendent shall create and administer an SLT preparation program that:
 - (a) requires applicants to hold a bachelor's degree in communication disorders or the equivalent;
 - (b) requires significant clinical experiences under the supervision of an individual holding a professional speech-language pathologist license area of concentration; and
 - (c) prepares candidate to provide services in a school setting as detailed in the Utah State Board of Education Handbook for Speech-Language Technicians Working in Utah Public Schools.
- (2) The Superintendent shall periodically review and revise the handbook for SLTs referenced in Subsection (1)(c).

R277-306-6. School Counselor Preparation Programs.

- (1) A Utah institution of higher education may seek approval by the Board for a school counselor preparation program if the program:
 - (a) prepares candidates to meet the ~~[Utah Education School Counselor Standards detailed in Rule R277-530]~~ 2019 American School Counselor Association Professional Standards and Competencies, incorporated by reference in Rule R277-330 and apply those standards and competencies in compliance with Utah law;
 - (b)(i) results in a master's degree in school counseling; or
 - (ii) requires a master's degree or higher from a regionally accredited institution in a related field for entrance into the program; and
 - (c) requires candidates to demonstrate all competencies required for the College and Career Readiness Certificate.
 - (2) For a program applicant accepted after January 1, 2020, a school counselor preparation program shall require multiple opportunities for a program applicant to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:
 - (a) collaborating with learners, families, colleagues, and community members to build or implement a shared vision and supportive professional culture focused on student growth and success;
 - (b) delivering a sequential school counseling curriculum aligned with the Utah Model for College and Career Readiness School Counseling Program;
 - (c) leading individuals and groups of students and their parents or guardians through the development of educational and career plans;
 - (d) counseling individuals and small groups of students with identified needs and concerns;
 - (e) developing or maintaining a crisis prevention/youth protection response plan; and
 - (f) collecting and analyzing data for the purpose of accountability and program evaluation.

R277-306-7. School Social Worker Preparation Programs.

- (1) A Utah institution of higher education may seek approval by the Board for a school social worker preparation program if the program:
 - (a) results in a masters of social work degree;
 - (b) is accredited by the Council of Social Work Education;
 - (c) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on practice that:
 - (i) are significant in number, depth, breadth, and duration; and
 - (ii) are progressively more complex;
 - (d) requires demonstration of competency in:

- (i) knowledge of the role of a school social worker in furthering the educational mission of an LEA;
 - (ii) applying theoretical social work concepts and practical skills to the k-12 educational setting, including:
 - (A) social, emotional, family, and community assessment;
 - (B) individual, group, and family counseling;
 - (C) casework; and
 - (D) crisis intervention;
 - (iii) knowledge and application of rules regarding data and record keeping that apply to data available in a school, including:
 - (A) the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g; and
 - (B) Title 53E, Chapter 9, Student Privacy and Data Protection;
 - (iv) knowledge of laws regarding disabilities and their application to school social worker practices and the school setting, including:
 - (A) the IDEA; and
 - (B) the Americans with Disabilities Act of 1990, 42 U.S.C. 12101;
 - (v) utilizing information from assessments in an educational setting to develop student-focused programs and interventions;
 - (vi) implementation of evidence-based curriculum in response to current social and emotional aspects of education; and
 - (vii) providing and advocating for services that support the social and emotional aspects of education;
- (e) requires multiple opportunities for a program applicant admitted after January 1, 2020 to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following areas:
- (i) utilizing information from assessments in the development of student-focused and system-focused programs and interventions in a school setting;
 - (ii) counseling individuals and small groups of students with identified needs and concerns;
 - (iii) implementing varied models and strategies of consultation, collaboration, and communication with teachers, individuals, and families; and
 - (iv) developing or updating a crisis prevention/youth protection response plan.
- (2) An individual holding a licensed certified social worker "CSW" license or licensed clinical social worker "LCSW" license through the Division of Professional Licensing in accordance with Rule R156-60a qualifies for an associate educator license with an associate school social worker license area of concentration detailed in Section R277-301-4 if the individual, no more than one calendar year prior to the application:
- (a) completes a criminal background check, including review of any criminal offenses and clearance in accordance with Rule R277-214; and
 - (b) completes the educator ethics review described in Rule R277-302.
- (3)(a) The Superintendent shall work with Utah universities and LEAs to create and administer a non-degree professional license preparation program for individuals described in Subsection (2) that meets all the requirements of Subsections (1)(c) through (1)(e).

KEY: preparation, psychologists, audiologists, speech-language pathologists, speech-language technicians, counselors

Date of Last Change: 2025[February 8, 2023]

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201

(EDITOR'S NOTE: This space intentionally left blank.)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-325	Filing ID: 56984
Agency Information		
1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	

Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-325. Public Education Exit and Engagement Surveys
3. Purpose of the new rule or reason for the change:
This rule is being amended in order to make several technical changes and to add clarification to the requirements related to survey administration.
4. Summary of the new rule or change:
The amendments specifically add an oversight Category 3, add clarification to the definition "Educator", and make several technical changes to the language, including the removal of a duplicate website address that references the incorporated documents. In addition, the amendments add clarifying language to the requirements for administering surveys in Section 4. For the two incorporated documents referenced in this rule, the language on the question regarding gender has been updated to meet the policy requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself. The clarifications of the definition of educator and technical changes do not add costs for the USBE or any other state entity, it simply provides clarity for Local Education Agencies (LEAs) in administering the legislatively required surveys.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself. The clarifications of the definition of educator and technical changes do not add costs for LEAs; it simply provides clarity for LEAs in administering the legislatively required surveys.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects the USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only affects the USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself. The clarifications of the definition of educator and technical changes do not add costs for LEAs or the USBE; it simply provides clarity for LEAs in administering the legislatively required surveys.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Section 53G-11-304	Section 53E-3-401
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Incorporations by Reference Information

7. Incorporations by Reference:

A) This rule adds or updates the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	USBE Educator Engagement Survey
Publisher	Utah State Board of Education
Issue Date	October 2024

B) This rule adds or updates the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	USBE Educator Exit Survey
Publisher	Utah State Board of Education
Issue Date	October 2024

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2025
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9. This rule change MAY become effective on:	02/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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R277. Education, Administration.

R277-325. Public Education Exit and Engagement Surveys.

R277-325-1. Authority ~~and~~ Purpose, and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Section 53G-11-304, which requires the Board to make rules for the creation and administration of a public education exit survey.
- (2) The purpose of this rule is to:
 - (a) adopt minimum standards for LEAs to administer a public education exit and engagement survey; and
 - (b) adopt a model public education exit and engagement survey for use by LEAs.
- (3) This Rule R277-325 is categorized as Category 3 as described in Rule R277-111.

R277-325-2. Definitions.

- (1) "Educator" means, for purposes of this rule:
 - (a) a general education classroom teacher;
 - (b) a preschool teacher;
 - (c) a special education teacher;~~or~~
 - (d) a school based administrator; or
- ~~(e)~~(e) a school based specialist.
- (2) "Survey" means the Model Public Education Exit and Engagement Surveys incorporated by reference in Section R277-325-3.

R277-325-3. Incorporation of Model Public Education Exit and Engagement Surveys by Reference.

- (1) This rule incorporates by reference the Model Public Education Exit and Engagement Surveys (October 2024).
- (2) A copy of the model surveys are located at:
 - (a) ~~https://schools.utah.gov/administrativerules/documentsincorporated;~~
 - (b) https://schools.utah.gov/administrativerules/documentsincorporated; and
 - (c) the Utah State Board of Education.

R277-325-4. Survey Administration.

- (1)(a) Each LEA shall request that the LEA's educators complete the model public education engagement survey, at a minimum, every other year ~~[beginning in the 2019-20 school year]~~ through:
 - (i) a Board approved online provider; or
 - (ii) a provider approved by the LEA.
 - (b) ~~If an LEA administers the school climate survey every other year, as described in Rule R277-623, [An LEA shall administer] the model public education engagement survey shall be administered in the opposite years [from those in which it administers the school climate survey described in Rule R277-623, except as provided in Subsection (2)].~~
- (2) Each LEA shall request that an educator leaving the LEA complete the model public education exit survey at the time of their separation from employment through:
 - (a) a Board approved online provider; or
 - (b) a provider approved by the LEA.
- (3) If an LEA administers the surveys through a provider other than a Board approved online provider, the LEA shall provide the data from the surveys to the Superintendent by June 30 annually in a manner prescribed by the Superintendent.
- (4) The surveys:
 - (a) shall allow each educator to remain anonymous;
 - (b) may not request the educator's CACTUS ID number;
 - (c) shall ask each educator to identify the educator's LEA;
 - (d) may ask each educator to voluntarily identify the educator's school; and
 - (e) may ask each educator to provide basic non-identifying demographic data as requested by the Superintendent.
- (5) An LEA shall adopt written policies to:
 - (a) restrict access to survey results to appropriate personnel; and
 - (b) prevent identification of educators who complete the survey.
- (6)(a) An LEA may include additional questions along with the required survey questions at the time the LEA administers the surveys.
- (b) An LEA may limit dissemination of data from educator answers to questions included in accordance with Subsection (6)(a) in accordance with the LEA's written policies.
- (7) If an LEA fails to administer the surveys, the Superintendent may pursue corrective action in accordance with Rule R277-114.

KEY: exit, survey
Date of Last Change: 2025~~[June 24, 2021]~~
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-11-304

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-419	Filing ID: 56985

Agency Information		
1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-419. Pupil Accounting
3. Purpose of the new rule or reason for the change:
This rule is being amended in order to reinstate a Local Education Agency's (LEA) ability to convert up to five days at the beginning of the year for a kindergarten pre-assessment.
4. Summary of the new rule or change:
The amendments specifically add an oversight Category 4, and also add language allowing an LEA the ability to convert up to five days at the beginning of the year for a kindergarten pre-assessment.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
<p>This rule change is not expected to have fiscal impact on state government revenues or expenditures.</p> <p>The oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by USBE resulting from this rule.</p> <p>This categorization does not add any requirements or resources in and of itself. The change to again allow up to five days of kindergarten pre-assessment towards the 180 required days of instruction does not add costs or adjust revenues for USBE.</p> <p>The impacts are programmatic in nature.</p>
B) Local governments:
<p>This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by USBE resulting from this rule.</p> <p>This categorization does not add any requirements or resources in and of itself. LEAs do not incur additional costs by including up to five kindergarten assessment days. The effects are programmatic and allow kindergarten instruction to be tailored to meet the needs of incoming kindergarteners.</p>
C) Small businesses ("small business" means a business employing 1-49 persons):
<p>This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.</p> <p>This only affects the USBE and LEAs.</p>
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
<p>There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.</p>
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
<p>This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.</p>

This only affects the USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself.

LEAs and the USBE do not incur additional costs by including up to five kindergarten assessment days. The effects are programmatic and allow kindergarten instruction to be tailored to meet the needs of incoming kindergarteners.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53F-2-102(7)
Subsection 53E-3-501(1)(e)	Subsection 53E-3-602(2)	Subsection 53E-3-301(3)(d)
Section 53G-4-404		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on: 02/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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R277. Education, Administration.

R277-419. Pupil Accounting.

R277-419-1. Authority, ~~and~~ Purpose, and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Subsection 53E-3-501(1)(e), which directs the Board to establish rules and standards regarding:
 - (i) cost-effectiveness;
 - (ii) school budget formats; and
 - (iii) financial, statistical, and student accounting requirements;
 - (d) Subsection 53E-3-602(2), which requires a local school board's auditing standards to include financial accounting and student accounting;
 - (e) Subsection 53E-3-301(3)(d), which requires the Superintendent to present to the Governor and the Legislature data on the funds allocated to LEAs;
 - (f) Section 53G-4-404, which requires annual financial reports from school districts; and
 - (g) Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools.
- (2) The purpose of this rule is to specify pupil accounting procedures used in apportioning and distributing state funds for education.
- (3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-419-2. Definitions.

- (1) "Aggregate Membership" means the sum of all days in membership during a school year for eligible students enrolled in a public school.
- (2) "Approved CTE course" means a course approved by the Board within the Career and Technical Education (CTE) Pathways.
- (3) "Attendance validated program" means a program within an LEA that consists of eligible, enrolled public school students who physically attend school in a brick and mortar school.
- (4) "Blended learning program" means a formal education program under the direction of an LEA in which a student learns through an integrated experience that is in part:
 - (a) through online learning, with an element of student control over time, place, path, or pace; and
 - (b) in a supervised brick and mortar school away from home.
- (5) "Brick and mortar school" means a school where classes are conducted in a physical school building.
- (6) "Data Clearinghouse" means the electronic data collection system used by the Superintendent to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.
- (7) "Educational services" means providing learning opportunities and services designed to support a student to be prepared to succeed and lead by having the knowledge and skills to learn, engage civically, and lead meaningful lives, including by providing:
 - (a) high quality instruction for each student;
 - (b) personalized learning supports for each student; and
 - (c) implementation of evidence-based student health and wellness practices.
- (8) "Eligible student" means a student who satisfies the criteria for enrollment in an LEA, set forth in Section R277-419-5.
- (9) "Enrollment verification data" includes:
 - (a) a student's birth certificate or other verification of age;
 - (b) verification of immunization or exemption from immunization form;
 - (c) proof of Utah public school residency;
 - (d) family income verification; or
 - (e) special education program information, including:
 - (i) an individualized education program;
 - (ii) a Section 504 accommodation plan; or
 - (iii) an English learner plan.
- (10)(a) "Home school" means the formal instruction of children in their homes instead of in an LEA.
- (b) "Home school" does not include public school instruction provided in a home, including when:
 - (i) an online student receives instruction at home, but the student is enrolled in a public school that follows state Core Standards;
 - (ii) an online student is:
 - (A) subject to laws and rules governing state and federal mandated tests; and
 - (B) included in accountability measures; or
 - (iii) an online student receives instruction under the direction of a highly qualified, licensed teacher who is subject to the licensure requirements of Rule R277-301 and fingerprint and background checks consistent with Rules R277-214 and R277-309.
 - (iv) instruction is received by a home-based scholarship student consistent with Section 53F-6-401.

- (11) "Home school course" means instruction:
- (a) delivered in a home school environment where the curriculum and instruction methods, evaluation of student progress or mastery, and reporting, are provided or administered by the parent, guardian, custodian, or other group of individuals; and
 - (b) not supervised or directed by an LEA.
- (12)(a) "Influenza pandemic" or "pandemic" means a global outbreak of serious illness in people.
- (b) "Influenza pandemic" or "pandemic" may be caused by a strain of influenza that most people have no natural immunity to and that is easily spread from person to person.
- (13) "ISI-1" means a student who receives 1 to 59 minutes of YIC related services during a typical school day.
- (14) "ISI-2" means a student who receives 60 to 179 minutes of YIC related services during a typical school day.
- (15) "Learner validated enrollment measurement" means a methodology used to establish a student's membership or enrollment status for purposes of generating membership days.
- (16) "Learner validated program" means a program within an LEA that consists of eligible, enrolled public school students where the student receives instruction through:
- (a) an online learning program;
 - (b) a blended learning program; or
 - (c) a personalized, competency-based learning program.
- (17)(a) "Membership" means a public school student is on the current roll of a public school class or public school as of a given date.
- (b) A student is a member of a class or school from the date of entrance at the school and is placed on the current roll until official removal from the class or school due to the student having left the school.
- (c) Removal from the roll does not mean that an LEA should delete the student's record, only that the student should no longer be counted in membership.
- (18) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.
- (19) "Online learning program" means a program:
- (a) that is under the direction of an LEA; and
 - (b) in which students receive educational services primarily over the internet.
- (20) "Personalized, Competency-based Learning Grants Program" means an education program that provides instruction through personalized, competency-based learning as defined in Section 53F-5-501.
- (21) "Private school" means an educational institution that:
- (a) is not an LEA;
 - (b) is owned or operated by a private person, firm, association, organization, or corporation; and
 - (c) is not subject to governance by the Board consistent with the Utah Constitution.
- (22) "Program" means a course of instruction within a school that is designed to accomplish a predetermined curricular objective or set of objectives.
- (23) "Qualifying school age" means:
- (a) a person who is at least five years old and no more than 18 years old on or before September 1;
 - (b) with respect to special education, a person who is at least three years old and no more than 21 years old on or before July 1;
 - (c) with respect to YIC, a person who is at least five years old and no more than 21 years old on or before September 1.
- (24) "Resource" means a student who receives 1 to 179 minutes of special education services during a typical school day consistent with the student's IEP provided for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., amended in 2004.
- (25) "Retained senior" means a student beyond the general compulsory school age who is authorized at the discretion of an LEA to remain in enrollment as a high school senior in the years after the student's cohort has graduated due to:
- (a) sickness;
 - (b) hospitalization;
 - (c) pending court investigation or action; or
 - (d) other extenuating circumstances beyond the control of the student.
- (26) "S1" means the record maintained by the Superintendent containing individual student demographic and school membership data in a Data Clearinghouse file.
- (27) "S2" means the record maintained by the Superintendent containing individual student data related to participation in a special education program in a Data Clearinghouse file.
- (28) "S3" means the record maintained by the Superintendent containing individual student data related to participation in a YIC program in a Data Clearinghouse file.
- (29) "School" means an educational entity governed by an LEA that:
- (a) is supported with public funds;
 - (b) includes enrolled or prospectively enrolled full-time students;
 - (c) employs licensed educators as instructors that provide instruction consistent with Rule R277-301;
 - (d) has one or more assigned administrators;
 - (e) is accredited consistent with Section R277-410-3; and
 - (f) administers required statewide assessments to the school's students.
- (30) "School day" means a day where an LEA provides educational services to students subject to the requirements described in Section R277-419-4.

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(31) "School membership" means membership other than in a special education or YIC program in the context of the Data Clearinghouse.

(32) "School of enrollment" means:

(a) a student's school of record; and

(b) the school that maintains the student's cumulative file, enrollment information, and transcript for purposes of high school graduation.

(33) "School year" means the 12 month period from July 1 through June 30.

(34) "Self-contained" means a public school student with an IEP or YIC, who receives 180 minutes or more of special education or YIC related services during a typical school day.

(35) "Self-Contained Resource Attendance Management (SCRAM)" means a record that tracks the aggregate membership of public school special education students for state funding purposes.

(36) "SSID" means Statewide Student Identifier.

(37) "Student with a disability" means a student who:

(a)(i)(A) is of an age during which it is mandatory under state law to provide educational services to persons with disabilities as described in Subsection 53E-3-503(1)(a); or

(B) is of an age during which a student without a disability is provided educational services; and

(ii) is entitled to receive a free appropriate public education under the Individuals with Disabilities Education Act or Board rules related to special education, including Rule R277-750; or

(b) is entitled to receive a free appropriate public education under Section 504 of the Rehabilitation Act of 1973 because the student:

(i) has a physical or mental impairment which substantially limits one or more major life activities;

(ii) has a record of an impairment described in Subsection (37)(b)(i); or

(iii) is regarded as having an impairment described in Subsection (37)(b)(i).

(38) "Unexcused absence" means an absence charged to a student when:

(a) the student was not physically present at school at any of the times attendance checks were made in accordance with Subsection R277-419-8(5); and

(b) the student's absence could not be accounted for by evidence of a legitimate or valid excuse in accordance with local board policy on truancy as defined in Section 53G-6-201.

(39) "Weighted pupil unit" or "WPU" means the same as that term is defined in Section 53F-2-102.

(40) "Year end upload" means the Data Clearinghouse file due annually by July 15 from LEAs to the Superintendent for the prior school year.

(41) "Youth in care or YIC" means a person under the age of 21 who is:

(a) in the custody of the Department of Health and Human Services;

(b) in the custody of an equivalent agency of a Native American tribe recognized by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian resides within the state; or

(c) being held in a juvenile detention facility.

R277-419-3. Schools and Programs.

(1)(a) The Superintendent shall provide a list to each school detailing the required accountability reports and other state-mandated reports for the school type and grade range.

(b) A school shall submit a Clearinghouse report to the Superintendent.

(c) A school shall employ at least one licensed educator and one administrator.

(2)(a) A student who is enrolled in a program is considered a member of a public school.

(b) The Superintendent may not require programs to receive separate accountability and other state-mandated reports.

(c) A student reported under an LEA's program shall be included in the LEA's WPU and student enrollment calculations of the LEA's school of enrollment.

(d) A course taught at a program shall be credited to the appropriate school of enrollment.

(3) A private school or program may not be required to submit data to the Superintendent.

(4) A private school or program may not receive annual accountability reports.

R277-419-4. Minimum School Days.

(1)(a) Except as provided in Subsection (1) and Subsection 53F-2-102(4), an LEA shall provide educational services over a minimum of 180 school days each school year.

(b)(i) Except as provided in Subsection (1)(b)(ii), an LEA that participates in the National School Lunch Program shall provide school meals on each day that the LEA schedules toward the LEA's 180 educational service days described in Subsection (1)(a).

(ii) The requirement to provide school meals described in Subsection (1)(b)(i) does not apply to:

(A) an unplanned school closure or unplanned learn from home day due to snow, inclement weather, or other emergency;

(B) a day that an LEA governing board reallocates as a teacher preparation or teacher professional development day as described in Subsection 53F-2-102(4)(d);

(C) a day that an LEA counts in student membership for professional development or parent-teacher conference days as described in Subsection (6); or

(D) a day where the LEA provides educational services while all the LEA's students engage in distance learning.

(c) An LEA may seek an exception to the number of school days described in Subsection (1)(a):

- (i) except as provided in Subsection (1)(c)(ii), for a whole school or LEA as described in Rule R277-121;
- (ii) for a school closure due to snow, inclement weather, or other emergency as described in Section R277-121-5; or
- (iii) for an individual student as described in Section R277-419-11.

(2) An LEA may offer the required school days described in Subsection (1)(a) at any time during the school year, consistent with the law.

(3) An LEA shall plan for emergency, activity, and weather-related exigency time in its annual calendaring.

(4) Minimum standards apply to a public school in all settings unless Utah law or this rule provides for a specific exception.

(5) An LEA's governing board shall provide adequate contingency school days in the LEA's yearly calendar to avoid the necessity of requesting a waiver except in the most extreme circumstances.

(6)(a) A school may conduct parent-teacher and student Plan for College and Career Readiness conferences during the school day.

(b) Parent-teacher and college and career readiness conferences may only be held for a total of the equivalent of three full school days for the school year.

(c) Student membership for professional development or parent-teacher conference days shall be counted as that of the previous school day.

(d) The final decision and approval regarding planning time, parent-teacher and Student Plan for College and Career Readiness conferences rests with an LEA, consistent with Utah Code and Board administrative rules.

(7)(a) An LEA may designate no more than a total of five educational service days at the beginning of the school year for the assessment of students entering kindergarten.

(b) If an LEA designates educational services days for kindergarten assessment:

(i) an LEA shall designate the days in an open meeting;

(ii) an LEA shall provide adequate notice and explanation to kindergarten parents well in advance of the assessment period; and

(iii) assessment time per student shall be adequate to justify the forfeited instruction time.

(e)8] An LEA shall approve [Total]total instructional time and school calendars [shall be approved by an LEA]in an open meeting.

R277-419-5. Student Membership Eligibility and Learner Validated Enrollment Measurements.

(1) A student may enroll in two or more LEAs at the discretion of the LEAs.

(2) A kindergarten student may only enroll in one LEA at a time.

(3) To generate membership for funding through the Minimum School Program on any school day, an LEA shall ensure that a student being counted by the LEA in membership:

(a) has not previously earned a basic high school diploma or certificate of completion;

(b) has not been enrolled in a YIC program with a YIC time code other than ISI-1 or ISI-2;

(c) does not have unexcused absences, which are determined using one of the learner validated enrollment measurements described in Subsection (4);

(d) is a resident of Utah as defined under Section 53G-6-302;

(e) is of qualifying school age or is a retained senior;

(f)(i) is expected to attend a regular learning facility operated or recognized by an LEA on each regularly scheduled school day, if enrolled in an attendance validated program;

(ii) has direct instructional contact with a licensed educator provided by an LEA at:

(A) an LEA-sponsored center for tutorial assistance; or

(B) the student's place of residence or convalescence for at least 120 minutes each week during an expected period of absence, if physically excused from such a facility for an extended time, due to:

(I) injury;

(II) illness;

(III) surgery;

(IV) suspension;

(V) pregnancy;

(VI) pending court investigation or action; or

(VII) an LEA determination that home instruction is necessary;

(iii) is enrolled in an approved CTE course on the campus of another state funded institution where such a course is:

(A) not offered at the student's school of membership;

(B) being used to meet Board-approved CTE graduation requirements under Subsection R277-700-6(16); and

(C) a course consistent with the student's Plan for College and Career Readiness; or

(iv) is enrolled in a learner validated program under the direction of an LEA that:

(A) is consistent with the student's Plan for College and Career Readiness;

(B) has been approved by the student's counselor; and

(C) includes regular instruction or facilitation by a designated employee of an LEA.

(4) An LEA shall use one of the following learner validated enrollment measures:

(a) For a student primarily enrolled in an attendance validated program, the LEA may not count a student as an eligible student if the eligible student has unexcused absences during the prior ten consecutive school days.

(b) For a student enrolled in a learner validated program, an LEA shall:

(i) adopt a written policy that designates a learner validated enrollment measurement to document the learner validated membership or enrollment status for each student enrolled in the learner validated program consistent with this section;

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(ii) document each student's continued enrollment status in compliance with the learner validated enrollment policy at least once every ten consecutive school days; and

(iii) appropriately adjust and update student membership records in the student information system for students that did not meet the learner validated enrollment measurement, consistent with this section.

(c) For a student enrolled in a learner validated program, the LEA may not count a student as an eligible student if the LEA has not engaged with the student during the prior ten consecutive school days.

(5) Notwithstanding Subsection (4), an LEA:

(a) shall continue to provide a student with a disability a free and appropriate public education even when the student has not attended school or engaged with the LEA during the prior ten consecutive days;

(b) shall maintain the student with a disability's enrollment in the LEA; and

(c) may continue to count the student with a disability in membership for funding purposes up to 30 days if the LEA documents that the LEA is working to locate and engage with the student with a disability.

(6) The learner validated enrollment measurement described in Subsection (4)(b) may include the following components, in addition to other components, as determined by an LEA:

(a) a minimum student login or teacher contact requirement;

(b) required periodic contact with a licensed educator;

(c) a minimum hourly requirement, per day or week, when students are engaged in course work; or

(d) required timelines for a student to provide or demonstrate completed assignments, coursework, or progress toward academic goals.

(7)(a) Beginning with the 2021-22 school year, an LEA shall submit each student's attendance validated or learner validated enrollment status through the UTREx or Data Clearinghouse.

(b) For a student who participates in both attendance validated, and learner validated programs, the LEA shall designate the student's status as learner validated enrollment.

(8)(a) An LEA desiring to generate membership for student enrollment in courses outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement in Subsection (3)(f)(iii), shall submit an application for course approval by April 1 of the year ~~prior to~~ before which the membership will be counted.

(b) An LEA shall be notified within 30 days of the application deadline if courses have been approved.

R277-419-6. Student Membership Calculations.

(1)(a) Except as provided in Subsection (1)(b) or (1)(c), a student enrolled in only one LEA during a school year is eligible for no more than 180 days of regular membership per school year.

(b) With written verification from the student's parent that the student intends to graduate early, an early graduation student may be counted for more than 180 days of regular membership in accordance with the student's Plan for College and Career Readiness.

(c) A student transferring within an LEA to or from a year-round school is eligible for no more than 205 days of regular membership per school year.

(2)(a) Except as provided in Subsection (2)(b), (2)(c), or (2)(d), a student enrolled in two or more LEAs during a school year is eligible for no more than 180 days of regular membership per school year.

(b) A student transferring to or from an LEA with a schedule approved under Subsection R277-419-4(1)(b) is eligible for no more than 220 days of regular membership per school year.

(c) A student transferring to or from an LEA where the student attended or will attend a year-round school is eligible for no more than 205 days of regular membership per school year.

(d) If the exceptions in Subsections (2)(b) and (2)(c) do not apply but a student transfers from one LEA to another at least one time during the school year, the student is eligible for regular membership in an amount not to exceed the sum of:

(i) 170 days; plus

(ii) 10 days multiplied by the number of LEAs the student attended during the school year.

(3) If a student is enrolled in two or more LEAs during a school year and the aggregate regular membership generated for the student between the LEAs exceeds the amount allowed under Subsection (2), the Superintendent shall apportion the days of regular membership allowed between the LEAs.

(4) If a student was enrolled for only part of the school day or only part of the school year, an LEA shall prorate the student's membership according to the number of hours, periods or credits for which the student ~~actually~~ was enrolled in relation to the number of hours, periods or credits for which a full-time student normally would have been enrolled, for example:

(a) if the student was enrolled for four periods each day in a seven period school day for 180 school days, the student's aggregate membership would be $\frac{4}{7}$ of 180 days or 103 days; or

(b) if the student was enrolled for seven periods each day in a seven period school day for 103 school days, the student's membership would also be 103 days.

(5)(a) An LEA shall calculate the days in membership for all students using a method equivalent to the following: total clock hours of educational services for which the student was enrolled during the school year divided by 990 hours and then multiplied by 180 days and finally rounded up to the nearest whole day.

(b) For example, if a student was enrolled for only 900 hours during the school year, the student's aggregate membership would be $(900/990)*180$, and the LEA would report 164 days.

(6) The sum of regular plus self-contained special education and self-contained YIC membership days may not exceed 180 days.

(7) The sum of regular and resource special education membership days may not exceed 360 days.

- (8) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed 360 days.
- (9) An LEA may also count a student in membership for the equivalent in hours of up to:
 - (a) one period each school day, if the student has been:
 - (i) released by the school, upon a parent or guardian's request, during the school day for religious instruction or individual learning activity consistent with the student's Plan for College and Career Readiness; or
 - (ii) participating in one or more co-curricular activities under Rule R277-438, but has otherwise been exempted from school attendance under Section 53G-6-204 for home schooling;
 - (b) two periods each school day per student for time spent in bus travel during the regular school day to and from another state funded institution, if the student is enrolled in CTE instruction consistent with the student's Plan for College and Career Readiness;
 - (c) all periods each school day, if the student is enrolled in:
 - (i) a concurrent enrollment program that satisfies the Title 53E, Chapter 10, Part 3, Concurrent Enrollment;
 - (ii) a private school without religious affiliation under a contract initiated by an LEA to provide special education services which directs that the instruction be paid by public funds if the contract with the private school is approved by an LEA board in an open meeting;
 - (iii) a foreign exchange student program under Section 53G-6-707; or
 - (iv) a school operated by an LEA under a Utah Schools for the Deaf and the Blind IEP provided that:
 - (A) the student may only be counted in S1 membership and may not have an S2 record; and
 - (B) the S2 record for the student is submitted by the Utah Schools for the Deaf and the Blind.
- (10)(a) Except as provided in Subsection (10)(b), a student receiving instruction delivered in a home school course or by a private school is not eligible to be claimed in an LEA's membership and does not qualify for funding under the Minimum School Program in Title 53F, Chapter 2, Minimum School Program Act.
 - (b) Subsection (10)(a) does not apply to public school instruction provided by an LEA to a home school or private school student participating in dual enrollment as described in Section 53G-6-702.

R277-419-7. Calculations for a First Year Charter School.

- (1) For the first operational year of a charter school or a new satellite campus, the Superintendent shall determine the charter school's WPU funding based on October 1 counts.
- (2) For the second operational year of a charter school or a new satellite campus, the Superintendent shall determine the charter school's WPU funding based on Section 53F-2-302.

R277-419-8. Reporting Requirements and LEA Records.

- (1) An LEA shall report aggregate membership for each student via the School Membership field in the S1 record and special education membership in the SCRAM Membership field in the S2 record and YIC membership in the S3 record of the Year End upload of the Data Clearinghouse file.
- (2) In the Data Clearinghouse, aggregate membership is calculated in days of membership.
- (3) To determine student membership, an LEA shall ensure that records of daily student attendance or student engagement are maintained in each school which clearly and accurately show for each student the:
 - (a) entry date;
 - (b) exit date;
 - (c) exit or high school completion status;
 - (d) whether or not an absence was excused;
 - (e) disability status, resource or self-contained, if applicable; and
 - (f) YIC status, ISI-1, ISI-2 or self-contained, if applicable.
- (4) An LEA shall ensure that:
 - (a) computerized or manually produced records for CTE programs are kept by teacher, class, and core code; and
 - (b) the records described in Subsection (4)(a) clearly and accurately show for each student in a CTE class the:
 - (i) entry date;
 - (ii) exit date; and
 - (iii) excused or unexcused status of absence.
- (5) An LEA shall ensure that each school within the LEA completes a minimum of one attendance check each school day.
- (6) Due to school activities requiring schedule and program modification during the first days and last days of the school year:
 - (a) for the first five school days, an LEA may report aggregate days of membership equal to the number recorded for the second five-day period of the school year;
 - (b) for the last five-day period, an LEA may report aggregate days of membership equal to the number recorded for the immediately preceding five-day period; and
 - (c) schools shall continue educational service activities throughout required calendared days.
- (7) The Superintendent:
 - (a) shall review each LEA's student membership and fall enrollment reports as they relate to the allocation of state funds; and
 - (b) may periodically or for cause review LEA records and practices for compliance with [F]federal and [S]state laws and this rule.

R277-419-9. High School Completion Status.

(1) An LEA shall account for the final status of students who enter high school, grades 9-12, whether they graduate or leave high school for other reasons, using the following decision rules to ~~indicate~~state the high school completion or exit status of each student who leaves the Utah public education system:

(a) graduates are students who earn a basic high school diploma by satisfying one of the options consistent with Rule R277-705 or out-of-school youths of school age who complete adult education secondary diploma requirements consistent with Rule R277-733;

(b) completers are students who have not satisfied Utah's requirements for graduation but who:

(i) are in membership in twelfth grade on the last day of the school year; and

(ii)(A) meet any additional criteria established by an LEA consistent with its authority under Rule R277-705;

(B) meet any criteria established for special education students under Utah State Board of Education Special Education Rules, Revised, June 2016, and available at: <http://www.schools.utah.gov/sars/Laws.aspx> and the Utah State Board of Education;

(C) meet any criteria established for special education students under Subsection R277-700-8(5); or

(D) pass a General Educational Development or GED test with a designated score;

(c) continuing students are students who:

(i) transfer to higher education, without first obtaining a diploma;

(ii) transfer to the Utah Center for Assistive Technology without first obtaining a diploma; or

(iii) age out of special education;

(d) dropouts are students who:

(i) leave school with no legitimate reason for departure or absence;

(ii) withdraw due to a situation so serious that educational services cannot be continued even under the conditions of Subsection R277-419-5(3)(f)(ii);

(iii) are expelled and do not re-enroll in another public education institution; or

(iv) transfer to adult education;

(e) an LEA shall exclude a student from the cohort calculation if the student:

(i) transfers out of state, out of the country, to a private school, or to home schooling;

(ii) is a U.S. citizen who enrolls in another country as a foreign exchange student;

(iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign exchange student under Section 53G-6-707 in which case the student shall be identified by resident status, J for those with a J-1 visa, F for all others, not by an exit code;

(iv) dies; or

(v) beginning with the 2015-2016 school year, is attending an LEA that is not the student's school of enrollment.

(2)(a) An LEA shall report the high school completion status or exit code of each student to the Superintendent as specified in Data Clearinghouse documentation.

(b) High School completion status or exit codes for each student are due to the Superintendent by year end upload for review.

(c) Except as provided in Subsection (2)(d), an LEA shall submit any further updates of completion status or exit codes by October 1 following the end of a student's graduating cohort pursuant to Rule R277-484.

(d) An LEA with an alternative school year schedule where the students have an extended break in a season other than summer, shall submit the LEA's data by the next complete data submission update, following the LEA's extended break, as defined in Rule R277-484.

(3)(a) The Superintendent shall report a graduation rate for each school, LEA, and the state.

(b) The Superintendent shall calculate the graduation rates in accordance with applicable federal law.

(c) The Superintendent shall include a student in a school's graduation rate if:

(i) the school was the last school the student attended before the student's expected graduation date; and

(ii) the student does not meet any exclusion rules as stated in Subsection (1)(e).

(d) The last school a student attended will be determined by the student's exit dates as reported to the Data Clearinghouse.

(e) A student's graduation status will be attributed to the school attended in the student's final cohort year.

(f) If a student attended two or more schools during the student's final cohort year, a tie-breaking logic to select the single school will be used in the following hierarchical order of sequence:

(i) school with an attached graduation status for the final cohort year;

(ii) school with the latest exit date;

(iii) school with the earliest entry date;

(iv) school with the highest total membership;

(v) school of choice;

(vi) school with highest attendance; or

(vii) school with highest cumulative GPA.

(g) The Superintendent shall report the four-year cohort rate on the annual state reports.

R277-419-10. Student Identification and Tracking.

(1)(a) Pursuant to Section 53E-4-308, an LEA shall:

(i) use the SSID system maintained by the Superintendent to assign every student enrolled in a program under the direction of the Board or in a program or a school that is supported by public school funding a unique student identifier; and

(ii) display the SSID on student transcripts exchanged with LEAs and Utah public institutions of higher education.

(b) The unique student identifier:

(i) shall be assigned to a student upon enrollment into a public school program or a public school-funded program;

- (ii) may not be the student's social security number or contain any personally identifiable information about the student.
- (2)(a) An LEA shall require all students to provide their legal first, middle, and last names at the time of registration to ensure that the correct SSID follows students who transfer among LEAs.
- (b) A school shall transcribe the names from the student's birth certificate or other reliable proof of the student's identity and age, consistent with Section 53G-6-603;
- (c) The direct transcription of student names from birth certificates or other reliable proof of student identity and age shall be the student's legal name for purposes of maintaining school records; and
- (d) An LEA may modify the order of student names, provide for nicknames, or allow for different surnames, consistent with court documents or parent preferences, so long as legal names are maintained on student records and used in transmitting student information to the Superintendent.
- (3) The Superintendent and LEAs shall track students and maintain data using students' legal names.
- (4) If there is a compelling need to protect a student by using an alias, an LEA should exercise discretion in recording the name of the student.
- (5) An LEA is responsible to verify the accuracy and validity of enrollment verification data, [~~prior to~~before] enrolling students in the LEA, and provide students and their parents with notification of enrollment in a public school.
- (6) An LEA shall ensure enrollment verification data is collected, transmitted, and stored consistent with sound data policies, established by the LEA as required in Rule R277-487.

R277-419-11. Exceptions.

- (1)(a) An LEA may, at its discretion, make an exception for school attendance for a public school student, in the length of the school day or year, for a student with compelling circumstances.
- (b) The time an excepted student is required to attend school shall be established by the student's IEP or Plan for College and Career Readiness.
- (2) A school using a modified 45-day/15-day year-round schedule initiated [~~prior to~~before] July 1, 1995 is in compliance with this rule if the school's schedule includes a minimum of 990 hours of time the LEA will provide educational services over a minimum of 172 days.

KEY: education finance, school enrollment, pupil accounting

Date of Last Change: 2025[November 7, 2024]

Notice of Continuation: December 2, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-102(7); 53E-3-501(1)(e); 53E-3-602(2); 53E-3-301(3)(d); 53G-4-404

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-702	Filing ID: 56986

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-702. Procedures for the Utah High School Completion Diploma
3. Purpose of the new rule or reason for the change:
This rule is being amended in order to align with a new Rule R277-722, Procedures for the Focused Graduation Pathway.

Rule R277-722 created a new pathway to graduation and Rule R277-702, the general graduation rule, needs to now include reference to the new pathway and a reference to the new rule number.

(EDITOR'S NOTE: The proposed new Rule R277-722 is under ID 56988 in this issue, January 1, 2025, of the Bulletin.)

4. Summary of the new rule or change:

The amendments specifically clarify the requirements related to the Focused Graduation Pathway program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. The oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself.

The changes provide for students enrolling in the new Focused Graduation Pathway program under Rule R277-722 to be able to take a High School Equivalency (HSE), which is generally the General Education Development (GED) exam and does not add costs for the USBE or Local Education Agencies (LEAs).

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself.

The changes provide for students enrolling in the new Focused Graduation Pathway program under Rule R277-722 to be able to take a HSE, which is generally the GED exam and does not add costs for the USBE or LEAs.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This only affects the USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only affects the USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of

monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself.

The changes provide for students enrolling in the new Focused Graduation Pathway program under Rule R277-722 to be able to take a HSE, which is generally the GED exam and does not add costs for the USBE or LEAs.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Subsection 53E-3-501(1)(b)	Section 53E-3-401
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2025
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9. This rule change MAY become effective on:	02/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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R277. Education, Administration.
R277-702. Procedures for the Utah High School Completion Diploma.
R277-702-1. Authority, ~~and~~ Purpose, and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;

NOTICES OF PROPOSED RULES

(b) Subsection 53E-3-501(1)(b), which directs the Board to adopt rules regarding access to programs, competency levels, and graduation requirements; and

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law.

(2) The purpose of this rule is to describe the standards and procedures required for an individual to obtain a Utah High School Completion Diploma.

(3) This Rule R277-702 is categorized as Category 2 as described in Rule R277-111.

R277-702-2. Definitions.

(1) "High school equivalency exam" or "HSE exam" means a Board approved examination whose test modules are aligned with:

(a) current high school core standards; and

(b) the college and career readiness standards for adult education.

(2) "Out-of-school youth" means an individual 16 to 19 years of age whose high school cohort has not graduated and who is no longer enrolled in a K-12 program of instruction.

(3) "Utah high school completion diploma" means a completion diploma issued by the Board and distributed by a Board-approved contractor, to an individual who has passed all subject modules of the HSE exam at a Utah HSE exam testing center.

R277-702-3. Administrative Procedures and Standards for Testing and Certification.

(1)(a) The Superintendent shall contract with a third party contractor in accordance with state procurement law to administer HSE exams in the state.

(b) The Superintendent may contract with public non-profit institutions within the state to administer HSE exams and provide related testing services.

(c) The Superintendent shall determine the number and location of the institutions designated as testing centers in a manner that ensures that the test is reasonably accessible to potential applicants.

(d) The Superintendent shall develop requirements for HSE exam testing centers in conjunction with the contractor approved in accordance with Subsection (1)(a).

(2) The Superintendent shall develop minimum scores required for passing an HSE exam in conjunction with a vendor chosen in accordance with Subsection (1)(a).

(3) The Superintendent shall award a diploma to a candidate who receives a passing score on an HSE exam.

R277-702-4. Eligibility for HSE Testing.

(1) Any individual may take a Utah HSE exam regardless of [:-

~~(a) race;~~

~~(b) color;~~

~~(c) national origin;~~

~~(d) gender;~~

~~(e) disability; or~~

~~(f)]state of residency.~~

(2) A candidate for the HSE exam:

(a) shall be at least 16 years of age when of registration for the exam; and

(b) may not be enrolled in any Utah k-12 school unless enrolled in the Focused Graduation Pathway as described in Rule R277-722.

(3) A 16-year-old candidate shall submit a completed state of Utah HSE Candidate and Adult Education Eligibility Form, which shall include:

(a) verification in a manner approved by the Superintendent that the candidate is not enrolled in a school;

(b) verification that the candidate understands and accepts the consequences and educational choices associated with the candidate's withdrawal from a K-12 program of instruction, including the prohibition from returning to a K-12 program anywhere in Utah upon successful passing of an HSE exam; and

(c) signed acknowledgment from the candidate's parent or guardian specifically stating that the candidate and parent or guardian:

(i) understand and accept the consequences and educational choices associated with the candidate's decision to withdraw from a K-12 program of instruction; and

(ii) authorize the candidate to take an HSE exam; and

(d) verification from a representative of a Utah state-sponsored adult education district program that the candidate demonstrates academic competencies to meet with success in passing the HSE exam.

(4) A student enrolled in the Focused Graduation Pathway as described in Rule R277-722 may take a Utah HSE exam while enrolled in any participating Utah K-12 school and does not need to submit a completed state of Utah HSE Candidate and Adult Education Eligibility Form.

~~(4)5~~ A 16 year-old candidate may provide a marriage certificate in lieu of the requirement of Subsection (3)(c) if the candidate is married.

~~(5)6~~ A 17 or 18 year-old candidate whose cohort has not graduated shall submit a state of Utah HSE Candidate and Adult Education Eligibility Form, which shall include:

(a) verification in a manner approved by the Superintendent that the candidate is not enrolled in school; and

(b) the signature of the candidate's parent or guardian authorizing the test.

(~~6~~) A candidate may submit a marriage certificate in lieu of the requirement contained in Subsection (5)(b) if the candidate is married.

(~~7~~) An out-of-school youth of school age who has not successfully passed all HSE exam modules shall be allowed to return to a k-12 public school ~~prior to~~ before the time ~~his~~ their class graduates with the understanding and expectation that all necessary requirements for the traditional k-12 diploma shall be completed ~~prior to~~ before issuance of a regular high school diploma.

(~~8~~) An out-of-school youth of school age who has received a Utah high school completion diploma is not eligible to return to a k-12 public school unless it is required for provision of a free appropriate public education under the Individuals with Disabilities Education Act, 20 U.S.C., Chapter 33.

R277-702-5. Fees.

(1) The Superintendent, with approval of the Board, shall adopt uniform fees for the Utah high school completion diploma and uniform forms, deadlines, and accounting procedures to administer this program for inclusion with the contract with the contractor identified in accordance with Subsection R277-702-3(1)(a).

(2) An approved testing center may only collect a fee in accordance with the amounts and procedures approved pursuant to Subsection (1).

R277-702-6. Official Transcripts.

(1) The Board shall accept HSE exam scores when an original score is reported by:

- (a) a Board-approved HSE exam testing center;
 - (b) the transcript service of the Defense Activity for Non-Traditional Educational Support;
 - (c) a Veterans Administration hospital or center; or
 - (d) a contractor selected by the Superintendent in accordance with Subsection R277-702-3(1)(a) or the contractor's authorized agent.
- (2) The Superintendent shall include a candidate's HSE exam result on the candidate's official transcript.

R277-702-7. Adult High School Outcomes.

(1) A local board of education may adopt standards and procedures for awarding up to five units of credit on the basis of test results which may be applied toward an adult education secondary diploma only if the student was enrolled in an adult education program ~~prior to~~ before July 1, 2009 and an approved HSE exam was transcribed ~~prior to~~ before July 1, 2009.

(2) An individual who took and passed an approved HSE exam ~~prior to~~ before January 1, 2002 may enroll in an adult education program now and in the future to obtain an adult education secondary diploma upon completion of graduation requirements as defined in Rule 277-733, but may not apply for a previously issued HSE exam certificate to be converted to a Utah high school completion diploma.

(3) An individual who took and passed an approved HSE exam in the state of Utah between the dates of January 1, 2002 and June 30, 2009 may apply for a Utah high school completion diploma to replace the originally issued HSE exam certificate issued by the Board or they may enroll in an adult education program to complete the necessary requirements for an adult education secondary diploma.

R277-702-8. HSE Exam Security.

(1) The following individuals may have access to the HSE exam:

- (a) Board staff approved by the Superintendent;
- (b) Authorized test examiners;
- (c) A contractor selected pursuant to Subsection R277-702-3(1)(a) and the contractor's agents;
- (d) Approved exam candidates during exam administration; or
- (e) An individual granted access in writing by the Superintendent.

(2) A test facilitator shall administer an HSE exam in strict accordance with procedures and guidelines specified by the Superintendent and the contractor approved in accordance with Subsection R277-702-3(1)(a).

(3) School staff members may not:

- (a) provide a student directly or indirectly with specific questions or answers from any official HSE exam;
- (b) allow a student access to any testing material, in any form, ~~prior to~~ before test administration; or
- (c) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of an exam score of any individual student or group taking an HSE exam.

(4) A licensed educator who intentionally violates this Section R277-702-8 may be subject to disciplinary action under Section 53E-6-604 and Rule R277-217.

KEY: adult education, educational testing, student competency

Date of Last Change: 2025[April 9, 2020]

Notice of Continuation: December 2, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53E-3-401

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or Section Number:	R277-722	Filing ID: 56988

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-722. Procedures for the Focused Graduation Pathway
3. Purpose of the new rule or reason for the change:
This rule is being created to establish the requirements for a pathway to graduation that is based on the General Education Development (GED) test.
4. Summary of the new rule or change:
The new rule specifies the procedures for Local Education Agencies (LEAs) and individual schools wanting to implement the Focused Graduation Pathway program. It also clarifies criteria for students who may be eligible for the program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This rule provides guidelines and procedures for the potential Focused Graduation Pathway (FGP) program. While the Utah State Board of Education (USBE) resources could potentially be used for an educational specialist Full Time Equivalent (FTE) to administer the program, the program has not yet been started and this rule itself does not require any costs for the USBE.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This program is optional but requires developing policies and procedures and designating an FGP coordinator to oversee the program for a Local Education Agency (LEA)/school. The USBE estimates this would be an additional duty stipend or similar portion of an FTE, at a cost of \$10,000 annually per participating LEA; however, the USBE cannot provide a total cost estimate as the program has not yet been started.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects the USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only affects the USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. This program is optional but requires developing policies and procedures and designating an FGP coordinator to oversee the program for an LEA/school.

The USBE estimates this would be an additional duty stipend or similar portion of an FTE, at a cost of \$10,000 annually per participating LEA; however, the USBE cannot provide a total cost estimate as the program has not yet been started.

While the USBE resources could potentially be used for an educational specialist FTE to administer the program, the program has not yet been started and this rule itself does not require any costs for the USBE.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Subsection 53E-3-501(1)(b)	Section 53E-3-401
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2025
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9. This rule change MAY become effective on:	02/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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R277. Education, Administration.

R277-722. Procedures for the Focused Graduation Pathway.

R277-722-1. Authority, Purpose, and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
 - (b) Subsection 53E-3-501(1)(b), which directs the Board to adopt rules regarding access to programs, competency levels, and graduation requirements; and
 - (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law.
- (2) The purpose of this rule is to describe the standards and procedures required for an individual to utilize the Focused Graduation Pathway.
- (3) This Rule R277-722 is categorized as Category 2 as described in Rule R277-111.

R277-722-2. Definitions.

- (1) "FGP student" means an individual 16 to 19 years of age who meets the requirements of this rule, attends a participating school, and has consented to participate in the Focused Graduation Pathway (FGP).
- (2) "General Education Development" high school equivalency exam or "GED exam" means a high school equivalency exam that is a standardized test that measures proficiency in one of four subject areas: Reasoning Through Language Arts, Mathematical Reasoning, Science, and Social Studies, and is administered by authorized testing centers.
- (3) "GED Alerts" means an official notification issued by the Utah State Board of Education to inform high school students, educators, and the public about the availability and details of the General Education Development (GED) high school equivalency exam.
- (4) "Participating school" means a school that has proposed an FGP, obtained LEA board approval, and meets all other requirements as outlined in this rule.

R277-722-3. Focused Graduation Program Requirements.

- (1) Before enrolling students in the FGP, a participating school shall
 - (a) develop policies and procedures surrounding the FGP for their school, in accordance with existing LEA policy
 - (b) obtain the LEA board approval prior to participating in the FGP
 - (i) outlining how FGP will be implemented
 - (c) designate an FGP Coordinator to oversee the program
 - (d) submit the approved application in Subsection (1)(b) to the Superintendent
- (2) A participating school may not withdraw a student participating in the FGP from k-12 before the student takes any of the four subject GED tests.
 - (3) A participating school shall:
 - (a) maintain a student-teacher ratio not to exceed the average ratio of the participating school for all GED prep courses;
 - (b) provide necessary support for a student with disabilities, as required by Rule R277-705;
 - (c) provide subject area experts to students when preparing for each GED subject test;
 - (d) coordinate the clearance of GED alerts for a FGP student with the Superintendent; and
 - (e) submit annual report to the Superintendent on FGP enrollment, completion rates, and other relevant data as determined by the Superintendent.

R277-722-4. Student Eligibility for Focused Graduation Pathway.

- (1) A candidate for the focused graduation pathway shall:
 - (a) be at least 16 years of age;
 - (b) be a junior or senior enrolled in high school;
 - (c) be significantly behind in high school credits earned with:
 - (i) at least 6 credits behind if a junior; or
 - (ii) at least 3 credits behind if a senior;
 - (d) demonstrate 9th grade reading level or higher on an assessment chosen by the LEA;
 - (e) remain enrolled in a Utah k-12 school throughout the entirety of the pathway;
- (2) A FGP candidate shall participate in a formal meeting with applicable school staff where:
 - (a) the policies and procedures surrounding the FGP are explained and
 - (b)(i) parental consent to participate in the FGP is provided; or
 - (ii) student consent if the student is a verified unaccompanied minor;
- (4) Consent to participate shall be voluntarily given.

R277-722-5. Testing and Credit.

- (1) A FGP student shall complete a GED exam:
 - (a) at approved testing centers; or
 - (b) through an online proctored test, in accordance with GED policies and procedures.
- (2) A participating school may award core credit to an FGP student for passing GED exams, as determined by school and LEA policy up to:
 - (a) 4.0 credits for language arts for passing Reasoning through Language Arts;
 - (b) 3.0 credits for social studies for passing Social Studies;
 - (c) 3.0 credits for mathematics for passing Mathematical Reasoning; and
 - (d) 3.0 credits for science for passing Science.
- (3) Awarded credit shall be recorded on a transcript as pass/fail instead of a letter grade.
- (4) An FGP student shall complete all remaining graduation requirements as required by the LEA to be eligible for graduation.

R277-722-6. Diploma and Official Transcripts.

- (1) Upon successful completion of the FGP and all LEA graduation requirements, an FGP student shall:
 - (a) be awarded a traditional high school diploma; and
 - (b) be eligible to participate in graduation ceremonies.
- (2) An FGP student shall be eligible for the Seal of Biliteracy if:
 - (a) the student has completed the GED exam in English; and
 - (b) has fulfilled all requirements as outlined in Rule R277-499.

R277-722-7. Superintendent Oversight and Evaluation.

- (1) The Superintendent shall designate a specialist to:
 - (a) oversee the FGP;
 - (b) provide technical assistance; and
 - (c) monitor program implementation and outcomes.
- (2) The Superintendent may withdraw approval for a school to participate in the FGP for noncompliance with board rule.

KEY: focused graduation pathway, educational testing, student competency

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53E-3-401

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R277-927

Filing ID: 56987

Agency Information

1. Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-927. Teacher and Student Success Act (TSSA) Program
3. Purpose of the new rule or reason for the change:
This rule is being amended in order to make several technical updates and clarifications.
4. Summary of the new rule or change:
The amendments specifically add an oversight Category 2 for this rule, clarify the definition of "capital expenditures" in Section R277-927-2, and update language in Section R277-927-3 related to how the state average teacher salary is determined for the Teacher and Student Success Act (TSSA) program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The oversight framework categorization is part of the Utah State Board of Education's (USBE) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself.
The changes to clarify how teacher salary is calculated and clarify capital expenditures do not affect Local Education Agency (LEA) distributions or incur costs for the USBE. The teacher salary calculation applies to how LEAs are able to use the funds and follows current LEA practice.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself.
The changes to clarify how teacher salary is calculated and clarify capital expenditures do not affect LEA distributions or incur costs for the USBE. The teacher salary calculation applies to how LEAs are able to use the funds and follows current LEA practice.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only applies to the USBE and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only applies to LEAs and the USBE.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself.

The changes to clarify how teacher salary is calculated and clarify capital expenditures do not affect LEA distributions or incur costs for the USBE. The teacher salary calculation applies to how LEAs are able to use the funds and follows current LEA practice.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-416
Section 53G-7-1304	Section 53G-7-1306	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on:	02/07/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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R277. Education, Administration.

R277-927. Teacher and Student Success Act (TSSA) Program.

R277-927-1. Authority, ~~and~~ Purpose, and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Section 53F-2-416, which requires the Board to calculate and distribute student and teacher success program money to LEAs;
 - (d) Section 53G-7-1304, which requires the Board to make rules for an LEA governing board to calculate and distribute a school's allocation of program money for each school within the LEA; and
 - (e) Section 53G-7-1306, which requires the Board to determine:
 - (i) a threshold of points under the statewide school accountability system that designates a school as succeeding in school performance and student academic achievement; and
 - (ii) performance standards for certain schools.
 - (2) The purpose of this rule is to:
 - (a) set standards for the Board's distribution of student and teacher success program money to LEAs;
 - (b) set standards governing an LEA's distribution of student and teacher success program money to each school within the LEA; and
 - (c) to establish certain accountability standards related to the student and teacher success program.
- (3) This rule is categorized as Category 2 as described in Rule R277-111.

R277-927-2. Definitions.

- (1)(a) As used in Section 53G-7-1304, "capital expenditures" are funds used to acquire, maintain, or upgrade physical assets like property, building, technology infrastructure, or equipment and may include:
 - ~~(a)~~(i) improvements to a building or school grounds;
 - ~~(b)~~(ii) a school bus;
 - ~~(c)~~(iii) rent, lease, or bond payments; and
 - ~~(d)~~(iv) a portable classroom or costs related to moving a portable classroom.
- (b) "Capital expenditures" does not include student technology devices.
- (2) "Early childhood education" as used in Subsection 53G-7-1304(1) includes preschool programs.
- ~~(3)~~(3) "Program" means the student and teacher success program created in Section 53G-7-1302.
- ~~(4)~~(4) "Satellite school" means the same as that term is defined in Rule R277-550.
- ~~(5)~~(5) "School personnel who work directly with and support students in an academic role" does not include:
 - (a) school level administrative or operational staff;
 - (b) building and maintenance staff, including custodial and grounds staff;
 - (c) transportation staff;
 - (d) child nutrition services staff;
 - (e) operational or facility support staff;
 - (f) financial staff;
 - (g) information technology staff;
 - (h) legal staff;
 - (i) secretarial staff; or
 - (j) other district level staff paid on an administrative salary schedule.

R277-927-3. Program Requirements and Board Distribution of Program Money.

- (1)(a) The Superintendent shall distribute an LEA's annual program allocation, in equal payment amounts, to an LEA once the LEA submits the LEA's student success framework through the Board's grant management system.
- (b) If an LEA amends the LEA's student success framework, the LEA shall submit the amended student success framework through the Board's grant management system.
- (2) If the LEA previously submitted a student success framework, before the LEA receives the LEA's annual program allocation, the LEA shall submit annual assurances in accordance with the requirements of Rule R277-108.
- (3) If an LEA fails to submit the LEA's student success framework as described in Subsection (1) or annual assurances described in Subsection (2) to the Superintendent:
 - (a) the LEA may not receive a program allocation for that fiscal year; and

(b) the undistributed balance will be included with the new year appropriation and distributed in the following fiscal year according to the formula described in Subsection 53F-2-416(3).

(4) For purposes of calculating the formula described in Subsection 53F-2-416(3), "weighted pupil units" means:

(a) for an existing LEA:

(i) the weighted pupil units for the prior year for the minimum school basic program; minus

(ii) the weighted pupil units allocated for foreign exchange students; and

(b) for a new LEA or a charter school opening a new satellite campus:

(i) the weighted pupil units based on the LEA's projected enrollment for the current year for the minimum school basic program;

minus

(ii) the weighted pupil units allocated for foreign exchange students; and

(c) for the Utah Schools for the Deaf and Blind, [USDB's] the prior year October 1 headcount multiplied by two.

(5) For a new LEA or a charter school opening a new satellite campus during the second year of operation, the Superintendent shall increase or decrease the LEA's first year distribution of funds to reflect the LEA's actual first year October 1 counts.

(6) For purposes of determining whether a school district in a county of the first, second, or third class has an approved board local levy for the maximum amount allowed for the purposes described in Subsection 53G-7-1304(2)(c)(i)(A), the school district meets the property tax requirements of Subsection 53G-7-1304(2)(a)(i) if in the applicable fiscal year:

(a) the school district's rate imposed for the board local levy is equal to the maximum amount allowed under Section 53F-8-302; or

(b)(i) the school district's board local levy rate meets or exceeds an amount equal to the certified board local levy rate; and

(ii) the school district's board local levy rate equaled the maximum amount allowed under Section 53F-8-302 sometime within the prior five fiscal years.

(7) For purposes of determining whether a school district in a county of the first, second, or third class increased the school district's board local levy by at least .0001 per dollar of taxable value as described in Subsection 53G-7-1304(2)(c)(i)(B), a school district that does not meet the property tax requirements of Subsection (6), the school district meets the requirements of Subsection 53G-7-1304(2)(c)(i)(B) if the school district's board local levy rate for the current fiscal year is at least .0001 per dollar of taxable value more than the school district's board local levy rate imposed in the prior fiscal year.

~~_____ (8) For fiscal year 2020, "state average teacher salary" means a weighted calculation of the statewide teacher salary expenditures reported on the annual financial report by LEA from fiscal year 2018 divided by the number of full time equivalent educators or FTEs from the most recent educator caucus submission.~~

~~_____ (9) Except as provided in Subsection (10), for fiscal year 2020, "LEA's average teacher salary" means the LEA's teacher salary expenditures reported on the annual financial report from fiscal year 2018 divided by the LEA's number of full time equivalent educators or FTEs from the most recent educator caucus submission.~~

(8) The Superintendent shall determine the state average teacher salary using the most recent Superintendent's Annual Report of Average Teacher Salaries.

~~(10)~~ (9) For a new LEA in the new LEA's first or second year of operation, the new LEA's average teacher salary is equal to the state average teacher salary.

R277-927-4. LEA Financial Reporting and Prohibited Uses of Program Funds.

(1) An LEA shall report expenditures of program money by location according to the Board approved chart of accounts.

(2) An LEA may not use program money:

(a) for a purpose described in Subsection 53G-7-1304(1);

(b) to support adult education ~~or preschool programs~~; or

(c) to pay for contracted services commonly performed by the following staff:

(i) school level administration staff;

(ii) building and maintenance staff, including custodial staff;

(iii) transportation staff;

(iv) child nutrition services staff;

(v) operational or facility support staff; or

(vi) district level staff.

(3) As used in Subsection 53G-7-1304(2), "district administration costs" does not include salary driven benefits for school personnel charged at the district level.

(4)(a) An LEA may carry over restricted program funds into the next fiscal year to support a purpose identified by the LEA governing board student success framework.

~~(b) If an LEA carries over funds as described in Subsection (4)(a), the LEA shall report the funds [Any funds carried over must be reported] according to the Board approved chart of accounts.~~

R277-927-5. LEA Allocations to Schools.

(1) An LEA with two or more schools shall establish a policy that defines how the LEA will calculate and distribute program allocations based on prior year average daily membership as determined by the Superintendent, to all schools within the LEA, including how the LEA will calculate allocations for new schools within the LEA.

(2) For a new school within an LEA, the LEA shall calculate and distribute the school's allocation based on the school's projected October 1 headcount for the applicable school year.

NOTICES OF PROPOSED RULES

(3) After calculating an LEA's school level allocations, an LEA may make adjustments to individual school ADM values and school level allocations due to changes in current year student enrollment for reasons including:

- (a) changes in school boundaries;
- (b) changes to feeder school patterns;
- (c) changes in grade levels offered; or
- (d) significant student growth of 30% or more.

R277-927-6. Accountability Performance Standards.

(1) For purposes of determining the threshold of points that designates a school as succeeding in school performance as described in Subsection 53G-7-1306(1)(a), a school is succeeding in school performance if, in the most recently published school determinations, the school has:

- (a) 43.5% or more of the total points possible for a school that is an elementary or middle school; or
- (b) 46% or more of the total points possible for a school that enrolls students in grade 12.

(2) For purposes of determining the performance standards for a school described in Subsection 53G-7-1306(1)(b), a school meets the performance standards if the school meets the criteria described in Subsection 53E-5-203(2).

KEY: Teacher and Student Success Act (TSSA), program money, allocation

Date of Last Change: ~~2025~~ ~~November 7, 2023~~

Notice of Continuation: November 16, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-416; 53G-7-1304; 53G-7-1306

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or Section Number:	R356-12	Filing ID: 56970

Agency Information

1. Title catchline:	Governor, Criminal and Juvenile Justice (State Commission on)	
Building:	Utah State Capitol, Senate Building	
Street address:	350 N State Street	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 142330	
City, state and zip:	Salt Lake City, UT 84114-2330	
Contact persons:		
Name:	Phone:	Email:
Angelo Perillo	801-538-1047	aperillo@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R356-12. Public Safety Portal Data Reporting
3. Purpose of the new rule or reason for the change:
In 2022, the Legislature passed H.B. 403, Justice Reinvestment Initiative Modifications, which required the Commission on Criminal and Juvenile Justice to oversee the creation and management of a database that would be the repository for all of the information and data required to be reported to the Commission.
In Section 63A-16-1002, the Commission was given rulemaking authority to create rules regarding how the data described in the statute would be provided to the Commission.
4. Summary of the new rule or change:
The purpose of this rule is to establish requirements and procedures for collecting the data, described in Subsection 63A-16-1002(4), that is to be included in the Public Safety Portal.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule will not have any effect on the state budget because it only clarifies the process by which agencies are currently providing data to the Commission.

B) Local governments:

This rule will not have any effect on local governments because it only clarifies the process by which agencies are currently providing data to the Commission.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule will not have any effect on small businesses because it does not apply to small businesses and only clarifies the process by which agencies are currently providing data to the Commission.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule will not have any effect on non-small businesses because it does not apply to non-small businesses and only clarifies the process by which agencies are currently providing data to the Commission.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule will not have any effect on persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to persons other than small businesses, non-small businesses, state, or local government entities and only clarifies the process by which agencies are currently providing data to the Commission.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There will be no compliance costs for affected persons because the rule does not create new procedures for providing data rather it clarifies the process by which agencies are currently providing data to the Commission.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 This rule will have no fiscal impact on any entities and the Executive Director of the Commission on Criminal and Juvenile Justice, Tom Ross, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
 Subsection 63A-16-1002(6)(b)

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on: 02/07/2025
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tom Ross, Executive Director	Date:	12/04/2024
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R356. Governor, Criminal and Juvenile Justice (State Commission on).

R356-12. Public Safety Portal Data Reporting.

R356-12-1. Authority.

This rule is authorized by Subsection 63A-16-1002(6)(b).

R356-12-2. Purpose.

The purpose of this rule is to establish requirements and procedures for collecting the data described in Subsection 63A-16-1002(4).

R356-12-3. Definitions.

Terms used in this rule are found in Section 63A-16-1001, in addition:

(1) "Agency" means any entity identified in Subsection 63A-16-1002(4) that is required to provide data to the commission.

(2)(a) "Aggregated data" means high-level data which has been created by combining individual-level data.

(b) "Aggregated data" includes deidentified data.

(c) "Aggregated data" does not include information which could be:

(i) classified as a private, protected, controlled, or exempt record as defined in Title 63G, Chapter 2, Government Records Access and Management Act; or

(ii) considered personal data as defined in Section 63A-19-101.

(3)(a) "Data" means any information described in Subsection 63A-16-1002(4) that is provided by an agency to the commission.

(b) "Data" includes any:

(i) information described in any of the statutes listed in Subsection 63A-16-1002(4);

(ii) information created or owned by an agency, regardless of when the information was provided to the commission; and

(iii) associated information in the possession of an agency that the commission deems necessary to identify a record or fulfill the commission's duties described in Section 63A-16-1002 or any of the statutes listed in Subsection 63A-16-1002(4).

(4) "Portal" means the public safety portal created in Section 63A-16-1002.

R356-12-4. Disclosure and Use of Data.

(1) An agency shall provide data to the commission:

(a) pursuant to the sharing provisions in Section 63G-2-206; and

(b) for the purposes of allowing:

(i) an agency to comply with the reporting requirements described in the statutes listed in Subsection 63A-16-1002(4); and

(ii) the commission to comply with the reporting requirements described in Section 63A-16-1002 and any of the statutes listed in Subsection 63A-16-1002(4).

(2) Data provided by an agency to the commission shall be included in the portal.

(3) An agency shall be responsible for complying with any deadlines described the statutes listed in Subsection 63A-16-1002(4).

(4) The commission may only use data provided by an agency:

(a) as permitted by Section 63A-16-1002 or any of the statutes listed in Subsection 63A-16-1002(4);

- _____ (b) as authorized by the agency; or
- _____ (c) to produce public reports containing aggregated data.
- _____ (5)(a) The commission may not release data in response to a records request made pursuant to Title 63G, Chapter, 2, Government Records Access and Management Act.
- _____ (b) If the commission receives a records request for data provided by an agency, the commission shall deny the records request and refer the requester to the agency as provided in Section 63G-2-204.

R356-12-5. Safeguarding Data.

- _____ (1) The commission shall provide a secure transfer method for an agency to send data to the commission.
- _____ (2) The Commission shall implement and maintain administrative, technical, and physical safeguards necessary to protect the confidentiality of data and to prevent the unauthorized use or access of data.
- _____ (3) The commission shall ensure that data is only accessible to individuals who have an actual and legitimate need to access or use data.
- _____ (4) The commission shall require any agent or subcontractor who may need to access data to agree in writing to be subject to the same restrictions and conditions regarding data as the commission.
- _____ (5)(a) The commission shall promptly report to an agency any:
 - _____ (i) unauthorized access, acquisition, disclosure, loss of access, or destruction of data; or
 - _____ (ii) interference with or compromise of the security, confidentiality, availability, or integrity of any computer systems involving data.
- _____ (b) The commission shall take reasonable steps to mitigate the effects of an incident described in Subsection (5)(a).
- _____ (c) The commission shall consult and cooperate with the agency regarding appropriate steps for remediation and any applicable reporting requirements.

R356-12-6. Retention of Data.

- _____ The commission shall be:
- _____ (1) entitled to retain any data provided by an agency; and
 - _____ (2) under no obligation to return or destroy data provided by an agency.

KEY: public safety portal, data reporting

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 63A-16-1002

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R641-109-300	Filing ID: 56976

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining Board	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT	
Mailing address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R641-109-300. Notice
3. Purpose of the new rule or reason for the change:
This change aims to modernize noticing requirements and reduce costs associated with mailing supplies and staff time for printing and mailing notices.

4. Summary of the new rule or change:
 This change allows notices of proceedings to be sent via email or US mail, removing the requirement to mail findings of fact and conclusions of law to all parties.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is an estimated savings of \$20,000 per year from the reduction of printing materials and staff time.

B) Local governments:

No local government costs or savings are anticipated, since this rule only applies to the Board and Division.

C) Small businesses ("small business" means a business employing 1-49 persons):

No small business costs or savings are anticipated, since this rule only applies to the Board and Division.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

No non-small business costs or savings are anticipated, since this rule only applies to the Board and Division.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change will not affect persons other than state governments.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There will be no compliance costs for oil and gas operators.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
 Section 40-6-1 et seq.

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on: 02/26/2025
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	12/13/2024
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R641. Natural Resources; Oil, Gas and Mining Board.
R641-109. Decisions and Orders.
R641-109-300. Notice.

The Board will notify all parties to the proceeding, via US mail or email to the last known address, that an order has been entered and will provide a website where the order with accompanying finding of fact may be viewed. The Division will mail a printed copy if requested. ~~of its decision. A copy of the order with accompanying findings of fact and conclusions of law will be delivered or mailed to each party.~~

KEY: administrative procedure
Date of Last Change: 2025[1988]
Notice of Continuation: May 17, 2022
Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment
Rule or Section Number: R649-1-1 **Filing ID:** 56977

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 West North Temple	
City, state:	Salt Lake City, UT	
Mailing address:	1594 West North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-1-1. Definitions
3. Purpose of the new rule or reason for the change:
H.B. 310 from the 2019 General Session modified the definition of solid waste, which moved waste recycling to another agency. This rule amendment will remove any definitions related to waste recycling and add new definitions that are specific to recycling facilities.
4. Summary of the new rule or change:
Rule R649-1 establishes definitions for terms used within the Title R649 rules. This rule amendment removes definitions related to waste recycling and adds new definitions that are specific to recycling facilities.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:												
A) State budget:												
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative in nature.												
B) Local governments:												
No local government costs or savings are anticipated, since this rule impacts oil and gas operators, the Division, and the Board.												
C) Small businesses ("small business" means a business employing 1-49 persons):												
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. It is anticipated that this rule amendment will have no fiscal impact as these definitions are purely administrative.												
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):												
There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. It is anticipated that this rule amendment will have no fiscal impact as these definitions are purely administrative.												
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):												
This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division of Oil, Gas and Mining.												
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):												
There will be no additional compliance costs for oil and gas operators as these changes are administrative.												
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)												
Regulatory Impact Table												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2025</th> <th>FY2026</th> <th>FY2027</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2025	FY2026	FY2027	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0
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State Government	\$0	\$0	\$0									
Local Governments	\$0	\$0	\$0									

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
 Section 40-6-1 et seq.

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on: 02/26/2025
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	12/13/2024
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-1. Oil and Gas Definitions.

R649-1-1. Definitions.

"Adjudicative proceeding" means an agency action or proceeding that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including any agency actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and judicial review of any of such actions.

"Agency" means the Board of Oil, Gas and Mining and the Division of Oil, Gas and Mining including the director or division employees acting on behalf of or under the authority of the director or board.

"Agency head" means an individual or body of individuals in whom the ultimate legal authority of the agency is vested by statute.

"Application for Permit to Drill, Deepen or Plug Back" or "APD" means the Form 3 submission required under Section R649-3-4 with the division.

"Aquifer" means a geological formation including a group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.

~~["Artificial Liner" means a pit liner made of material other than clay or other in situ material that meets the requirements of Section R649-9-3, Permitting of Disposal Pits.]~~

"Authorized Agent" means a representative of the director as authorized by the board.

"Authority for Expenditure" or "AFE" is a detailed written statement made in good faith by an operator memorializing the total estimated costs to be incurred in the drilling, testing, completion and equipping of a well for oil and gas operations.

"Barrel" means 42 gallons at 60 degrees Fahrenheit at atmospheric pressure.

"Board" means the Board of Oil, Gas and Mining.

NOTICES OF PROPOSED RULES

"Carrier, Transporter or Taker" means any person moving or transporting oil or gas away from a well or lease or from any pool.

"Casing Pressure" means the pressure within the casing or between the casing and tubing at the wellhead.

"Central Disposal Facility" means a facility that is used by one or more producers for disposal of exempt E and P wastes and that the operator of the facility receives no monetary remuneration, other than operating cost sharing.

"Class II Injection Well" means a well that is used for:

1. the disposal of fluids that are brought to the surface in connection with conventional oil or natural gas production and that may be commingled with wastewater produced from the operation of a gas plant that is an integral part of production operations, unless that wastewater is classified as a hazardous waste at the time of injection;

2. enhanced recovery of oil or gas; or

3. storage of hydrocarbons that are liquids at standard temperature and pressure conditions.

"Closed System" means the use of a combination of solids control equipment including a shale shaker, flowline cleaner, desanders, desilters, mud cleaners, centrifuges, agitators, and any necessary pumps and piping incorporated in a series on the rig's steel mud tanks, or a self contained unit that eliminates the use of a reserve pit to dump and dilute drilling fluids for the removal of entrained drill solids. A closed system ~~for the purpose of these rules~~ for Title R649 rules may with ~~[D]~~ division approval include the use of a small pit to receive cuttings, but does not include the use of trenches for the collection of fluids of any kind.

"Coalbed Methane" means natural gas that is produced, or may be produced, from a coalbed and rock strata associated with the coalbed.

"Commercial Disposal Facility" means a disposal well, pit or treatment facility whose owner or operator receives compensation from others for the temporary storage, treatment, and disposal of produced water, drilling fluids, drill cuttings, completion fluids, and any other exempt E and P wastes, and whose primary business objective is to provide these services.

"Completion of a Well" means that the well has been adequately worked to be capable of producing oil or gas or that well testing as required by the division has been concluded.

"Confining Strata" refers to a body of material that is relatively impervious to the passage of liquid or gas and that occurs either below, above, or lateral to a more permeable material in such a way that it confines or limits the movement of liquids or gases that may be present.

"Correlative Rights" means the opportunity of each owner in a pool to produce ~~[his]~~ a just and equitable share of the oil and gas in the pool without waste.

"Cubic Foot" of gas means the volume of gas contained in one cubic foot of space at a standard pressure base of 14.73 psia and a standard temperature base of 60 degrees Fahrenheit.

"Day" means a period of 24 consecutive hours.

"Development Wells" means any oil and gas producing wells other than wildcat wells.

"Director" means the executive and administrative head of the division.

"Disposal Facility" means an injection well, pit, treatment facility or combination thereof that receives E and P Wastes for the purpose of disposal. This includes both commercial and noncommercial facilities.

"Disposal Pit" means a lined or unlined pit approved for the disposal or storage of E and P Wastes.

"Division" means the Division of Oil, Gas and Mining.

"Drilling Fluid" means a circulating fluid usually called mud, that is introduced in a drill hole to lubricate the action of the rotary bit, remove the drilling cuttings, and control formation pressures.

"E and P Products" means Exploration and Production Products, and is defined as produced water, drilling fluids and other materials associated with the exploration, development and production of crude oil and natural gas, which are recyclable.

"E and P Recycling Facility" means Exploration and Production Recycling Facility, and is defined as any facility or site constructed or used for the primary purpose to recycle E and P products, making them available for reuse.

"E and P Waste" means Exploration and Production Waste, and is defined as waste resulting from the drilling of and production from an oil and gas well as determined by the Environmental Protection Agency (EPA), ~~prior to~~ before January 1, 1992, to be exempt from Subtitle C of the Resource Conservation and Recovery Act (RCRA).

"Emergency Pit" means a pit used for containing any fluid at an operating well during an actual emergency or for a temporary period~~[of time]~~.

"Enhanced Recovery" means the process of introducing fluid or energy into a pool for the purpose of increasing the recovery of hydrocarbons from the pool.

"Enhanced Recovery Project" means the injection of liquids or hydrocarbon or non-hydrocarbon gases directly into a reservoir for the purpose of augmenting reservoir energy, modifying the properties of the fluids or gases in the reservoir, or changing the reservoir conditions to increase the recoverable oil, gas, or oil and gas through the joint use of two or more well bores.

"Entity" means a well or a group of wells that have identical division of interest, have the same operator, produce from the same formation, have product sales from a common tank, LACT meter, gas meter, or are in the same participating area of a properly designated unit. Entity number assignments are made by the division in cooperation with other state government agencies.

"Field" means the general area underlaid by one or more pools.

"Gas" means natural gas or natural gas liquids or other gas or any mixture thereof defined as follows:

1. "Natural Gas" means those hydrocarbons, other than oil and other than natural gas liquids separated from natural gas, that occur naturally in the gaseous phase in the reservoir and are produced and recovered at the wellhead in gaseous form. Natural gas includes coalbed methane.

2. "Natural Gas Liquids" means those hydrocarbons initially in reservoir natural gas, regardless of gravity, that are separated in gas processing plants from the natural gas as liquids at the surface through the process of condensation, absorption, adsorption, or other methods.

3. "Other Gas" means hydrogen sulfide (H₂S), carbon dioxide (CO₂), helium (He), nitrogen (N), and other nonhydrocarbon gases that occur naturally in the gaseous phase in the reservoir or are injected into the reservoir in connection with pressure maintenance, gas cycling, or other secondary or enhanced recovery projects.

"Gas-Oil Ratio" means the ratio of the number of cubic feet of natural gas produced to the number of barrels of oil concurrently produced during any stated period. The term GOR is synonymous with gas-oil ratio.

"Gas Processing Plant" means a facility in which liquefiable hydrocarbons are removed from natural gas, including wet gas or casinghead gas, and the remaining residue gas is conditioned for delivery for sale, recycling or other use.

"Gas Well" means any well capable of producing gas in substantial quantities that is not an oil well.

"Ground Water" means water in a zone of saturation below the ground surface.

"Hearing" means any matter heard before the board or its designated hearing examiner.

"Horizontal Well" means a well bore drilled laterally at an angle of at least 80 degrees to the vertical or with a horizontal projection exceeding one hundred feet measured from the initial point of penetration into the productive formation through the terminus of the lateral in the same common source of supply.

"Illegal Oil or Illegal Gas" means oil or gas that has been produced from any well within the state in violation of Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, or any rule or order of the board.

"Illegal Product" means any product derived in whole or in part from illegal oil or illegal gas.

"Incremental Production" means that part of production that is achieved from an enhanced recovery project that would not have economically occurred under the reservoir conditions existing before the project and that has been approved by the division as incremental production.

"Injection or Disposal Well" means any Class II Injection Well used for the injection of air, gas, water or other substance into any underground stratum.

"Interest Owner" means a person owning an interest, which may include working interest, royalty interest, payment out of production, or any other interest, in oil or gas, or in the proceeds thereof.

"Joint Operating Agreement" or "JOA" is an agreement for the exploration, development, and production for oil, gas or other minerals between parties entitled to participate pursuant to the ownership of said minerals or leaseholds covering said minerals, which are subject to the contract area, which may be inclusive of a drilling unit, described therein.

"Large Capacity Storage Tank" means a tank that is designed to be disassembled and reassembled for temporary set up and take down with volume above 500 barrels.

"License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by statute.

"Load Oil" means any oil or liquid hydrocarbon that is used in any remedial operation in an oil or gas well.

"Log or Well Log" means the written record progressively describing the strata, water, oil or gas encountered in drilling a well with such additional information as is usually recorded in the normal procedure of drilling including electrical, radioactivity, or other similar conventional logs, a lithologic description of samples and drill stem test information.

"Long Term Produced Water Recycling Pond Facility" means a facility that contains ponds that are designed, maintained and operated for the reuse of produced water in oil and gas operations, and not designed primarily for evaporation.

"Major Modification" means any structural or operational change at an E and P Recycling Facility that significantly alters the volume of E and P products managed or changes the processes used to recycle and make these products available for reuse.

"Multiple Zone Completion" means a well completion in which two or more separate zones, mechanically segregated one from the other, are produced simultaneously from the same well.

"Notice of Opportunity to Participate" means the written notice of opportunity to participate in a well for oil and gas operations required under Subsections 40-6-2(4) and (12) to be provided to an owner and which includes an offer to lease if the owner is an unleased owner, and an offer for the owner to directly participate financially, in proportion to the owner's interest in the drilling, testing, completion, equipping and operation of the subject well and which includes:

1. the approximate surface and, bottom hole location of the subject well by county, township, range, section, quarter-quarter section or substantially equivalent lot, and footages from directional section lines;
 2. the proposed well name;
 3. the proposed total distance from the surface of the ground to the terminus measured along the vertical and lateral components if the well is a horizontal well;
 4. the proposed total depth;
 5. the objective productive zone and the approximate depth and locations of producing intervals in the borehole;
 6. the approximate date upon which the subject well was or will be spud;
 7. a joint operating agreement proposed in good faith by the operator for operation of the drilling unit upon which the subject well is to be drilled;
 8. an AFE for the subject well;
 9. a statement that a refusal to agree to either lease or participate in the subject well may result in the imposition of the statutory risk compensation award allowed under Subsection 40-6-6.5(4)(d)(i)(D) of between 150% and 400% as determined by the board; and
 10. a statement that any initial compulsory pooling order may apply to subsequent wells within the drilling unit including any statutory risk compensation award imposed under Utah law pursuant to Subsection 40-6-6.5(12).
- "Oil" means crude oil or condensate or any mixture thereof, defined as follows:
1. "Crude Oil" means those hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and occur naturally in the liquid phase in the reservoir or are produced through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).

NOTICES OF PROPOSED RULES

2. "Condensate" means those hydrocarbons, regardless of gravity, that occur naturally in the gaseous phase in the reservoir that are separated from the natural gas as liquids through the process of condensation either in the reservoir, in the well bore or at the surface in field separators.

3. "Oil and Gas" may not include gaseous or liquid substances derived from coal, oil shale, tar sands or other hydrocarbons classified as synthetic fuel, except tar sands produced at the wellhead in liquid form through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).

"Oil and Gas Field" means a geographical area overlying an oil and gas pool.

"Oil Well" means any well capable of producing oil in substantial quantities.

"Operator" means the person who has been designated by the owners or the board to operate a well or unit.

"Operatorship" means the exclusive right, privilege and obligation of exercising any rights granted by the owners or the board to act as operator of a well or drilling unit which rights are necessary and effective for prospecting for, producing, storing, allocating and distributing oil and gas extracted from a well or a drilling unit.

"Owner" means the person who has the right to drill into and produce from a reservoir and to appropriate the oil and gas that they produce, either for themselves and others.

"Party" means the board, division, or other person commencing an adjudicative proceeding, any respondents, any persons permitted by the board to intervene in the proceeding, and any persons authorized by statute or agency rule to participate as parties in an adjudicative proceeding.

"Person" means an individual, group of individuals, partnership, corporation, association, political subdivision or its units, governmental subdivision or its units, public or private organization or entity of any character, or another agency.

"Pit" means an earthen surface impoundment constructed to retain fluids and oil field wastes.

"Pollution" means such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, or the discharge of any liquid, gaseous or solid substance into any waters of the state in such manner as will create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

"Pool" means an underground reservoir containing a common accumulation of oil or gas or both. Each zone of a general structure that is completely separated from any other zone in the structure is a separate pool. "Common source of supply" and "reservoir" are synonymous with "pool."

"Preparation for Drilling" means:

1. mobilization of drilling equipment; or
2. erecting a drilling rig; or
3. diligently engaging in other work necessary to prepare the well site, including commencement of access road and pad construction.

"Presiding Officer" means an agency head, or an individual or body of individuals designated by the agency head, by the agency's rules, or by statute to conduct an adjudicative proceeding. The board, or its appointed hearing examiner, may be considered the presiding officer of any appeals or informal adjudicative proceedings that is commenced before the division as well as any adjudicative proceeding that is commenced before the board. The director or ~~his~~their designated agent may be considered a presiding officer for any informal adjudicative proceedings that is commenced before the division. If fairness to the parties is not compromised, an agency may substitute one presiding officer for another during any proceeding.

"Pressure Maintenance" means the injection of gas, water or other fluids into a reservoir, either to increase or maintain the existing pressure in such reservoir or to retard the natural decline in the reservoir pressure.

"Produced Water" means water that is:

- (1) extracted below the earth's surface by means of an oil and gas producing well, or separated from hydrocarbons after extraction; and
- (2) Required to be disposed of pursuant to board rules for waste management and disposal made pursuant to Subsection 40-6-5(3) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking act.~~[produced in conjunction with the conventional production of oil or gas.]~~

"Producer" means the owner or operator of a well capable of producing oil or gas.

"Producing Well" means a well capable of producing oil or gas.

"Product" means any commodity made from oil and gas.

"Production Facilities" means any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells or injection wells, ~~[prior to]~~before any processing plant or refinery.

"Purchaser or Transporter" means any person who, acting alone or jointly with any other person, by means of ~~his~~their own, an affiliated, or designated carrier, transporter or taker, shall directly or indirectly purchase, take or transport by any means~~[-whatsoever]~~, or who shall otherwise remove from any well or lease, oil or gas produced from any pool, excepting royalty portions of oil or gas taken in kind by an interest owner who is not the operator.

"Recompletion" means any completion in a new perforated interval or pool within an established wellbore and approved as a recompletion by the division.

"Recycling" means to take action to recover E and P products from solid waste generated by oil and gas operations for the purposes of use or reuse, conversion into raw materials, or use in the production of new products.

"Refinery" means a facility, other than a gas processing plant, where controlled operations are performed by which the physical and chemical characteristics of petroleum or petroleum products are changed.

"Reserve Pit" means a pit used to retain fluid during the drilling, completion, and testing of a well.

"Resource Detriment" means: damage, harm or detriment to the mineral estate or oil and gas formation; pollution or surface damages as specified in Section R649-3-15; damage, harm or detriment to the surface estate or Surface Land as defined in Subsection 40-6-2(25); damage to a Surface land owner's property as defined in Subsection 40-6-2(27); or damage, harm or detriment to livestock or wildlife.

"Respondent" means any person against whom an adjudicative proceeding is initiated whether by an agency or any other person.

"Seismic Operator" means a person who conducts seismic exploration for oil or gas, whether for themselves or as a contractor for others.

"Shut-in Well" means a well that is completed, is shown to be capable of production in paying quantities, and is not presently being operated.

"Spud In" means the first boring of a hole in the drilling of a well by any type of rig.

"State" means the State of Utah.

"Stratigraphic Test or Core Hole" means any hole drilled for the sole purpose of obtaining geological information. The general rules applicable to the drilling of a well will apply to the drilling of a stratigraphic test or core hole.

"Temporarily Abandoned Well" means a well that is completed, is shown not capable of production in paying quantities, and is not presently being operated.

"Temporary Produced Water Recycling Tank Facility" means a facility that contains a large capacity storage tank set on or near drill sites that is used for nearby well completion activities.

"Temporary Spacing Unit" means a specified area of land designated by the board for purposes of determining well density and location. A temporary spacing unit may not be a drilling unit as provided for in Section 40-6-6, Drilling Units, and does not provide a basis for pooling the interest therein as does a drilling unit.

"Underground Source of Drinking Water" (USDW) means a fresh water aquifer or a portion thereof that supplies drinking water for human consumption or that contains less than 10,000 mg/1 total dissolved solids and that is not an exempted aquifer under Section R649-5-4.

"Waste" means:

1. The inefficient, excessive or improper use or the unnecessary dissipation of oil or gas or reservoir energy.

2. The inefficient storing of oil or gas.

3. The locating, drilling, equipping, operating, or producing of any oil or gas well in a manner that causes reduction in the quantity of oil or gas ultimately recoverable from a reservoir under prudent and economical operations, or that causes unnecessary wells to be drilled, or that causes the loss or destruction of oil or gas either at the surface or subsurface.

4. The production of oil or gas in excess of:

4.1. Transportation or storage facilities.

4.2. The amount reasonably required to be produced in the proper drilling, completing, testing, or operating of a well or otherwise utilized on the lease from which it is produced.

5. Underground or above ground waste in the production or storage of oil or gas.

"Waste Crude Oil Treatment Facility" means any facility or site constructed or used for the purpose of wholly or partially reclaiming, treating, processing, cleaning, purifying or in any manner making non-merchantable waste crude oil marketable.

"Well" means an oil or gas well, injection or disposal well, or a hole drilled for [the purpose of] producing oil or gas or both. The definition of well may not include water wells, ~~or~~ seismic, stratigraphic test, core hole, or other exploratory holes drilled for the purpose of obtaining geological information only.

"Well Site" means the areas that are directly disturbed during the drilling and subsequent use of, or affected by production facilities directly associated with any oil well, gas well or injection well.

"Wildcat Wells" means oil and gas producing wells that are drilled and completed in a pool in which a well has not been previously completed as a well capable of producing in commercial quantities.

"Willful Violation" means any action or inaction done with conscious objective or desire to engage in the action or inaction that a reasonably prudent person would know is likely to cause a violation.

"Working Interest Owner" means the owner of an interest in oil or gas burdened with a share of the expenses of developing and operating the property.

"Workover" means any operation designed to sustain, to restore, or to increase the production rate, the ultimate recovery, or the reservoir pressure system of a well or group of wells and approved as a workover, a secondary recovery, a tertiary recovery, or a pressure maintenance project by the division. The definition may not include operations that are conducted principally as routine maintenance or the replacement of worn or damaged equipment.

KEY: oil and gas law

Date of Last Change: 2025[August 24, 2022]

Notice of Continuation: July 28, 2021

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R649-9

Filing ID: 56978

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT	
Mailing address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-9. Exploration and Production Recycling Facilities
3. Purpose of the new rule or reason for the change:
H.B. 310 from the 2019 General Session modified the definition of solid waste, which moved waste recycling to another agency. This rule change will remove any waste recycling regulatory language and focuses only on the recycling and reuse of produced water.
4. Summary of the new rule or change:
Rule R649-9 establishes requirements for the recycling and reuse of produced water during oil and gas production to minimize the volume of waste and use of freshwater.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative in nature, removing solid waste operations while maintain the existing regulatory requirements for recycling operations.
B) Local governments:
No local government costs or savings are anticipated, since this rule impacts oil and gas operators, the Division, and the Board.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. It is anticipated that this rule amendment will have a neutral fiscal impact on businesses, as existing recycling operators will remain under Division regulatory jurisdiction. New recycling facility operators will be required to comply with permit and reclamation bonding requirements; however, the total fiscal impact cannot be estimated due to the uncertainty of the number of new operators.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. It is anticipated that this rule amendment will have a neutral fiscal impact on businesses, as existing recycling operators will remain under Division regulatory jurisdiction.

New recycling facility operators will be required to comply with permit and reclamation bonding requirements; however, the total fiscal impact cannot be estimated due to the uncertainty of the number of new operators.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division of Oil, Gas and Mining.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There is required reclamation bonding for operators, however, the amount is dependent on many factors, including site design and geography of the site and cannot be broadly estimated.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 40-6-1 et seq.

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on: 02/26/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	12/13/2024
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**R649-9. Exploration and Production Recycling Facilities.****R649-9-1. Introduction.**

(1[-]) Section 40-6-5[-UCA] authorizes the board to regulate the recycling of E and P products, including produced water.~~[disposal of produced water and oil field wastes.]~~ It is the intent of the board and division to regulate E and P ~~[wastes and]~~ recycling facilities for the reuse of produced water and other E and P products ~~[disposal of these wastes-]~~ in a manner that protects the environment, limits liability to producers, promotes opportunities for reuse of produced water and other recyclable E and P products and minimizes the volume of waste and use of freshwater.

(2[-]) ~~[These rules]~~ Rule R649-9 specifies~~[y]~~ the informational and procedural requirements for ~~[waste-]~~ management and~~[-disposal, the]~~ permitting of ~~[disposal facilities and the cleanup requirements for-]~~ E and P recycling facilities~~[waste-related sites]~~.

(3[-]) For the purposes of Rule R649-9, E and P recycling facilities include the following facilities:

(a) Long Term produced water recycling pond facilities;

(b) Temporary produced water recycling tank facilities;

(c) Waste crude oil treatment facilities; and

(d) Other potential E and P product recycling facilities. It is the intent of this rule to create a basic framework for division review and permitting of potential unforeseen E and P product recycling opportunities.~~[Design and construction requirements for disposal facilities approved prior to July 1, 2013 shall remain as previously permitted. Design and construction changes to these facilities after July 1, 2013 shall meet the following requirements as determined by the division.]~~

(4[-]) E and P recycling facilities may not be used for the disposal of produced water or other E and P products.

(5) ~~[These rules are]~~ Rule R649-9 is intended for E and P ~~[waste disposal]~~ recycling facilities ~~[excluding]~~ and do not apply to Class II injection wells and pits associated with ~~these~~ wells.

(6) The operator is ultimately liable for the continued stability and proper operation of the facility. The division's primary role during permit review is to ensure the E and P recycling facility has been designed and certified by a Utah Licensed Professional Engineer.

(7) This rule does not authorize the use of produced water as part of a consumptive beneficial use without a water right, and any nonconsumptive use of produced water in an oil and gas activity must be consistent with Title 40, Chapter 12, Produced Water Act.

R649-9-2. General ~~[Waste]~~E and P Recycling Facility Management.

(1[-]) Each E and P recycling facility must be permitted and in good standing with the division.

(a) Each approved E and P recycling facility shall be identified with a suitable sign showing facility name, operator, location and emergency number.

(b) Each E and P recycling facility shall provide a written contingency plan, providing details of actions to be taken to alert and protect operating personnel and members of the public in the event of a release of H2S gas. The contingency plan shall be submitted to the division as part of the initial facility application as determined by OSHA standards.

(c) The E and P recycling facility shall be fenced and maintained to deter access by livestock and wildlife, and equipped with either flagging, netting, floating or solid cover to deter entry by birds and waterfowl.

(2) Good housekeeping practices shall be used, such as:

(a) Debris and trash shall be removed and properly disposed of.

(b) Equipment shall be maintained and kept in good condition. Equipment not being used for operations, or otherwise awaiting repair, shall be locked and tagged. Equipment not in use for longer than 12 months shall be removed from the site. Chemicals used to treat produced water shall be stored per OSHA regulations.

(c) Operators shall catch leaks, drips, contain spills, and cleanup promptly.

(d) Each E and P recycling facility shall be operated in accordance with an approved application and in a manner that does not cause safety or health hazards.

(3) All solid and hazardous waste generated by an E and P recycling facility shall be disposed of by the operator at a waste facility in accordance with the requirements in Title 19, Chapter 6, Solid and Hazardous Waste Act and the associated rules.

(4) Enhanced evaporation systems, such as sprinklers or similar devices, are strictly prohibited.~~[Wastes addressed by these rules are E and P Wastes that are exempt from the RCRA hazardous waste management requirements.]~~

1.1. Before using a commercial disposal facility the operator may contact the division to verify the status of the facility. The division regularly updates this information on the Division of Oil, Gas and Mining web site.

1.2. Each site and/or facility used for disposal must be permitted and in good standing with the division.

1.3. All approved disposal facilities not located at a well site shall be identified with a suitable sign showing facility name, operator, location and emergency number.

1.4. The disposal facility shall be fenced and maintained to deter access by livestock and wildlife and, if determined necessary by the division, equipped with flagging or netting to deter entry by birds and waterfowl.

2. Reduction of the amount of material generated that must be disposed of is the preferred practice.

2.1. Recycling should be used whenever possible and practical.

2.2. In general, good housekeeping practices shall be used.

2.3. Operators shall catch leaks, drips, contain spills, and cleanup promptly.

- ~~2.4. Disposal facilities shall be operated in accordance with an approved application and in a manner that does not cause safety or health hazards.~~
- ~~3. The method of disposal used shall be compatible with the waste that is the subject of disposal.~~
- ~~3.1. Whenever possible, injection of E and P waste into approved Class II wells is the division's preference.~~
- ~~3.2. RCRA exempt waste shall not be mixed with nonexempt waste.~~
- ~~4. Every operator shall submit, to the division, an Annual Waste Management Plan by January 15 of each year to account for the proper disposition of produced water and other E and P Wastes. This plan will include:~~
- ~~4.1. The type and estimated annual volume of wastes that will be or have been generated.~~
- ~~4.2. The facilities to be used for disposal.~~
- ~~4.3. The description of any waste reduction or minimization procedures.~~
- ~~4.4. Any onsite disposal/treatment methods or programs to be implemented by the operator.~~
- ~~4.5. If changes are made to the plan during the year, then the operator shall notify the division in writing, within 30 days, of this change.]~~

R649-9-3. General Permit and Application Requirements for [Disposal]E and P Recycling Facilities.

- ~~(1)[-]) [No waste disposal facility shall operate without a division issued permit.~~
- ~~2.]Applications for new E and P recycling[~~disposal~~] facilities or major modifications shall be submitted to the division and shall include the following:~~
- ~~[2-1.](a) [Previously submitted material may be included by reference provided they are current and readily available to the division.~~
- ~~2.2. Evidence justifying A business plan describing the products and services to be provided, an outline of the organization and management of the E and P recycling facility and an explanation of the need for the proposed facility or [expansion of]modification to an existing facility[-];~~
- ~~[2-3.](b) Names and addresses of [all]each applicant[s], [principal officers]operator's authorized agent and owner[s with 25 percent or more interest in the] in the E and P recycling facility. For the purposes of this section, interested parties means elected county officials, county regulatory staff, and officials and staff representing state regulatory agencies with permitting authority related to E and P recycling facilities.~~
- ~~[2.4. Materials or products to be applied to the land surface or subsurface shall meet the division's current cleanup levels for contaminated soil and other wastes.~~
- ~~2.5. If leachability and/or toxicity are of concern due to the type or source(s) of wastes, tests will be required and may utilize the Toxicity Characteristic Leaching Procedure (TCLP), Synthetic Precipitation Leaching Procedure (SPLP) or any other test approved by the division.~~
- ~~2.6.](c) A contingency plan designed to minimize any hazards to fresh water, public health and safety, or the environment in the event of an unplanned fire, explosion, or a release of contaminants or [oil field waste]E and P products to the air, soil, surface water or ground[]water.~~
- ~~[2.7.](d) A [solid waste stream]-management plan describing all chemical processes, estimated volumes and chemical profiles used in the treatment of [waste and]E and P products for odor, bacteria control or other treatment needs, and any products generated by these processes;[-method and schedule for disposal of precipitated solids and complete list of all wastes to be accepted at the facility.~~
- ~~2.8. A topographic map and drawing of the site, on a suitable scale, that identifies all geologic cross sections, side slopes, equipment, secondary containment, test borings, roads, fences, gates, wells and springs, drainage patterns, pipelines, surface area to be disturbed, buildings and chemical storage areas within one mile of the site perimeter and location relative to other site facilities. The drawings shall be of professional quality.]~~
- ~~(e) The method and schedule for disposal of precipitated solids and any other wastes generated by the E and P recycling facility.~~
- ~~(2)[3-] Siting requirements for new [disposal]E and P recycling facilities and major modifications shall include the following:-]~~
- ~~[3-1.](a) The [disposal]E and P recycling facility shall be located on level, stable ground, and an acceptable distance away from any established or intermittent drainage.~~
- ~~[3-2.](b) A pre-site inspection shall be conducted with the operator to assess site suitability, along with accuracy and completeness of the permit application. The landowner, operator and other interested parties should be invited to attend.[The disposal facility shall be located a minimum of one mile from residences or occupied buildings not associated with the facility unless a waiver has been signed by the owners of the residences and buildings within one mile.]~~
- ~~[4.](3) Geologic and hydrological requirements[-for new disposal facilities or modifications].~~
- ~~[4-1.](a) The [disposal]E and P recycling facility [shall]may not be located in a geologically or hydrologically unsuitable area.~~
- ~~(b) The applicant shall provide geological and hydrological evidence showing that the proposed E and P recycling facility will not adversely affect existing water quality or major uses of such waters.~~
- ~~(c) Any discharge of produced water, other than for approved recycling use is not permitted, unless the relevant permit and authorization is obtained from the appropriate agency.~~
- ~~(4) Any produced water intake shall be designed, maintained and operated to adequately process the anticipated maximum daily quantity of produced water.~~
- ~~(a) The produced water intake shall be designed with a leak detection system unless determined unnecessary by the division.~~
- ~~(b) Applicants shall submit the procedures for repair should leakage occur.~~
- ~~(5) Applicants shall submit the maximum daily quantity of produced water able to be received.~~

NOTICES OF PROPOSED RULES

(a) Applications for E and P recycling facilities that will primarily be for the reuse of produced water shall also include a water analysis from the producing formations tapped by any source wells that includes the concentrations of chlorides and sulfates, pH, total dissolved solids (TDS).

(i) Samples for water analysis of the producing formations may be derived from the water commingled within the operator's pipeline network.

(b) Information regarding any other significant constituents within the produced water may be requested by the division, which information will be kept as business confidential by the division if the applicant requests such information to be protected pursuant to Section 63G-2-309.

(6) The E and P recycling facility shall be designed and constructed so as to prevent run-on and run-off of surface water, up to peak discharge from a 25 year, 24 hour storm.

(7) The E and P recycling facility shall be designed such that intake and discharge of E and P products can only occur when an attendant is on duty, or other security measures are set in place and approved by the division.

(8) Applicants should verify with the Utah Division of Air Quality to determine if an air quality permit is required.

(9) Applicants shall provide at least one background water sample from each perennial surface and subsurface water resource within one-half mile of the E and P recycling facility.

(a) One background water sample taken from each required perennial surface water resource taken upstream of the E and P recycling facility;

(b) One background water sample taken from each required perennial surface water resources taken downstream of the E and P recycling facility;

(c) At least one background water sample taken from the shallowest subsurface groundwater aquifer located beneath the facility; and

(d) Background water samples shall include TDS, pH and specific conductivity.

(10) One-piece exempt tanks are exempt from the permitting requirements under Rule R649-9, but are subject to the following requirements:

(a) The one-piece exempt tank must be approved as part of any approved well pad pursuant to Rule R649-3; and

(b) The one-piece exempt tank shall have secondary containment or berming sufficient to capture 110% of the largest potential release from the one-piece exempt tank, which containment must be located around either the one-piece exempt tank or the well pad upon which the one-piece exempt tank is located, [such as aquifer recharge areas, protection zones for public drinking water sources, flood plains, drainage bottoms, and areas on or near faults, within 500 feet of a wetland, water course or lakebed, permeable soil where ground water is less than 50 feet below the lowest elevation at which the operator will place oilfield waste, or within the area overlying a subsurface mine.

4.2. Regional and local geologic information shall include bedrock strike and dip, fracture patterns, slope stability, faulting, folding, rockfall, landslides, subsidence or erosion potential, and surface water features that may affect the design and operation of the facility.

4.3. Geological and hydrological evidence showing that the proposed disposal method will not adversely affect existing water quality or major uses of such waters.

4.3.1. Any intentional discharge of water will require an additional permit from the Division of Water Quality.

4.4. Test borings shall be taken in sufficient quantity and to an adequate depth, not to exceed 50 feet, to define subsurface conditions to assure that the facility will be constructed on a firm stable base.

4.5. Representative analysis of facility surface and subsurface soils submitted to the division shall include TDS, major cations and anions or other analysis determined necessary by the division for establishing background soil concentrations.

4.6. Geologic cross sections submitted to the division shall include depth to shallow ground water, formation names, and type and name of the shallowest fresh water aquifer beneath the proposed site.

4.7. If determined necessary by the division, applicant shall submit ground water analysis of the aquifer(s) beneath the proposed site.

4.8. If determined necessary by the division, applicant shall submit potentiometric maps of the shallowest aquifer(s).

5. Engineering and design requirements for new disposal facilities and modifications.

5.1. Disposal facilities shall be designed and sealed by a registered engineer and inspected by a registered engineer during construction.

5.1.1. A construction certification shall be submitted, by the engineer, prior to the Division issuing an operation permit for the facility.

5.2. The disposal facility shall be designed appropriately for the intended purpose.

5.3. Facilities shall be designed, constructed and operated so as to contain liquids and solids in a manner that will protect fresh water, public health and safety, and the environment for the life of the operation.

5.3.1. The disposal facility shall be designed with secondary containment to capture the largest potential release in the event of a catastrophic failure.

5.4. Facilities shall be designed and constructed so as to prevent run on and run off of surface water, up to peak discharge from a 25 year, 24 hour storm.

5.5. The facility shall be designed such that disposal can only occur when an attendant is on duty, unless loads can be monitored or otherwise isolated for inspection before disposal or other security measures approved by the division.]

R649-9.4. Specific Permit, Application, and Operation Requirements Applicable to Long Term Produced Water Recycling Pond[Evaporation] Facilities.

(1) Long term produced water recycling pond facilities shall be designed, constructed and operated to meet the following specific requirements in addition to Section R649-9-3, General Permit and Application Requirements for E and P Recycling Facilities.

(2) The applicant shall submit a topographic map and drawing of the site, on suitable scale, that identifies all geologic cross sections, side slopes, equipment, secondary containment, test borings, roads, fences, gates, wells and springs, drainage patterns, pipelines, surface area

to be disturbed, buildings and chemical storage areas within one-half mile of the site perimeter and location relative to other site facilities. The drawings shall be of professional quality.

(3) Any new long term produced water recycling pond facility, after February 2025, shall be located a minimum of one-half mile from residences or occupied buildings not associated with the facility unless a waiver is signed by the owners of the residences and buildings within one-half mile.

(4) Geologic and hydrological requirements for long term produced water recycling pond facilities or modifications.

(a) The long term produced water recycling pond facility may not be located in a geologically or hydrologically unsuitable area, such as aquifer recharge areas, protection zones for public drinking water sources, flood plains, drainage bottoms, areas on or near faults, within 1,000 feet of a national inventory wetland, water-course or lakebed, where groundwater is less than 50 feet below the lowest elevation at which the operator will place E and P products, or within the area overlying a subsurface mine.

(b) Regional and local geological information shall include bedrock strike and dip, fracture patterns, slope stability, faulting, folding, rockfall, landslides, subsidence or erosion potential, and surface water features that may affect the design and operation of the facility.

(c) Representative analysis of long term produced water recycling pond facility surface and subsurface soils submitted to the division shall include electrical conductivity, exchangeable sodium percentage, sodium adsorption ratio, or other analysis determined necessary by the division for establishing background soil concentrations.

(d) Geologic cross sections submitted to the division shall include depth to shallow ground water, formation names, and type and name of the shallowest fresh water aquifer beneath the proposed site.

(e) If determined necessary by the division, applicants shall submit groundwater analysis of aquifers beneath the proposed site.

(f) If determined necessary by the division, monitoring wells shall be constructed in a manner that will provide the ability to measure or observe the level, quality, quantity, or movement of subsurface water.

(g) If determined necessary by the division, applicants shall submit potentiometric maps of the shallowest aquifers.

(5) Long term produced water recycling pond facility applicants shall submit detailed construction or installation diagrams of ponds, side slopes, liners, pond storage capacity, leak detection systems, dikes or levees, wind fences, piping, water treatment systems, and tanks.

(a) The long term produced water recycling pond facility shall be designed, maintained and operated to separate oil, or floating solids, from produced water before discharge into a pond. The repeated occurrence of unreported oil or solids on the produced water recycling pond surface will result in permit suspension or facility closure, or both.

(6) Applicants should verify with the Division of Water Rights, Dam Safety Section, whether a dam permit is required for their proposed E and P recycling facility. A copy of an approved dam permit for the facility, or documentation exempting the facility from dam regulations, issued by the designated regulating authority must be provided to the division before application approval.

(a) Any construction requirements included in a dam permit will be incorporated into a permit issued by the division for the proposed E and P recycling facility.

(7) Long term produced water recycling pond facility applicants shall submit detailed construction and installation diagrams of unloading facilities and an explanation of the method for controlling and disposing of any liquid hydrocarbon accumulation on the ponds.

(8) Long term produced water recycling pond facilities shall be designed and maintained to meet the following requirements:

(a) Pond size may not exceed 80 acre-feet, unless otherwise approved by the division;

(i) For ponds larger than 80 acre-feet, the division may require installation of additional liners or other monitoring equipment;

(b) Ponds shall be designed to prevent unauthorized surface or subsurface discharge of water;

(c) Ponds shall be designed to include two-foot free-board that is clearly marked at all times; and

(d) Pond levees shall be constructed so that the inside grade of the levee is no steeper than 3:1 and the outside grade no steeper than 2:1;

(i) The top of the levee shall have a 2% cross slope toward the pond and be of sufficient width to allow for adequate compaction, as determined by a Utah Licensed Professional Engineer; and

(ii) Vertical height of the levees may not exceed 25% of the total vertical depth of the pond.

(9) Each storage pond in the long term produced water recycling pond facility shall be designed with two synthetic liners, an upper primary and lower secondary liner, with a leak detection system between them. Synthetic liners shall be installed according to the manufacturer's recommendations.

(a) The primary liner shall be constructed with a minimum 60-mil HDPE or equivalent liner approved by the division.

(b) The secondary liner shall be impervious and constructed with a minimum 40-mil HDPE or equivalent liner approved by the division.

(c) The leak detection system between the liners shall be constructed with a HDPE geonet or equivalent liner to provide separation between the primary and secondary liners and to provide for flow of any leaked fluid through the primary liner to the leak detection observation sump.

(d) If rigid materials are used, leak proof expansion joints shall be provided, or the material shall be of sufficient thickness and strength to withstand expansion, contraction and settling movements in the underlying earth, without cracking.

(e) Materials used in lining ponds shall be impervious and resistant to weather, tears and punctures, sunlight, hydrocarbons, aqueous acids, alkalis, salt, fungi, or other substances that might be contained in the produced water.

(f) Applicants shall submit the type, thickness, strength, and life span of the materials to be used for lining the pond and the method of installation.

(g) Applicants shall submit procedures for repair of the liner, should leakage occur.

(10) Long term produced water recycling pond facility applicants shall submit detailed construction or installation diagrams for the leak detection system.

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(a) The leak detection design shall include a drainage and collection system placed between the upper and lower liners and sloped so as to facilitate the earliest possible detection of a leak.

(b) The leak detection design shall include a vertical riser on the outside portion of the dike allowing direct visual inspection of the sump from the surface.

(i) The sump shall be at least 18" in diameter and designed to extend a minimum of two feet below the inlet line from the pond, allowing visual detection of any fluid and sampling of fluid.

(ii) Designed with a removable top for the sump riser that will prevent entry of fluids.

(c) Designed with leak detection piping capable of withstanding chemical degradation from E and P products, structural loading from stresses and disturbances from overlying E and P products and cover materials, equipment operation, expansion or contraction, and facilitate clean-out maintenance.

(11) Long term produced water recycling pond facilities shall be operated to separate oil from produced water before discharge into a pond and prevent unauthorized surface discharge of water.

(a) Hydrocarbon accumulation, other than de minimis quantities, on an produced water recycling pond is considered a violation and shall be both reported to the division and removed within 24 hours.

(b) Overspray caused by wind, including foam, outside lined areas are considered a violation and shall be corrected immediately.

(c) Sampling and testing of soils suspected to be contaminated from overspray may be required by the division.

(12) Engineering and design requirements for long term produced water recycling pond facilities and modifications.

(a) The long term produced water recycling pond facility shall be designed and sealed by a Utah Licensed Professional Engineer and inspected by a Utah Licensed Professional Engineer as needed to ensure the facility is constructed in accordance with the approved plans .

(i) A construction certification shall be submitted, by the engineer, before the division issuing an operation permit for the long term produced water recycling pond facility.

(b) The long term produced water recycling pond facility shall be designed, constructed and operated so as to contain liquids and solids in a manner that will protect freshwater, public health and safety, and the environment for the life of the operation.

(i) The long term produced water recycling pond facility shall be designed with secondary containment to capture 110% of the largest potential release in the event of a catastrophic failure. Earthen berms shall be of adequate impermeability and compaction to withstand a tank or pond failure.

(13) Minimum use requirements specific to long term produced water recycling pond facilities:

(a) A long term produced water recycling facility shall be deemed to have ceased recycling operations if:

(i) less than 25% of the water received by the E and P recycling facility is used for an approved recycling purpose within a 12-month period from January 1 to December 31; or

(ii) no water has been accepted for a period of 36 months.

(b) The operator shall report cessation of recycling operations as a recycling facility to the division:

(i) After an operator has reported cessation of recycling operations, or been deemed to have ceased recycling operations by the division, they will have 18 months to close and reclaim the long term produced water recycling pond facility or apply for a waste permit with the Division of Waste Management and Radiation Control. Refer to Section R649-9-13 for facility closure requirements;

(A) The division may make a determination as to whether an operator has ceased recycling operations based upon review of reported volume intake and discharge records;

(B) The division shall allow an operator to postpone closure of the facility if the operator provides evidence that the long term produced water recycle pond facility will be operated for recycling purposes within the next 12 months.

(c) If the operator wants to continue to use the long term produced water recycling pond facility for a purpose other than recycling the operator must obtain the proper permits for the new purpose from the appropriate agency. Applications for new permits shall be submitted to the appropriate agencies within six months of ceasing recycling operations. The division will not release the bonding required by Section R649-9-9 until either the closure requirements of Section R649-9-13 have been met, or a new permit has been approved by another agency with governing authority over any remaining residuals. New permits shall be obtained, or in the process of being issued, before the end of the 18 month closure period or the facility shall be reclaimed. For E and P solid waste disposal, including produced water, the facility will require a permit from the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control, or the agency designed to regulate such facilities; and

(d) The division may allow an operator to recycle produced water through injection into Class II wells in accordance with Section 40-6-5.[1. Evaporation facilities shall be designed, constructed and operated to meet the following specific requirements in addition to R649-9-3, Permit and Application Requirements for Disposal Facilities.

2. Applicant shall submit detailed construction/installation diagrams of ponds, side slopes, liners, pond storage capacity, leak detection systems, dikes or levees, wind fences, piping, enhanced evaporation systems with justification, water treatment systems and tanks.

2.1. Detailed information shall be submitted for all enhanced evaporation systems which demonstrates that unlawful discharge will not occur.

2.2. The facility shall be designed, maintained and operated to separate oil from produced water prior to discharge into a pond.

3. Applicant shall submit detailed construction/installation diagrams of unloading facilities and an explanation of the method for controlling and disposing of any liquid hydrocarbon accumulation on the ponds.

3.1. The unloading facility shall be designed, maintained and operated to adequately process the anticipated maximum daily quantity of produced water.

3.2. The unloading facility shall be designed with a leak detection system if determined necessary by the division.

3.2.1. Applicant shall submit procedures for repair should leakage occur.

- ~~4. Applicant shall submit the maximum daily quantity of water to be disposed of and a representative water analysis of such water that includes the concentrations of chlorides and sulfates, pH, total dissolved solids "TDS", and information regarding any other significant constituents if requested by the division.~~
- ~~5. Applicant shall submit climatological data describing the average annual evaporation and precipitation.~~
- ~~6. Ponds shall be designed, maintained and operated to meet the following requirements.~~
- ~~6.1. Ponds shall be designed for 10 acre feet of water or less, unless otherwise approved by the division.~~
- ~~6.2. Ponds shall have adequate storage capacity to safely contain all produced water even during those periods when evaporation rates are at a minimum.~~
- ~~6.3. Ponds shall be designed to prevent unauthorized surface or subsurface discharge of water.~~
- ~~6.4. Ponds shall be designed to include a 2 foot free board at all times.~~
- ~~6.5. Pond levees shall be constructed so that the inside grade of the levee is no steeper than 3:1 and the outside grade no steeper than 2:1.~~
- ~~6.5.1. The top of the levee shall be level and of sufficient width to allow for adequate compaction.~~
- ~~6.5.2. Vertical height of the levees shall not exceed 25 percent of the total vertical depth of the pond.~~
- ~~7. Ponds shall be designed with two synthetic liners, an upper primary and lower secondary liner, with a leak detection system between them. Synthetic liners shall be installed according to the manufacturer's instructions.~~
- ~~7.1. The primary liner shall be impervious (a hydraulic conductivity no greater than 1×10^{-9} cm/sec) and constructed with a minimum 60 mil HDPE or equivalent liner approved by the division.~~
- ~~7.2. The secondary liner shall be impervious and constructed with a minimum 40 mil HDPE or equivalent liner approved by the division.~~
- ~~7.3. If rigid materials are used, leak proof expansion joints shall be provided, or the material shall be of sufficient thickness and strength to withstand expansion, contraction and settling movements in the underlying earth, without cracking.~~
- ~~7.4. Materials used in lining ponds shall be impervious and resistant to weather, tears and punctures, sunlight, hydrocarbons, aqueous acids, alkalis, salt, fungi, or other substances that might be contained in the produced water.~~
- ~~7.5. Applicant shall submit the type, thickness, strength, and life span of material(s) to be used for lining the pond and the method of installation.~~
- ~~7.6. Applicant shall submit procedures for repair of the liner, should leakage occur.~~
- ~~8. Applicant shall submit detailed construction/installation diagram for the leak detection system.~~
- ~~8.1. The leak detection design shall include, a drainage and collection system placed between the upper and lower liners and sloped so as to facilitate the earliest possible detection of a leak.~~
- ~~8.2. The leak detection design shall include a vertical riser outside the dike allowing direct visual inspection of the sump from the surface.~~
- ~~8.2.1. The sump shall be designed to extend a minimum of two feet below the inlet line from the pond, allowing visual detection of any fluid and sampling of fluid.~~
- ~~8.2.2. Designed with a removable top for the sump riser that will prevent entry of fluids.~~
- ~~8.3. Designed with leak detection piping capable of withstanding chemical attack from oil field waste, structural loading from stresses and disturbances from overlying oil field waste and cover materials, equipment operation, expansion and/or contraction, and facilitate clean-out maintenance.~~
- ~~9. Evaporation facilities shall be operated to separate oil from produced water prior to discharge into a pond and prevent unauthorized surface discharge of water.~~
- ~~9.1. Hydrocarbon accumulation, other than de minimis quantities, on an evaporation pond is considered a violation and shall be removed within 24 hours.~~
- ~~9.2. Overspray from sprinklers and/or overspray caused by wind, including foam, outside lined areas are considered a violation and shall be corrected immediately.~~
- ~~9.3. Sampling and testing of soils suspected to be contaminated from overspray may be required by the division.]~~

R649-9-5. Specific Permit, Application and Operating Requirements Applicable to Temporary Produced Water Recycling Tank Facilities[Landfarms].

- (1) Temporary produced water recycling tank facilities shall be designed, constructed and operated to meet the following specific requirements in addition to Section R649-9-3, General Permit and Application Requirements for E and P Recycling Facilities.
- (2) Temporary produced water recycling tank facility applicants shall submit detailed construction or installation diagrams of tanks, liners, tank storage capacity, secondary containment berms, piping, pumps, and water treatment systems.
- (a) Engineered plans of large capacity storage tank design and manufacturing shall be submitted to the division certifying the adequacy of the tank for the intended purpose.
- (3) Temporary produced water recycling tank facility applicants shall provide an estimate of the length of time the facility will be in operation.
- (a) Temporary produced water recycling tank facilities shall be approved for a period of 12 months, and can be extended with division approval in six month intervals for a maximum of an additional 24 months.
- (4) Temporary produced water recycling tank facility applicants shall provide an estimated volume and rate of fluid anticipated to move through the facility.
- (5) Temporary produced water recycling tank facility applicants shall submit detailed construction or installation diagrams of intake and discharge facilities.

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(a) The unloading or intake facility shall be designed, maintained and operated to adequately process the anticipated maximum daily quantity of produced water.

(b) The unloading or intake facility shall be designed with a leak detection system, unless determined unnecessary by the division.

(i) Applicants shall submit procedures for repair should leakage occur.

(6) Temporary produced water recycling tank facilities shall be designed, maintained and operated to meet the following requirements.

(a) The temporary produced water recycling tank facility shall be designed with lined secondary containment to capture 110% of the largest potential release in the event of a catastrophic failure. Lined earthen berms shall be of adequate impermeability and compaction to withstand a tank failure.

(b) Large capacity storage tanks shall be placed on cut material, unless adequate compaction of fill material can be demonstrated through engineering certification.

(c) Large capacity storage tanks shall be designed to prevent unauthorized surface or subsurface discharge of water.

(d) Open top large capacity storage tanks shall be covered. Cover construction and design must be approved by the division. Cover placement must be verifiable from a visible ground level inspection. Pictures taken by a drone or other method may be acceptable upon division approval.

(e) Large capacity storage tanks with netted, floating or other tops shall be designed and operated to include a 2-foot free-board at all times.

(f) Enhanced evaporation systems, such as sprinklers or similar devices, are strictly prohibited.

(7) Large capacity storage tank liner requirements.

(a) Lined tanks containing produced water shall be designed with two impervious synthetic liners, an upper primary and lower secondary liner. Synthetic liners shall be designed specifically for the intended use and installed according to the manufacturer's instructions.

(b) If rigid materials are used, leak proof expansion joints shall be provided, or the material shall be of sufficient thickness and strength to withstand expansion, contraction and settling movements in the underlying earth, without cracking.

(c) Materials used in lining tanks shall be impervious and resistant to weather, tears and punctures, sunlight, hydrocarbons, aqueous acids, alkalies, salt, fungi, or other substances that might be contained in the produced water.

(d) Applicants shall submit the type, thickness, strength, and life span of the materials to be used for lining the tank and the method of installation.

(e) In the event of a leak or damage to the liner, the operator will immediately empty the tank and remove the tank until the liner can be inspected and if necessary repaired or replaced.

(8) Engineering and design requirements for temporary produced water recycling tank facilities and modifications.

(a) Large capacity storage tanks shall be designed and sealed by a Utah Licensed Professional Engineer.

(b) The facility shall be designed, constructed and operated in a manner that will protect freshwater, public health and safety, and the environment for the life of the operation. [1. Landfarms for the bioremediation of oil contaminated soils and materials shall be designed and constructed to meet the following specific requirements in addition to R649-9-3, Permit and Application Requirements for Disposal Facilities:

1.1. Landfarms shall be constructed on native soil with a hydraulic conductivity of no greater than 1×10^{-6} cm/sec.

1.2. With division approval, fresh water may be added as necessary to enhance bioremediation and control dust.

1.3. Application of microbes and nutrients for enhancing bioremediation requires prior division approval.

2. Landfarms shall be operated to meet the following requirements:

2.1. E and P waste accepted by the landfarm shall be sufficiently free of liquid content to pass a 60 mesh liquid paint filter test.

2.2. Pooling of liquids in the landfarm is prohibited. The operator shall remove freestanding liquid within 24 hours.

2.3. Within 72 hours after receipt of E and P waste the operator shall spread and disk the waste in twelve inch or less lifts.

2.4. Soils shall be disked and turned regularly, a minimum of once a month.

2.5. Conduct treatment and soil monitoring to ensure that prior to adding an additional lift the soil concentrations do not exceed the division's current salinity and hydrocarbon cleanup standards.

2.6. Maintain records of the landfarm remediation activity. The records shall be readily accessible for division review.]

R649-9-6. Specific Permit, Application and Operation Requirements Applicable to Waste Crude Oil Treatment Facilities. [Other Disposal Facility Requirements.]

(1) Waste crude oil treatment facilities shall be designed, constructed and operated to meet the following specific requirements in addition to Section R649-9-3, General Permit and Application Requirements for E and P Recycling Facilities.

(a) To promote regulatory consistency, the division will not approve permits for waste crude oil treatment facilities that are located within, or work in conjunction with, a solid or hazardous waste disposal facility that is not regulated by the division. If an operator wants to permit a waste crude oil treatment facility for use with a waste disposal facility they will require a permit from the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control, or the agency designated to regulate such facilities.

(2) Before the construction of a waste crude oil treatment facility, an application shall be submitted to the division describing the ownership, location, type, and capacity of the facility contemplated; the extent and location of the surface area to be disturbed, including any land associated with the facility; and a reclamation plan for the site. Approval of the application must be issued by the division before any ground clearing or construction shall occur.

(3) The applicant shall submit a topographic map and drawing of the site, on a suitable scale, that identifies all geologic cross sections, side slopes, equipment, secondary containment, test borings, roads, fences, gates, wells and springs, drainage patterns, pipelines, surface area to be disturbed, buildings and chemical storage areas within one mile of the site perimeter and location relative to other site facilities. The drawings shall be of professional quality.

(4) Any waste crude oil treatment facility permitted after February 2025 shall be located a minimum of one-half mile from residences or occupied buildings not associated with the facility unless a waiver is signed at the time of application by the owners of the residences and buildings within one-half mile.

(5) Geologic and hydrological requirements for waste crude oil treatment facilities.

(a) The facility may not be located in a geologically or hydrologically unsuitable area, such as aquifer recharge areas, protection zones for public drinking water sources, flood plains, drainage bottoms, and areas on or near faults, within 1,000 feet of a wetland, water-course or lakebed, permeable soil where groundwater is less than 50 feet below the lowest elevation at which the operator will place waste crude oil, or within the area overlying a subsurface mine.

(b) Regional and local geologic information shall include bedrock strike and dip, fracture patterns, slope stability, faulting, folding, rockfall, landslides, subsidence or erosion potential, and surface water features that may affect the design and operation of the facility.

(c) Representative analysis of waste crude oil treatment facility surface and subsurface soils submitted to the division shall include Electrical Conductivity, Exchangeable Sodium Percentage, Sodium Adsorption Ratio, or other analysis determined necessary by the division for establishing background soil concentrations.

(d) Geologic cross sections submitted to the division shall include depth to shallow ground water, formation names, and type and name of the shallowest fresh water aquifer beneath the proposed site.

(e) If determined necessary by the division, applicants shall submit ground water analysis of the aquifers beneath the proposed site.

(f) If determined necessary by the division, monitoring wells shall be constructed in a manner that will provide the ability to measure or observe the level, quality, quantity, or movement of subsurface water.

(g) If determined necessary by the division, applicants shall submit potentiometric maps of the shallowest aquifers.

(6) Waste crude oil treatment facility applicants shall submit detailed construction or installation diagrams of tanks.

(a) The facility shall be designed, maintained and operated to separate waste crude oil.

(7) Waste crude oil treatment facility applicants shall submit detailed construction or installation diagrams of unloading facilities.

(8) Engineering and design requirements for waste crude oil treatment facilities and modifications.

(a) The facility shall be designed and sealed by a Utah Licensed Professional Engineer and inspected by a Utah Licensed Professional Engineer as needed to ensure the facility is constructed in accordance with the approved plans.

(i) A construction certification shall be submitted, by the engineer, before the division issuing an operation permit for the facility.

(b) The facility shall be designed, constructed and operated so as to contain liquids and solids in a manner that will protect freshwater, public health and safety, and the environment for the life of the operation.

(i) The facility shall be designed with secondary containment to capture 110% of the largest potential release in the event of a catastrophic failure. Secondary containment shall be bermed and lined to withstand a tank failure.

(9) The facility shall be kept free of any spills and waste materials.

(10) No waste crude oil treatment facility operator shall accept delivery of crude oil obtained from any tank, reserve pit, disposal pond or pit, or similar facility unless the delivery is accompanied by a run ticket, invoice, receipt or similar document showing the origin and quantity of the crude oil. [1. Facilities used for the treatment and disposal of E and P wastes other than evaporation ponds and landfarms shall be permitted by the division. This may include activities such as composting, solidifying, other bioremediation, water treatment, and others.

2. Application Requirements for Other Disposal Facilities require the following in addition to R 649-9-3, Permit and Application Requirements for Disposal Facilities:

2.1. A complete description of the proposed facility.

2.2. Processes involved including a complete list of all wastes to be accepted at the facility and products generated.

2.3. Maps and drawings of suitable scale showing all facilities and equipment.]

R649-9-7. Specific Permit, Application and Operation Requirements Applicable to Other Potential E and P Product Recycling Facility Requirements. [Noticing of Disposal Facilities.]

(1) Facilities used for recycling of other potential E and P products, which may include drilling fluids, or muds, reconditioning, or other potential and unforeseen recycling processes, shall be permitted, designed, constructed and operated to meet the following requirements in addition to Section R649-9-3, General Permit and Application Requirements for E and P Recycling Facilities.

(2) The applicants shall submit a complete description of the proposed facility which includes the following:

(a) Processes involved including a complete list of all E and P products to be accepted, and products generated;

(b) Description must explain how the facility processes constitute recycling of E and P products rather than disposal;

(c) Description of solid and hazardous waste to be generated during operations and how such waste will be properly disposed of during operations, and upon closure, in accordance with the requirements of Title 19, Chapter 6, Solid and Hazardous Waste Act and the associated rules;

(i) If the division determines the proposed facility or process constitutes waste disposal the application will be denied;

(d) Maps and drawings of suitable scale showing all facilities and equipment; and

(e) Any other information the division deems necessary for permit review.

(3) The facility shall be designed and sealed by a Utah Licensed Professional Engineer and inspected by a Utah Licensed Professional Engineer as needed to ensure the facility is constructed in accordance with the approved plans.

(a) A construction certification shall be submitted, by the engineer, before the division issuing an operation permit for the facility.

(b) The facility shall be designed, constructed and operated so as to contain E and P products in a manner that will protect freshwater, public health and safety, and the environment for the life of the operation.

(4) The facility shall be maintained and operated in a manner approved by the division for recycling of the intended E and P product. [1. The applicant for a new facility or major modification shall give written notice of the application, by certified mail, return receipt

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requested, to surface and mineral owners of record within one-half mile of the facility, the county commission of the county where the facility is located, and affected tribal and government agencies.

1.1. The notice shall include information describing the facility's location, basic plan of operations, and the applicant's name and address.

1.2. The applicant shall furnish the division proof of required notices.

1.3. The division may extend the distance requirements for notice if the division determines that the proposed disposal facility has the potential to adversely impact fresh water, public health, safety or the environment at a distance greater than one-half mile.

2. Within 30 days of the submission of an application for a disposal facility, the division shall review the application as to its completeness and adequacy for the intended purpose and shall require such changes that are found necessary to assure compliance with the applicable rules. If the application is in order, the division shall provide for a public notice to be published in a newspaper of general circulation in the county where the facility is to be located.]

R649-9-8. Noticing of E and P Recycling Facilities. [Bonding of Disposal Facilities.]

(1) The applicant for a new E and P recycling facility, or modification to an existing facility, shall give written notice of the application, by certified mail, return receipt requested, to surface owners of record within one-half mile of the facility, the county commission of the county where the facility is located, and affected tribal and government agencies.

(a) The notice shall include information describing the facility's location, basic plan of operations, and the applicant's name and address.

(b) The applicant shall furnish the division proof of required notices.

(c) The division may extend the distance requirements for notice if the division determines that the proposed E and P recycling facility has the potential to adversely impact fresh water, public health, safety or the environment at a distance greater than one-half mile.

(2) Within 60 days of the submission of an application for a E and P recycling facility, the division shall review the application as to its completeness and adequacy for the intended purpose and shall require such changes that are found necessary to assure compliance with the applicable rules. If the application is determined to be complete, the division shall provide for a public notice to be published on the Utah Public Notice Website (www.utah.gov/pmn) and Utah Legal Notice Website (www.utahlegals.com).

(3) Temporary produced water recycling tank facilities do not require public notice unless determined necessary by the division. [Disposal facilities, other than injection wells and their associated facilities, shall be bonded according to this rule in order to protect the State and oil and gas producers from unnecessary liabilities and cleanup costs in the future. The objectives are to provide the State with adequate security for site reclamation and post closure cost should a facility owner default.

2. Permits issued after July 1, 2013 for new disposal facilities or modifications and facilities being reviewed for 5 year permit renewals, shall submit site reclamation and post closure cost estimates from a responsible third party contractor for division approval.

2.1. The applicant shall bond in the amount of the approved estimated site reclamation and post closure costs, or \$25,000, whichever is greatest.

3. Bonds accepted shall be of the same type as those accepted for wells i.e. surety, collateral, or a combination of the two as described in R649-3-1.

4. The total bond will be held by the division or financial institution until the facility has been closed and inspected by the division in accordance with a division approved closure plan.

5. Bond amounts, for permits approved prior to July 1, 2013 will be calculated as follows, and the per volume or per acre figures may be adjusted periodically to compensate for change in cost to perform the necessary cleanup work:

- \$14,000 per acre of pit, partial acres will be calculated at the rate of \$14,000 per acre; plus
- \$1.00 per barrel of produced water for one quarter of the total storage capacity of the facility; plus
- \$30 per cubic yard of solid or semi-solid waste material stockpiled at the facility.
- \$10,000 Minimum bond amount.

5.1. Operators of disposal facilities permitted prior to July 1, 2013 shall have until July 1, 2018 (five years) to submit, to the division, a disposal facility site reclamation and post closure bond as required above in R649-9-8.2.

6. All disposal facilities, except injection wells covered by R649-3-1, will be covered by an adequate and acceptable bond before being permitted to accept any E and P waste.

7. Forfeiture of the bond shall be the same as those for wells as described in R649-3-1.16.]

R649-9-9. Bonding of E and P Recycling Facilities. [Permit and Renewal Approval, Denial, Revocation, Suspension, Modification or Transfer.]

(1) E and P recycling facilities shall be bonded according to this rule to protect the state and oil and gas producers from unnecessary liabilities and cleanup costs in the future. The objectives are to provide the state with adequate security for site reclamation and post closure cost should a facility owner default.

(a) Each E and P recycling facility shall be covered by an approved bond before being permitted.

(b) Any decision by the division can be appealed through an informal hearing proceeding pursuant to Section R649-10-2.

(2) Bonding for each E and P recycling facilities will be determined as follows:

(a) Permits for new E and P recycling facilities or modifications and facilities being reviewed for 5-year permit renewals, shall submit site reclamation and post closure cost estimates from a responsible third party contractor for division approval;

(i) Post closure cost estimates shall include the cost to remove and properly dispose of E and P products, remove equipment, and reclaim site to meet division cleanup standards. Estimates shall be based on storage tanks, including large capacity storage tanks, being filled to capacity;

(ii) Post closure cost estimates for long term produced water recycling pond facilities shall include the cost of pond reclamation plus an additional 25% to cover water removal. Operators shall be required to submit two third party bond estimates. The division shall determine if the bond amount is sufficient, and shall require an updated cost estimate by the operator supplying two third party estimates every 5 years;

(b) For each E and P recycling facility, other than a temporary produced water recycling tank facility, the applicant shall bond in the amount of the division approved estimate site reclamation and post closure costs, or \$100,000 per facility or \$100,000 per pond, whichever is greatest; and

(c) For temporary produced water recycling facilities, the applicant shall bond in the amount of the third party estimate, or the division approved estimate site reclamation and post closure cost.

(3) Bonds accepted shall be of the same type as those described in Section R649-3-1.

(4) The total bond will be held by the division or financial institution until:

(a) The facility has been closed and inspected by the division in accordance with a division approved closure plan; or

(b) The division approved the transfer of a permit under Subsection R649-9-10(9) and the replacement bonding is in place. [1. Permit and renewal approval.

~~1.1. Construction approvals issued by the division are valid for one year from approval date. An extension may be granted by the division.~~

~~1.2. Operating approvals issued by the division for waste management facilities shall remain in effect for five years from the approval date.~~

~~1.3. After division review, permits may be renewed for successive 5-year terms.~~

~~1.3.1. Prior to renewal approval, the division shall review the operation, compliance history, bonding and technical requirements for the disposal facility.~~

~~1.3.2. The division, after notice to the operator, may require modifications of the disposal facility permit, including modifications necessary to the facility permit terms and conditions consistent with statutes, rules or judicial decisions.~~

~~2. An application may be denied if:~~

~~2.1. A complete application is not submitted.~~

~~2.2. The application does not meet R649-9-3.3 on siting and/or R649-9-3.4 on geologic and hydrologic requirements.~~

~~2.3. The proposed disposal facility or modification may be detrimental to fresh water, public health, safety or the environment.~~

~~2.4. The applicant is unable to justify good cause for the proposed facility.~~

~~2.5. An applicant or owner in the facility has a history of failure to comply with division rules and orders, state or federal environmental laws, or is in current violation of a division or board order requiring corrective action.~~

~~3. Revocation, suspension, or modification of a permit.~~

~~3.1. The division may revoke, suspend, or impose additional operating conditions or limitations on a disposal facility permit at any time, for good cause, after notice to the operator.~~

~~3.2. The division may suspend a waste disposal permit or impose additional conditions or limitations in an emergency to forestall an imminent threat to fresh water, public health, safety or the environment.~~

~~3.3. Suspension of a disposal facility permit may be for a fixed period of time or until the operator remedies the violation or potential violation.~~

~~3.4. If the division suspends a disposal facility permit, the disposal facility shall not accept oil field waste during the suspension period.~~

~~4. Transfer of a permit.~~

~~4.1. The operator shall not transfer a permit without the division's prior written approval.~~

~~4.2. A request for transfer of a permit shall identify officers, directors and owners of 25 percent or greater in the transferee.~~

~~4.3. Unless the director otherwise orders, public notice or hearing are not required for the transfer request's approval.~~

~~4.4. If the division denies the transfer request, it shall notify the operator and the proposed transferee of the denial by certified mail, return receipt requested, and either the operator or the transferee may request, within 10 days of receipt of the notice, a public hearing before the board.~~

~~4.5. Until the division approves the transfer and the required assurance is in place, the division shall not release the transferor's financial assurance.]~~

R649-9-9a. Forfeiture of Performance Bonds.

(1) The division shall take action to forfeit a performance bond if any of the following occur:

(a) The operator refuses or is unable to close an E and P recycling facility and perform site restoration;

(b) The operator refuses or is unable to repair an E and P recycling facility or remediate pollution;

(c) Upon receiving a notice of violation, the operator's continued failure to comply with permit conditions as referenced in the notice of violation; or

(d) The operator defaults on the conditions under which the bond was accepted.

(2) In the event the division forfeits a bond, the matter will be considered by the board before the division taking any action to close an E and P recycling facility.

(3) After proper notice and hearing, the board may order the division to do the following:

(a) Use funds collected from bond forfeiture to close an E and P recycling facility and complete site restoration to which bond coverage applies;

(b) Enter into a written agreement with the operator or another party to perform site closure and restoration in accordance with a compliance schedule established by the division as long as such party has the ability to perform the necessary work;

NOTICES OF PROPOSED RULES

- (c) Allow a surety to complete the site closure and restoration, if the surety can demonstrate an ability to complete the closure; or
- (d) Take other actions the board deems reasonable and appropriate.
- (4) In the event the amount forfeited is insufficient to pay for the full cost of site closure and restoration, the division may complete or authorize completion of site closure and restoration and may recover from the operator all costs in excess of the amount forfeited.
- (a) In the event the amount forfeited was more than the amount necessary to complete site closure restoration, the unused funds shall be returned by the division to the party from whom they were collected.
- (b) In the event the bond is forfeited and there exists any other E and P recycling facility previously covered under the forfeited bond, the operator must establish new bond coverage in accordance with Rule R649-9 or, upon an order from the division or the Board, cease operations until adequate bonding is provided.

R649-9-10. Permit and Renewal Approval, Denial, Revocation, Suspension, Modification or Transfer.~~(Construction and Inspection Requirements for Disposal Facilities.)~~

- (1) Permit and renewal approval.
- (a) Construction approvals issued by the division are valid for one year from the approval date. An extension may be granted by the division.
- (2) Long term produced water recycling pond facility permit and renewal.
- (a) Operating approvals issued by the division for long term produced water recycling pond facilities shall remain in effect for 5 years from the approval date.
- (b) After division review, long term produced water recycling pond facility permits may be renewed for successive 5-year terms.
- (3) Temporary produced water recycling tank facility permit and renewal.
- (a) Operating approvals issued by the division for temporary produced water recycling tank facilities shall remain in effect for 12 months or less from the approval date.
- (b) After division review, temporary produced water recycling tank facility permits may be renewed for successive six month terms, up to 24 additional months.
- (4) Waste crude oil treatment facilities permit and renewal.
- (a) Operating approvals issued by the division for waste crude oil treatment facilities shall remain in effect for five years from the approval date.
- (b) After division review, waste crude oil treatment facility permits may be renewed for successive 5-year terms.
- (5) Other potential E and P product recycling facilities permit and renewal.
- (a) Operating approvals for other potential E and P product recycling facilities will be issued for a length of time determined appropriate by the division, based on the description of the facility, but shall remain in effect no longer than 5-years.
- (b) After division review, other potential E and P product recycling facility permits may be renewed for up to successive 5-year terms.
- (6) Before renewal approval, the division shall review the operation, compliance history, bonding and technical requirements for the E and P recycling facility.
- (a) The division, after notice to the operator, may require modifications of the E and P recycling facility permit, including modifications necessary to the facility permit terms and conditions consistent with statutes, rules of judicial decisions.
- (7) An application may be denied if:
- (a) A complete application is not submitted;
- (b) The application does not meet the appropriate requirements of Sections R649-9-3 through R649-9-7;
- (c) The proposed E and P recycling facility or modification may be detrimental to fresh water, public health, safety or the environment; or
- (d) An applicant or owner in the facility has a history of failure to comply with division rules and orders, state or federal environmental laws, or is in current violation of a division or board order requiring corrective action.
- (8) Revocation, suspension, or modification of a permit.
- (a) The division may revoke, suspend, or impose additional operating conditions or limitations on an E and P recycling facility permit at any time, for good cause, after notice to the operator.
- (b) The division may suspend an E and P recycling facility permit or impose additional conditions or limitations in an emergency to forestall an imminent threat to freshwater, public health, safety or the environment.
- (c) Suspension of an E and P recycling facility permit may be for a fixed period or until the operator remedies the violation or potential violation.
- (d) If the division suspends an E and P recycling facility permit, the recycle facility may not accept E and P products for recycling during the suspension period.
- (e) Any modifications should be submitted to the division.
- (9) Transfer of a permit.
- (a) The operator may not transfer a permit without the division's prior written approval.
- (b) A request for transfer of a permit shall identify officers, directors and owners of the transferee.
- (c) Unless the director orders otherwise, public notice or hearing are not required for the transfer request's approval.
- (d) If the division denies the transfer request, it shall notify the operator and the proposed transferee of the denial by certified mail, return receipt requested, and either the operator or the transferee may request, within 10 days of receipt of the notice, a public hearing before the board.

~~(e) Until the division approves the transfer and the replacement bonding as determined under Section R649-9-9, is in place, the division may not release the transferor's financial assurance. [1. Division personnel shall be afforded a reasonable opportunity for inspection of any proposed disposal facility during the construction and operation of the facility.~~

- ~~2. The division shall be notified at least 72 hours prior to the installation of leak detection systems or liners.~~
- ~~3. The division shall be notified after completion of facility construction so that a final inspection can be conducted to verify that the facility has been constructed in accordance with the approved application.~~
- ~~4. Failure to meet the requirements and standards for construction and operation of a disposal facility shall be considered as noncompliance and will result in the imposition of corrective actions and compliance schedules or a cessation of operations order.]~~

R649-9-11. General Construction and Inspection Requirements for E and P Recycling Facilities.~~[Reporting and Recordkeeping for Disposal Facilities.]~~

~~(1) Division personnel shall be given a reasonable opportunity for inspection of any E and P recycling facility during the construction and operation of the facility.~~

- ~~(2) The division shall be notified at least 72 hours before the installation of leak detection systems or liners.~~
- ~~(3) The division shall be notified after completion of facility construction so that a final inspection can be conducted to verify that the facility has been constructed in accordance with the approved application.~~

~~(4) Failure to meet the requirements and standards for construction and operation of a E and P recycling facility shall be considered as noncompliance and will result in the imposition of corrective actions and compliance schedules or a cessation of operations order. [1. All unauthorized discharges or spills from disposal facilities including water observed in a leak detection system shall be reported, within 24 hours, to the division.~~

~~2. Each producer who utilizes any approved produced water disposal facility shall comply with the reporting requirements of R649-8-11.~~

~~3. Each operator of a disposal facility, excluding disposal wells, shall report to the division on a quarterly basis.~~

~~3.1. This report shall include the volume and type of wastes received at the facility during the quarter and results of the weekly leak detection system inspections.~~

~~3.2. Berms and outside walls shall be inspected quarterly and after a major rainfall or windstorm. Berm erosion or loss of integrity shall be reported to the division and may require immediate action.~~

~~4. The occurrence of water in a leak detection system during operation constitutes liner failure and requires immediate action.~~

~~4.1. The division has the option of allowing the operator a short period of time to take corrective action.~~

~~4.2. Further utilization will be allowed only after liner repairs and an inspection by the division.~~

~~5. Each owner/operator of a disposal facility shall keep records showing at a minimum the following: date and time waste was received, origin, volume, type, transporter, and generator of the waste. These records shall be available for inspection by the division for at least six years.]~~

R649-9-12. Reporting and Recordkeeping Requirements for E and P Recycling Facilities.~~[Closure and Post-Closure of Disposal Facilities.]~~

~~(1) Unauthorized discharges or spills from E and P recycling facilities including water observed in a leak detection system shall be reported, within 24 hours, to the division.~~

~~(2) Each operator of an E and P recycle facility shall keep records, which shall be available for inspection by the division, for at least six years, showing at a minimum the following:~~

~~(a) Date and time E and P product was received, origin of the sample or location where it was taken, volume, type, transporter, and generator of the E and P product; and~~

~~(b) Volume and type of E and P product recycled.~~

~~(3) Reporting and record keeping specific to long term produced water recycling pond facilities.~~

~~(a) Each operator of a long term produced water recycling pond facility, shall report to the division on a quarterly basis the following:~~

~~(i) The volume of produced water received during the quarter;~~

~~(ii) The volume of produced water reused in oil and gas operations;~~

~~(iii) The volume of produced water used for reinjection in Class II wells; and~~

~~(iv) Results of the weekly leak detection system inspections.~~

~~(b) Berms and outside walls shall be inspected quarterly and after a major rainfall or windstorm. Berm erosion or loss of integrity shall be reported to the division and may require immediate action.~~

~~(c) Accumulation of oil or other solids on the surface of a long term produced water recycling pond that are not removed within 48 hours shall be reported to the division.~~

~~(d) The occurrence of water in a leak detection system during operation constitutes liner failure and requires immediate action.~~

~~(i) The division has the option of allowing the operator a short period to take corrective action.~~

~~(ii) Further utilization will be allowed only after liner repairs and an inspection by the division, which inspection shall occur within ten days after the operator has taken corrective action and notified the division regarding the action taken to resolve the situation. [1. A plan for final closure of a disposal facility shall be submitted to the division, for approval, at least 60 days prior to cessation of operations. The closure plan shall include the following:~~

~~1.1. Provisions for removal of all equipment, buildings, fences and roads at the site.~~

~~1.2. Removal of berms.~~

~~1.3. Removal of liquids and solid waste to a division approved facility.~~

NOTICES OF PROPOSED RULES

- ~~1.4. Disposal method for liners.~~
- ~~1.5. Plans and procedures for sampling and testing soils and ground water at the site.~~
- ~~1.5.1. Soils shall meet division cleanup standards or background levels whichever is less stringent.~~
- ~~1.6. A monitoring plan if required by the division.~~
- ~~1.7. Consideration of post disposal land use and landowner requests when the closure plan is developed.~~
- ~~2. During closure operations, the operator shall maintain the disposal facility to protect fresh water, public health, safety and the environment.~~
- ~~3. Location of the closed disposal facility shall be documented with the county recorder's office.~~
- ~~4. The bond for the disposal facility will be released when the division approved closure plan requirements have been met, as determined by the division.]~~

R649-9-13. Closure and Post Closure of E and P Recycling Facilities.

- (1) A plan for final closure of an E and P recycling facility shall be submitted to the division, for approval upon cessation of operations. The closure plan shall include the following:
 - (a) Provisions for removal of all equipment, buildings, fences and roads at the site;
 - (b) A plan to restore the impacted surface area to a safe and stable condition or to the condition that existed before the construction of the E and P recycling facility;
 - (c) Removal of solid and hazardous waste to an appropriate nonhazardous solid waste facility or a hazardous waste disposal facility as applicable, in accordance with the requirements of Title 19, Chapter 6, Solid and Hazardous Waste Act and the associated rules;
 - (d) Removal of berms and disposal method for liners;
 - (e) Plans and procedures for sampling and testing soils and ground water at the site. The operator shall notify the division at least 48 hours in advance to witness soil sampling;
 - (i) Soils shall meet division cleanup standards or background levels whichever is less stringent;
 - (f) A post closure monitoring plan if required by the division; and
 - (g) Proof of a signed post closure plan agreement with the current landowner.
- (2) During closure operations, the operator shall maintain the E and P recycling facility to protect freshwater, public health, safety and the environment.
- (3) The bond for the E and P recycling facility will be released when the division approved closure plan requirements have been met, as determined by the division.

R649-9-14[3]. Variances from Requirements and Standards.

(1) Requests for approval of a variance from any of the requirements or standards of [these]Rule R649-9[-rules] shall be submitted to the director in writing and provide information as to the circumstances that warrant approval of the requested variance and the proposed alternative means by which the requirements or standards will be satisfied. The director shall review the request within 45 days and notify the requesting party of the decision to approve or deny the variance. Upon receiving a denial, the requesting party may appeal the denial to the board.

KEY: oil and gas law

Date of Last Change: ~~July 1, 2013~~ 2025

Notice of Continuation: July 28, 2021

Authorizing, and Implemented or Interpreted Law: 40-6-5(3)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R657-5	Filing ID: 56991

Agency Information		
1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R657-5. Taking Big Game
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Big Game.
4. Summary of the new rule or change:
The proposed amendments to this rule: 1) add "Antler Point Restriction" into definitions; 2) add "Point" into definitions; 3) add the criteria for an Antler Point Restrictions on Buck Deer Hunts; and 4) add other technical corrections as needed.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:								
A) State budget:								
The amendments to Rule R657-5 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.								
B) Local governments:								
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.								
C) Small businesses ("small business" means a business employing 1-49 persons):								
The proposed rule amendments will not directly impact small businesses because a service is not required of them.								
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):								
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.								
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):								
The proposed rule amendments do not have the potential to impact other persons that hunt big game in Utah, nor is a service required of them.								
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):								
DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adds the ability to have an Antler Point Restricted hunt in Utah.								
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)								
Regulatory Impact Table								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fiscal Cost</th> <th style="text-align: center;">FY2025</th> <th style="text-align: center;">FY2026</th> <th style="text-align: center;">FY2027</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2025	FY2026	FY2027	State Government	\$0	\$0	\$0
Fiscal Cost	FY2025	FY2026	FY2027					
State Government	\$0	\$0	\$0					

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Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses. The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 23A-2-304	Section 23A-2-305	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2025
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9. This rule change MAY become effective on:	02/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	12/16/2024
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R657. Natural Resources, Wildlife Resources.

R657-5. Taking Big Game.

R657-5-1. Purpose and Authority.

- (1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established:
 - (a) this rule for taking deer, elk, pronghorn, moose, bison, bighorn sheep, and Rocky Mountain goat.
 - (b) appropriate weapons or devices to take big game and restrictions to weapons or devices to take big game.

(2) Specific dates, areas, methods of take, requirements, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking big game.

R657-5-2. Definitions.

- (1) Terms used in this rule are defined in Section 23A-1-101.
- (2) In addition:
 - (a) "Antlerless deer" means a deer without antlers or with antlers five inches or shorter.
 - (b) "Antlerless elk" means an elk without antlers or with antlers five inches or shorter.
 - (c) "Antlerless elk control permit" means a permit allowing an individual to harvest an antlerless elk on an antlerless elk control unit.
 - (d) "Antlerless moose" means a moose with antlers shorter than its ears.

~~(e)~~ (e) "Antler Point Restriction" or "APR" means "a restriction of hunt to a minimum of antler points required for a buck deer to be legally harvested."

~~(f)~~ (f) "Arrow quiver" means a portable arrow case that completely encases all edges of the broadheads.
~~(f)g~~ (f)g "Buck deer" means a deer with antlers longer than five inches.
~~(g)h~~ (g)h "Buck pronghorn" means a pronghorn with horns longer than five inches.
~~(h)i~~ (h)i "Bull elk" means an elk with antlers longer than five inches.
~~(i)j~~ (i)j "Commercial Antler Buyer" means an individual or entity that buys antlers or horns for reselling for financial gain.
~~(j)k~~ (j)k "Bull moose" means a moose with antlers longer than its ears.
~~(k)l~~ (k)l "Cow bison" means a female bison.
~~(l)m~~ (l)m "Doe pronghorn" means a pronghorn without horns or with horns five inches or shorter.
~~(m)n~~ (m)n "Draw-lock" means a mechanical device used to hold and support the draw weight of a conventional or compound bow at any increment of draw until released by the archer using a trigger mechanism and safety attached to the device.
~~(n)o~~ (n)o "Drone" means an autonomously controlled, aerial vehicle of any size or configuration that is capable of controlled flight without a human pilot aboard.

~~(o)p~~(i) (o)p(i) "Night Vision Device" means any device that enhances visible or non-visible light, including: night vision, thermal imaging, infrared imaging, or electronics that enhance the visible or non-visible light spectrum.

(ii) "Night Vision Device" does not include trail cameras as defined in Subsection (x).

~~(p)q~~ (p)q "Ewe" means a female bighorn sheep or any bighorn sheep younger than one year of age.

~~(q)r~~ (q)r "Hunter's choice" means either sex may be taken.

~~(r)s~~ (r)s "Immediate family member" means the landowner's or lessee's spouse, child, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchild, grandchild, grandfather, and grandmother.

~~(s)t~~ (s)t "Limited entry hunt" means any hunt published in the hunt tables of the guidebook of the Wildlife Board for taking big game, which is identified as limited entry and does not include general or once-in-a-lifetime hunts.

~~(t)u~~ (t)u "Limited entry permit" means any permit obtained for a limited entry hunt by any means, including conservation permits, wildlife expo permits, sportsman permits, cooperative wildlife management unit permits and limited entry landowner permits.

~~(u)v~~ (u)v "Once-in-a-lifetime hunt" means any hunt published in the hunt tables of the guidebook of the Wildlife Board for taking big game, which is identified as once-in-a-lifetime, and does not include general or limited entry hunts.

~~(v)w~~ (v)w "Once-in-a-lifetime permit" means any permit obtained for a once-in-a-lifetime hunt by any means, including conservation permits, wildlife expo permits, sportsman permits, cooperative wildlife management unit permits and limited entry landowner permits.

~~(w)~~ (x)(i) "Point" means "a projection longer than one inch, measured from its base to its tip."

(ii) The eye guard is not counted as a point.

~~(x)~~ (x) "Ram" means a male desert bighorn sheep or Rocky Mountain bighorn sheep older than one year of age.

~~(x)y~~ (x)y "Shed antler" means an antler that:

(a) has been dropped naturally from a big game animal as part of the big game animal's annual life cycle; and

(b) has a rounded base commonly known as the antler button or burr attached which signifies a natural life cycle process.

~~(y)z~~ (y)z "Shed horn" means:

(a) the sheath from a pronghorn that has been dropped naturally as part of the animal's annual life cycle; or

(b) a bighorn sheep, mountain goat, or bison horn naturally detached from the horn core.

~~(z)aa~~ (z)aa "Spike bull" means a bull elk which has at least one antler beam with no branching above the ears. Branched means a projection on an antler longer than one inch, measured from its base to its tip.

~~(aa)bb~~ (aa)bb "Stalking" means when game has been located and the hunter engages in deliberate movements, on foot, in an effort to harvest the located game.

~~(bb)cc~~ (bb)cc "Trail camera" means a device that is not held or manually operated by a person and is capable of capturing images, video, or location data of wildlife using heat, or motion to trigger the device.

R657-5-7. Prohibited Weapons and Devices.

(1) A person may not use any weapon or device to take big game other than those expressly permitted in this rule.

(2) A person may not use the following prohibited weapons or devices to take big game:

(a) a firearm capable of being fired fully automatic;

(b) any light enhancement device or aiming device that casts a visible beam of light;

(c) a firearm equipped with a computerized targeting system that marks a target, calculates a firing solution and automatically discharges the firearm at a point calculated most likely to hit the acquired target; or

(d) a projectile for which the path can be altered or electronically tracked after it is sent in motion.

(3) Nothing in this section shall be construed as prohibiting laser range finding devices or illuminated sight pins for archery equipment.

(4) The following restrictions are placed on the use of specialized hunting technologies and equipment.

(a) A person may not possess any night vision device, or a device capable of night vision, while taking, locating, or attempting to locate any big game animal between July 31 and December 31;

(b) A person may not:

(i) place, maintain, or use a trail camera as prohibited in Section 23A-5-307;

(ii) engage in the sale or purchase of trail camera or other non-handheld device media, including images, video, location, time or date data to take, aid in the take or attempted take of big game; or

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(iii) engage in the storage and sale or purchase of stored media, including images, video, location, time, or date data to take, aid in the take or attempted take of big game.

(c) A person may not:

(i) use visual enhancement technology, such as nanotechnology, except for basic devices used solely for magnification;

(ii) use pattern recognition technology, such as artificial intelligence;

(iii) use live feed aerial imagery;~~[-or]~~

(iv) use electronically amplified calls or sounds~~[-]; or~~

~~(v)(A) use any protected gps location data or protected radio collar data to locate, track, take, or retrieve or any attempt to locate, track, take, or retrieve big game or their parts.~~

~~(B) For the purposes of this subsection, "protected" means "a records classified as protected under the Government Records Access and Management Act, Section 63G-2-305."~~

R657-5-45. Management Buck Deer Hunt.

(1) For the purposes of this section "management buck" means any buck deer with three points or less on at least one antler above and including the first fork in the antler.~~[-A point means a projection longer than one inch, measured from its base to its tip. The eye guard is not counted as a point.]~~

(2) Management buck deer permits shall be distributed pursuant to Rule R657-62.

(3) Management buck deer permit holders may take one management buck deer during the season, in the area and with the weapon type specified on the permit. Management buck deer hunting seasons, areas, and weapon types are published in the guidebook of the Wildlife Board for taking big game.

(4)(a) A person who has obtained a management buck deer permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a management buck deer.

(b) Management buck deer permit holders must report hunt information by telephone, or through the division's website.

(5) Management buck deer permit holders may not retain possession of any harvested buck deer that fails to satisfy the definition requirements in Subsection (1)(a).

(6) A person who has obtained a management buck deer permit may not hunt during any other deer hunt or obtain any other deer permit, except as provided in Section R657-5-27.

R657-5-53. Antler Point Restrictions on Buck Deer Hunts.

~~(1) The Wildlife Board may implement antler point restrictions on buck deer hunts.~~

~~(2)(a) The Wildlife Board may set the APR as either a 3-point or 4-point antler restriction, where the buck deer has 3 or 4 points on at least one antler above or including the first fork in the antler.~~

~~(b) the eye guard on a buck deer does not qualify as a "point" as described in Subsection (2)(a).~~

~~(3) An APR must be implemented before the application process for permits, specified in Rule R657-62.~~

~~(4) The Wildlife Board may elect to implement an APR for:~~

~~(a) specific buck deer hunting unit;~~

~~(b) a specific buck deer hunting season or seasons;~~

~~(c) a specific weapon type;~~

~~(d) either adults or youth, or both; or~~

~~(e) any combination of subsections (4)(i)-(iv).~~

~~(5) The division may require person who has obtained a buck deer permit subject to an APR and has successfully harvested a buck deer may be required to submit photographic evidence that their harvested buck complies with the APR.~~

~~(6) a person who has obtained a buck deer permit subject to an APR may not hunt during any other deer hunt or obtain any other deer permit, except as provided in Section R657-5-27.~~

~~(7) Any APR implemented by the Wildlife Board shall be published in the guidebook of the Wildlife Board for taking big game.~~

KEY: wildlife, game laws, big game seasons

Date of Last Change: 2025[September 24, 2024]

Notice of Continuation: September 8, 2020

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305; 23A-11-201; 23A-11-202

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R657-45	Filing ID: 56989

Agency Information	
1. Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple

City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-45. Wildlife License, Permit, and Certificate of Registration Forms and Terms
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Big Game.
4. Summary of the new rule or change:
The proposed amendments to this rule place the rule in line with Section 23A-1-103 which clarifies residency in Utah is six consecutive months immediately preceding the purchase of a licenses or application of a license, permit, or tag.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The amendments to Rule R657-45 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B) Local governments:
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule amendments will not directly impact small businesses because a service is not required of them.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The proposed rule amendments do not have the potential to impact other persons that hunt in Utah, nor is a service required of them.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt in Utah because it simply clarifies what determines resident or non-resident status.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses. The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 23A-2-304	Section 23A-2-305	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2025
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9. This rule change MAY become effective on:	02/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	12/16/2024
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R657. Natural Resources, Wildlife Resources.

R657-45. Wildlife License, Permit, and Certificate of Registration Forms and Terms.

R657-45-1. Purpose and Authority.

Under authority of Sections 23A-2-304, 23A-2-305, 23A-4-202 and 23A-4-205 the Wildlife Board has established this rule for prescribing the forms and terms of a wildlife license, permit, and certificate of registration.

R657-45-3. License Terms and Renewal.

(1)(a) Upon paying the prescribed fee and satisfying the criteria for issuance, a person may obtain a resident or nonresident fishing, hunting, or combination license valid for:

- (i) 365 days (one year);
- (ii) 730 days (two years);

- (iii) 1,095 days (three years);
- (iv) 1,460 days (four years); or
- (v) 1,825 days (five years).
- (b) In addition to the license term prescribed in Subsection (1)(a), a person may obtain a:
 - (i) three or seven day resident or nonresident fishing license; or
 - (ii) three day nonresident hunting license.
- (2)(a) Except as provided in Subsections (b) through (d), a multi-year fishing, hunting, and combination license under Subsection (1)(a) is available to residents and nonresidents at a discounted, adult license fee rate based on residency, license type and license term.
 - (i) A multi-year license is available to youth only at the adult license fee rate.
 - (b) A resident senior, age 65 and older, may obtain a multi-year fishing, hunting, or combination license at the 365 day, senior license fee rate multiplied by the number of years in the license term.
 - (c) A resident disabled veteran that is eligible for a service-connected disability license under Section 23A-4-302 and Section R657-12-10, may obtain a multi-year license at the reduced 365 day license fee rate multiplied by the number of years in the license term.
 - (3) A person with a current, one to five year hunting, fishing, or combination license may renew the license by purchasing:
 - (a) a new license on or after its expiration date; or
 - (b) the same license for a term prescribed in Subsection (1)(a) within six months of the expiration date on the unexpired license.
 - (i) A license renewed under Subsection (3)(b) is effective on the date of purchase and remains valid for a period equal to the sum of the remaining days on the unexpired license and the applicable term on the renewal license.
 - (4) Except as provided in Subsection[s] (4)(a), a fishing, hunting, or combination license issued under this s[§]ection remains valid if the licensee subsequently changes residency during the term of license.
 - (a) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping is purchased in any other state or country.
 - (5)(a) A resident that establishes a new domicile outside Utah during the unexpired term of a Utah resident fishing, hunting, or combination license, shall notify the Division of the change ~~prior to~~ before purchasing a resident hunting, fishing, or trapping license in any other state or country.
 - (b) Upon receiving notice of a domicile change under Subsection (5)(a), the Division will issue a free nonresident replacement license for the remaining term of the resident license.
 - (c) The Division may charge a handling fee for a residency based license exchange under this [§]subsection.
 - (d) The pro rata difference between the nonresident and resident license fee will not be refunded to a person that establishes Utah residency during the term of a nonresident license.
 - (6) A person that purchases a hunting permit and subsequently changes residency may lawfully use that permit for the applicable hunting season without notifying the Division of residency change.
 - (7)(a) Only a resident may purchase, apply for or obtain a resident license and/or permit or resident certificate of registration and only a nonresident may purchase, apply for or obtain a nonresident permit or nonresident certificate of registration.
 - (b) Pursuant to Section 23A-1-103, to purchase a resident license or certificate of registration, or apply for or obtain a resident permit, a person must be a resident at the time of purchase or application.

KEY: license, permit, certificate of registration
Date of Last Change: ~~2025~~~~October 2, 2023~~
Notice of Continuation: March 15, 2023
Authorizing, and Implemented or Interpreted Law: 23A-4-202

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R657-62	Filing ID: 56990

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-62. Drawing Application Procedures
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to drawing applications procedures.
4. Summary of the new rule or change:
The proposed amendments to this rule: 1) sets the criteria for youth permit unutilized allocation conversion; 2) aligns residency requirements with Section 23A-1-103; 3) requires hunters to apply for general season buck deer or dedicated hunter buck deer permits, historically applicants have been able to apply for both; and 4) makes technical corrections as needed.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:												
A) State budget:												
The amendments to Rule R657-62 are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.												
B) Local governments:												
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.												
C) Small businesses ("small business" means a business employing 1-49 persons):												
The proposed rule amendments will not directly impact small businesses because a service is not required of them.												
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):												
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.												
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):												
The proposed rule amendments do not have the potential to impact other persons that hunt big game in Utah, nor is a service required of them.												
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):												
DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply clarifies residency requirements, and the redistribution of youth deer permits.												
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)												
Regulatory Impact Table												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2025</th> <th>FY2026</th> <th>FY2027</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2025	FY2026	FY2027	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0
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Small Businesses	\$0	\$0	\$0
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Total Fiscal Cost	\$0	\$0	\$0
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State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses. The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 23A-2-304	Section 23A-2-305	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on: 02/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	12/16/2024
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R657. Natural Resources, Wildlife Resources.

R657-62. Drawing Application Procedures.

R657-62-1. Purpose and Authority.

(1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established this rule for drawing applications and procedures.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the respective guidebooks of the Wildlife Board.

R657-62-4. Residency Restrictions.

(1) Only a resident may apply for or obtain a resident permit or resident certificate of registration and only a nonresident may apply for or obtain a nonresident permit or nonresident certificate of registration.

~~[(a) To]~~ (2) Pursuant to Section 23A-1-103, to apply for a resident permit or certificate of registration, a person must be a resident at the time of ~~[purchase]~~ application.

~~[(b) The posting date of the drawing shall be considered the purchase date of a permit or certificate of registration issued through a drawing.~~

(3) A license and/or permit lawfully applied for and obtained in the drawing will remain valid if the applicant's residency changes, unless a resident license is purchased in another state in violation of Subsection 23A-1-103(5).

NOTICES OF PROPOSED RULES

R657-62-18. Big Game.

(1) Permit Applications

(a) Limited entry, Cooperative Wildlife Management Unit, Once-in-a-Lifetime, Management Bull Elk, Management Buck Deer, General Buck Deer, and Youth General Any Bull Elk permit applications.

(i) A person must possess or obtain a valid hunting or combination license to apply for or obtain a big game permit.

(ii) Applicants must meet age requirements, proof of hunter education requirements and youth restrictions as provided in [§]Rule R657-5.

(iii) A person may obtain only one permit per species of big game, including limited entry, cooperative wildlife management unit, once-in-a-lifetime, conservation, landowner and general permits, except antlerless permits as provided in the Antlerless Addendum and permits as provided in Rule R657-42.

(b) A resident may apply in the big game drawing for the following permits:

(i) only one of the following:

(A) buck deer - limited entry and cooperative wildlife management unit;

(B) bull elk - limited entry and cooperative wildlife management unit; or

(C) buck pronghorn - limited entry and cooperative wildlife management unit; and

(ii) only one once-in-a-lifetime permit, including once-in-a-lifetime cooperative wildlife management unit permits.

(c) A nonresident may apply in the big game drawing for the following permits:

(i) of the following:

(A) buck deer -limited entry;

(B) bull elk - limited entry;

(C) buck pronghorn - limited entry; and

(D) once-in-a-lifetime species.

(ii) Nonresidents may not apply for cooperative management units through the big game drawing.

(d) A resident or nonresident may apply in the big game drawing ~~[by unit for:]~~for only one of the following type of permits:

(i) ~~[a-]general[archery]-season~~ buck deer ~~[-]permit~~;

(ii) ~~[for general any weapon buck deer;~~

~~_____ (iii) for general muzzleloader buck deer; and~~

~~_____ (iv) a-]dedicated hunter certificate of registration.~~

(2) Youth

(a) For purposes of this section "youth" means any person 17 years of age or younger on July 31.

(b) Youth applicants who apply for a general buck deer permit.

(i) Youth will automatically be considered in the youth drawing based upon their birth date.

(ii) 20% of general buck deer permits in each unit are reserved for youth hunters.

(iii) ~~[Up to four]~~After evaluating all youth [may apply together for] hunt choices;

~~_____ (A) any remaining youth [general deer-]permits[-] will be converted to youth any legal weapon permits (regular season) and;~~

~~_____ (iv) Preference points shall be used when applying.~~

~~_____ (v)] (B) the youth that were unsuccessful in drawing under Subsection (b)(i) will be re-evaluated, starting with the highest number of preference points and their first choice.~~

~~_____ (iv) Any remaining youth reserved permits [remaining] will be converted back to original weapon type and placed into the general buck deer drawing, and any youth applicants who were not selected for reserved permits shall be returned to the general buck deer drawing.~~

~~_____ (v) Up to four youth may apply together for youth general deer permits.~~

~~_____ (vi) Preference points shall be used when applying.~~

(3) Reserved

(4) Drawing Order.

(a) Permits for the big game drawing shall be drawn in the following order:

(i) limited entry, cooperative wildlife management unit and management buck deer;

(ii) limited entry, cooperative wildlife management unit and management bull elk;

(iii) limited entry and cooperative wildlife management unit buck pronghorn;

(iv) once-in-a-lifetime;

(v) general buck deer -- lifetime license;

(vi) general buck deer -- dedicated hunter;

(vii) general buck deer - youth;

(viii) general buck deer; and

(ix) youth general any bull elk.

(b) Any person who draws one of the following permits is not eligible to draw a once-in-a-lifetime permit:

(i) limited entry, Cooperative Wildlife Management unit or management buck deer;

(ii) limited entry, Cooperative Wildlife Management unit or management bull elk; or

(iii) a limited entry or Cooperative Wildlife Management unit buck pronghorn.

(c) If any permits listed in [§]subsections (a)(i) through (a)(iii) remain after the big game drawing after choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(5) Groups

- (a) Limited Entry
 - (i) Up to four people may apply together for limited entry deer, elk or pronghorn; or resident cooperative wildlife management unit permits.
 - (b) Group applications are not accepted for management buck deer or bull elk permits.
 - (c) Group applications are not accepted for Once-in-a-lifetime permits.
 - (d) General season.
 - (i) Up to four people may apply together for general deer permits.
 - (ii) Up to four youth may apply together for youth general any bull elk permits.
 - (iii) Up to four youth may apply together for youth general deer permits.
 - (6) Waiting Periods
 - (a) Deer waiting period.
 - (i) Any person who draws or obtains a limited entry, premium limited entry, management, or cooperative wildlife management unit buck deer permit through the big game drawing process may not apply for or receive any of these permits again for a period of five seasons.
 - (ii) A waiting period does not apply to:
 - (A) general archery, general any weapon, general muzzleloader, conservation, sportsman, poaching-reported reward permits;
 - (B) cooperative wildlife management unit, limited entry, premium limited entry, or landowner buck deer permits obtained through the landowner; or
 - (C) buck deer wildlife expo permits, as provided in Section R657-55-6.
 - (b) Elk waiting period.
 - (i) Any person who draws or obtains a limited entry, management or cooperative wildlife management unit bull elk permit through the big game drawing process may not apply for or receive any of these permits for a period of five seasons.
 - (ii) A waiting period does not apply to:
 - (A) general archery, general any weapon, general muzzleloader, conservation, sportsman, poaching-reported reward permits;
 - (B) cooperative wildlife management unit or limited entry landowner bull elk permits obtained through the landowner; or
 - (C) bull elk wildlife expo permits, as provided in Section R657-55-6.
 - (c) Pronghorn waiting period.
 - (i) Any person who draws or obtains a buck pronghorn or cooperative wildlife management unit buck pronghorn permit through the big game drawing may not apply for or receive any of these permits thereafter for a period of two seasons.
 - (ii) A waiting period does not apply to:
 - (A) conservation, sportsman, poaching-reported reward permits;
 - (B) cooperative wildlife management unit or limited entry landowner buck pronghorn permits obtained through the landowner; or
 - (C) buck pronghorn wildlife expo permits, as provided in Section R657-55-6.
 - (d) Once-in-a-lifetime species waiting period.
 - (i) Any person who draws or obtains a permit for any bull moose, bison, Rocky Mountain bighorn sheep, desert bighorn sheep or mountain goat through the big game drawing or sportsman permit drawing may not receive another once-in-a-lifetime permit in the big game drawing or sportsman permit drawing in the same year.
 - (ii) Except as provided in Subsection (iii), once-in-a-lifetime restrictions do not apply to obtaining:
 - (A) wildlife expo permits for once-in-a-lifetime species in the wildlife expo drawing, as provided in Rule R657-55; and
 - (B) Management bison permits, as provided in Subsection R657-5-38(7).
 - (iii) Any person who obtains a wildlife expo permit for a once-in-a-lifetime species is subject to the once-in-a-lifetime restrictions applicable to obtaining a subsequent permit for the same species through a division application and drawing process, as provided in Rule R657-62 and the guidebooks of the Wildlife Board for taking big game.
 - (iv) A person who has been convicted of unlawfully taking a once-in-a-lifetime species may not apply for or obtain a permit for that species.
 - (e) Cooperative Wildlife Management Unit and landowner permits.
 - (i) Waiting periods and once-in-a-lifetime restrictions do not apply to purchasing limited entry landowner or cooperative wildlife management unit permits obtained through a landowner, except as provided in Subsection (ii).
 - (ii) Waiting periods are incurred and applied [for the purpose of]when applying in the big game drawing as a result of obtaining a cooperative wildlife management unit bull moose permit through a landowner.

KEY: wildlife, permits

Date of Last Change: 2025[November 4, 2024]

Notice of Continuation: March 13, 2024

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R722-310

Filing ID: 56974

Agency Information

1. Title catchline:	Public Safety, Criminal Investigations and Technical Services, Criminal Identification	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT 84129	
Mailing address:	4315 S 2700 W, Suite 1300	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Nicole Borgeson	801-281-5072	nshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R722-310. Regulation of Bail Bond Recovery and Enforcement Agents
3. Purpose of the new rule or reason for the change:
This filing is being submitted as a result of the passage of H.B. 532 during the 2024 General Session. The bill combined the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board and renamed the board as the Bail Bond Recovery and Private Investigator Licensure Board.
4. Summary of the new rule or change:
This bill adds a definition of "board" as the newly combined Bail Bond Recovery and Private Investigator Licensure Board; updates language regarding adjudicative proceedings conducted by the newly combined board; and includes clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule is not expected to have any fiscal impact on state budgets. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the r Rulewriting Manual for Utah guidelines.
B) Local governments:
The proposed rule is not expected to have any fiscal impact on local governments. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule is not expected to have any fiscal impact on small businesses. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule is not expected to have any fiscal impact on non-small businesses. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named

the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The proposed rule is not expected to have any fiscal impacts on persons other than small businesses, non-small businesses, state, or local government entities. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The proposed rule is not expected to result in any compliance costs for affected persons. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 53-11-103(5)		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2025
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9. This rule change MAY become effective on:	02/07/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jason Ricks, BCI Division Director	Date:	12/12/2024
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R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

R722-310. Regulation of Bail Bond Recovery and Enforcement Agents.

R722-310-1. Purpose.

The purpose of the rule is to establish procedures for the licensing of bail enforcement agents, bail recovery agents, and bail recovery apprentices.

R722-310-2. Authority.

This rule is authorized by Subsection 53-11-103(5).

R722-310-3. Definitions.

(1) Terms used in this rule are defined in Section 53-11-102.

(2) In addition:

(a) "act involving moral turpitude" means conduct which:

(i) is done knowingly contrary to justice, honesty, or good morals;

(ii) has an element of falsification or fraud; or

(iii) contains an element of harm or injury directed to another person or another's property;

(b) "board" means the Bail Bond Recovery and Private Investigator Licensure Board established in Sections 53-11-104 and 53-11-

105;

~~(b)~~(c) "bureau" means the Bureau of Criminal Identification within the Department of Public Safety established by Section 53-10-

201;

~~(e)~~(d) "felony" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States for which the penalty is a term of imprisonment in excess of one year;

~~(d)~~(e) "licensee" means an individual who has received a bail enforcement agent license, bail recovery agent license or bail recovery apprentice license;

~~(e)~~(f) "revocation" means the permanent deprivation of a bail bond recovery license, however revocation does not preclude an individual from applying for a new bail bond recovery license if the reason for revocation no longer exists; and

~~(f)~~(g) "suspension" means the temporary deprivation, for a specified period~~[of time]~~, of a bail bond recovery license.

R722-310-4. Application for Licensure.

(1)(a) An applicant seeking to obtain a license as a bail enforcement agent, bail recovery agent, or a bail recovery apprentice shall submit a completed application packet to the bureau.

(b) The application packet shall include:

(i) a written application form provided by the bureau with the applicant's residential or physical address and mailing or business address;

(ii) one recent color photograph of passport quality which contains the applicant's name written on the back of the photograph, unless the applicant submitted a photo which meets these requirements to the bureau within the previous three years;

(iii) a photocopy of a state-issued driver license or identification card;

(iv) one completed FBI applicant fingerprint card~~;~~ [c]Form FD-258~~[b]~~ with the applicant's legible fingerprints;

(v) a non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-11-115;

(vi) documentation from an approved provider indicating that the applicant has completed the 16-hour training program, described in Subsection 53-11-108(4); and

(vii) documentation showing the licensee has a surety bond in amount of \$10,000 which meets the requirements described in Subsection 53-11-113(3).

(2) If the applicant is applying for license as a bail enforcement agent, the applicant must also provide documentation indicating that the applicant has 2,000 hours of experience related to bail bond recovery and enforcement.

(3) If an applicant for license as a bail enforcement agent wishes to operate a bail bond recovery agency, the applicant shall also provide:

(a) the name under which the bail bond recovery agency will operate; and

(b) a certificate of workers' compensation insurance, if applicable.

(4) If the applicant is applying for license as a bail recovery agent, the applicant shall also provide:

(a) documentation indicating that the applicant has 1,000 hours of experience related to bail bond recovery and enforcement; and

(b) verification from a bail bond recovery agency indicating that the agency will employ or contract with the applicant.

(5) If the applicant is applying for license as a bail recovery apprentice, the applicant shall also provide verification from a bail bond recovery agency indicating that the agency will employ or contract with the applicant.

(6) If the applicant is seeking to carry a firearm as a licensee, the applicant shall comply with ~~all~~ each of the requirements found in Rule R722-300 and provide documentation from an approved bail enforcement firearms instructor indicating that the applicant has completed the 16-hour firearms training course required in Subsection 53-11-108(5).

(7) Once the application packet is complete, the bureau shall submit it to the board for their review at the next regularly scheduled meeting.

R722-310-5. Training Program Requirements.

(1) The 16-hour training program described in Subsection 53-11-108(4), which is required for licensure, shall be provided by a training program provider approved by the board.

(2) Training program providers seeking to become approved by the board shall provide a detailed course curriculum for the board's review.

(3)(a) Training programs which are approved by the board shall be open to anyone who wishes to attend.

(b) If a training provider charges a fee for the training program, the same fee shall apply to ~~all~~ each participant[s] in the training program.

(4) Training program providers shall notify the bureau, at least five days in advance, of the dates, times, and location of ~~all~~ any courses provided.

(5)(a) Bureau investigators shall periodically monitor approved training programs to ensure that the training program is providing instruction as required by Subsection 53-11-108(4).

(b) The training program may not charge an investigator a fee for monitoring the program.

(6) If the board receives information that a training program is not providing instruction as required by Subsection 53-11-108(4), the board may terminate its approval of the training program after notice and an opportunity for a hearing before the board.

R722-310-6. Verification of Experience.

(1) When verifying the experience necessary for licensure as a bail enforcement agent or a bail recovery agent, an applicant shall provide a written statement which lists, in detail, the number of hours and the type of bail bond recovery work performed by the applicant.

(2) The verification of experience shall be signed and notarized by the applicant's employer or by an individual who has personal knowledge of the bail bond recovery work performed.

(3) The bail bond recovery work shall have been performed within ten years from the date of the application.

R722-310-7. Credit for Specified Training.

(1) An applicant who wishes to receive credit toward[s] the experience requirement for licensure, shall provide documentation indicating that the applicant has a criminal justice bachelor's degree or has successfully completed a basic training course described in Subsection[s] 53-11-114(1)(b) or 53-11-114(1)(c).

(2) An applicant may receive up to 1,000 hours of credit toward[s] the experience requirement for licensure under Section 53-11-114.

(3) An applicant seeking credit under Section 53-11-114, is not exempt from completing the 16-hour training course required by Subsection 53-11-108(4).

R722-310-8. Renewal of a License.

(1)(a) A licensee seeking to renew a license as a bail enforcement agent, bail recovery agent, or a bail recovery apprentice shall submit a completed renewal packet to the bureau.

(b) The renewal packet shall include:

(i) a written renewal form provided by the bureau with the licensee's residential or physical address and mailing or business address;

(ii) one recent color photograph of passport quality which contains the licensee's name written on the back of the photograph, unless the licensee submitted a photo which meets these requirements to the bureau within the previous three years;

(iii) a non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-11-115;

(iv) evidence that the licensee has completed eight hours of continuing classroom instruction required by Subsection 53-11-111(2); and

(v) documentation showing the licensee has a \$10,000 surety bond which meets the requirements described in Subsection 53-11-113(3).

(2)(a) Once the renewal packet is complete, the bureau shall review it to determine if the licensee meets the requirements for renewal.

(b) If the bureau determines the licensee does not meet the requirements for renewal, the bureau shall submit the renewal packet to the board for their review at the next regularly scheduled meeting.

(3) A licensee whose license has been expired for more than 90 days, shall reapply and meet ~~all~~ each requirement[s] found in Section R722-310-4.

R722-310-9. Requirements for Continuing Classroom Instruction.

~~(1)~~ A licensee who renews ~~his or her~~ their license shall attend eight hours of continuing classroom instruction required by Subsections 53-11-111(2) and 53-11-109(2).

R722-310-10. Criteria for Certified Bail Enforcement Firearms Instructor.

- (1) The 16-hour firearms training program described in Subsection 53-11-108(5), shall be provided by a bail enforcement firearms instructor approved by the bureau.
- (2) A bail enforcement firearms instructor approved by the bureau shall be a certified ~~[Utah]~~in the state as a concealed firearm permit instructor under Subsection 53-5-704(9) and be in good standing with the bureau.
- (3)(a) Each approved bail enforcement firearms instructor shall adhere to the curriculum adopted by the bureau.
- (b) An instructor may supplement, but may not detract from the set curriculum.

R722-310-11. Notice to Commissioner.

A bail bond recovery agency may provide notice of a change in the name or address of a bail bond agency, or any change of employees or contract employees, to the commissioner as required by Subsection 53-11-116(5) by sending a written notice to the bureau that is signed by the licensee.

R722-310-12. Denial of a License.

- (1) The board may deny a license application or renewal for failure to comply with the requirements in Sections 53-10-108 through 53-11-115, or for any of the reasons set forth in Section 53-11-118.
- (2) The bureau may deny a license renewal for failure to comply with the requirements in Sections 53-10-108 through 53-11-115, or for any of the reasons set forth in Section 53-11-118.
- (3) An applicant who is denied a license may request a hearing in accordance with Section 53-11-118.
- (4) The board shall conduct adjudicative proceedings in accordance with Section R722-310-14.

R722-310-13. Disciplinary Action Against a Licensee.

- (1) The board shall review any investigation presented by the bureau and may take disciplinary action against a licensee in accordance with Section 53-11-119 based on a violation of Section 53-11-119.
- (2) The board shall conduct adjudicative proceedings in accordance with Section R722-310-14.

R722-310-~~14~~14. Adjudicative Proceedings.

- (1) ~~[All a]~~Adjudicative proceedings shall be informal ~~[according to the provisions]~~in accordance with Sections 63G-4-202 through 63G-4-203.
- (2) The board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to the bureau's investigative findings and recommendations.
- (3) The board shall issue a written decision, within ten business days after the hearing, which states the reasons for the board's decision, and indicates that the licensee may appeal to the commissioner by filing a written request within 15 calendar days from the date that the board's written decision was issued.
- (4)(a) If the licensee requests review of the board's decision, the commissioner or the commissioner's designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.
- (b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.
- ~~[(2)(a) The board may deny a license application or renewal for failure to comply with the requirements in Sections 53-11-108 through 53-11-115, or for any of the reasons set forth in Section 53-11-118.~~
- ~~(b) The bureau may deny a license renewal for failure to comply with the requirements in Sections 53-11-108 through 53-11-115, or for any of the reasons set forth in Section 53-11-118.~~
- ~~(3) The board shall review all investigations presented by the bureau and may take disciplinary action against a licensee based on a violation of Section 53-11-119.~~
- ~~(4)(a) The board shall issue a written decision within ten days after the board meets to decide the matter.~~
- ~~(b) The board's written decision shall indicate that the applicant or licensee may appeal to the commissioner within 30 days from the date that the written decision is issued.~~
- ~~(5)(a) If an applicant or licensee appeals the board's decision, the commissioner, or his designee, shall review the materials in the bureau's file, the findings of the board along with any materials submitted by the applicant or licensee, and may affirm, adopt, modify, supplement, reverse, or reject the board's findings, or return the matter to the board for reconsideration.~~
- ~~(b) If the applicant or licensee requests a hearing, the commissioner, or his designee, shall schedule a hearing within 60 days from the receipt of the request for review.]~~

R722-310-15. Records Access.

- (1) Information gathered by the division in the course of investigating an application or complaint shall be considered protected information in accordance with Subsection 63G-2-305(10).
- (2) If information described in Subsection R722-330-10(1) is used as the basis for the denial, suspension, or revocation of a license, the applicant or licensee shall be entitled to access the information.

R722-310-[13]16. Identification of Licensees.

(1)(a) A licensee shall be issued an identification card by the bureau which identifies the licensee as a bail enforcement agent, bail recovery agent or bail recovery apprentice.

(b) The identification card shall indicate on its face if the licensee is authorized to carry a loaded and concealed firearm as provided in Subsection 53-11-108(5).

(2)(a) A bail enforcement agent or bail recovery agent may possess and display a badge that is identical to the badge depicted on the bureau's website in accordance with Section 53-11-121.

(b) A bail enforcement agent or bail recovery agent may obtain a badge from any source, so long as it complies with the following specifications:

- (i) the badge shall be 2.55 inches high and 2.66 inches wide;
- (ii) the badge shall be in the shape of a five-point star on a circle;
- (iii) the star shall be gold in color and the circle must be silver in color;
- (iv) the center of the star shall be black in color and contain a seal with the phrase "Liberty and Justice For All";
- (v) the text of the badge shall be written in block lettering and must be black;
- (vi) the silver circle shall contain two panels with writing to indicate whether the agent is a bail enforcement or bail recovery agent;

and

(vii) the badge shall contain two gold panels with writing to indicate the word "Utah" on the top panel and the agent's license number on the bottom panel.

(3) The design approved by the board under Subsection 53-11-121(5) shall contain the words "bail enforcement agent" or "bail recovery agent" written on both the chest and back in writing which is:

- (a) at least two inches in height on the back;
- (b) at least one half of an inch in height on the front; and
- (c) in a color that contrasts with the color of the item of clothing.

KEY: bail bond enforcement agents, bail bond recovery agents, bail bond recovery apprentices, licenses

Date of Last Change: 2025[July 11, 2018]

Notice of Continuation: October 3, 2024

Authorizing, and Implemented or Interpreted Law: 53-11-103(5)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R722-330	Filing ID: 56973

Agency Information

1. Title catchline:	Public Safety, Criminal Investigations and Technical Services, Criminal Identification	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT 84129	
Mailing address:	4315 S 2700 W, Suite 1300	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Nicole Borgeson	801-281-5072	nshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R722-330. Licensing of Private Investigators
3. Purpose of the new rule or reason for the change:
This filing is being submitted as a result of the passage of H.B. 532 during the 2024 General Session. The bill combined the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board and renamed the board as the Bail Bond Recovery and Private Investigator Licensure Board.

4. Summary of the new rule or change:
 This bill adds a definition of "board" as the newly combined Bail Bond Recovery and Private Investigator Licensure Board; updates language regarding adjudicative proceedings conducted by the newly combined board; and includes clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The proposed rule is not expected to have any fiscal impact on state budgets. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

B) Local governments:

The proposed rule is not expected to have any fiscal impact on local governments. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

C) Small businesses ("small business" means a business employing 1-49 persons):

The proposed rule is not expected to have any fiscal impact on small businesses. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The proposed rule is not expected to have any fiscal impact on non-small businesses. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

The proposed rule is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The proposed rule is not expected to result in any compliance costs for affected persons. This rule filing addresses the combination of the Private Investigator Hearing and Licensure Board and the Bail Bond Recovery Licensure Board into one board, now named the Bail Bond Recovery and Private Investigator Licensure Board, as well as addressing clerical and formatting changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
 Sections 53-9-101 through 53-9-119

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 01/31/2025

9. This rule change MAY become effective on: 02/07/2025
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jason Ricks, BCI Division Director	Date:	12/12/2024
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R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

R722-330. Licensing of Private Investigators.

R722-330-1. Purpose.

The purpose of this rule is to establish procedures for the licensing of private investigator agencies, registrants, and apprentices.

R722-330-2. Authority.

This rule is authorized by Subsections 53-9-103(2)(c) and 53-9-103(6).

R722-330-3. Definitions.

(1) Terms used in this rule are defined in Section 53-9-102.

(2) In addition:

(a) "act involving moral turpitude" means conduct which:

(i) is done knowingly contrary to justice, honesty, or good morals;

(ii) has an element of falsification or fraud; or

(iii) contains an element of harm or injury directed to another person or another's property;

(b) "board" means the Bail Bond Recovery and Private Investigator Licensure Board established in Sections 53-11-104 and 53-11-105;

(c) "FBI" means the Federal Bureau of Investigation;

(d) "felony" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States for which the penalty is a term of imprisonment in excess of one year;

NOTICES OF PROPOSED RULES

~~(c)~~(c) "legal resident of this state" means a person who has established a domicile in ~~Utah~~the state, as that term is defined in Section 41-1a-202;

~~(f)~~(f) "license" means a license for a private investigator agency, registrant, or apprentice;

~~(g)~~(g) "revocation" means the permanent deprivation of a private investigator license, however revocation of a private investigator license does not preclude an individual from applying for a new private investigator license if the reason for revocation no longer exists; and

~~(h)~~(h) "suspension" means the temporary deprivation, for a specified period~~of time~~, of a private investigator license.

R722-330-4. Application for Licensure.

(1)(a) An applicant seeking to obtain a license shall submit a completed application packet to the bureau.

(b) The application packet shall include:

(i) a written application form provided by the bureau with the applicant's residential or physical address and mailing or business address;

(ii) one recent color photograph of passport quality which contains the applicant's name written on the back of the photograph, unless the applicant submitted a photo which meets these requirements to the bureau within the previous three years;

(iii) a photocopy of a driver license or identification card issued by the state~~of Utah~~;

(iv) one completed FBI applicant fingerprint card, ~~(c)~~Form FD-258, ~~(b)~~ with the applicant's legible fingerprints; and

(v) the non-refundable license and registration fee in the amount indicated in Section 53-9-111 ~~plus~~and the FBI fingerprint processing fee, in the form of cash, check, money order, or credit card.

(2) If an applicant is applying for an agency license, the applicant shall also provide:

(a) the name under which the applicant intends to do business;

(b) a completed Verification of Investigative Experience Form which documents that the applicant has performed 10,000 hours of investigative experience as provided in Subsection 53-9-108(3);

(c) a certificate of liability insurance for the applicant in an amount of not less than \$500,000 as described in Subsection 53-9-109(3);

and

(d) a certificate of workers' compensation insurance, if applicable.

(3) If the applicant is applying for a registrant license, the applicant shall also provide:

(a) the name of the licensed agency for which the applicant will be an employee or independent contractor;

(b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant;

(c) a completed Verification of Investigative Experience Form which documents that the applicant has performed 2,000 hours of investigative experience as provided in Subsection 53-9-108(3); and

(d) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

(4) If the applicant is applying for an apprentice license, the applicant shall also provide:

(a) the name of the licensed agency for which the applicant will be an employee or independent contractor;

(b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant; and

(c) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

R722-330-5. Verification of Investigative Experience.

(1)(a) When completing the Verification of Investigative Experience Form for an agency or registrant license, the applicant shall describe, in detail, the number of hours and the type of investigative work which the applicant performed.

(b) The investigative experience shall have been performed within ten years from the date of the application while the applicant was working as a licensed private investigator or an investigator for a governmental entity.

(c)(i) The Verification of Investigative Experience Form shall be certified by the private investigator or governmental employer for whom the applicant performed the investigative work.

(ii) If the applicant ~~is unable to~~cannot provide certification from a private investigator or governmental employer, the applicant may provide certification from the individual for whom the applicant performed the investigative work.

(2) An applicant seeking to receive credit toward[s] the investigative experience requirement for licensure under Subsection 53-9-108(5), shall provide written documentation of the degree or certification for which the applicant is seeking credit.

R722-330-6. Issuance of License.

(1)(a) Upon receipt of a completed application packet, the bureau shall conduct a thorough background investigation to determine if the applicant meets the requirements for licensure.

(b) Once the background check is complete, the bureau shall submit the completed application packet to the board for review, unless the application is for an apprentice license.

(c)(i) The bureau shall review ~~all~~each application[s] for apprentice licenses to determine whether the applicants meet the requirements for licensure.

(ii) If the bureau finds that an applicant for an apprentice license meets the requirements for licensure, the bureau shall issue the apprentice license within five days.

(iii) If the bureau finds that an applicant for an apprentice license does not meet the requirements for licensure, the bureau shall submit the application to the board.

(2)(a) The board shall review ~~all~~each application packet[s] submitted by the bureau to determine whether an applicant meets the requirements for licensure.

(b) If the board determines that an applicant meets the requirements for licensure, the board shall direct the bureau to issue the license.

(3) If the background check indicates that an applicant does not meet the qualifications set forth in Subsection 53-9-108(1)(b), the board shall consider any mitigating circumstances submitted by the applicant.

(4)(a) If the board determines that an applicant does not meet the qualifications for licensure the board shall deny the application.

(b) The board shall issue a written denial which states the reasons why the license was denied and indicates that the applicant may request a hearing before the board by filing a written request within 30 calendar days from the date the board's written denial was issued.

(5)~~(a)~~ If the applicant requests a hearing, the board shall conduct an informal hearing in accordance with Section R722-330-9 during which the applicant may present evidence and testimony in response to evidence and testimony presented by the bureau.

~~_____ (b) The board shall issue a written decision, within ten business days of the hearing, which states the reason for the decision and indicates that the decision may be reviewed by the commissioner if the applicant files a written request for review with the commissioner within 30 calendar days.~~

~~_____ (6)(a) If the applicant requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the applicant, and the findings of the board.~~

~~_____ (b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the applicant may appeal to the district court by complying with the requirements found in Section 63G-4-402.~~

R722-330-7. Renewal of a License.

(1)(a) The bureau shall mail a renewal notice to a licensee at the last provided address, ~~[approximately]~~about 90 days ~~[prior to]~~before the expiration of the licensee's license.

(2)(a) A licensee seeking to renew a license shall submit a completed renewal packet to the bureau.

(b) The renewal packet shall include:

(i) a written renewal form provided by the bureau with the licensee's residential or physical address and mailing or business address;

(ii) one recent color photograph of passport quality which contains the licensee's name written on the back of the photograph, unless the licensee submitted a photo which meets these requirements to the bureau within the previous three years;

(iii) a photocopy of a driver license or identification card issued by the state~~[of Utah]~~; and

(iv) a non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-9-111.

(3) If the licensee has an agency license, the licensee must also provide evidence that the licensee has a valid certificate of:

(a) liability insurance for the licensee in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and

(b) workers' compensation insurance, if applicable.

(4) If the licensee has a registrant or an apprentice license, the licensee must provide evidence that the licensee has a valid surety bond for the licensee in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

(5) A licensee whose license has been expired for more than 90 days, shall reapply and meet ~~[all]~~each requirement~~[s]~~ found in Section R722-330-4.

(6) If the licensee meets the qualifications for renewal the bureau shall renew the license.

(7)(a) If the bureau determines that the licensee does not meet the qualifications for renewal the bureau shall deny the renewal.

(b) The bureau's written denial shall state the reasons why the renewal was denied and indicate that the licensee may request a hearing before the board by filing a written request within 30 calendar days from the date the bureau's written denial was issued.

(8)~~(a)~~ If the licensee requests review by the board, the board shall conduct an informal hearing in accordance with Section R722-330-9 during which the licensee may present evidence and testimony in response to evidence and testimony presented by the bureau.

~~_____ (b) The board shall issue a written decision, within ten business days of the hearing, which states the reason for the decision, and indicates that the decision may be reviewed by the commissioner if the licensee files a written request for review with the commissioner within 30 calendar days.~~

~~_____ (9)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.~~

~~_____ (b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.~~

R722-330-8. Suspension and Revocation of a License.

(1) The bureau shall conduct an investigation, as provided in Section 53-9-117, if the bureau is made aware of an allegation that a licensee has engaged in conduct in violation of Section 53-9-118.

(2) The bureau shall notify a licensee who is the subject of an investigation of the date and time of the board meeting where the board will consider the bureau's investigative findings.

(3) The bureau may recommend disciplinary action in accordance with Section 53-9-117.

(4) The board shall conduct adjudicative proceedings in accordance with Section R722-330-9.

~~_____ (3) The board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to the bureau's investigative findings and recommendations.~~

NOTICES OF PROPOSED RULES

~~(4) The board shall issue a written decision, within ten business days after the hearing, which states the reasons for the board's decision, and indicates that the licensee may appeal to the commissioner by filing a written request within 15 calendar days from the date that the board's written decision was issued.~~

~~(5)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.~~

~~(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.]~~

R722-330-9. Adjudicative Proceedings.

~~(1) Adjudicative proceeding shall be informal in accordance with Sections 63G-4-202 and 63G-4-203.~~

~~(2) The board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to the bureau's investigative findings and recommendations.~~

~~(3) The board shall issue a written decision, within ten business days after the hearing, which states the reasons for the board's decision, and indicates that the licensee may appeal to the commissioner by filing a written request within 15 calendar days from the date that the board's written decision was issued.~~

~~(4)(a) If the licensee requests review of the board's decision, the commissioner or the commissioner's designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.~~

~~(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons fore the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.~~

R722-330-[9]10. Records Access.

~~(1)[(a)] Information gathered by the division in the course of investigating an application or complaint shall be considered ["]protected["] information in accordance with Subsection 63G-2-305(10).~~

~~[(b)](2) If [such] information described in Subsection R722-330-10(1) is used as the basis for the denial, suspension, or revocation of a license, the applicant or licensee shall be entitled to access the information.~~

KEY: private investigators, license

Date of Last Change: 2025[July 22, 2015]

Notice of Continuation: October 3, 2024

Authorizing, and Implemented or Interpreted Law: 53-9-101 through 53-9-119

End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R911-5	Filing ID: 56971
Effective Date:	12/04/2024	

Agency Information

1. Title catchline:	Public Safety, Emergency Medical Services	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W	
City, state	Taylorsville, UT 84129	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	
Contact persons:		
Name:	Phone:	Email:
Darin Bushman	801-608-7367	dbushman@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R911-5. Emergency Medical Services Training, Endorsement, Certification, and Licensing Standards
3. Purpose of the new rule or reason for the change:
<p>This rule was moved from the Department of Health and Human Services to the Department of Public Safety in July 2024.</p> <p>Upon further review of the language in the current rule, the Bureau of Emergency Medical Services (BEMS) has determined that it is not compliant with Title 63G, Chapter 4, the Administrative Procedures Act, and violates due process rights of licensees who have had action taken against their licenses.</p> <p>In addition, this rule change ensures consistency with formatting and language throughout the rule and ensures compliance with the Rulewriting Manual for Utah guidelines.</p>
4. Summary of the new rule or change:
<p>Rule R911-5 is repealed and reenacted with the following changes:</p> <p>1) clarifies the role of the Peer Review Board (PRB) in informal administrative hearings, clearly states that hearings before the PRB are informal, adds a procedure for reconsideration of the PRB's order, increases due process by designating the board as the trier of fact, removes the authority of the BEMS bureau chief to override the PRB recommendations, adds language that the PRB's decision is subject to judicial review, required licensee to be notified of hearing date when results of investigation will be presented to the PRB, makes license sanctions proceedings consistent with Utah administrative procedures act Section 63G-4-101, defines mitigating and aggravating circumstances the PRB may consider, and clarifies meaning of probation, suspension and revocation of licenses;</p> <p>2) reorganizes licensing of CRT's into its own subsection and changes languages to be consistent throughout this rule and statute;</p> <p>3) removes Utah specific references to convictions prohibiting licensure to increase safety by allowing BEMS to consider out of state convictions, and adds provisions allowing BEMS to deny registered sex offenders from being licensed as emergency medical personnel; and</p> <p>4) Removes redundant and outdated references to statute, expands the number of definitions applicable from the statutory definitions, adds cheating on licensure exams as a basis for license sanctions, adds language that conduct which endangers public safety regardless of criminal conviction may be basis for license sanction, and removes language allowing licensure individuals convicted of felony sex offenses and other non-expungable violent felonies after 15 years.</p>
5A) The agency finds that regular rulemaking would:
<input type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/> place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:
<p>This rule was moved from the Department of Health and Human Services to the Department of Public Safety in July 2024.</p> <p>Upon further review of this rule, the BEMS has determined that the language is not compliant with Title 63G, Chapter 4, and violates due process rights of licensees who have had action taken against their EMS licenses.</p> <p>This rule filing addresses compliance issues and ensures that the BEMS is no longer in violation of state law.</p>

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
<p>The proposed rule is not expected to have any fiscal impact on the state budget because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.</p>

B) Local governments:
The proposed rule is not expected to have any fiscal impact on local governments because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule is not expected to have any fiscal impact on small businesses because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.
D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The proposed rule is not expected to have any fiscal impact on persons other than small businesses, state, or local government entities because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
The proposed rule is not expected to result in any compliance costs for affected persons because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.
F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
This rule is not expected to have any fiscal impacts on businesses. The rule amendment addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, which will protect and ensure due process rights of individuals who have had action taken against their EMS licenses. Jess L. Anderson, Commissioner of the Department of Public Safety

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Section 53-2d-101.1

Incorporations by Reference Information

8. Incorporations by Reference:	
A) This rule adds or updates the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Course Coordinator Manual
Publisher	Bureau of Emergency Medical Services, Utah Department of Public Safety
Issue Date	October 15, 2024
Issue or Version	2024
B) This rule adds or updates the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	EMT Student Handbook
Publisher	Bureau of Emergency Medical Services, Utah Department of Public Safety
Issue Date	October 2024
Issue or Version	2024

NOTICES OF 120-DAY (EMERGENCY) RULES

C) This rule adds or updates the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	National EMS Scope of Practice Model 2019
Publisher	National Highway Traffic Safety Administration
Issue Date	February 2019
Issue or Version	2019

D) This rule adds or updates the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	EMS Recertification Guide
Publisher	National Registry of Emergency Medical Technicians
Issue Date	2024
Issue or Version	Version 2024.01

E) This rule adds or updates the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Highlights of the 2020 American Heart Association Guidelines for CPR and ECC
Publisher	American Heart Association
Issue Date	October 2020
Issue or Version	2020

F) This rule adds or updates the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	2002 National Guidelines For Educating EMS Instructors
Publisher	National Association of EMS Educators, U.S. Department of Transportation, and U.S. Department of Health and Human Services
Issue Date	November 2001
Issue or Version	2002

G) This rule adds or updates the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Training Officer Manual
Publisher	Bureau of Emergency Medical Services, Utah Department of Public Safety
Issue Date	October 2024
Issue or Version	2024

H) This rule adds or updates the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Standards and Guidelines for the Accreditation of Educational Programs in the Emergency Medical Services Professions
Publisher	Commission on Accreditation of Allied Health Education Programs
Issue Date	January 1, 2024

Agency Authorization Information

Agency head or designee and title:	Darin Bushman, Director	Date:	12/04/2024
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R911. Public Safety, Emergency Medical Services.**R911-5. Emergency Medical Services Training, Endorsement, Certification, and Licensing Standards.****~~R911-5-100. Authority and Purpose.~~**

- ~~(1) Authority for this rule is found in Title 53, Chapter 2d, Emergency Medical Services Act.~~
- ~~(2) The purpose of this rule is to:~~
- ~~(a) describe requirements for training, certification, endorsements, and licensing of individuals who provide emergency medical services; and~~
- ~~(b) provide uniform minimum standards to be met by those providing emergency medical services within the state.~~

~~R911-5-110. Definitions as Used in this Rule.~~

- ~~(1) "Advanced Emergency Medical Technician" (AEMT) as defined in Subsection R911-1-200(1).~~
- ~~(2) "Committee" as defined in Subsection 53-2d-101(8).~~
- ~~(3) "Crisis Response Technician" (CRT) is a person who provides "Behavioral Emergency Services" as defined in Subsection 53-2d-101(5)(a)(b).~~
- ~~(4) "Department" as defined in Subsection R911-1-200(13).~~
- ~~(5) "Emergency Medical Responder" (EMR) as defined in Subsection R911-1-200(16).~~
- ~~(6) "Emergency Medical Services" (EMS) as defined in Subsection R911-1-200(20).~~
- ~~(7) "Emergency Medical Technician" (EMT) as defined in Subsection R911-1-200(17).~~
- ~~(8) "Paramedic" as defined in Subsection R911-1-200(41).~~
- ~~(9) "Provider" as defined in Subsection R911-1-200(57).~~

~~R911-5-200. Scope of Practice.~~

- ~~(1) The department may license an individual as an EMR, EMT, AEMT, paramedic, or CRT who meets the requirements in this rule.~~
- ~~(2) The committee adopts the standard for EMR, EMT, AEMT, and paramedic training and competency as defined in the National Association of State EMS Officials's National EMS Scope of Practice Model 2019, Report No. DOT HS 812-666. Washington, DC: National Highway Traffic Safety Administration, which is incorporated by reference.~~
- ~~(3) An EMR, EMT, AEMT, paramedic, or CRT may perform the skills to their level of licensure, as adopted in this section.~~
- ~~(4) A CRT may perform skills including crisis response triage, discussion of available resources, and referral to appropriate mental health professions as determined by department approved training and local mental health authority approved protocols in the corresponding response area.~~

~~R911-5-210. Professional Conduct and Code of Ethics for EMS Personnel.~~

~~EMS personnel shall maintain professional conduct and follow the code of ethics from the 2023 EMT Student Handbook, incorporated by reference in this rule.~~

- ~~(1) The following are examples of conduct, while providing patient care and transport, that may result in investigation of an EMS personnel's license or a provider's license or designation pursuant to Subsection R911-5-3300(2):~~
- ~~(a) theft or inappropriate removal or possession of property;~~
- ~~(b) falsification of personal or hospital records;~~
- ~~(c) functioning under the influence of alcohol, illegal drugs, or medications that may impair judgment or capability;~~
- ~~(d) possession, distribution, sale, transfer, or use of alcohol or illegal drugs;~~
- ~~(e) fighting or threatening violence;~~
- ~~(f) negligence or improper conduct leading to damage of property;~~
- ~~(g) violation of safety or health rules that threatens the safety of patients receiving care;~~
- ~~(h) sexual or other unlawful or unwelcome harassment;~~
- ~~(i) possession of dangerous or unauthorized materials, such as explosives or illegal firearms;~~
- ~~(j) unauthorized access or disclosure of confidential information;~~
- ~~(k) misrepresentation of an individual's level of licensure;~~
- ~~(l) performing procedures or skills beyond the level of an individual's EMS licensure or provider's licensure; and~~
- ~~(m) violation of laws pertaining to medical practice, drugs, or controlled substances.~~
- ~~(2) Complaints regarding EMS personnel's actions or behaviors, on or off duty, that can be interpreted as possible violations of this section:~~
- ~~(a) must be submitted to the department in writing; and~~
- ~~(b) if determined a potential violation, will be investigated pursuant to Section R911-5-3300.~~
- ~~(3) Any EMS personnel who is found to have violated this section may be subject to license suspension or revocation.~~

~~R911-5-300. EMS Personnel Licensure for EMRs, EMTs, AEMTs, Paramedics, and CRTs.~~

- ~~(1) The department may license an EMR, EMT, AEMT, paramedic, or CRT for a two-year period. The department may modify a license period to standardize renewal cycles.~~

NOTICES OF 120-DAY (EMERGENCY) RULES

- (2) An individual who wishes to become licensed as an EMR, EMT, AEMT, paramedic, or CRT shall:
- (a) successfully complete a department approved EMR, EMT, AEMT, paramedic, or CRT course;
 - (b) be able to perform the functions listed in the National EMS Education Standards referenced in Subsection R911-5-200(2) as verified by personal attestation and successful accomplishment by department endorsed EMS instructors;
 - (c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of training requirements for an EMR, EMT, AEMT, paramedic, or CRT licensure;
 - (d) submit the applicable fees and a completed application, including Social Security number, to the department;
 - (e) submit to and pass a background investigation, including an FBI background investigation; and
 - (f) keep documentation of having completed a department approved cardiopulmonary resuscitation course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for the Level of Adult and Pediatric Healthcare Cardiopulmonary Resuscitation and Emergency Cardiac Care Basic Life Support.
- (3) An individual who wishes to become licensed as a CRT shall:
- (a) successfully complete a department approved CRT course;
 - (b) be able to perform the functions as described in Subsection R911-5-200(4);
 - (c) submit the applicable fees and a completed application, including Social Security number, to the department; and
 - (d) submit to and pass a background investigation, including an FBI background investigation.
- (4) Age requirements:
- (a) EMR may be licensed at 16 years of age or older;
 - (b) EMT, AEMT, and paramedic may be licensed at 18 years of age or older; and
 - (c) CRT may be licensed at 21 years of age or older.
- (5) Within two years after the official course end date, the applicant for EMR, EMT, AEMT, paramedic, or CRT licensure shall successfully complete the department's approved National Registry of Emergency Medical Technician's written and practical EMR, EMT, AEMT, or paramedic examinations, or re-examinations, if necessary.
- (6) Licensed personnel shall keep and submit upon request by the department any documentation required for licensure.
- (7) An individual who wishes to enroll in an AEMT or paramedic course shall have as a minimum a Utah EMT license, and the license shall remain current until the new license level is obtained.
- (8) An individual who wishes to enroll in a CRT course shall be a licensed EMS personnel or a law enforcement officer for at least two years before enrollment or have at least two years of equivalent experience before enrollment into a CRT course or program.
- (9) Upon successful completion of the program, written verification of the successful candidates shall be submitted to the department for review.
- (10) The department may extend time limits for an individual who has unusual circumstances or hardships.

R911-5-400. Licensure at a Lower Level.

An individual who completed a paramedic course, but has not been recommended for licensure, may request to become licensed at the AEMT levels if:

- (1) the paramedic course coordinator submits to the department a favorable letter of recommendation stating that the individual has successfully obtained the knowledge and skills of the AEMT level as required by this rule; and
- (2) the individual successfully completes other application and testing requirements for an AEMT.

R911-5-500. License Challenges for EMTs or AEMTs.

(1) The department may license an individual as an EMT or AEMT, in consecutive order, who has military medical training, a Utah registered nurse license, a Utah nurse practitioner license, a Utah physician assistant license, or a Utah physician license, and:

(a) can demonstrate knowledge, proficiency, and competency to perform the functions listed in the National EMS education standards as described in Subsection R911-5-200(2), as verified by personal attestation and successful demonstration to a currently certified course coordinator and an off line medical director;

(b) has a knowledge of:

- (i) medical control protocols;
- (ii) state and local protocols; and
- (iii) the role and responsibilities of an EMT or AEMT, respectively;

(c) maintains and submits documentation of having completed a CPR course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular, which is incorporated by reference; and

(d) is 18 years of age or older.

(2) To become licensed as either an EMT or AEMT, the individual shall:

(a) submit the applicable fees and a completed application, including Social Security number, signature, and proof of current Utah license as a registered nurse, a physician assistant, or a medical doctor, or military transcripts for training;

(b) successfully complete the National Registry of Emergency Medical Technicians EMT or AEMT cognitive and psychomotor examinations, or re-examinations, if necessary; and

(c) submit to and pass a background screening clearance, per Section R911-5-3200.

(3) The department may license as a CRT an individual with military mental health training, or a licensed mental health professional in Utah, who:

- ~~_____ (a) can demonstrate knowledge, proficiency, and competency to perform the functions as verified by personal attestation and successful demonstration to a county mental health authority or designee;~~
- ~~_____ (b) has a knowledge of:~~
 - ~~_____ (i) crisis response protocols;~~
 - ~~_____ (ii) state and local protocols; and~~
 - ~~_____ (iii) the role and responsibilities of a CRT;~~
- ~~_____ (c) maintains and submits documentation of having completed a cardiopulmonary resuscitation course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular; and~~
- ~~_____ (d) is 21 years of age or older.~~

R911-5-510. License Challenges for CRTs.

- ~~_____ To become licensed as a CRT, the individual shall:~~
- ~~_____ (1) submit the applicable fees and a completed application, including Social Security number, signature, and proof of current Utah license as a mental health professional, or military transcripts for training;~~
 - ~~_____ (2) successfully complete the department approved written and practical CRT examinations, or re-examinations, if necessary; and~~
 - ~~_____ (3) submit to and pass a background screening clearance, per Section R911-5-3200.~~

R911-5-600. License Renewal Requirements for EMRs, EMTs, AEMTs, and Paramedics.

- ~~_____ (1) The department may renew an individual license for a two year period. The department may modify the period for a license to standardize renewal cycles.~~
- ~~_____ (2) An individual seeking license renewal shall:~~
 - ~~_____ (a) submit the applicable fees and a completed application, including Social Security number, to the department;~~
 - ~~_____ (b) submit a completed Utah EMS application to the department, no later than 30 days and no earlier than six months before the individual's current license expiration date;~~
 - ~~_____ (c) have a current National Registry of Emergency Medical Technicians certification for their current license level;~~
 - ~~_____ (d) submit to and pass a background screening clearance, per Section R911-5-3200;~~
 - ~~_____ (e) keep documentation and submit, upon request, proof of having completed a department approved cardiopulmonary resuscitation course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular;~~
 - ~~_____ (f) provide documentation of completion of department approved continuing medical education requirements; and~~
 - ~~_____ (g) maintain cardiopulmonary resuscitation certification during licensure period.~~
- ~~_____ (3) The EMR, EMT, AEMT, and paramedic shall complete the required continuing medical education hours, as outlined in Recertification Guide Version 4, published by the National Registry of Emergency Medical Technicians, incorporated by reference in this rule. The hours shall be completed throughout the prior two years.~~
- ~~_____ (4) An individual is responsible to complete and submit required renewal material and the recertification application to the National Registry of Emergency Medical Technicians, per the guidance provided under "Renewal License" on the department website.~~
- ~~_____ (5) A department approved entity that provides continuing medical education may compile renewal materials on behalf of an EMR, EMT, AEMT, or paramedic; however, the individual EMR, EMT, AEMT, or paramedic is responsible for a timely and complete submission.~~
- ~~_____ (6) The department may not lengthen an individual's license period to more than two years, unless the individual is a member of the National Guard or Reserve component of the Armed Forces and is on active duty when the license expires.~~

R911-5-700. License Renewal Requirements for CRTs.

- ~~_____ (1) A CRT applying for a renewal license shall be in good standing with the local mental health authority. The local mental health authority or designee may revoke a CRT's license upon written request to the department.~~
- ~~_____ (2) A CRT applying for a renewal license shall complete department approved continuous education requirements of no less than eight hours every two years.~~
- ~~_____ (3) An individual is responsible to complete and submit required renewal materials to the department at one time, no later than 30 days and no earlier than one year before the individual's current license expiration date. Renewal materials submitted less than 30 days before license expiration may result in license expiration. The department processes renewal material in the order received.~~
- ~~_____ (4) The department may shorten a CRT's license period.~~
- ~~_____ (5) The department may not lengthen an individual's license period to more than two years unless the individual is a member of the National Guard or Reserve component of the Armed Forces and is on active duty when the license expires.~~

R911-5-800. Reciprocity for EMRs, EMTs, AEMTs, and Paramedics.

- ~~_____ (1) The department may license an individual as an EMR, EMT, AEMT, or paramedic who is licensed or certified by another state or certifying body if the applicant can demonstrate the applicant's out of state training and experience requirements are equivalent to or greater than what is required in Utah.~~
- ~~_____ (2) An individual seeking reciprocity for licensure in Utah based on out of state training and experience shall:~~
 - ~~_____ (a) submit the applicable fees and a completed application, including Social Security number, to the department; and~~
 - ~~_____ (b) complete the following within two years of submitting the application:~~
 - ~~_____ (i) submit to and pass a background screening clearance, per Section R911-5-3200;~~

NOTICES OF 120-DAY (EMERGENCY) RULES

_____ (ii) keep and submit upon request documentation of having completed a department approved cardiopulmonary resuscitation course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular;

_____ (iii) successfully complete the National Registry of Emergency Medical Technician cognitive and psychomotor for EMR, EMT, AEMT, or paramedic examinations, or re-examinations, if necessary; and

_____ (iv) submit a current certification or license from one of the states of the United States or its possessions, or current registration and the name of the training institution if registered with the National Registry of EMTs.

_____ (3) A paramedic candidate shall also keep documentation of successful completion of Advanced Care Life Support or equivalent.

_____ (4) AEMT and paramedic licensed personnel shall keep documentation of PEPP, PALS, or equivalent courses within the prior two years.

R911-5-810. Reciprocity for CRTs.

_____ (1) The department may license an individual as a CRT who is licensed or certified by another state or certifying body if the applicant can demonstrate the applicant's out of state training and experience requirements are equivalent to or greater than what is required in Utah.

_____ (2) An individual seeking reciprocity for CRT licensure in Utah based on out of state training and experience shall:

_____ (a) submit the applicable fees and a completed application, including Social Security number, to the department; and

_____ (b) complete the following within two years of submitting the application:

_____ (i) submit to and pass a background screening clearance, per Section R911-5-3200;

_____ (ii) keep documentation of having completed a CPR course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular; and

_____ (iii) submit a current certification or license from one of the states of the United States or its possessions, or current registration and the name of the training institution.

R911-5-900. Lapsed Licenses with National Registry of Emergency Medical Technician Certification.

_____ (1) An individual whose EMR, EMT, AEMT, paramedic, or CRT license has expired for less than one year shall recertify with the National Registry of Emergency Medical Technicians.

_____ (2) An individual whose license for EMR, EMT, AEMT, or paramedic has expired for more than one year shall:

_____ (a) comply with the recertification requirements per the guidance of the National Registry of Emergency Medical Technicians;

_____ (b) pay a late licensure fee; and

_____ (c) complete renewal requirements.

_____ (3) If an EMR, EMT, AEMT, or paramedic license for an individual remains expired for more than a year, any new license will be issued with an expiration date two years from the previous license's expiration.

_____ (4) An individual whose license for CRT has expired for more than one year shall:

_____ (a) submit a letter of recommendation including results of an oral examination, from a county mental health director or designee, verifying proficiency in behavioral health care skills at the licensure level;

_____ (b) successfully complete the applicable department's approved written examination; and

_____ (c) complete renewal requirements.

_____ (5) If a CRT license for an individual remains expired for more than a year, any new CRT license will be issued with an expiration date two years from the completion of renewal materials.

_____ (6) An individual whose certification or license has lapsed, is not authorized to provide care as an EMR, EMT, AEMT, paramedic, or CRT until the individual completes the renewal process.

R911-5-1000. Emergency Medical Care During Clinical Training.

_____ A student enrolled in a department approved training program may, under the direct supervision of the course coordinator, an instructor in the course, or a preceptor for the course, perform activities delineated within the training curriculum that otherwise require licensure to perform.

R911-5-1100. Instructor Requirements.

_____ (1) The department may endorse an individual as an EMS instructor who:

_____ (a) meets the initial licensure requirements in Section R911-5-1200;

_____ (b) is currently in Utah as an EMR, EMT, AEMT, or paramedic; and

_____ (c) has been a licensed EMR, EMT, AEMT, or paramedic for a minimum of two years.

_____ (2) The department adopts the United States Department of Transportation's EMS Instructor Training Program as the standard for EMS instructor training and competency in the state, which is incorporated by reference in this rule.

_____ (3) An EMS instructor may only teach up to the license level to which the instructor is licensed.

_____ (4) An EMS instructor shall comply with the teaching standards and procedures in the March 2023 Course Coordinator Manual as incorporated by reference in this rule.

_____ (5) An EMS instructor shall maintain the EMS license for the level the instructor is endorsed to teach. If an individual's EMS license lapses, the instructor endorsement is invalid until the EMS license is renewed.

R911-5-1200. Instructor Endorsement.

- _____ (1) The department may endorse an individual who is a licensed EMR, EMT, AEMT, or paramedic as an EMS instructor for a two-year period.
- _____ (2) An individual who wishes to become endorsed as an EMS instructor shall:
 - _____ (a) submit an application and pay applicable fees;
 - _____ (b) submit one letter of recommendation regarding EMS skills and teaching abilities from a licensed or designated agency, which must be on department or agency letterhead and signed;
 - _____ (c) submit documentation of 15 hours of teaching experience with teaching experience in EMS or other related medical discipline, such as first aid or CPR, being preferred; and
 - _____ (d) successfully complete the department sponsored initial EMS instructor training course.
- _____ (3) An individual who wishes to be endorsed as an EMS instructor to teach EMR, EMT, AEMT, or paramedic courses or CME shall provide documentation of a minimum of 25 patient contacts within the prior year with a licensed or designated agency or an emergency health care facility. Documentation must be on department or agency letterhead and signed.
- _____ (4) An individual shall submit a completed and signed instructor contract to the department every two years agreeing to abide by the standards and procedures in the March 2023 Course Coordinator Manual.

R911-5-1300. Instructor Endorsement Renewal.

- _____ An EMS instructor who wishes to renew an endorsement as an instructor shall:
 - _____ (1) maintain current EMS licensure;
 - _____ (2) attend the required department approved instructor seminar at least once in the two year endorsement renewal cycle; and
 - _____ (3) submit an application and pay applicable fees.

R911-5-1400. Instructor Lapsed Endorsement.

- _____ (1) An EMS instructor whose instructor endorsement expired less than one year ago may again become endorsed by:
 - _____ (a) completing endorsement requirements;
 - _____ (b) submitting an application; and
 - _____ (c) paying any associated fees.
- _____ (2) An EMS instructor whose instructor endorsement has expired for more than one year shall complete any initial instructor endorsement requirements and reapply as if there were no prior endorsement.

R911-5-1500. Training Officer Endorsement.

- _____ (1) The department may endorse a licensed individual who is an endorsed EMS instructor as a training officer for a two-year period.
- _____ (2) An individual who wishes to become endorsed as an EMS training officer shall:
 - _____ (a) have completed a minimum of 30 hours of EMS instruction within the past year and have a current EMS instructor endorsement;
 - _____ (b) successfully complete the department's course for new training officers;
 - _____ (c) submit an application and pay applicable fees; and
 - _____ (d) submit biennially a completed and signed training officer contract to the department agreeing to abide by the standards and procedures in the July 2023 Training Officer Manual, incorporated by reference in this rule.
- _____ (3) A training officer shall maintain an EMS instructor endorsement.
- _____ (4) An EMS training officer shall abide by the terms of the training officer contract and comply with the standards and procedures in the Training Officer Manual as incorporated into the respective training officer contract.

R911-5-1600. Training Officer Endorsement Renewal.

- _____ A training officer who wishes to renew an endorsement as a training officer shall:
 - _____ (1) attend a training officer seminar at least once in the two-year endorsement renewal cycle;
 - _____ (2) maintain a current EMS instructor endorsement and EMS license;
 - _____ (3) submit an application and pay applicable fees; and
 - _____ (4) submit a completed and signed new training officer contract to the department agreeing to abide by the standards and procedures in the current Training Officer Manual.

R911-5-1700. Training Officer Lapsed Endorsement.

- _____ (1) An individual whose training officer endorsement expired less than one year ago may again become endorsed by completing the endorsement renewal requirements and paying applicable fees. The individual's new expiration date will be two years from the old expiration date.
- _____ (2) An individual whose training officer endorsement expired more than one year ago shall complete each initial training officer endorsement requirement and reapply as if there were no prior endorsement.

R911-5-1800. Course Coordinator Endorsement.

- _____ (1) The department may endorse an individual as an EMS course coordinator for a two-year period.
- _____ (2) An individual who wishes to become endorsed as a course coordinator shall:
 - _____ (a) be endorsed as an EMS instructor;
 - _____ (b) be a co-coordinator of record for one department approved course with an endorsed course coordinator;

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- ~~_____ (c) co-ordinate a course equivalent to what they will be functioning as a course coordinator;~~
- ~~_____ (d) submit a written evaluation and recommendation from the course coordinator in the co-coordinated course;~~
- ~~_____ (e) complete endorsement requirements within one year of completion of the department's course for new course coordinators;~~
- ~~_____ (f) submit an application and pay applicable fees;~~
- ~~_____ (g) complete the department's course for new course coordinators;~~
- ~~_____ (h) sign and submit the course coordinator contract to the department agreeing to abide to the standards and procedures in the March 2023 Course Coordinator Manual; and~~
- ~~_____ (i) maintain EMS instructor endorsement.~~
- ~~_____ (3) A course coordinator may only coordinate courses up to the licensure level to which the course coordinator is licensed.~~
- ~~_____ (4) A course coordinator shall abide by the terms of the course coordinator contract and comply with the standards and procedures in the March 2023 Course Coordinator Manual as incorporated into the course coordinator contract.~~
- ~~_____ (5) A course coordinator shall maintain an EMS instructor endorsement and the EMS license for the level that the course coordinator is endorsed to coordinate. If an individual's EMS license or EMS instructor endorsement lapses, the course coordinator endorsement is invalid until EMS license or EMS instructor endorsement is renewed.~~

R911-5-1900. Course Coordinator Endorsement Renewal.

- ~~_____ A course coordinator who wishes to renew an endorsement as a course coordinator shall:~~
- ~~_____ (1) maintain a current EMS instructor endorsement and EMR, EMT, AEMT, or paramedic license;~~
- ~~_____ (2) coordinate or co-ordinate at least one department approved course every two years;~~
- ~~_____ (3) attend a course coordinator seminar at least once in the two year endorsement renewal cycle;~~
- ~~_____ (4) submit an application and pay applicable fees; and~~
- ~~_____ (5) sign and submit a course coordinator contract to the department agreeing to abide by the policies and procedures in the March 2023 Course Coordinator Manual.~~

R911-5-2000. Course Coordinator Lapsed Endorsement.

- ~~_____ (1) An individual whose course coordinator endorsement expired less than one year ago may again become endorsed by completing the renewal requirements. The individual's new expiration date will be two years from the old expiration date.~~
- ~~_____ (2) An individual whose course coordinator endorsement has expired for more than one year shall complete each initial course coordinator endorsement requirement and reapply as if there were no prior endorsement. The department may waive the co-coordinator requirement if the candidate provides written verification they coordinated or co-coordinated a course within the past two years.~~

R911-5-2100. Critical Care Paramedic Endorsement.

- ~~_____ (1) The department may endorse an individual as a critical care paramedic for up to a four year period.~~
- ~~_____ (2) An individual who wishes to become endorsed as a critical care paramedic shall:~~
 - ~~_____ (a) be a licensed paramedic in Utah;~~
 - ~~_____ (b) be certified by the International Board of Specialty Certification as a:~~
 - ~~_____ (i) certified critical care paramedic (CCP-C); or~~
 - ~~_____ (ii) certified flight paramedic (FP-C);~~
 - ~~_____ (c) submit an application for critical care paramedic certification and pay applicable fees;~~
 - ~~_____ (d) submit proof of certification from the International Board of Specialty Certification; and~~
 - ~~_____ (e) maintain a paramedic license.~~
- ~~_____ (3) Education cannot be used in lieu of a valid and current International Board of Specialty Certification critical care or flight paramedic certification to maintain the critical care endorsement.~~

R911-5-2200. Critical Care Paramedic Endorsement Renewal.

- ~~_____ A critical care paramedic who wishes to renew shall:~~
- ~~_____ (1) maintain a paramedic license;~~
- ~~_____ (2) submit an application for critical care paramedic;~~
- ~~_____ (3) pay applicable fees; and~~
- ~~_____ (4) submit proof of certification from the International Board of Specialty Certification.~~

R911-5-2300. Course Approvals.

- ~~_____ A course coordinator offering EMS training to individuals who wish to become licensed as an EMR, EMT, AEMT, or paramedic shall obtain department approval before initiating an EMS training course. The department shall approve a course if:~~
- ~~_____ (1) the applicant submits the course application and fees no earlier than 90 days and no later than 30 days before commencing the course;~~
- ~~_____ (2) the applicant has sufficient equipment available for the training;~~
- ~~_____ (3) the department finds the course meets the department rules and contracts governing training;~~
- ~~_____ (4) the course coordinators and instructors hold current respective course coordinator and EMS instructor endorsements; and~~
- ~~_____ (5) the department has the capacity to offer the applicable examinations in a timely manner after the conclusion of the course.~~

R911-5-2400. Paramedic Training Institutions Standards Compliance.

- _____ (1) A person shall be authorized by the department to provide training leading to the licensure of a paramedic.
- _____ (2) To become authorized and maintain authorization to provide paramedic training, a person shall follow:
 - _____ (a) the March 2023 Course Coordinator Manual; and
 - _____ (b) the 2023 Standard and Guidelines for the Accreditation of Education Programs in the Emergency Medical Services Professions, incorporated by reference in this rule.

R911-5-2500. Off-line Medical Director Requirements.

- _____ (1) The department may certify an off-line medical director for a four-year period.
- _____ (2) An off-line medical director shall be:
 - _____ (a) a physician actively engaged in providing emergency medical care or meets this requirement at the discretion of the state EMS medical director;
 - _____ (b) familiar with Title 53, Chapter 2b, Emergency Medical Services Act and applicable EMS administrative rules under Title R911; and
 - _____ (c) familiar with medical equipment and medications required.

R911-5-2600. Off-line Medical Director Certification.

- _____ (1) An individual who wishes to certify as an off-line medical director shall:
 - _____ (a) complete an American College of Emergency Physicians or National Association of Emergency Medical Services Physicians medical director training course or the department's medical director training course within 12 months of becoming a medical director;
 - _____ (b) submit an application; and
 - _____ (c) pay applicable fees.
- _____ (2) An individual who wishes to recertify as an off-line medical director shall:
 - _____ (a) attend the medical directors annual workshop at least once every four years;
 - _____ (b) submit an application; and
 - _____ (c) pay applicable fees.

R911-5-2700. Epinephrine Auto-Injector and Stock Albuterol Use.

- _____ (1)(a) Any qualified entity or qualified adult shall receive training approved by the department.
- _____ (b) The epinephrine auto-injector training shall include:
 - _____ (i) recognition of life-threatening symptoms of anaphylaxis;
 - _____ (ii) appropriate administration of an epinephrine auto-injector;
 - _____ (iii) proper storage of an epinephrine auto-injector;
 - _____ (iv) disposal of an epinephrine auto-injector; and
 - _____ (v) an initial and annual refresher course.
- _____ (c) The stock albuterol training shall include:
 - _____ (i) recognition of life-threatening symptoms of an asthma emergency;
 - _____ (ii) appropriate administration of stock albuterol;
 - _____ (iii) proper storage of stock albuterol;
 - _____ (iv) disposal of stock albuterol; and
 - _____ (v) an initial and annual refresher course.
- _____ (2) The annual refresher course requirement may be waived if:
 - _____ (a) the qualified entities or qualified adults are currently licensed at the EMR or higher level by the state; or
 - _____ (b) the approved training is the Red Cross Anaphylaxis and Epinephrine Auto-Injector course, found within the online classes and training section of <https://redeross.org>.
- _____ (3) Training in the school setting shall be based on approved department trainings found on <https://heal.utah.gov/SN-training/> pursuant to Sections 53-2d-207 and 53-2d-208.
- _____ (4) To become qualified, a teacher or school employee who is 18 years of age or older shall successfully complete the training program listed in Subsection (1).
- _____ (5) Any epinephrine auto-injector and stock albuterol shall be kept in a secure unlocked location for use in an emergency.
- _____ (6) Devices shall be disposed of following the manufacturer's specifications.

R911-5-2800. Law Enforcement Blood Draws Authorized Individual Qualifications.

_____ Individuals who are not authorized to draw blood pursuant to Subsection 41-6a-523(1)(b), or individuals who are not licensed by the department, such as AEMTs, or paramedics, shall meet one of the following requirements as a prerequisite for authorization to withdraw blood to determine its alcohol or drug content when requested to do so by a peace officer:

- _____ (1) training in blood withdrawal procedures obtained as a defined part of a successfully completed college or university course taken for credit;
- _____ (2) training in blood withdrawal procedures obtained as a defined part of a successfully completed training course that prepares individuals to function in routine clinical or emergency medical situations; or
- _____ (3) training of no less than three-weeks duration in blood withdrawal procedures under the guidance of a licensed physician.

R911-5-2900. Permits for Blood Draws.

- _____ (1) The department may issue permits to withdraw blood to determine the alcohol or drug content therein, when requested by a peace officer, to qualified applicants, as determined by the department. Individuals described in Section R426-5-2800 are exempt from permit requirements.
- _____ (2) An applicant shall submit to the department an application on forms the department provides.
- _____ (3) When the permit holder is requested to withdraw blood for the purpose stated in Subsection (1), the permit holder shall have a valid permit card.
- _____ (4) Permits shall be valid for a three-year period. The date the permit expires shall appear on the permit.
- _____ (5) An individual shall submit an application to the department on department-provided forms to renew permits within three months before the expiration date to ensure that it will not lapse. The permit holder shall either verify that they have been engaged in performing blood withdrawal procedures during the current permit period or submit verification signed by a physician attesting to their competence to perform blood withdrawal procedures.
- _____ (6) Permit holders shall notify the department within 15 days of a change in name or mailing address.

R911-5-3000. Cause for Blood Draw Permit Termination or Revocation.

- Permits shall be subject to termination or revocation under any of the following conditions:
- _____ (1) the permit holder has made a misrepresentation of a material fact in the application, or any other communication to the department or its representatives, which misrepresentation was material to the eligibility of the permit holder;
 - _____ (2) the permit holder is not qualified to hold a permit;
 - _____ (3) the permit holder after having received a permit has been convicted of a felony or of a misdemeanor that involves moral turpitude;
- or
- _____ (4) the permit holder does not comply with the possession requirements.

R911-5-3100. Published List of Individuals Permitted to Draw Blood.

- _____ (1) The department shall make available to the public a list of individuals permitted to withdraw blood for determination of its alcohol or drug content.
- _____ (2) The department may publish amended lists.

R911-5-3200. Background Screening Clearance for EMS Licensure.

- _____ (1) The department shall conduct a background screening on each individual who seeks licensure or renewal as an EMR, EMT, AEMT, paramedic, or EMD. The department shall approve EMS licensure upon successful completion of a background screening. Background clearance indicates the individual does not pose an unacceptable risk to public health and safety.
- _____ (2) The individual seeking licensure or renewal shall submit the completed applications, including fees, before submission of fingerprints.
- _____ (3) The department may review relevant information obtained from the following sources:
 - _____ (a) Department of Public Safety arrest, conviction, and disposition records described in Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including information in state, regional, and national records files;
 - _____ (b) juvenile court arrest, adjudication, and disposition records, as allowed under Section 78A-6-209;
 - _____ (c) federal criminal background databases available to the state;
 - _____ (d) the Department of Health and Human Services' Division of Child and Family Services Licensing Information System described in Section 80-2-1001;
 - _____ (e) child abuse or neglect findings described in Section 78A-6-3a;
 - _____ (f) the Department of Health and Human Services' Division of Aging and Adult Services vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210; and
 - _____ (g) licensing and certification records of individuals licensed or certified by the Division of Professional Licensing under Title 58, Occupations and Professions.
- _____ (4) If the department determines an individual is not eligible for licensure based upon the criminal background screening and the individual disagrees with the information provided by the Criminal Investigations and Technical Services Division or court record, the individual may challenge the information as provided in Title 77, Chapter 18a, The Appeal.
- _____ (5) If the department determines an individual is not eligible for licensure based upon the noncriminal background screening and the individual disagrees with the information provided, the individual may challenge the information through the appropriate agency.
- _____ (6) If an individual has been convicted, has pleaded no contest, is subject to a plea in abeyance, or a diversion agreement, for the following offenses within the past 15 years, they may not be approved for licensure:
 - _____ (a) any felony or Class A misdemeanor under Title 76, Chapter 5, Offenses Against the Individual;
 - _____ (b) any felony or Class A misdemeanor under Title 76, Chapter 9, Offenses Against Public Order and Decency, excluding Sections 76-9-103 and 76-9-108;
 - _____ (c) any felony or Class A or B misdemeanor under the following:
 - _____ (i) Section 76-9-301.8, Bestiality;
 - _____ (ii) Section 76-9-702.1, Sexual battery; or
 - _____ (iii) Section 76-9-702.5, Lewdness involving a child.
- _____ (7) If an individual has been convicted or has pleaded no contest for the following offenses, 15 years have passed since the last conviction, and the offense cannot be expunged, they shall be considered for licensure:

- ~~(a) any felony or Class A misdemeanor under Title 76, Chapter 5, Offenses Against the Individual;~~
- ~~(b) any felony or Class A misdemeanor under Title 76, Chapter 9, Offenses Against Public Order and Decency, excluding Sections 76-9-103 and 76-9-108; or~~
- ~~(c) any felony or Class A or B misdemeanor under the following:~~
- ~~(i) Section 76-9-301.8, Bestiality;~~
- ~~(ii) Section 76-9-702.1, Sexual battery; or~~
- ~~(iii) Section 76-9-702.5, Lewdness involving a child.~~
- ~~(8) If an individual has been convicted, has pleaded no contest, is subject to a plea in abeyance, or a diversion agreement, for the following offenses, they shall be considered for licensure:~~
- ~~(a) any felony or Class A misdemeanor not listed in Subsections (6)(a) through (6)(c).~~
- ~~(b) any class B or C misdemeanor under Title 76, Chapter 5, Offenses Against the Individual;~~
- ~~(c) any felony, Class A misdemeanor under Title 76, Chapter 6, Offenses Against Property;~~
- ~~(d) any felony or Class A misdemeanor under Title 76, Chapter 6a, Pyramid Scheme Act;~~
- ~~(e) any felony or Class A misdemeanor under Title 76, Chapter 8, Offenses Against the Administration of Government;~~
- ~~(f) any felony, Class A misdemeanor under Title 76, Chapter 10, Offenses Against Public Health, Safety, Welfare and Morals;~~
- ~~(g) any felony, Class A, B, or C misdemeanor under the following:~~
- ~~(i) Sections 76-10-1201 through 79-10-1229.5, Pornographic and Harmful Materials and Performances; and~~
- ~~(ii) Sections 76-10-1301 through 76-10-1314, Prostitution;~~
- ~~(iii) any felony or Class A misdemeanor under Section 76-10-2301, Contributing to the Delinquency of a Minor;~~
- ~~(h) any felony or Class A or B misdemeanor under Utah Motor Vehicles Traffic Code Sections 41-6a-502, 41-6a-502.5, and 41-6a-517.~~
- ~~(i) any felony or Class A or B misdemeanor under Title 58, Chapter 37, Utah Controlled Substances Act.~~
- ~~(j) any felony or Class A or B misdemeanor under Section 32B-4-409.~~
- ~~(k) any criminal conviction or pattern of convictions that may represent an unacceptable risk to public health and safety.~~
- ~~(9) An individual seeking licensure who has been convicted or has pleaded no contest, is subject to a plea in abeyance, a diversion agreement, a warrant for arrest, arrested or charged for any of the identified offenses in Subsection R911-5-3200(8), shall be considered for licensure.~~
- ~~(10) A licensed EMS personnel who is subject to a warrant of arrest, arrested or charged for any of the identified offenses in Subsection R911-5-3200(8), and after an investigation and peer review board process as established in Section R911-5-3400, the department may issue license, suspend or revoke a license, or place a license on probation.~~
- ~~(11) A licensed EMS personnel who is subject to a warrant of arrest, arrested, or charged for any of the identified offenses in Subsection R911-5-3200(6) shall immediately have the individual's EMS license placed on restriction pending the outcome of a department investigation as per the process established in Section R911-5-3300.~~
- ~~(12) As required by Subsection 53-2d-410(5)(b), juvenile court records shall be reviewed if an individual is:~~
- ~~(a) under the age of 28; or~~
- ~~(b) over the age of 28 and has convictions or pending charges identified in Subsection R911-5-3200(6).~~
- ~~(13) Adjudications by a juvenile court may exclude the individual from licensure if the adjudications refer to an act that, if committed by an adult, would be a felony or a misdemeanor of the identified offenses in Subsection R911-5-3200(6).~~
- ~~(14) The department may deny licensure based on a supported finding from:~~
- ~~(a) the Department of Health and Human Services' Division of Child and Family Services Licensing Information System described in Section 80-2-1001;~~
- ~~(b) child abuse or neglect findings described in Section 78A-6-3a; or~~
- ~~(c) the Department of Health and Human Services' Division of Aging and Adult Services vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210;~~
- ~~(15) The department may deny licensure based on a finding from licensing records of individuals licensed by the Division of Professional Licensing under Title 58, Occupations and Professions.~~
- ~~(16) Results of background screening review, as listed in Subsection R911-5-3200(7), (8), (12), or (14), may be reviewed to determine under what circumstance, if any, the individual may be granted licensure. The following factors may be considered:~~
- ~~(a) types and number;~~
- ~~(b) passage of time;~~
- ~~(c) surrounding circumstances;~~
- ~~(d) intervening circumstances; and~~
- ~~(e) steps taken to correct or improve.~~
- ~~(17) The department shall rely on relevant information identified in Subsection R911-5-3200(2) as conclusive evidence and may deny licensure based on that information.~~
- ~~(18) A licensed EMS personnel may appeal a department licensure decision as listed in Subsection R911-5-3200(16) to the department per the process established in Section R911-5-3400.~~
- ~~(19) A licensed EMS personnel who has been arrested, charged, or convicted shall notify the department and each employer or affiliated entity who utilizes the EMS personnel's license within seven business days. The licensed EMS personnel shall also notify the department of each entity they work for or are affiliated with.~~
- ~~(20) A licensed or designated EMS provider who is notified or becomes aware of a licensed EMS personnel's arrest, charge, or conviction shall notify the department within seven business days.~~

R911-5-3300. Review and Investigation of Complaints and Referrals.

- ~~(1) The department shall review each complaint filed against an EMS provider and a licensed EMS personnel.~~
- ~~(2)(a) The department may investigate designated or licensed provider complaints.~~
- ~~(b) The department may conduct interviews with a provider or EMS personnel.~~
- ~~(c) The department may allow the licensed EMS personnel or provider an opportunity to respond to the allegations and to provide supporting witnesses and documentation.~~
- ~~(d) Based on the investigation, the department shall make a recommendation to the department's office director.~~
- ~~(e) If the department's recommendation is that the licensed EMS personnel or provider is to be placed on probation or suspension, the department's recommendation shall include terms and conditions.~~
- ~~(f) The department may take action against a designated or licensed provider's license or designation based on the investigative findings.~~
- ~~(g) The department shall notify the licensed EMS personnel or provider in writing of the department's decision within 30 days of completion of the investigation.~~
- ~~(3)(a) Licensed EMS personnel complaints shall be investigated either by the department or by the primary affiliated provider (PAP).~~
- ~~(b) The department shall investigate and may take action if the department determines any of the following applies to a licensed EMS personnel:~~
 - ~~(i) the licensed EMS personnel demonstrates a threat to themselves or to a coworker;~~
 - ~~(ii) the licensed EMS personnel demonstrates a threat to the public health;~~
 - ~~(iii) the licensed EMS personnel demonstrates a threat to the safety or welfare of the public;~~
 - ~~(iv) the licensed EMS personnel potentially violated Subsection R911-5-3200(4); or~~
 - ~~(v) the department determines the risk cannot be reasonably mitigated.~~
- ~~(c) The department may place the licensed EMS personnel on a restricted license while an investigation is pending until terms are reached for a provisional license using the process outlined in Subsection R911-5-3300(5)(f)(i).~~
- ~~(d) The department may conduct interviews with any individual necessary. The department may gather information and evidence, which may include requiring the licensed EMS personnel to submit to a drug or alcohol screening or any other appropriate evaluation.~~
- ~~(e) The licensed EMS personnel shall have an opportunity to respond to the allegations and to provide supporting witnesses and documentation.~~
- ~~(f) Once the department has completed its investigation, it shall submit the report with any findings and recommendations to the peer review board per Subsection R911-5-3400(4) for review.~~
- ~~(g)(i) The PAP shall investigate a complaint against the licensed EMS personnel who the department refers to the PAP.~~
- ~~(ii) The PAP investigation shall:~~
 - ~~(A) be investigated by the licensed or designated EMS provider's EMS endorsed training officer or designee; and~~
 - ~~(B) be completed and findings submitted to the department within 30 calendar days from receipt of complaint from the department;~~
 - ~~(iii) If the department determines that the PAP actions are insufficient, the department may initiate an investigation of the licensed EMS personnel which follows the department and the peer review board process.~~
- ~~(4) The department shall investigate an EMS personnel's license, a provider's license or designation, or an individual's department endorsement for any of the following reasons:~~
 - ~~(a) refusal to submit to a drug test requested by the EMS provider or the department;~~
 - ~~(b) failure to report by an individual or any affiliated provider pursuant to Subsections R911-5-3200(19) and R911-5-3200(20);~~
 - ~~(c) non-prescribed use of or addiction to narcotics or drugs;~~
 - ~~(d) use of alcoholic beverages or being under the influence of alcoholic beverages at any level while on call or on duty as an EMS personnel or while driving an EMS vehicle;~~
 - ~~(e) being under the influence of a prescribed or non-prescribed medication or drug, legal or illegal, while on call or on duty as a licensed EMS personnel that affects the person's ability to operate or function safely;~~
 - ~~(f) failure to comply with the training, licensing, or relicensing requirements for the license;~~
 - ~~(g) failure to comply with a contractual agreement as an EMS instructor, a training officer, or a course coordinator. Action taken by the department on this item shall only be against the individual's ability to perform this particular function and would not affect their base EMS license;~~
 - ~~(h) fraud or deceit in applying for or obtaining a license;~~
 - ~~(i) fraud, deceit, lack of professional competency, patient abuse, or theft in the performance of the duties as a licensed EMS personnel;~~
 - ~~(j) false or misleading information or failure to disclose criminal background information during an investigation or an EMS personnel peer review board proceeding;~~
 - ~~(k) unauthorized use or removal of narcotics, medications, supplies, or equipment from a provider, emergency vehicle, or health care facility;~~
 - ~~(l) performing procedures or skills beyond the level of an individual's EMS licensure or provider's licensure;~~
 - ~~(m) violation of laws pertaining to medical practice, drugs, or controlled substances;~~
 - ~~(n) mental incompetence as determined by a court of competent jurisdiction;~~
 - ~~(o) demonstrated inability and failure to perform adequate patient care;~~
 - ~~(p) inability to provide EMS with reasonable skill and safety because of illness, or as a result of any other mental or physical condition, when the individual's condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public health, safety, or welfare that cannot be reasonably mitigated;~~
 - ~~(q) misrepresentation of an individual's level of licensure;~~

- ~~(r) failure of a licensed EMS personnel to display a clearly identifiable level of EMS licensure during an EMS response;~~
- ~~(s) unsafe, unnecessary, or improper operation of an emergency vehicle that would likely cause concern or create a danger to the general public; or~~
- ~~(t) improper or unnecessary use of emergency equipment.~~
- ~~(5)(a) Background screening referrals may be submitted to the department for review and investigation.~~
- ~~(b) The department shall review any case referred under Section R911-5-3200.~~
- ~~(c) The department may require the licensed EMS personnel to provide the proper criminal background documentation.~~
- ~~(d) The licensed EMS personnel shall notify the department of each entity they work for or are affiliated with or that they may become affiliated with in connection with their EMS licensure.~~
- ~~(e) Failure to comply with any department requirements may result in disciplinary action against the EMS personnel's licensure.~~
- ~~(f)(i) The department may negotiate with the licensed EMS personnel and their PAP to determine terms and conditions of the EMS personnel's provisional licensure.~~
- ~~(ii) When the department determines an EMS personnel's license will be restricted, the department shall notify both the licensed EMS personnel and each licensed or designated provider the individual is affiliated with.~~
- ~~(iii) The department shall try to contact and begin negotiations with the PAP and the licensed EMS personnel. Each individual shall try to determine reasonable terms and conditions to the EMS personnel's license.~~
- ~~(iv) If terms and conditions are agreed upon between the parties, the licensed EMS personnel and each affiliated licensed or designated provider shall be notified immediately. This notification shall include information that the licensed EMS personnel is under a provisional license with terms and conditions until the resolution of any criminal charge or the completion of an investigation.~~
- ~~(v) If the licensed EMS personnel is not employed or affiliated with a licensed or designated provider or if terms and conditions are not agreed upon, the department may act as necessary to protect the public's best interest.~~
- ~~(vi) The department, the licensed EMS personnel, and the PAP, if applicable, shall sign the terms of the provisional licensure agreement. Any other affiliated licensed or designated EMS providers shall be notified of the provisional license and its terms and conditions.~~
- ~~(vii) Once the provisional license has been signed, the department shall notify any known EMS provider the licensed EMS personnel is affiliated with.~~
- ~~(viii) If an affiliated licensed or designated EMS provider or the licensed EMS personnel fail to abide by the terms and conditions of a provisional license, they may be subject to sanctions by the department.~~
- ~~(g) The department shall submit recommended background clearance actions for licensed EMS personnels to the peer review board under Section R911-5-3400.~~
- ~~(6) Appeal process:~~
- ~~(a)(i) If a licensed or designated EMS provider or a licensed EMS personnel chooses to appeal an action by the department, they may appeal to the EMS committee or pursue a remedy under the Utah Administrative Procedures Act, Title 63G, Chapter 4, Administrative Procedures Act.~~
- ~~(ii) If the department action is appealed to the EMS committee, then the recommendation shall be given to the department executive director for a final decision.~~
- ~~(b) If a licensed EMS personnel chooses to appeal an action by the department, they may appeal to the executive director, or pursue a remedy under the Utah Administrative Procedures Act, Title 63G, Chapter 4, Administrative Procedures Act.~~

R911-5-3400. EMS Personnel Peer Review Board.

- ~~(1) The EMS personnel peer review board is created under Subsection 53-2d-103(1)(d).~~
- ~~(2) The EMS personnel peer review board shall be composed of the following 15 members appointed by the executive director of the Department of Health and Human Services:~~
 - ~~(a) one EMS administrative officer representing a licensed ambulance provider, a licensed paramedic provider, or a designated quick response unit provider from a county of the first or second class;~~
 - ~~(b) one EMS administrative officer representing a licensed ambulance provider, a licensed paramedic provider, or a designated quick response unit provider from a county of the third through sixth class;~~
 - ~~(c) one educational representative from an accredited EMS training program;~~
 - ~~(d) one physician certified and practicing as an EMS medical director;~~
 - ~~(e) one EMD;~~
 - ~~(f) two representatives from professional employee groups, one fire based, and one non fire based;~~
 - ~~(g) two endorsed EMS training officers;~~
 - ~~(h) two non supervisory licensed EMTs;~~
 - ~~(i) two non supervisory licensed AEMTs; and~~
 - ~~(j) two non supervisory licensed paramedics.~~
- ~~(3) The EMS personnel peer review board member's terms of office shall comply with the following criteria.~~
 - ~~(a) Except as provided in Subsection (2)(b), members shall be appointed for a six year term.~~
 - ~~(b) The department shall adjust the length of terms to ensure the terms of members of the board are staggered so about one third of the board is appointed every two years.~~
 - ~~(c) No member shall serve consecutive full terms.~~
 - ~~(d) When a vacancy occurs in the membership of the board for any reason, the executive director of the department shall appoint the replacement for the balance of the unexpired term. If the balance of the term is greater than 50% of the initial term, then the term shall be considered a full term.~~

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- ~~_____ (c) The EMS personnel peer review board shall organize and select one of its members as chair and one of its members as vice chair to serve no more than two years in each position.~~
- ~~_____ (f) If a board member becomes ineligible for the EMS personnel peer review board membership position through promotion, an increase in level of licensure, or transfer out of the employment position that qualified them for the appointment, they shall be replaced at the next two year interval.~~
- ~~_____ (g) An equitable mix of urban and rural members is preferred.~~
- ~~_____ (4) The EMS personnel peer review board meeting shall take place quarterly.~~
- ~~_____ (a) Regular meetings shall be noticed and posted to employers and posted in accordance with the Utah Open and Public Meetings Act, Section 52-4-202.~~
- ~~_____ (b) Failure to attend three or more consecutive meetings by any member may be grounds for removal of that member and replacement in accordance with Subsection (2)(d).~~
- ~~_____ (c) A member may not receive compensation or benefits from the department for the member's service. The member may receive per diem and travel expenses in accordance with department rules and policies.~~
- ~~_____ (5) Once a complaint or background screening finding against a licensed EMS personnel is investigated, the department shall refer the case and provide a report with any findings and recommendations to the EMS personnel peer review board.~~
- ~~_____ (6) If the EMS personnel peer review board chooses to recommend any action that deviates from the department recommendation, the board shall provide written justification for that recommendation.~~
- ~~_____ (7) The EMS personnel peer review board may make recommendations to the department's office director of:~~
 - ~~_____ (a) no department action;~~
 - ~~_____ (b) a letter of notice;~~
 - ~~_____ (c) probation of the licensed EMS personnel's license with specific terms and conditions for a period;~~
 - ~~_____ (d) suspension of the licensed EMS personnel's license for a defined period;~~
 - ~~_____ (e) permanent revocation of the licensed EMS personnel's license; or~~
 - ~~_____ (f) a combination of any of these actions.~~
- ~~_____ (8) If the department's office director modifies the recommended action of the EMS personnel peer review board, the department's office director shall attach a written letter of dissent noting the reasoning for the decision. The department's office director shall then notify the EMS personnel peer review board of the dissent and action taken.~~
- ~~_____ (9) The department shall notify the licensed EMS personnel of any action taken within 15 days of the decision by mail.~~
- ~~_____ (10) An action to restrict, place on probation, suspend, or revoke the licensed EMS personnel's license shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures Act.~~

R911-5-3500. EMS Rules Task Force.

- ~~_____ (1) The EMS rules task force is created under Subsection 53-2d-103(1)(c).~~
- ~~_____ (2) The EMS rules task force shall be composed of the following members appointed by the executive director of the Department of Health and Human Services:~~
 - ~~_____ (a) a representative from the Utah Fire Chiefs' Association;~~
 - ~~_____ (b) a representative from the Utah Rural EMS Directors' Association;~~
 - ~~_____ (c) an EMS medical director;~~
 - ~~_____ (d) a representative from a privately owned EMS agency;~~
 - ~~_____ (e) a rural EMS medical dispatch representative;~~
 - ~~_____ (f) a paramedic licensed representative;~~
 - ~~_____ (g) an urban EMS medical dispatch representative;~~
 - ~~_____ (h) an Emergency Nurses Association representative;~~
 - ~~_____ (i) a course coordinator from an accredited EMS training program;~~
 - ~~_____ (j) an endorsed EMS training officer;~~
 - ~~_____ (k) a representative from the state EMS committee;~~
 - ~~_____ (l) a designated trauma center representative;~~
 - ~~_____ (m) a designated patient receiving facility representative; and~~
 - ~~_____ (n) a designated nonemergency secured behavioral patient transport representative.~~
- ~~_____ (3) The EMS rules task force member's terms of office will comply with the following criteria.~~
 - ~~_____ (a) Except as provided in Subsection (2)(b), members shall be appointed for a three year term.~~
 - ~~_____ (b) The department shall adjust the length of terms to ensure the terms of members of the EMS rules task force are staggered so about one third of the EMS rules task force is appointed every two years.~~
 - ~~_____ (c) Members may serve two consecutive full terms.~~
 - ~~_____ (d) When a vacancy occurs in the membership for any reason, the department shall solicit applications for replacement for the balance of the unexpired term. If the balance of the term is greater than 50% of the initial term, then the term shall be considered a full term.~~
 - ~~_____ (e) The EMS rules task force shall organize and select one of its members as chair and one of its members as vice chair to serve no more than two years in each position.~~
 - ~~_____ (f) If an EMS rules task force member becomes ineligible for the EMS rules task force membership position through promotion, an increase in level of license, or transfer out of the employment position that qualified them for the appointment, they shall be replaced at the next two year interval.~~
 - ~~_____ (g) An equitable mix of urban and rural members is preferred.~~

~~(4) Regular meetings of the EMS rules task force shall be scheduled as determined by the membership and the department.]~~

R911-5-100. Authority.

~~(1) This rule is authorized by Title 53, Chapter 2d, Emergency Medical Services Act.~~

R911-5-105. Purpose.

~~The purpose of this rule is to:~~

~~(1) describe requirements for training, certification, endorsements, and licensing of individuals who provide emergency medical services;~~

~~(2) provide uniform minimum standards to be met by those providing emergency medical services within the state; and~~

~~(3) establish grounds and procedures for disciplinary actions.~~

R911-5-110. Definitions.

~~(1) Terms used in this rule are defined in Section 53-2d-101 and Section R911-1-200.~~

~~(2) In addition:~~

~~(a)(i) "Aggravating circumstances" means any consideration or factors that may justify an increase in the severity of an action to be imposed upon an applicant or licensee.~~

~~(ii) "Aggravating circumstances" includes the following:~~

~~(A) prior record of disciplinary action, unlawful conduct, or unprofessional conduct;~~

~~(B) dishonest or selfish motive;~~

~~(C) pattern of misconduct;~~

~~(D) multiple offenses;~~

~~(E) obstruction of the disciplinary process by intentionally failing to comply with rules or orders of the bureau;~~

~~(F) submission of false evidence, false statements, or engaging in other deceptive practices, including creating, destroying, or altering records;~~

~~(G) refusal to acknowledge the wrongful nature of the misconduct involved;~~

~~(H) vulnerability of the victim;~~

~~(I) lack of good faith to make restitution or to rectify the consequences of the misconduct;~~

~~(J) illegal conduct, including the use of controlled substances; or~~

~~(K) intimidation or threats of withholding records or other detrimental consequences of any individual who reports, is a witness to or testifies regarding the unprofessional or unlawful conduct.~~

~~(b) "Board" means the EMS Personnel Peer Review Board created under Subsection 53-2d-103(1)(d).~~

~~(c) "Crisis Response Technician" or "CRT" means a person who provides "Behavioral Emergency Services" as defined in Section 53-2d-101.~~

~~(d) "Licensee" means any individual or entity who has applied or is issued any certificate, designation, permit, or license under Title 53, Chapter 2d, Emergency Medical Services Act, and Title 53, Chapter 2e, EMS Personnel Licensure Interstate Compact.~~

~~(e)(i) "Mitigating circumstances" means any consideration or factors that may justify a reduction in the severity of an action to be imposed upon an applicant or licensee.~~

~~(ii) "Mitigating circumstances" include:~~

~~(A) absence of prior record of disciplinary action, unlawful conduct or unprofessional conduct;~~

~~(B) personal, mental, or emotional problems if the problems have not posed a risk to the health, safety, or welfare of the public or clients served, such as drug or alcohol abuse while working or similar situations where the licensee or applicant should know that they should refrain from engaging in activities that may pose such a risk;~~

~~(C) timely and good faith effort to make restitution or rectify the consequences of the misconduct involved;~~

~~(D) full and free disclosure to the client or bureau before the discovery of any misconduct;~~

~~(E) inexperience in the practice of the profession, that is not the result of failure to obtain appropriate education or consultation that the applicant or licensee should have known they should obtain before beginning work on a particular matter;~~

~~(F) imposition of other penalties or sanctions if the other penalties and sanctions have alleviated threats to the public health, safety, and welfare; and~~

~~(G) remorse.~~

~~(iii) The following factors may not be considered as mitigating circumstances:~~

~~(A) forced or compelled restitution;~~

~~(B) withdrawal of complaint by an individual;~~

~~(C) resignation before disciplinary proceedings;~~

~~(D) failure of injured party to complain;~~

~~(E) complainant's recommendation as to sanction;~~

~~(F) disciplinary action taken by employer;~~

~~(G) criminal penalties imposed for the conduct;~~

~~(H) argument that a prior proceeding was conducted unfairly, contrary to law, or in violation of due process or any other procedural safeguard;~~

~~(I) argument that a prior finding or sanction was contrary to the evidence or entered without due consideration of relevant evidence;~~

~~(J) argument that a respondent was not adequately represented by counsel in a prior proceeding; or~~

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(K) argument or evidence that former statements of a respondent made in conjunction with a plea or settlement agreement are not true.

(f) "Moral turpitude" means an act that:

(i) is done knowingly contrary to justice, honesty, or good morals;

(ii) is immoral in itself regardless of whether the act is punishable by law;

(iii) involves an element of falsification or fraud; or

(iv) involves an element of harm or injury directed to another person or another person's property.

(g) "Probation" means the individual is required to complete rehabilitative terms to maintain licensure for a maximum period of one year.

(h) "Provider" means "emergency medical service providers" as defined in Section 53-2d-101.

(i) "Respondent" means an emergency medical service personnel, licensee, provider, or endorsed individual against whom the bureau has initiated an investigation or adjudicative proceeding under Sections 53-2d-603 or 53-2d-604, or this rule.

(j) "Revoke" or "revocation" means the permanent termination of a license.

(k) "Suspend" or "suspension" means the temporary removal of the license from an individual for a period of time.

(l) "Unprofessional conduct" means the following:

(i) surrendering a license to any other licensing or regulatory authority having jurisdiction over the licensee or applicant in any regulated profession while an investigation or inquiry into allegations of unprofessional conduct or unlawful conduct is in progress, or after a charging document has been filed against the applicant or licensee alleging unprofessional conduct or unlawful conduct;

(ii) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, or probation;

(iii) suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in any profession, if the conduct:

(A) bears a substantial relationship to the licensee's or applicant's ability to safely and competently practice as an EMS professional;

or
(B) would constitute grounds for denial of licensure or disciplinary proceedings under Title 53 Chapter 2d, Emergency Medical Procedures Act, or this rule;

(iv) engaging in cheating or otherwise dishonest conduct while taking any test or exam necessary for licensure;

(v) engaging in conduct or otherwise violating Section R911-5-210;

(vi) any conduct that renders a licensee unfit to perform as a licensee or endangers public safety; or

(vii) conduct that is a violation of standards of ethical conduct, performance, or professional competence.

R911-5-200. Licensing Standards.

(1) The bureau may license individuals meeting qualifications of Title 53, Chapter 2d, Emergency Medical Services Act, and this rule as a paramedic, advanced emergency medical services technician, emergency medical services technician, emergency medical responder, crisis response technician, or advanced crisis response technician.

(2) The committee shall advise the bureau concerning training and competency standards as defined in the National Association of State EMS Officials National EMS Scope of Practice Model 2019, Report No. DOT HS 812-666. Washington, DC: National Highway Traffic Safety Administration, which is incorporated by reference.

R911-5-201. Licensure of EMRs, EMTs, AEMTs, and Paramedics.

(1) A license issued by the bureau is valid for no more than two years unless it is extended by the bureau to standardize the renewal cycle.

(a) The bureau may modify license periods to standardize renewal cycles.

(b) A suspension or probation of a license does not change the expiration date.

(2) An individual seeking to become licensed shall submit to the bureau:

(a) documentation of successful completion of a bureau approved course for the respective license;

(b) a letter written and signed by a bureau endorsed EMS instructor stating that the applicant has competently and successfully performed the functions listed in the National EMS Education Standards referenced in Subsection R911-5-200;

(c) a completed application;

(d) applicable fees;

(e) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410;

(f) a certificate of completion of a bureau approved cardiopulmonary resuscitation course dated no more than two years before the date of application;

(g) a favorable written recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of training requirements for licensure no more than two years before the date of application;
and

(h) documentation of successful completion of a bureau approved written examination or re-examination no more than two years after the date the course under Subsection R911-5-201(2)(d)(iv) was completed.

(3) An applicant shall satisfy the following age requirements for licensure:

(a) 16 years of age or older for an EMR license; and

(b) 18 years of age or older for an EMT, AEMT, and paramedic license.

(4) An individual enrolling in an AEMT or paramedic course shall maintain a current Utah EMT license or higher, until a new license level is granted.

(5) The course coordinator and course medical director shall submit written verification of the successful candidates to the bureau for review upon successful completion of a bureau approved course for a license.

(6) The bureau may extend a license recommendation and verification time limit for an individual who has unusual circumstances or hardships.

R911-5-202. Paramedic Graduates Not Recommended for Licensure.

An individual who successfully completed a paramedic course, but is not recommended for licensure, may request licensure as an AEMT if:

(1) the paramedic course coordinator submits to the bureau a favorable letter of recommendation stating that the individual has successfully obtained the knowledge and skills of the AEMT level as required by this rule; and

(2) the individual successfully completes the application and testing requirements for an AEMT license.

R911-5-203. Waiver of EMT Course Requirements.

(1) The bureau may license an individual as an EMT or AEMT, if the individual:

(a) provides documentation showing the individual:

(i) is currently licensed in the state and in good standing as a registered nurse, a nurse practitioner, a physician assistant, or a physician;
or

(ii) is able to provide documentation showing completion of military training consistent with National EMS education standards;

(b) demonstrates knowledge, proficiency, and competency to perform the functions listed in the National EMS education standards as described in Subsection R911-5-200(2), as verified through a letter written and signed by a certified course coordinator and an off-line medical director; and

(c) has a knowledge of:

(i) medical control protocols;

(ii) state and local protocols; and

(iii) the role and responsibilities of an EMT or AEMT, respectively.

(2) In addition to the requirements outlined in R911-5-204(1), an individual seeking licensure through the waiver process shall comply with the requirements for licensure of an EMT or AEMT in Subsection R911-5-201(2).

R911-5-204. License Renewal Requirements for EMRs, EMTs, AEMTs, and Paramedics.

(1) An individual seeking license renewal for an EMR, EMT, AEMT, or paramedic license shall, no earlier than six months, but at least 30 days before the individual's current license expires, submit to the bureau:

(a) a completed Utah EMS renewal application;

(b) applicable fees;

(c) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410;

(d) a current National Registry of Emergency Medical Technicians certification for their current license;

(e) documentation of completion of a bureau approved cardiopulmonary resuscitation course completed no more than two years before the date of application; and

(f) documentation of completion of a pediatric course approved by the bureau completed no more than two years before the date of application, for an AEMT or Paramedic licensed individual.

(2) The licensee shall maintain cardiopulmonary resuscitation certification during the licensure period.

(3) An individual shall complete, no more than two years before the date of application, the required continuing medical education hours as outlined in EMS Recertification Guide (2024), published by the National Registry of Emergency Medical Technicians, and incorporated by reference in this rule.

(4) The bureau may not extend an individual's license period longer than two years.

(5) Notwithstanding the time limits in Subsection R911-5-205, an individual who is a member of the National Guard or Reserve component of the Armed Forces and is on active duty when the license expires shall have the same number of days the individual was on orders, not to exceed 90 days, to comply with renewal requirements after discharge.

R911-5-205. Reciprocity for EMRs, EMTs, AEMTs, and Paramedics.

(1) The bureau may license an individual as an EMR, EMT, AEMT, or paramedic who is licensed or certified by another state or certifying body if the applicant provides documentation that the applicant's out-of-state training and experience requirements are equivalent to or greater than Utah's requirements.

(2) An individual seeking reciprocity for licensure in the state based on out-of-state training and experience shall submit to the bureau:

(a) the applicable fees and a completed reciprocity application;

(b) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410;

(c) documentation of having completed a cardiopulmonary resuscitation course, no more than two years before the date of application, that is consistent with a bureau approved course; and

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- (d) a current certification from the National Registry of Emergency Medical Technician for the current license level.
- (3) A paramedic candidate shall also submit documentation of successful completion of Advanced Care Life Support or equivalent.
- (4) AEMT and paramedic licensed personnel shall submit documentation of completion of a pediatric course approved by the bureau, completed no more than two years before the date of application.

R911-5-300. CRT Licensure.

- (1) An applicant seeking CRT licensure shall:
 - (a) have completed a bureau approved CRT course;
 - (b) be at least 21 years old;
 - (c) have for a minimum of two years:
 - (i) held another license under this rule; or
 - (ii) been a certified law enforcement officer;
 - (d) submit to the bureau:
 - (i) a completed CRT license application;
 - (ii) applicable fees;
 - (iii) documentation showing a current Utah license as a mental health professional; and
 - (iv) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410.
- (2) The bureau may grant credit for minimum licensure if:
 - (a) the applicant submits documentation showing equivalent experience; and
 - (b) the bureau, in its sole discretion, finds the experience sufficient for licensure.

R911-5-301. Waiver of CRT Course.

- (1) An individual who has not completed a bureau approved CRT course may request waiver of the bureau approved CRT course by submitting documentation showing:
 - (a) current licensure as a mental health professional in the state in good standing or military mental health training;
 - (b) knowledge, proficiency, and competency to perform the functions as verified through a letter written and signed by a county mental health authority or designee;
 - (c) knowledge of:
 - (i) crisis response protocols;
 - (ii) state and local protocols; and
 - (iii) the role and responsibilities of a CRT; and
 - (d) completion of a bureau approved cardiopulmonary resuscitation course completed no more than two years before the date of application.
- (2) An individual who is granted a course completion waiver must comply with Subsections R911-5-300 (1)(c) through (d) to be eligible for licensure.

R911-5-302. License Renewal Requirements for CRTs.

- (1)(a) An individual applying to renew a CRT license must be in good standing with the local mental health authority.
- (b) The local mental health authority or designee may revoke a CRT's license upon written request to the bureau.
- (2) An individual applying for a renewal license shall complete at least 8 hours of bureau approved continuous education every two years.
- (3) An individual must complete and submit the required renewal materials to the bureau, no sooner than one year but no less than 30 days before the individual's current license expiration date.
 - (a) Renewal materials submitted less than 30 days before license expiration may result in license expiration; and
 - (b) the bureau shall process renewal applications in the order received.
- (4) The bureau may modify a CRT's license period to standardize renewal cycles.
- (5) The bureau may not extend an individual's license period longer than two years.
- (6) Notwithstanding the time limits in Subsection R911-5-302, an individual who is a member of the National Guard or Reserve component of the Armed Forces and is on active duty when the license expires shall have the same number of days the individual was on orders, not to exceed 90 days, to comply with renewal requirements after discharge.
- (7) An individual whose license for CRT has been expired for more than one year shall submit to the bureau:
 - (a) a letter of recommendation including results of an oral examination, from a county mental health director or designee, verifying proficiency in behavioral health care skills at the licensure level;
 - (b) documentation that shows successful completion of the bureau's approved written examination for CRT licensure;
 - (c) a completed renewal application; and
 - (d) applicable late and renewal fees.
- (8) A CRT license is valid for two years from the issuance date.

R911-5-303. Reciprocity for CRTs.

- (1) The bureau may license an individual as a CRT who is licensed or certified by another state or certifying body if the applicant demonstrates the applicant's out-of-state training and experience requirements are equivalent to or greater than what is required in Utah.

(2) An individual seeking reciprocity for CRT licensure in the state based on out-of-state training and experience shall submit to the bureau:

- (a) applicable fees;
- (b) a completed CRT application;
- (c) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410;
- (d) documentation of having completed a CPR course, no more than two years before the date of application, that is consistent with the Highlights of the 2020 American Heart Association Guidelines for CPR and ECC, incorporated by reference in this rule; and
- (e) a current CRT certification or license from another state and the name of the training institution.

R911-5-400. Certifications and Accounts With National Registry of Emergency Medical Technician Certification.

(1) An individual licensed as an EMR, EMT, AEMT, or paramedic shall maintain a certification and account with the National Registry of Emergency Medical Technicians.

(2) The bureau may suspend or revoke the license of an individual whose certification or account with the National Registry of Emergency Medical Technicians has expired.

R911-5-500. Emergency Medical Care During Clinical Training.

A student enrolled in a bureau approved training program may, under the direct supervision of the course coordinator, an instructor in the course, or a preceptor for the course, perform activities delineated within the training curriculum that otherwise require licensure to perform.

R911-5-600. EMS Instructor Requirements.

- (1) The bureau may endorse an individual as an EMS instructor who:
 - (a) meets the initial licensure requirements in Subsection R911-5-601;
 - (b) is currently licensed in the state as an EMR, EMT, AEMT, or paramedic;
 - (c) has been a licensed EMR, EMT, AEMT, or paramedic for a minimum of two years; and
 - (d) has a minimum of one year experience working as a licensed provider with a licensed or designated agency or an emergency health care facility.
- (2) The bureau adopts the 2002 National Guidelines For Educating EMS Instructors, which is incorporated by reference in this rule.
- (3) An EMS instructor may only teach up to the license level for which the instructor is licensed.
- (4) An EMS instructor shall comply with the teaching standards and procedures in the 2024 Course Coordinator Manual, which is incorporated by reference in this rule.
- (5) An EMS instructor shall maintain the EMS license for the level the instructor is endorsed to teach. If an individual's EMS license lapses, the instructor endorsement shall become invalid until the EMS license is renewed.

R911-5-601. EMS Instructor Endorsement.

- (1) The bureau may endorse an individual who is a licensed EMR, EMT, AEMT, or paramedic as an EMS instructor for a two-year period.
- (2) An individual who wishes to become endorsed as an EMS instructor shall submit to the bureau:
 - (a) a completed application;
 - (b) applicable fees;
 - (c) a letter of recommendation regarding EMS skills and teaching abilities from a licensed or designated agency, which must be on the organization's letterhead and signed;
 - (d) documentation of 15 hours of teaching experience in EMS or other related medical discipline, such as first aid or CPR;
 - (e) documentation showing successful completion of the bureau sponsored initial EMS instructor training course;
 - (f) a completed and signed instructor contract with the bureau, agreeing to abide by the standards and procedures in the 2024 Course Coordinator Manual, incorporated by reference in this rule; and
 - (g) documentation of a minimum of 25 patient contacts with a licensed or designated agency or an emergency health care facility no more than one year before the date of application, which must be on the designated agency or emergency health care facility's letterhead and signed.

R911-5-602. EMS Instructor Endorsement Renewal.

An EMS instructor who seeks to renew an endorsement as an instructor shall submit to the bureau:

- (1) documentation showing current EMS licensure;
- (2) documentation showing attendance at a bureau approved instructor seminar at least once during the two year endorsement renewal cycle;
- (3) a completed EMS instructor endorsement application; and
- (4) applicable fees.

R911-5-603. EMS Instructor Lapsed Endorsement.

(1) An individual whose instructor endorsement has been expired less than one year may become endorsed by completing the endorsement renewal requirements and paying the applicable fees. The individual's new expiration date will be two years from the old expiration date.

(2) An EMS instructor whose instructor endorsement has been expired for more than one year may not renew the endorsement, and shall complete any initial instructor endorsement requirements and reapply as if there were no prior endorsement.

R911-5-604. Training Officer Endorsement.

(1) The bureau may endorse a licensed individual who is an endorsed EMS instructor as a training officer for a two-year period.

(2) An individual who wishes to become endorsed as an EMS training officer shall submit to the bureau:

(a) documentation showing completion of a minimum of 30 hours of EMS instruction within the past year;

(b) documentation showing a current EMS instructor endorsement;

(c) documentation showing successful completion of the bureau's course for new training officers;

(d) a completed training officer endorsement application;

(e) applicable fees; and

(f) a completed and signed training officer contract agreeing to abide by the standards and procedures in the 2024 Training Officer Manual, incorporated by reference in this rule.

(3) A training officer shall maintain an EMS instructor endorsement.

R911-5-605. Training Officer Endorsement Renewal.

(1) A training officer who seeks to renew an endorsement as a training officer shall submit to the bureau:

(a) documentation showing attendance at a training officer seminar no more than one year before the date of application;

(b) documentation showing a current EMS instructor endorsement and EMS license;

(c) a completed training officer endorsement renewal application;

(d) applicable fees; and

(2) a completed and signed new training officer contract agreeing to abide by the standards and procedures in the current 2024 Training Officer Manual, incorporated by reference in this rule.

R911-5-606. Training Officer Lapsed Endorsement.

(1) An individual whose training officer endorsement has been expired less than one year may become endorsed by completing the endorsement renewal requirements and paying applicable fees. The individual's new expiration date will be two years from the old expiration date.

(2) An individual whose training officer endorsement has been expired more than one year may not renew the endorsement, and shall complete each initial training officer endorsement requirement and reapply as if there were no prior endorsement.

R911-5-700. Course Coordinator Endorsement.

(1) The bureau may endorse an individual as an EMS course coordinator for a two-year period.

(2) An individual who seeks to become endorsed as a course coordinator shall submit to the bureau:

(a) documentation showing completion of a minimum of 30 hours of EMS instruction no more than one year before the date of application;

(b) documentation showing current EMS instructor endorsement;

(c) documentation showing the applicant was a co-coordinator of record for one bureau approved course with an endorsed course coordinator;

(d) a written evaluation and recommendation from the course coordinator in which the applicant co-coordinated a course;

(e) documentation showing completion of the bureau's course for new course coordinators within one year before the date of the application;

(f) a completed course coordinator endorsement application;

(g) applicable fees;

(h) documentation showing completion of the bureau's course for new course coordinators;

(i) a completed and signed course coordinator contract agreeing to abide to the standards and procedures in the 2024 Course Coordinator Manual; and

(j) documentation showing EMS instructor endorsement.

(3) A course coordinator may only coordinate courses up to the licensure level for which the course coordinator is licensed.

(4) If an individual's EMS license or EMS instructor endorsement lapses, the course coordinator endorsement shall become invalid until EMS license or EMS instructor endorsement is renewed.

R911-5-701. Course Coordinator Endorsement Renewal.

(1) A course coordinator who seeks to renew an endorsement as a course coordinator shall submit to the bureau:

(a) documentation showing a current EMS instructor endorsement;

(b) documentation showing a current EMR, EMT, AEMT, or paramedic license;

(c) documentation showing coordinating or co-coordinating at least one bureau approved course at least two years before the date of the application;

- (d) documentation showing attendance at a course coordinator seminar at least one year before to the date of application;
- (e) a completed course endorsement renewal application;
- (f) applicable fees; and
- (g) a signed course coordinator contract agreeing to abide by the policies and procedures in the 2024 Course Coordinator Manual, incorporated by reference in this rule.

R911-5-702. Course Coordinator Lapsed Endorsement.

- (1) An individual whose course coordinator endorsement has been expired less than one year may become endorsed by completing the renewal requirements. The individual's new expiration date will be two years from the old expiration date.
- (2)(a) An individual whose course coordinator endorsement has been expired for more than one year may not renew the endorsement, and shall complete each initial course coordinator endorsement requirement and reapply as if there were no prior endorsement.
- (b) The bureau may waive the co-coordinator requirement if the candidate provides written verification they coordinated or co-coordinated a course within the past two years.

R911-5-800. Critical Care Paramedic Endorsement.

- (1) The bureau may endorse an individual as a critical care paramedic for up to a four-year period.
- (2) An individual who seeks to become endorsed as a critical care paramedic shall submit to the bureau:
 - (a) documentation showing the applicant is a licensed paramedic in the state;
 - (b) documentation the applicant is certified by the International Board of Specialty Certification as a:
 - (i) certified critical care paramedic (CCP-C); or
 - (ii) certified flight paramedic (FP-C);
 - (c) a completed application for critical care paramedic certification; and
 - (d) applicable fees.
- (3) An applicant's education may not be used in place of a valid and current International Board of Specialty Certification critical care or flight paramedic certification to maintain the critical care endorsement.

R911-5-801. Critical Care Paramedic Endorsement Renewal.

A critical care paramedic who wishes to renew the critical care paramedic endorsement shall submit to the bureau:

- (1) documentation showing the applicant is licensed as a paramedic in the state;
- (2) a completed critical care paramedic endorsement application;
- (3) applicable fees; and
- (4) proof of certification from the International Board of Specialty Certification.

R911-5-900. Course Approvals.

- (1) A course coordinator offering EMS training to individuals who seeks to become licensed as an EMR, EMT, AEMT, or paramedic shall obtain bureau approval before initiating an EMS training course.
- (2) The bureau may approve a course if:
 - (a) the applicant submits the course application and fees no earlier than 90 days and no later than 30 days before commencing the course;
 - (b) the applicant shows proof that it has sufficient equipment and supplies available for the training;
 - (c) the bureau finds the course meets the bureau rules and contracts governing training;
 - (d) the course coordinators and instructors hold current respective course coordinator and EMS instructor endorsements; and
 - (e) the bureau has the capacity to offer the applicable examinations in a timely manner after the conclusion of the course.

R911-5-1000. Paramedic Training Institutions Standards Compliance.

A person who seeks to become authorized to provide paramedic training must adhere to the:

- (1) 2024 Course Coordinator Manual incorporated by reference in this rule.; and
- (2) January 1, 2024 Standards and Guidelines for the Accreditation of Educational Programs in the Emergency Medical Services Professions, incorporated by reference in this rule.

R911-5-1100. Off-line Medical Director Certification.

- (1) The bureau may certify an off-line medical director for a two-year period.
- (2) To become certified as an off-line medical director, the applicant shall be:
 - (a) a physician actively engaged in providing emergency medical care or meets this requirement at the discretion of the state EMS medical director;
 - (b) familiar with Title 53, Chapter 2b, Emergency Medical Services Act, and applicable EMS administrative rules under Title R911;
- and
 - (c) familiar with medical equipment and medications required for an EMS provider.
- (3) An individual who seeks to certify as an off-line medical director shall submit to the bureau:
 - (a) documentation showing completion of an American College of Emergency Physicians or National Association of Emergency Medical Services Physicians medical director training course, or the department's medical director training course, within 12 months of becoming a medical director;

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- _____ (b) a medical director certification application; and
- _____ (c) applicable fees.
- _____ (4) An individual who seeks to recertify as an off-line medical director shall submit to the bureau:
- _____ (a) documentation showing attendance at the medical director's annual workshop no more than two years prior to the date of application;
- _____ (b) a complete off-line medical director application; and
- _____ (c) applicable fees.

R911-5-1200. Published List of Individuals Permitted to Draw Blood.

The bureau shall make available to the public a published list of individuals permitted to withdraw blood for determination of its alcohol or drug content.

R911-5-1300. Background Screening and Clearance for Licensure.

- _____ (1) The bureau shall conduct a background screening on an individual seeking licensure or renewal.
- _____ (2) Background clearance for licensure eligibility shall indicate the individual does not pose an unacceptable risk to public health and safety.
- _____ (3) The individual seeking a license, renewal, permit, or endorsement under this rule shall submit any completed applications and fees to the bureau, before submitting fingerprints to the bureau.
- _____ (4) If the bureau determines an individual is not eligible for licensure based upon the criminal background screening the individual may:
 - _____ (a) request a hearing before the board; and
 - _____ (b) obtain and submit a criminal history obtained from the Bureau of Criminal Identification to the board.
 - _____ (i) If the criminal event did not occur in the state the individual may submit a criminal history called an identity history summary obtained from the FBI to the board.
 - _____ (ii) Any dispute about information contained in the criminal history may be challenged to the appropriate agency. Neither the board nor the bureau can correct or ignore an entry on a criminal history.
 - _____ (iii) The individual may obtain and submit any court dockets to the board.
- _____ (5) If the bureau determines an individual is not eligible for licensure based upon the noncriminal background screening and the individual disagrees with the information provided, the individual may challenge the information through the appropriate agency.
- _____ (6) The bureau may deny an application for license, renewal, permit, or endorsement if the individual has been convicted, is subject to a plea in abeyance or a diversion agreement, is or has been on probation or parole, or is the subject of a warrant of arrest, for any of the following:
 - _____ (a) a felony or crime for which the applicant could have been punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of this or another state;
 - _____ (b) an act of personal violence or force on any person or convicted of threatening to commit an act of personal violence or force against another person;
 - _____ (c) an act constituting dishonesty or fraud;
 - _____ (d) an act involving moral turpitude;
 - _____ (e) an act involving illegally using, carrying, possessing a dangerous weapon;
 - _____ (f) an act involving the use, possession, or distribution of controlled substances; or
 - _____ (g) an offense which requires the individual to register as a sex or kidnap offender under Title 77 Chapter 41.
- _____ (7) The bureau may deny an application for license, renewal, permit, or endorsement for any conviction, admission of guilt, plea in abeyance, withheld judgment, diversion or similar procedural posture to any violations of statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Subsection R911-5-1300(6).
- _____ (8) The bureau may consider the facts of the convicted offense, any other criminal activity, the continued risk to patients, and the relative need of the community and ability to supervise the licensee when determining eligibility for licensure.
- _____ (9) The bureau may deny licensure if an adjudication by a juvenile court refers to an act that, if committed by an adult, would be a felony or a misdemeanor of the identified offenses in Subsection 53-2d-410(5)(b).
- _____ (10) The bureau may deny licensure based on a supported finding from:
 - _____ (a) the Department of Health and Human Services' Division of Child and Family Services Licensing Information System described in Section 80-2-1001;
 - _____ (b) child abuse or neglect findings described in Section 78A-6-3a; or
 - _____ (c) the Department of Health and Human Services' Division of Aging and Adult Services vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210.
- _____ (11) The bureau may deny licensure based on a finding from licensing records of individuals licensed by the Division of Professional Licensing under Title 58, Occupations and Professions.
- _____ (12) The bureau shall rely on relevant information identified in Subsection R911-5-1300(1) as conclusive evidence and may deny licensure based on that information.
- _____ (13) A licensee who has been arrested, charged, or convicted for a violation described in Subsection R911-5-1300(6) or (7) shall notify the bureau and each employer or affiliated entity who utilizes the EMS personnel's license immediately.

(14) A licensed or designated EMS provider who is notified or becomes aware of a licensed EMS personnel's arrest, charge, or conviction shall notify the bureau immediately.

(15) Background screening referrals may be submitted to the bureau for review and investigation.

(16) The bureau may require the licensee to provide proper or additional criminal background documentation.

R911-5-1301. Professional Conduct and Code of Ethics.

(1) Licensees shall adhere to the code of ethics from the EMT Student Handbook, October 2024 version, which is incorporated by reference.

(2) Licensees may be investigated for any conduct in violation of the EMT Student Handbook.

(3) Any EMS personnel who is found to have violated this section may be subject to license suspension or revocation.

R911-5-1302. Review and Investigation of Complaints and Referrals.

(1) The bureau shall initiate an investigation when it receives credible information that a licensee or provider has:

(a) been arrested or engaged in conduct in violation of Subsection R911-5-1300(6);

(b) engaged in conduct in violation of Title 53, Chapter 2d, Emergency Medical Services Act;

(c) refused to submit to a drug test requested by the EMS provider or the bureau;

(d) failed to report within seven business days by an individual or any affiliated provider pursuant to Subsections R911-5-1300(13) and R911-5-1300(14);

(e) failed to comply with the training, licensing, or relicensing requirements for the license;

(f) failed to comply with the EMS curriculum, training standards, or the bureau's agreement as an EMS educator, EMS instructor, a training officer, or a course coordinator;

(g) engaged in conduct that may endanger public health, safety, erode public trust, or compromise professional integrity;

(h) engaged in a relationship that creates a conflict of interest, compromises the integrity of the educational environment or EMS profession, or in which the respondent holds an evaluative or supervisory role;

(i) engaged in any form of harassment, bullying, or retaliatory behavior;

(j) engaged in fraud or deceit in applying for, obtaining, or renewing a license;

(k) engaged in fraud, deceit, lack of professional competency, patient abuse, or theft in the performance of duties;

(l) provided false or misleading information or failure to disclose criminal background information during an investigation or a board proceeding;

(m) engaged in unauthorized administration, use, or removal of narcotics, medications, supplies, or equipment;

(n) aided, encouraged, or performed procedures or skills beyond the level of an individual's EMS licensure or provider's licensure;

(o) been found to be mentally incompetent as determined by a court of competent jurisdiction;

(p) demonstrated inability and failure to perform adequate patient care;

(q) been determined to be unable to act with reasonable skill and safety because of illness, or as a result of any other mental or physical condition, when the individual's condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public health, safety, or welfare that cannot be reasonably mitigated;

(r) misrepresentation the individual's level of licensure;

(s) failed to display a clearly identifiable level of EMS licensure upon demand;

(t) engaged in unsafe, unnecessary, or improper operation of an emergency vehicle that would likely cause concern or create a danger to the general public; or

(u) engaged in improper or unnecessary use of emergency equipment.

(2) A person seeking to file a complaint against a respondent may be asked to sign a written statement detailing the incident, and swearing to the accuracy of the statement, after being advised that providing a false statement may result in prosecution.

(3) The bureau may conduct interviews, gather evidence, which may include requiring the respondent to submit to a drug or alcohol screening or any other appropriate evaluation. The bureau shall allow the respondent an opportunity to provide supporting witnesses and evidence.

(4) If a respondent under investigation is employed as an EMS personnel or provider, the bureau shall notify the respondent's employer and entities with whom the respondent is affiliated with in connection with their EMS licensure concerning the complaint or investigation, unless the nature of the complaint would make such a course of action impractical.

(5) Once the investigation is concluded, the bureau shall determine whether there is sufficient evidence to proceed with an adjudicative proceeding.

(6) The bureau may immediately suspend a respondent's license, certification, or endorsement as provided in Section 63G-4-502 if the bureau identifies any of the following:

(a) the respondent demonstrates a threat to themselves or to a coworker;

(b) the respondent demonstrates a threat to the public health; or

(c) the respondent demonstrates a threat to the safety or welfare of the public.

(7) If the bureau determines there is insufficient evidence to find that a respondent engaged in conduct in violation of these rules or Title 53, Chapter 2d, Emergency Medical Services Act, the bureau shall issue a letter to the respondent indicating that the investigation has been concluded and that the bureau is taking no action.

(8)(a) If the bureau determines there is sufficient evidence to find that a respondent engaged in conduct in violation of these rules or Title 53, Chapter 2d, Emergency Medical Services Act, the bureau shall issue a written notice of agency action to the respondent in accordance with Section 63G-4-201.

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(b) The notice shall include:

(i) the bureau's recommended discipline; and

(ii) notice of the next scheduled board meeting.

(c) The bureau shall notify the provider of the respondent of the issuance of the notice of agency action.

R911-5-1400. EMS Personnel Peer Review Board.

(1) The board shall be composed of the following ten members appointed by the commissioner of the Department of Public Safety:

(a) one EMS administrative officer representing a licensed ambulance provider, a licensed paramedic provider, or a designated quick response unit provider from a county of the first or second class;

(b) one EMS administrative officer representing a licensed ambulance provider, a licensed paramedic provider, or a designated quick response unit provider from a county of the third through sixth class;

(c) one educational representative from an approved EMS training program;

(d) one physician certified and practicing as an EMS medical director;

(e) two representatives from professional employee groups, one fire based, and one non-fire based;

(f) one endorsed EMS training officer;

(g) one non-supervisory licensed EMTs;

(h) one non-supervisory licensed AEMTs; and

(i) one non-supervisory licensed paramedic.

(2) The board shall have an equitable mix of urban and rural members.

(3) The board member's terms of office shall comply with the following criteria:

(a) except as provided in Subsection R911-5-1400(3)(b), members shall be appointed for a four-year term;

(b) the bureau shall adjust the length of terms to ensure the terms of members of the board are staggered so about one-fourth of the board is appointed every year;

(c) no member may serve more than two full terms;

(d) when a vacancy occurs in the membership of the board for any reason, the commissioner shall appoint the replacement for the balance of the unexpired term;

(e) the board shall organize and select one of its members as chair and one of its members as vice chair to serve no more than two years in each position; and

(f) if a board member becomes ineligible for the board membership position through promotion, an increase in level of licensure, or transfer out of the employment position that qualified them for the appointment, they shall be removed from the board.

(4) The board meeting shall take place quarterly.

(a) Regular meetings shall be noticed and posted to employers and posted in accordance with the Utah Open and Public Meetings Act, Section 52-4-202.

(b) Failure to attend two or more consecutive meetings by any member may be grounds for removal of that member and replacement in accordance with Subsection R911-5-1400(3)(d).

(c) A member may not receive compensation or benefits from the bureau for the member's service. The member may receive per diem and travel expenses in accordance with the department's rules and policies.

R911-5-1401. Hearing before the EMS Personnel Peer Review Board.

(1) The bureau shall notify the respondent of the date, time, and location of the next board meeting.

(2)(a) Any proceeding to suspend, revoke, place on probation, deny to issue or to renew a license, permit, certification, or endorsement is designated as an informal adjudicative proceeding under Section 63G-4-202.

(b) Any adjudicative proceeding or hearing before the board shall be in accordance with Section 63G-4-203.

(i) Upon request, the respondent may obtain a copy of the materials contained in the bureau's investigative file that the bureau intends to use in the hearing.

(ii) The disclosure of any discovery materials is subject to Title 63G, Chapter 2, Government Records Access and Management.

(3) The board shall review the bureau's investigative findings and recommendations.

(4) The hearing shall be conducted according to Section 63G-4-203.

(5)(a) The board may take disciplinary action if the board finds the respondent engages in, or is convicted of, conduct in violation of this rule or conduct constituting a state or federal criminal offense.

(b) The board may consider aggravating or mitigating circumstances when determining a disciplinary sanction.

(6) The board shall provide a written order stating:

(a) the decision;

(b) the reasons for the decision; and

(c) a notice of any right of administrative or judicial review.

(7) The board may take any of the following actions:

(a) accept the bureau's recommendation, or

(b) enter their own discipline including:

(i) a letter of caution;

(ii) probation of the respondent's license with specific terms and conditions;

(iii) suspension of the respondent's license for a defined period;

(iv) permanent revocation of the licensed respondent's license; or

(v) a combination of any of these actions.

(8) Action taken for a violation of Subsection R911-5-1302(1)(f) shall only be against the individual's endorsement to instruct, and shall not affect their base EMS license.

(9) After the board has decided the matter, the board chairperson shall issue a final order within 30 days of the board meeting and send a copy of the board's findings to the director.

(10) If the respondent fails to participate in the proceeding before the board, an order of default may be entered, and the board may impose the recommended discipline.

R911-5-1402. Reconsideration.

(1) A respondent may file a written request for reconsideration of the board's final order within 20 days after receiving the board's final order in accordance with Section 63G-4-302.

(2) If the bureau does not issue an amended order within 20 days after receiving the request for reconsideration, the request for reconsideration shall be considered denied.

R911-5-1403. Judicial Review.

A respondent may obtain judicial review of the agency's final order by filing a petition for judicial review with the district court within 30 days after the date that the final order is issued in accordance with Section 63G-4-402.

R911-5-1500. EMS Rules Task Force.

(1) The EMS rules task force, created under Subsection 53-2d-103(1)(c), shall be composed of the following members appointed by the commissioner:

(a) a representative from the Utah Fire Chiefs' Association;

(b) a representative from the Utah Rural EMS Directors' Association;

(c) an EMS medical director;

(d) a representative from a privately owned EMS agency;

(e) a rural EMS medical dispatch representative;

(f) a paramedic licensed representative;

(g) an urban EMS medical dispatch representative;

(h) an Emergency Nurses Association representative;

(i) a course coordinator from an accredited EMS training program;

(j) an endorsed EMS training officer;

(k) a representative from the state EMS committee;

(l) a designated trauma center representative;

(m) a designated patient receiving facility representative; and

(n) a designated nonemergency secured behavioral patient transport representative.

(2) The EMS rules task force member's terms of office shall comply with the following criteria:

(a) except as provided in Subsection R911-5-1500(3)(b), members shall be appointed for a four-year term;

(b) the bureau may adjust the length of terms to ensure the terms of members of the EMS rules task force are staggered so about one-fourth of the EMS rules task force is appointed every year;

(c) members may serve two consecutive full terms;

(d) when a vacancy occurs in the membership for any reason, the department shall solicit applications for replacement for the balance of the unexpired term;

(e) the EMS rules task force shall organize and select one of its members as chair and one of its members as vice chair to serve no more than two years in each position;

(f) if an EMS rules task force member becomes ineligible for the EMS rules task force membership position through promotion, an increase in level of license, or transfer out of the employment position that qualified them for the appointment, they shall be replaced at the next two-year interval; and

(g) an equitable mix of urban and rural members is preferred.

(4) Regular meetings of the EMS rules task force shall be scheduled as determined by the membership and the bureau.

KEY: emergency medical services

Date of Last Change: December 4, 2024~~July 1, 2024~~

Authorizing, and Implemented or Interpreted Law: 53-2d-101.1

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R58-12	Filing ID: 52904
Effective Date:	12/16/2024	

Agency Information

1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	Taylorsville State Office Building, South Bldg., Floor 2	
Street address:	4315 S.2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Noel McSpadden	801-520-4313	nmcspaddenjr@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R58-12. Record Keeping and Carcass Identification at Meat Exempt Custom Cut Establishments
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	Section 4-32-109 gives the Department of Agriculture and Food (Department) rulewriting authority concerning the functions, powers, and duties for the administration and enforcement of Title 4, Chapter 32, Utah Meat and Poultry Products Inspection and Licensing Act.

This rule addresses the recording keeping requirements of each animal slaughtered under Rule R58-13, Custom Exempt Slaughter.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department has not received any public comments regarding this rule over the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Department would like to keep this rule to provide record keeping requirements for custom exempt slaughter and as part of the cooperative agreement between the Department and the USDA, Food Safety Inspection Service (FSIS), and in order to maintain our at least equal status. The Department is required to have this rule in place for custom exempt slaughter which also includes record keeping and carcass identification. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	12/16/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R58-13	Filing ID: 52469
Effective Date:	12/16/2024	

Agency Information

1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	Taylorsville State Office Building, South Bldg., Floor 2	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Noel McSpadden	801-520-4313	nmcspaddenjr@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R58-13. Custom Exempt Slaughter
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 4-32-107 authorizes the Department of Agriculture and Food (Department) to issue rules regarding applications for an exemption from inspections for custom slaughtering.
The Department plans to revise this rule in the spring of 2025 to ensure compliance with the revised Section 4-32-109 which provides rulewriting authority concerning the functions, powers, and duties, and the administration and enforcement of Title 4, Chapter 32, Utah Meat and Poultry Products Inspection and Licensing Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department has not received any public comments regarding this rule over the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

During the Department's review of this rule, the Department identified changes in various sections of Title 4, Chapter 32, Utah Meat and Poultry Products Inspection Act which may require applicable information in this rule to be updated. This rule, as it is currently written, provides information regarding inspection exemptions for custom slaughter as defined in Subsection 4-32-105(11) and outlined in Section 4-32-106. Although changes are needed to this rule, the department would like this rule to continue to provide the applicable rules required in Sections 4-32-107 and 4-32-108. Therefore, this rule should be continued.

After the 2025 General Session, the Department plans to revise this rule to align with the updated information in Title 4, Chapter 32, Utah Meat and Poultry Products Inspection Act.

Agency Authorization Information

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	12/16/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R58-25	Filing ID: 52470
Effective Date:	12/16/2024	

Agency Information

1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	Taylorsville State Office Building, South Bldg., Floor 2	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
Leann Hunting	801-982-2242	leannhunting@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R58-25. Aerial Hunting Permits and Licenses
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 4-23-106(7) gives the Department of Agriculture and Food (Department) rulewriting authority regarding aerial hunting specifically when the Department issues a use permit to a private person who needs to protect land, water, wildlife, livestock, domesticated animals, human life, or crops.
Subsection 4-23-106(3) authorizes a rule to provide the requirements for licensing and qualifications for the pilot and aircraft used in aerial hunting.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department has not received any public comments regarding this rule within the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Department maintains Section 4-23-106 to ensure the responsible and regulated use of aerial hunting in Utah. Legislation revised the statute a couple of years ago to reflect the state's sole authority over this practice, authorizing the Department as the only agency in Utah to issue aerial hunting permits and licenses. This program plays a vital role in protecting Utah's agricultural interests and public safety by allowing for the controlled take of predatory animals that threaten livestock, crops, domesticated animals, wildlife, human life, and land and water resources.

This rule establishes clear requirements and procedures for obtaining these permits and licenses, ensuring accountability, and minimizing risks associated with aerial hunting. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	12/16/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R68-2	Filing ID:	56759
Effective Date:	12/09/2024		

Agency Information

1. Title catchline:	Agriculture and Food, Plant Industry		
Building:	Taylorsville State Office Buildings, South Bldg., Floor 2		
Street address:	4315 S.2700 W		
City, state	Taylorsville, UT		
Mailing address:	PO Box 146500		
City, state and zip:	Salt Lake City, UT 84114-6500		
Contact persons:			
Name:	Phone:	Email:	
Amber Brown	385-245-5222	Ambermbrown@Utah.gov	
Kelly Pehrson	801-982-2200	Kwpehrson@Utah.gov	
Robert Hougaard	801-982-2305	rhougaard@Utah.gov	

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R68-2. Utah Commercial Feed Act Governing Feed

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 4-12-103 gives the Department of Agriculture and Food (Department) rulemaking authority to make and enforce this rule to administer and enforce Title 4, Chapter 12, Utah Commercial Feed Act.

Also, Subsection 4-12-102(4)(a)(iii) authorizes this rule regarding any unadulterated commodity, and Subsection 4-12-105(3) authorizes this rule regarding a label to use a collective term for a group of ingredients.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department has not received any public comments regarding the continuation of this rule over the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule provides the authority to enforce and administer the Utah Commercial Feed Act which oversees the manufacturing, labeling, and selling of feed for animals in the state. This rule aligns with national standards determined by the Association of American Feed Control Officials to ensure manufacturers have clear, accurate, and consistent information about animal feed, including pet foods.

This rule also provides detailed requirements for stakeholders to review and understand when involved with animal feed operations which aligns with the authority to enforce the Utah Commercial Feed Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	12/09/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-306	Filing ID:	55157
Effective Date:	12/16/2024		

Agency Information

1. Title catchline:	Education, Administration		
Building:	Board of Education		
Street address:	250 E 500 S		
City, state	Salt Lake City, UT 84111		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact persons:			
Name:	Phone:	Email:	
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R277-306. Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Subsection 53E-6-201(3)(a), which allows the Board to establish criteria for obtaining educator licenses.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary for continuation in order to establish standards for educator preparation programs for School Psychologists; Audiologists; Speech-Language Pathologists; Speech-Language Technicians; School Counselors; and School Social Workers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-325	Filing ID: 53413
Effective Date:	12/16/2024	

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R277-325. Public Education Exit and Engagement Surveys
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53G-11-304, which requires the Board to make rules for the creation and administration of a public education exit survey.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary in order to adopt minimum standards for local education agencies (LEAs) to administer a public education exit and engagement survey; and adopt a model public education exit and engagement survey for use by LEAs. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/16/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-283	Filing ID:	55256
Effective Date:	12/16/2024		

Agency Information

1. Title catchline:	Insurance, Administration		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state	Taylorsville, UT		
Mailing address:	PO Box 146901		
City, state and zip:	Salt Lake City, UT 84114-6901		
Contact persons:			
Name:	Phone:	Email:	
Steve Gooch	801-957-9322	sgooch@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R590-283. Defrayal of State-Required Benefits
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. Section 31A-22-642 authorizes the insurance commissioner to write rules that set the minimum coverage standards for the treatment of autism spectrum disorder. Section 31A-30-118 authorizes the insurance commissioner to write rules regarding the administration and submission of defrayal payments under the provisions of 45 CFR 155.170.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance (Department) has received no written comments that were specifically supportive or opposed to this rule in the past five years. However, the Department did receive comments from a health insurance industry association and a health insurer that suggested changes to this rule and the template insurers use when requesting a defrayal payment. The Department did not implement all suggested changes, but it did work with both commenters to ensure the rule's ultimate form was acceptable to all parties.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Defrayal payments related to the costs of mandated benefits under the ACA are required by 45 CFR 155.170. This rule prescribes the process that insurers and the Department must follow to ensure payments are distributed accurately and properly. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	12/16/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R652-160	Filing ID:	51707
Effective Date:	12/03/2024		

Agency Information

1. Title catchline:	Natural Resources; Forestry, Fire and State Lands		
Building:	Department of Natural Resources		
Street address:	1594 W North Temple		
City, state	Salt Lake City, UT 84114-5703		
Mailing address:	1594 W North Temple, Ste 3520		
City, state and zip:	Salt Lake, City UT 84114-5703		
Contact persons:			
Name:	Phone:	Email:	
Emily Hawley	385-441-6667	ehawley@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	R652-160. Department of Natural Resources Wilderness Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	Rule R652-160 implements Section 63L-7-101, the Utah Wilderness Act, which authorizes the Department of Natural Resources to make rules to govern the protection of wilderness.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	The Division of Forestry, Fire and State Lands has not received any written comments in support or opposition to this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	This rule is necessary for compliance with statute, as it implements requirements for wilderness. Therefore, this rule should be continued. As there have been no comments in opposition to this rule, the agency has not responded to such comments.

Agency Authorization Information

Agency head or designee and title:	Joel Ferry, Executive Director	Date:	12/03/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R722-400	Filing ID:	52305
Effective Date:	12/11/2024		

Agency Information

1. Title catchline:	Public Safety, Criminal Investigations and Technical Services, Criminal Identification	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT 84129	
Mailing address:	4315 S 2700 W, Suite 1300	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Nicole Borgeson	801-281-5072	nshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R722-400. Silver Alert Notification System
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Section 53-10-704, which states that the Department of Public Safety shall make rules establishing policies, procedures, and a timeline for the request for a silver alert by a law enforcement officer or agency; activation of the silver alert notification system; duration of the silver alert; and cancellation of a silver alert.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required by Section 53-10-704, and is necessary to establish policies, procedures and a timeline with regards to the silver alert notification system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jason Ricks, BCI Division Director	Date:	12/11/2024
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
Rule Number:	R651-101	Filing ID: 56448
Effective Date:	12/12/2024	

Agency Information

1. Title Catchline:	Natural Resources, State Parks	
Street address:	1594 W North Temple, Suite 116	
City and state:	Salt Lake City, UT	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R651-101. Adjudicative Proceedings
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

End of the Notices of Notices of Five-Year Expirations Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food

Conservation Commission

No. 56829 (Amendment) R64-4: Agricultural Water Optimization Program

Published: 11/01/2024

Effective: 12/17/2024

Commerce

Consumer Protection

No. 56849 (Amendment) R152-22: Charitable Solicitations Act Rule

Published: 11/01/2024

Effective: 01/01/2025

Professional Licensing

No. 56914 (Amendment) R156-1: General Rule of the Division of Professional Licensing

Published: 11/15/2024

Effective: 12/24/2024

No. 56878 (Amendment) R156-17b: Pharmacy Practice Act Rule

Published: 11/15/2024

Effective: 12/24/2024

No. 56872 (Amendment) R156-44a: Nurse Midwife Practice Act Rule

Published: 11/15/2024

Effective: 12/24/2024

No. 56871 (Amendment) R156-67: Utah Medical Practice Act Rule amendment

Published: 11/15/2024

Effective: 12/24/2024

No. 56902 (Amendment) R156-72: Acupuncture Licensing Act Rule

Published: 11/15/2024

Effective: 12/24/2024

Education

Administration

No. 56840 (Amendment) R277-301: Educator Licensing

Published: 11/01/2024

Effective: 12/10/2024

No. 56841 (Amendment) R277-323: Public Educator Evaluation
 Published: 11/01/2024
 Effective: 12/10/2024

No. 56842 (Amendment) R277-462: Comprehensive School Counseling Program
 Published: 11/01/2024
 Effective: 12/10/2024

No. 56843 (Amendment) R277-473: Utah Computer Science Grant
 Published: 11/01/2024
 Effective: 12/10/2024

No. 56844 (Repeal) R277-603: Autism Awareness Restricted Account Distribution
 Published: 11/01/2024
 Effective: 12/10/2024

No. 56845 (Amendment) R277-630: Child Sex Abuse and Human Trafficking Prevention Training and Instruction
 Published: 11/01/2024
 Effective: 12/10/2024

No. 56846 (Amendment) R277-746: Driver Education Programs for Utah Schools
 Published: 11/01/2024
 Effective: 12/10/2024

Environmental Quality

Air Quality

No. 56636 (Amendment) R307-202: Emission Standards: General Burning
 Published: 08/01/2024
 Effective: 12/02/2024

No. 56636 (Change in Proposed Rule) R307-202: Emission Standards: General Burning
 Published: 11/01/2024
 Effective: 12/02/2024

Government Operations

Technology Services

No. 56833 (Amendment) R895-5: Acquisition of Information Technology
 Published: 11/01/2024
 Effective: 12/10/2024

Governor

Criminal and Juvenile Justice (State Commission on)

No. 56827 (Repeal and Reenact) R356-1: Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates
 Published: 10/15/2024
 Effective: 12/10/2024

No. 56838 (New Rule) R356-11: Sentencing Commission
 Published: 11/01/2024
 Effective: 12/10/2024

Economic Opportunity

No. 56861 (Repeal) R357-12: Fiscal Emergency Contingent Management of Federal Lands
 Published: 11/15/2024
 Effective: 12/23/2024

NOTICES OF RULE EFFECTIVE DATES

Health and Human Services

Administration

No. 56667 (Amendment) R380-350: Community Health Worker Certification

Published: 08/15/2024

Effective: 12/02/2024

Center for Medical Cannabis

No. 56896 (New Rule) R383-16: Targeted Marketing Requirements

Published: 11/15/2024

Effective: 12/26/2024

Health Care Facility Licensing

No. 56710 (Amendment) R432-100: General Hospital Standards

Published: 09/01/2024

Effective: 12/27/2024

Substance Use and Mental Health

No. 56671 (Amendment) R523-19: Community Mental Health Crisis and Suicide Prevention Training Grant Standards

Published: 08/15/2024

Effective: 12/02/2024

No. 56672 (Amendment) R523-20: Community Firearms Violence and Suicide Prevention Standards

Published: 08/15/2024

Effective: 12/02/2024

Insurance

Administration

No. 56839 (Amendment) R590-164: Electronic Data Interchange Transactions

Published: 11/01/2024

Effective: 12/11/2024

Labor Commission

Industrial Accidents

No. 56907 (Amendment) R612-300: General Method For Computing Medical Fees

Published: 11/15/2024

Effective: 01/01/2025

No. 56904 (Amendment) R612-400: Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund

Published: 11/15/2024

Effective: 01/01/2025

Natural Resources

Outdoor Recreation

No. 56790 (New Rule) R650-103: Fiscal Emergency Contingent Management of Federal Lands

Published: 10/01/2024

Effective: 12/23/2024

Forestry, Fire and State Lands

No. 56917 (New Rule) R652-22: Great Salt Lake Watershed Enhancement Oversight

Published: 11/15/2024

Effective: 12/23/2024

Wildlife Resources

No. 56818 (Amendment) R657-13: Taking Fish and Crayfish

Published: 10/15/2024

Effective: 12/02/2024

Wildlife Resources

No. 56817 (Repeal and Reenact) R657-61: Valuation of Real Property Interests for Purposes of Acquisition or Disposal
Published: 10/15/2024
Effective: 12/02/2024

Public Safety

Administration

No. 56894 (New Rule) R698-13: School Safety
Published: 11/15/2024
Effective: 12/23/2024

Highway Patrol

No. 56880 (New Rule) R714-501: Preliminary Oral Fluid and Portable Breath Testing Standards
Published: 11/15/2024
Effective: 12/23/2024

Criminal Investigations and Technical Services, Criminal Identification

No. 56875 (Amendment) R722-350: Certificate of Eligibility
Published: 11/15/2024
Effective: 12/30/2024

Tax Commission

Property Tax

No. 56782 (Amendment) R884-24P-33: 2025 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107
Published: 09/15/2024
Effective: 01/01/2025

No. 56782 (Change in Proposed Rule) R884-24P-33: 2025 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107
Published: 10/15/2024
Effective: 01/01/2025

No. 56820 (Amendment) R884-24P-19: Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702
Published: 10/15/2024
Effective: 01/01/2025

Transportation

Preconstruction

No. 56847 (Amendment) R930-7: Utility Accommodation
Published: 11/01/2024
Effective: 12/11/2024

No. 56848 (Amendment) R930-8: Utility Relocations Required by Highway Projects
Published: 11/01/2024
Effective: 12/11/2024

Workforce Services

Homeless Services

No. 56898 (New Rule) R988-100: Homeless Services General Provisions
Published: 11/15/2024
Effective: 12/26/2024

No. 56899 (Amendment) R988-400: Homeless Shelter Cities Mitigation Restricted Account
Published: 11/15/2024
Effective: 12/26/2024

End of the Notices of Rule Effective Dates Section