

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed June 18, 2025, 12:00 a.m. through July 01, 2025, 11:59 p.m.

Number 2025-14
July 15, 2025

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

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

EDITOR'S NOTES.....	1
COMMENT EXTENSION FOR RULE R156-60E, MENTAL HEALTH PROFESSIONAL PRACTICE ACT RULE	1
NOTICES OF PROPOSED RULES	2
AGRICULTURE AND FOOD; SPECIALIZED PRODUCTS	3
R66-3. Quality Assurance Testing on Cannabis.....	3
R66-4. Independent Cannabis Testing Laboratory.....	16
ENVIRONMENTAL QUALITY, WATER QUALITY	23
R317-1-7. TMDLs	23
GOVERNOR, ECONOMIC OPPORTUNITY	26
R357-40. Broadband Access Grant Program Rule	26
NATURAL RESOURCES; OIL, GAS AND MINING; NON-COAL.....	30
R647-1-106. Definitions.....	30
R647-2. Exploration.....	34
R647-3. Small Mining Operations	43
R647-4. Large Mining Operations	52
PARDONS (BOARD OF), ADMINISTRATION.....	65
R671-102. Americans with Disabilities Act Complaint Procedures	66
R671-105. Board Administration	70
R671-206. Competency of Offenders.....	72
R671-302. Public Access to Hearings.....	74
R671-312. Commutation Hearings for Death Penalty Cases	78
PUBLIC SAFETY, ADMINISTRATION.....	80
R698-6. Honoring Heroes Restricted Account.....	81
PUBLIC SAFETY, DRIVER LICENSE.....	83
R708-27. Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests.....	83
R708-36. Disclosure of Personal Identifying Information in MVRs	89
PUBLIC SAFETY, FIRE MARSHAL	93
R710-6. Liquefied Petroleum Gas Rule	93
TAX COMMISSION, MOTOR VEHICLE	102
R873-22M-20. Aircraft Registration Pursuant to Utah Code Ann. Sections 72-10-102, 72-10-109 through 72-10-112	103

TAX COMMISSION, MOTOR VEHICLE ENFORCEMENT.....	105
R877-23V-5. Temporary Motor Vehicle Registration Permits and Extension	
Permits Issued by Dealers Pursuant to Utah Code Ann. Section 41-3-302.....	105
PUBLIC SAFETY, EMERGENCY MEDICAL SERVICES	108
R911-8. Emergency Medical Services Ground Ambulance Rates and Charges	108
NOTICES OF CHANGES IN PROPOSED RULES.....	113
AGRICULTURE AND FOOD; SPECIALIZED PRODUCTS	114
R66-31. Industrial Hemp Cannabinoid Product Testing	114
NOTICES OF 120-DAY (EMERGENCY) RULES.....	122
AGRICULTURE AND FOOD, REGULATORY SERVICES	122
R70-580. Kratom Product Registration and Labeling.....	123
FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION	129
COMMERCE, CONSUMER PROTECTION	129
R152-57. Maintenance Funding Practices Act Rule.....	129
COMMERCE, PROFESSIONAL LICENSING.....	130
R156-50. Private Probation Providers Licensing Act Rule.....	130
R156-55e. Elevator Mechanics Licensing Rule.....	131
CORRECTIONS, ADMINISTRATION	132
R251-301. Employment, Educational or Vocational Training for Community	
Correctional Center Offenders	132
GOVERNOR, ECONOMIC OPPORTUNITY	133
R357-11. Utah Technology Innovation Funding Rule.....	133
R357-29. Rural County Grant Rule	134
HEALTH AND HUMAN SERVICES, POPULATION HEALTH, ENVIRONMENTAL EPIDEMIOLOGY	134
R386-703. Injury Reporting Rule.....	135
LABOR COMMISSION, ADMINISTRATION.....	135
R600-3. Definitions Applicable to Construction Licensees.....	136
NATURAL RESOURCES; OIL, GAS AND MINING; OIL AND GAS.....	136
R649-1. Oil and Gas Definitions.....	137
R649-2. General Rules.....	137
R649-3. Drilling and Operating Practices.....	138
R649-5. Underground Injection Control of Recovery Operations and	
Class II Injection Wells	139
R649-6. Gas Processing and Waste Crude Oil Treatment	140
R649-8. Reporting and Report Forms	141

R649-9. Exploration and Production Recycling Facilities.....	141
R649-10. Administrative Procedures.....	142
R649-11. Administrative Penalties.....	143
R649-12. Certification of Pollution Control Facility or Freestanding Pollution Control Property	144
NOTICES OF FIVE-YEAR REVIEW EXTENSIONS	145
CORRECTIONS, ADMINISTRATION	145
R251-109. Sex Offender Treatment Providers.....	145
NOTICES OF RULE EFFECTIVE DATES	146

EDITOR'S NOTES

Comment Extension for Rule R156-60e, Mental Health Professional Practice Act Rule

The proposed new Rule R156-60e, Mental Health Professional Practice Act Rule, that was published in the June 15, 2025, Bulletin under ID 57225 on page 62, has had the comment period extended 16 days.

Comments will be accepted until 07/31/2025 instead of 07/15/2025.

Comments can be made to:

Jana Johansen, by phone at 801-530-6628, or by email at janajohansen@utah.gov

End of the Editor's Notes 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 June 18, 2025, 12:00 a.m., and July 01, 2025, 11:59 p.m. are included in this, the July 15, 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 August 14, 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 November 12, 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:****R66-3****Filing ID:** 57311**Agency Information**

1. Title catchline:	Agriculture and Food; Specialized Products	
Building:	TSOB 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
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R66-3. Quality Assurance Testing on Cannabis	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 203 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The Department of Agriculture and Food (department) is amending this rule to align with the legislative changes in HB 203 passed in the 2025 General Session, and to ensure it aligns with the rulemaking authority as listed in statute and alignment with the Rulemaking Manual for Utah.	
5. Summary of the new rule or change:	
The proposed changes to this rule primarily focus on refining definitions and clarifying testing requirements and remediation processes. Several definitions in Section R66-3-2 are proposed for deletion due to duplication in Section 4-41a-102. The numbering of the remaining definitions is updated to align with the Rulewriting Manual for Utah.	
Subsection R66-3-3(5) clarifies that a cannabis processor may test a cannabis plant product bulk batch for cannabinoids, with no further processing after testing unless declared as byproduct and the department is notified.	
Subsection R66-3-3(6) specifies that final product adulterant testing shall be performed after packaging.	
Subsections R66-3-3(14) and (15) are modified to clarify remediation processes.	
Subsection R66-3-3(14) now states that a "cannabis production facility" (formerly "processing") may remediate a cannabis plant product, cannabis concentrate, or cannabis product that fails "microbial testing standards" (formerly "any of the required adulterant testing standards") by irradiation, with an approved remediation plan.	
Subsection R66-3-3(15) specifies that a cannabis processing facility may remediate cannabis concentrate that fails any required adulterant testing standards with an approved remediation plan.	
Subsection R66-3-3(18) is updated to remove the reference to "lot or" about resampling or retesting of a batch.	

Finally, Table 1, "Required Test by Sample Type," is updated to clarify that Cannabis Plant Products and Cannabis Concentrates require Terpenes testing per Subsection 4-41a-701(4), which the new section added, R66-3-13, also states the information.

Fiscal Information

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

A. State budget:

The department anticipates no impact on the state's budget. In Subsection R66-3-3(14), a cannabis production facility may remediate by irradiation, and at this time, the department does not anticipate any producers failing the microbial testing standards, and the remediation plan is not required.

B. Local governments:

The amendments to this rule will not impact local governments because they do not administer the program.

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

The amendment to this rule will not impact small businesses because the department does not anticipate them to fail the microbial testing standards. If they do fail, they may be remediate, but it is not required.

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

The amendment to this rule will not impact non-small businesses because the department does not anticipate them to fail the microbial testing standards. If they do fail, they may remediate, but it is not required.

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 changes will not impact other persons because a person does not implement or administer quality assurance on Cannabis products.

F. Compliance costs for affected persons:

The compliance costs to the program are not changing.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

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 4-41a-701		
-------------------	--	--

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:**

08/14/2025

10. This rule change MAY become effective on:

08/21/2025

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:**

Kelly Pehrson, Commissioner

Date:

06/25/2025

R66. Agriculture and Food, ~~[Medical Cannabis and Industrial Hemp]~~ Specialized Products.**R66-3. Quality Assurance Testing on Cannabis.****R66-3-1. Authority and Purpose.**

Pursuant to S[ub]section 4-41a-701~~(3)~~, this rule establishes the standards for cannabis and cannabis product potency testing, ~~and~~ It sets limits for water activity, foreign matter, microbial life, pesticides, residual solvents, heavy metals, and mycotoxins.

R66-3-2. Definitions.

~~[(1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be injurious to health, including:~~

~~_____ (a) pesticides;~~

~~_____ (b) heavy metals;~~

~~_____ (c) solvents;~~

~~_____ (d) microbial life;~~

~~_____ (e) toxins; or~~

~~_____ (f) foreign matter; or~~

~~_____ (g) artificially derived cannabinoids.]~~

~~[(2)1] "Analyte" means a substance or chemical component that is undergoing analysis.~~

~~[(3)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from the cannabis plant.~~

~~_____ (b) "Artificially derived cannabinoid" does not include:~~

~~_____ (i) a naturally occurring chemical substance that is separated from the cannabis plant by a chemical or mechanical extraction process;~~

~~or~~
~~_____ (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst.~~

~~_____ (4) "Batch" means a quantity of:~~

~~_____ (a) cannabis concentrate produced on a particular date and time, following clean up until the next clean up during which the same lots of cannabis are used;~~

~~_____ (b) cannabis product produced on a particular date and time, following clean up until the next clean up during which cannabis concentrate is used; or~~

~~_____ (c) cannabis flower from a single strain and growing cycle packaged on a particular date and time, following clean up until the next clean up during which lots of cannabis are being used.]~~

~~[(5)2] "Cannabinoid" means any:~~

~~_____ (a) naturally occurring derivative of cannabigerolic acid (CAS 25555-57-1); or~~

~~_____ (b) any chemical compound that is both structurally and chemically similar to a derivative of cannabigerolic acid.~~

~~[(6) "Cannabis" means any part of the marijuana plant.]~~

~~[(7)3] "Cannabinoid concentrate" means:~~

~~_____ (a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass; or~~

NOTICES OF PROPOSED RULES

- (b) any amount of a natural or artificially derived cannabinoid.
- ~~[(8) "Cannabis cultivation facility" means a person that:~~
- ~~(a) possesses cannabis;~~
 - ~~(b) grows or intends to grow cannabis; and~~
 - ~~(c) sells or intends to sell cannabis to a cannabis cultivation facility or a cannabis processing facility.~~
- ~~[(9) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not intended to be sold as a cannabis plant product.~~
- ~~[(10) "Cannabis derivative product" means a cannabis product made using cannabis concentrate.]~~
- ([14]4) "Cannabinoid isolate" means a concentrated form of cannabinoid with less than a 0.3% combined concentration of THC or any THC analog that is intended for use as an ingredient in a cannabinoid product but is not grown by a Utah licensed cannabis cultivation facility.
- ~~[(12) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in a form that is recognizable as a portion of a cannabis plant.~~
- ~~[(13) "Cannabis processing facility" means a person that:~~
- ~~(a) acquires or intends to acquire cannabis from a cannabis production establishment;~~
 - ~~(b) possesses cannabis with the intent to manufacture a cannabis product;~~
 - ~~(c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or cannabis concentrate; and~~
 - ~~(d) sells or intends to sell a cannabis product to a medical cannabis pharmacy.~~
- ~~[(14) "Cannabis product" means a product that:~~
- ~~(a) is intended for human use; and~~
 - ~~(b) contains cannabis or delta 9-tetrahydrocannabinol.]~~
- ([15]5) "CBD" means cannabidiol (CAS 13956-29-1).
- ([16]6) "CBDA" means cannabidiolic acid, (CAS 1244-58-2).
- ([17]7) "Certificate of analysis" (COA) means a document produced by a testing laboratory listing the quantities of the various analytes for the performed testing.
- ([18]8) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as CAS #1972-08-03, the primary psychotropic cannabinoid in cannabis.
- ~~[(19) "Department" means the Utah Department of Agriculture and Food.]~~
- ([20]9) "Final product" means a reasonably homogenous cannabis product created using the same standard operating procedures and the same formulation:
- (a) in its final packaged form; or
 - (b) for vapes, in the sealed vape cartridge.
- ([21]10) "Foreign matter" means:
- (a) any matter that is present in a cannabis lot that is not a part of the cannabis plant; or
 - (b) any matter that is present in a cannabis or cannabinoid product that is not listed as an ingredient, including seeds.
- ([22]11) "Industrial hemp" means a cannabis plant that contains less than 0.3% total THC by dry weight.
- ([23]3) "Lot" means the quantity of:
- (a) flower from a single strain of cannabis and growing cycle produced on a particular date and time, following clean up until the next clean up during which the same materials are used; or
 - (b) trim, leaves, or other plant matter from cannabis plants produced on a particular date and time, following clean up until the next clean up.
- ~~[(24) "Pest" means:~~
- ~~(a) any insect, rodent, nematode, fungus, weed; or~~
 - ~~(b) any other form of terrestrial or aquatic plant or animal life, virus, bacteria, or other microorganisms that are injurious to health or to the environment or that the department declares to be a pest.]~~
- ([25]13) "Pesticide" means any:
- (a) substance or mixture of substances, including a living organism, that is intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, or other forms of plant or animal life that are normally considered to be a pest or that the commissioner declares to be a pest;
 - (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and
 - (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, or emulsifying agent with deflocculating properties of its own, used with a pesticide to aid in the application or effect of a pesticide.
- ([26]14) "Sampling technician" means a person tasked with collecting a representative sample of a cannabis plant product, cannabis concentrate, or cannabis product from a cannabis production establishment who is:
- (a) an employee of the department;
 - (b) an employee of an independent cannabis laboratory that is licensed by the department to perform sampling; or
 - (c) a person authorized by the department to perform sampling.
- ([27]15) "Standard operating procedure" (SOP) means a document providing detailed instruction for the performance of a task.
- ~~[(28) "THC" means delta 9-tetrahydrocannabinol (CAS 1972-08-3).]~~
- ([29]16) "THCA" means delta-9-tetrahydrocannabinolic acid (CAS 23978-85-0).
- ~~[(30) "THC analog" means the same as the term is defined in Subsection 4-41-102(23).]~~
- ([31]17) "Total CBD" means the sum of the determined amounts of CBD and CBDA.

~~[(32)]~~ "Total THC" means the sum of the determined amounts of delta 9 THC and delta 9 THCA, according to the formula: Total THC = delta 9 THC + (delta 9 THCA x 0.877).]

~~[(33)]~~ "Unit" means each individual portion of an individually packaged product.

~~[(34)]~~ "Unknown Cannabinoid" means any component of a cannabis plant product, cannabis concentrate, or cannabis product that a laboratory determines is likely to be a cannabinoid by comparison of physical properties, including molecular weight, retention time, and absorption spectra but is not included in Table 2 or Table 3.

~~[(35)]~~ "Water activity" is a dimensionless measure of the water present in a substance that is available to microorganisms; calculated as the partial vapor pressure of water in the substance divided by the standard state partial vapor pressure of pure water at the same temperature.

R66-3-3. Required Cannabis, Cannabis Product, and Cannabinoid Isolate Tests.

(1) Before the transfer of cannabis biomass from a cannabis cultivation facility to a cannabis processing facility, the cultivation facility shall make a declaration to the department that the biomass to be transferred is either a cannabis plant product or a cannabis cultivation byproduct.

(2) A representative sample of each batch or lot of cannabis plant product shall be tested by an independent cannabis testing laboratory to determine:

- (a) the water activity of the sample;
- (b) the amount of total THC, total CBD, and any THC analog known to be present in the sample; and
- (c) the presence of adulterants in the sample, as specified in Table 1.

(3) Required testing shall be performed either:

- (a) before the transfer of the cannabis plant product to a cannabis processing facility; or
- (b) following the transfer of the cannabis plant product to a cannabis processing facility.

(4) If cannabis plant product is tested before being transferred to a cannabis processing facility, the cannabis plant product shall be tested for microbial contaminants and foreign matter a second time following the transfer.

~~(5) A cannabis processor may test a cannabis plant product bulk batch for cannabinoids, but after testing, processing is limited to:~~

~~(a) packaging and labeling, unless:~~

- ~~(i) declaring the plant product as a byproduct within ten business days after testing; and~~
- ~~(ii) notifying the department.~~

~~(6) A cannabis processor shall perform any other final product adulterant testing after packaging.~~

~~[(5)]~~ Cannabis cultivation byproduct shall either be:

- (a) chemically or physically processed to produce a cannabis concentrate for incorporation into a cannabis derivative product; or
- (b) destroyed pursuant to Section 4-41a-405.

~~[(6)]~~ ~~An independent cannabis testing laboratory shall test [C]cannabis concentrate [shall be tested by an independent cannabis testing laboratory] before [it is] incorporating [ed] it into a cannabis derivative product to determine:~~

- (a) the cannabinoid profile; and
- (b) the presence of adulterants in the sample, as specified in Table 1.

~~[(7)]~~ A medical cannabis processor shall isolate any artificially derived cannabinoids present in the cannabis concentrate to a purity of greater than 95%, with a 5% margin of error, as determined by an independent cannabis testing laboratory using liquid chromatography-mass spectroscopy or an equivalent method.

~~[(8)]~~ Before the transfer of a cannabis product to a medical cannabis pharmacy, an independent cannabis testing laboratory shall test a representative sample of the product to determine:

- (a) the water activity of the sample, as determined applicable by the department;
- (b) the quantity of any cannabinoid or terpene to be listed on the product label; and
- (c) the presence of adulterants in the sample, as specified in Table 1.

~~[(9)]~~ Testing results for cannabis concentrate may be applied to cannabis product derived therefrom, provided that the processing steps used to produce the product are unlikely to change the results of the test, as determined by the department.

~~[(10)]~~ The department may require mycotoxin testing of a cannabis plant product or cannabis product if they have reason to believe that mycotoxins may be present.

~~[(11)]~~ The department shall require [M]mycotoxin testing[~~shall be required~~] for cannabis concentrate.

~~[(12)]~~ A cannabis [processing]production facility may remediate a cannabis plant product, cannabis concentrate, or cannabis product that fails microbial [any of the required adulterant]testing standards by irradiation, after submitting and gaining approval for a remediation plan from the department.

~~(15) A cannabis processing facility may remediate a cannabis concentrate that fails any of the required adulterant testing standards, after submitting and gaining approval for a remediation plan from the department.~~

~~[(13)]~~ ~~(a) A cannabis processing facility shall submit a remediation plan [shall be submitted] to the department within 15 days of the receipt of a failed testing result.~~

~~[(14)]~~ A remediation plan shall be carried out and the cannabis plant product or cannabis concentrate shall be prepared for resampling within 60 days of department approval of the remediation plan.

~~[(15)]~~ Resampling or retesting of a cannabis [lot or]concentrate batch that fails any of the required testing standards is not allowed until the [lot or]batch has been remediated.

~~[(16)]~~ A cannabis lot or cannabis product batch that is not or cannot be remediated in the specified time shall be destroyed pursuant to Section 4-41a-405.

NOTICES OF PROPOSED RULES

(1[7]9) If test results cannot be retained in the Inventory Control System, the laboratory shall:

- (a) keep a record of test results;
- (b) issue a COA for required tests; and
- (c) keep a copy of the COA on the laboratory premises.

([48]20) Cannabinoid isolate shall be tested for:

- (a) solvents;
- (b) pesticides;
- (c) microbials;
- (d) heavy metals; and
- (e) mycotoxins.

(21[9]) Cannabinoid isolate shall be accompanied by a COA that complies with the standards included in Section R66-3-5 through Section R66-3-12.

(22[9]) Cannabinoid isolate shall receive cannabinoid testing from an independent cannabis testing laboratory before being used to create a cannabis derivative product.

TABLE 1 Required Test by Sample Type			
Test	Cannabis Plant Product	Cannabis Concentrate	Cannabis Product
Moisture Content	Required	X	X
Water Activity	Required	X	X
Foreign Matter	Required	Required	Required
Potency	Required	Required	Required
Microbial	Required	Required	Required
Pesticides	Required	Required	Required
Residual Solvents	X	Required	Required
Heavy Metals	Required	Required	Required
<u>Terpenes</u>	<u>Required</u>	<u>Required</u>	<u>X</u>

R66-3-4. Sampling Cannabis and Cannabis Products.

(1) The entity that requests testing of a cannabis plant product lot, cannabis concentrate batch, or cannabis product batch shall make the entirety of the lot or batch available to the sampling technician.

(2) The lot or batch being sampled shall be contained in a single location and physically separated from other lots or batches.

(3) The sample shall be collected by a sampling technician who is unaffiliated with the entity that requested testing of the cannabis lot or cannabis product batch unless ~~[an exception is granted by]~~ the department grants an exception.

(4) The owner of the cannabis lot or cannabis product batch and any of their employees may not assist in the selection of the sample.

(5) The sampling technician shall collect the representative sample ~~[in a manner set forth]~~ outlined in a SOP[?] that is ISO 17025 compliant, maintained by the laboratory that will perform the testing.

(6) When collecting the representative sample, the sampling technician shall:

- (a) use sterile gloves, instruments, and a glass or plastic container to collect the sample;
- (b) place tamper proof tape on the container; and
- (c) appropriately label the sample pursuant to Section R66-4-6.

(7) For cannabis plant product lots, the sampling technician shall take a minimum representative sample according to the following schedule:

- (a) 10 subunits with an average weight of one gram each for lots weighing 5 kilograms or less;
- (b) 16 subunits with an average weight of one gram each for lots weighing 5.01-9 kilograms;
- (c) 22 subunits with an average weight of one gram each for lots weighing 9.01-14 kilograms;
- (d) 28 subunits with an average weight of one gram each for lots weighing 14.01-18 kilograms;
- (e) 32 subunits with an average weight of one gram each for lots weighing 18.01-23 kilograms.

(8) For cannabis concentrate, the sampling technician shall take a minimum representative sample according to the following schedule:

- (a) 10 mL or grams for batches of one liter or kilogram or less; or
- (b) 20 mL or grams for batches of four liters or kilograms or less.

(9) For cannabis products in their final product form, the sampling technician shall take the following minimum number of sample units, the combined total weight of which must be at least 10 grams, not including packaging materials:

- (a) four units for a sample product batch with 5-500 products;
- (b) six units for a sample product batch with 501-1000 products;
- (c) eight units for a sample product batch with 1,001-5,000 products; and
- (d) ten units for a sample product batch with 5,001-10,000 products.

(10) The representative sample may include [A] additional material [may be included in the representative sample] if the material is necessary to perform the required testing.

R66-3-5. Moisture Content Testing and Water Activity Standards.

(1) The COA shall report the moisture content of a sample and the related lot of cannabis [~~shall be reported on the COA~~] as a mass over mass percentage.

(2) A sample and related lot of cannabis fail quality assurance testing if the water activity of the representative sample is found to be greater than 0.65.

(3) A sample and related cannabis or cannabinoid product batch intended for human consumption fail quality assurance testing if the water activity of the representative sample is greater than 0.65, unless water is a component of the product formulation and is listed as an ingredient.

R66-3-6. Foreign Matter Standards.

A sample and related lot or batch of cannabis, cannabis product, or cannabinoid product fail quality assurance testing if:

- (1) the sample contains foreign matter visible to the unaided human eye;
- (2) the sample is found to contain microscopic foreign matter considered to be harmful or estimated to comprise greater than 3% of the mass of the representative sample as determined by the testing laboratory; or
- (3) foreign matter is found that is suspected of having been intentionally added to the sample to increase its visual appeal or market value; or
- (4) for a cannabis plant product, the total number of seeds found is greater than the net weight of the sample collected divided by 1.75.

R66-3-7. Potency Testing.

(1) A lot or batch of cannabis plant product, cannabis concentrate, or cannabis product shall have its cannabinoid profile determined and listed on a COA as total THC, total CBD, and the total concentration of any THC analog known to be present.

(2) A lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fail quality assurance testing for cannabinoid content if:

- (a) it is not analyzed for each of the analytes listed in Table 2;
- (b) the determined amount of any analyte exceeds its action level given in Table 2;
- (c) any tetrahydrocannabinol acetate (THC-OAc) is found in a cannabis concentrate with a relative peak area greater than 1% of the total cannabinoid peak area or in a cannabis product with a relative peak area greater than 0.5% of the total cannabinoid peak area as determined by high-performance liquid chromatography with a diode array detector;
- (d) any of the artificially derived cannabinoids listed in Table 3 are found to have a peak area greater than 1% of total cannabinoid peak area as determined by high-performance liquid chromatography with a diode array detector (HPLC-DAD); or
- (e) greater than 10% of the total cannabinoid peak area is comprised of unknown cannabinoids after peaks smaller than 1% of the total peak area have been excluded as determined by high-performance liquid chromatography with a diode array detector (HPLC-DAD).

TABLE 2
Cannabinoid Components and Action Levels

Analyte	Chemical Abstract Service	Action Level
Δ^9 -Tetrahydrocannabinidiol (Δ^9 -THC)	1972-08-03	No Limit
Δ^8 -Tetrahydrocannabinidiol (Δ^8 -THC)	5957-75-5	No Limit
Δ^9 -Tetrahydrocannabinolic acid (THCA)	23978-85-0	No Limit
Δ^9 -Tetrahydrocannabivarin (THCV)	31262-37-0	No Limit
Cannabidiol (CBD)	13956-29-1	No Limit
Cannabidiolic acid (CBDA)	1244-58-2	No Limit
Cannabidivarin (CBDV)	24274-48-4	No Limit

NOTICES OF PROPOSED RULES

Cannabinol (CBN)	521-35-7	No Limit
Cannabigerol (CBG)	25654-31-3	No Limit
Cannabichromene (CBC)	20675-51-8	No Limit
Cannabigerolic acid (CBGA)	25555-57-1	No Limit
Cannabichromenic acid (CBCA)	20408-52-0	No Limit
9R-Δ6a,10a-Tetrahydrocannabinidiol (Δ3-THC)	95720-01-7	1% ¹
9S-Δ6a,10a-Tetrahydrocannabinidiol (Δ3-THC)	95720-02-8	1% ¹
(6aR,9R)-Δ10-Tetrahydrocannabinidiol	95543-62-7	1% ¹
(6aR,9S)-Δ10-Tetrahydrocannabinidiol	95588-87-7	1% ¹
Cannabicitran (CBTC)	31508-71-1	2%

¹If the laboratory performing the testing cannot chromatographically separate 9(R+S)-Δ6a,10a-Tetrahydrocannabinidiol or (6aR,9(R+S))-Δ10-Tetrahydrocannabinidiol, then the action level for the combined isomers will be 1.5%.

TABLE 3 Artificially Derived Cannabinoids	
Analyte	Chemical Abstract Service
Hexahydrocannabinol (HHC)	36403-90-4, 36403-91-5
3-Heptyl-delta(1)-tetrahydrocannabinol (THCP)	54763-99-4, 51768-60-6

R66-3-8. Microbial Standards.

(1) A sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fail quality assurance testing for microbiological contaminants if the results exceed the limits ~~as set forth~~ in Table 4.

(2) Each sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product shall be tested for total aerobic microbial count and total combined yeast and mold. The specific pathogens listed in Table 4 may be tested for at the discretion of the department.

TABLE 4 Microbial Analytes and Action Levels	
Material	Microbial Limit Requirement
Cannabis Plant Product	Total Aerobic Microbial Count ≤100,000 cfu/g Not detected in 1g: Salmonella spp., STEC, Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, and Aspergillus terreus
Cannabinoid Concentrate	Total Aerobic Microbial Count ≤10,000 cfu/g Total Combined Yeast and Mold Count ≤1,000 cfu/g Not detectable in 1g: STEC, Salmonella spp., Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, and Aspergillus terreus

Infused Edible Products	Total Aerobic Microbial Count $\leq 10,000$ cfu/g Total Combined Yeast and Mold Count $\leq 1,000$ cfu/g Not detectable in 1g: STEC, Salmonella spp.
Infused Non-edible Products	Total Aerobic Microbial Count ≤ 250 cfu/g Total Yeast and Mold Count ≤ 250 cfu/g Not detectable in 1g: Pseudomonas aeruginosa, Staphylococcus aureus
Infused Suppository Products	Total Aerobic Microbial Count $\leq 10,000$ cfu/g Total Combined Yeast and Mold Count $\leq 1,000$ cfu/g Not detectable in 1 g: STEC, Salmonella spp., Pseudomonas, Staphylococcus aureus

R66-3-9. Pesticide Standards.

(1) Only pesticides allowed by the department may be used in the cultivation of cannabis.

(2) If an independent cannabis laboratory identifies a pesticide that is not allowed under Subsection R66-3-9(1) and is above the action levels provided in Subsection R66-3-9(3), that lot or batch from which the sample was taken has failed quality assurance testing.

(3) A sample and related lot or batch of cannabis, cannabis product, or cannabinoid product fail quality assurance testing for pesticides if the results exceed the limits [as set forth] in Table 5.

TABLE 5 Pesticide Analytes and Action Levels		
Analyte	Chemical Abstract Service (CAS) Registry number	Action Level ppm
Abamectin	71751-41-2	0.5
Acephate	30560-19-1	0.4
Acequinocyl	57960-19-7	2
Acetamiprid	135410-20-7	0.2
Aldicarb	116-06-3	0.4
Azoxystrobin	131860-33-8	0.2
Bifenazate	149877-41-8	0.2
Bifenthrin	82657-04-3	0.2
Boscalid	188425-85-6	0.4
Carbaryl	63-25-2	0.2
Carbofuran	1563-66-2	0.2
Chlorantraniliprole	500008-45-7	0.2
Chlorfenapyr	122453-73-0	1
Chlorpyrifos	2921-88-2	0.2
Clofentezine	74115-24-5	0.2
Cyfluthrin	68359-37-5	1

NOTICES OF PROPOSED RULES

Cypermethrin	52315-07-8	1
Daminozide	1596-84-5	1
DDVP (Dichlorvos)	62-73-7	0.1
Diazinon	333-41-5	0.2
Dimethoate	60-51-5	0.2
Ethoprophos	13194-48-4	0.2
Etofenprox	80844-07-1	0.4
Etoxazole	153233-91-1	0.2
Fenoxycarb	72490-01-8	0.2
Fenpyroximate	134098-61-6	0.4
Fipronil	120068-37-3	0.4
Flonicamid	158062-67-0	1
Fludioxonil	131341-86-1	0.4
Hexythiazox	78587-05-0	1
Imazalil	35554-44-0	0.2
Imidacloprid	138261-41-3	0.4
Kresoxim-methyl	143390-89-0	0.4
Malathion	143390-89-0	0.2
Metalaxyl	57837-19-1	0.2
Methiocarb	2032-65-7	0.2
Methomyl	16752-77-5	0.4
Methyl parathion	298-00-0	0.2
MGK-264	113-48-4	0.2
Myclobutanil	88671-89-0	0.2
Naled	300-76-5	0.5
Oxamyl	23135-22-0	1
Paclobutrazol	76738-62-0	0.4
Permethrins	52645-53-1	0.2
Phosmet	732-11-6	0.2
Piperonyl_butoxide	51-03-6	2
Prallethrin	23031-36-9	0.2
Propiconazole	60207-90-1	0.4

Propoxur	114-26-1	0.2
Pyrethrins	8003-34-7	1
Pyridaben	96489-71-3	0.2
Spinosad	168316-95-8	0.2
Spiromesifen	283594-90-1	0.2
Spirotetramat	203313-25-1	0.2
Spiroxamine	118134-30-8	0.4
Tebuconazole	80443-41-0	0.4
Thiacloprid	111988-49-9	0.2
Thiamethoxam	153719-23-4	0.2
Trifloxystrobin	141517-21-7	0.2

(4) Permethrins should be measured as the cumulative residue of cis- and trans-permethrin isomers (CAS numbers 54774-45-7 and 51877-74-8).

(5) Pyrethrins should be measured as the cumulative residues of pyrethrin I (CAS 121-21-1), pyrethrin II (CAS 121-29-9), cinerin 1 (CAS 25402-06-6), and jasmolin 1 (CAS 4466-14-2).

(6) Abamectin is a composite of the amounts of avermectin B1a and avermectin B1b.

R66-3-10. Residual Solvent Standards.

(1) A sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fails quality assurance testing for residual solvents if the results exceed the limits provided in Table 6, unless the solvent is:

- (a) a component of the product formulation;
- (b) listed as an ingredient; and
- (c) generally considered to be safe for the intended form of use.

TABLE 6
List of Solvents and Action Levels

Solvent	Chemical Abstract Service_(CAS) Registry number	Action level_ppm
1,2 Dimethoxyethane	110-71-4	100
1,4 Dioxane	123-9	380
1-Butanol	71-36-3	5,000
1-Pentanol	71-41-0	5,000
1-Propanol	71-23-8	5,000
2-Butanol	78-92-2	5,000
2-Butanone	78-93-3	5,000
2-Ethoxyethanol	110-80-5	160
2-methylbutane	78-78-4	5,000
2-Propanol (IPA)	67-63-0	5,000

NOTICES OF PROPOSED RULES

Acetone	67-64-1	5,000
Acetonitrile	75-05-8	410
Benzene	71-43-2	2
Butane	106-97-8	5,000
Cumene	98-82-8	70
Cyclohexane	110-82-7	3,880
Dichloromethane	75-09-2	600
2,2-dimethylbutane	75-83-2	290
2,3-dimethylbutane	79-29-8	290
1,2-dimethylbenzene	95-47-6	See Xylenes
1,3-dimethylbenzene	108-38-3	See Xylenes
1,4-dimethylbenzene	106-42-3	See Xylenes
Dimethyl sulfoxide	67-68-5	5,000
Ethanol	64-17-5	5,000
Ethyl acetate	141-78-6	5,000
Ethylbenzene	100-41-4	See Xylenes
Ethyl ether	60-29-7	5,000
Ethylene glycol	107-21-1	620
Ethylene Oxide	75-21-8	50
Heptane	142-82-5	5,000
n-Hexane	110-54-3	290
Isopropyl acetate	290	5,000
Methanol	67-56-1	3,000
Methylpropane	75-28-5	5,000
2-Methylpentane	107-83-5	290
3-Methylpentane	96-14-0	290
N,N-dimethylacetamide	127-19-5	1,090
N,N-dimethylformamide	68-12-2	880
Pentane	109-66-0	5,000
Propane	74-98-6	5,000
Pyridine	110-86-1	100
Sulfolane	126-33-0	160

Tetrahydrofuran	109-99-9	720
Toluene	108-88-3	890
Xylenes	1330-20-7	2,170

(2) Xylenes is a combination of the following:

- (a) 1,2-dimethylbenzene;
- (b) 1,3-dimethylbenzene;
- (c) 1,4-dimethylbenzene; and
- (d) ethyl benzene.

R66-3-11. Heavy Metal Standards.

A sample and related lot or batch of cannabis plant product, cannabis concentrate, cannabis product, or vaporizer cartridges fail quality assurance testing for heavy metals if the results exceed the limits provided in Table 7.

TABLE 7 Heavy Metals	
Metals	Natural Health Products Acceptable limits in parts per million (<u>ppm</u>)
Arsenic	<2
Cadmium	<0.82
Lead	<1.2
Mercury	<0.4

R66-3-12. Mycotoxin Standards.

A sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fail quality assurance testing for mycotoxin if the results exceed the limits provided in Table 8.

TABLE 8 Mycotoxin	
Test	Specification
The Total of	
Aflatoxin B1,	
Aflatoxin B2,	
Aflatoxin G1, and	
Aflatoxin G2	<20 <u>parts per billion (ppb)</u> of substance
Ochratoxin A.	<20 ppb of substance

R66-3-13. Terpene Standards.

An independent cannabis testing laboratory shall test each sample and the related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product for terpenes.

KEY: cannabis testing, quality assurance, cannabis laboratory, water activity standards, foreign matter standards, microbial life, pesticide standards, residual solvents standards, heavy metal standards, mycotoxin standards, terpene standards

Date of Last Change: [October 15, 2024]2025

Authorizing, and Implemented or Interpreted Law: 4-41a-701[(3)]

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R66-4****Filing ID:** 57310**Agency Information**

1. Title catchline:	Agriculture and Food; Specialized Products	
Building:	TSOB South Bldg, Floor2	
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
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information**2. Rule or section catchline:**

R66-4. Independent Cannabis Testing Laboratory

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

The Department of Agriculture and Food (department) is revising this rule to remove redundant and duplicated information found in the statute.

5. Summary of the new rule or change:

This filing removes redundant information found in the statute.

Additionally, it renumbers and revises some text to align more with the Rulewriting Manual for Utah.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

The proposed changes will not impact the state's budget because the requirements are not changing.

B. Local governments:

The proposed changes will not impact local governments because the requirements are not changing

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

The proposed changes will not impact small businesses because the requirements are not changing

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

The proposed changes will not impact non-small businesses because the requirements are not changing

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 changes will not impact other persons because the requirements are not changing

F. Compliance costs for affected persons:

The compliance costs for the program are not changing.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

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:

Subsection 4-41a-103(5)	Subsection 4-41a-302(3)(b)(ii)	Subsection 4-41a-701(1)
Subsection 4-41-801(1)	Subsection 4-2-103(i)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 08/14/2025

10. This rule change MAY become effective on: 08/21/2025

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:	Kelly Pehrson, Commissioner	Date:	06/26/2025
---	-----------------------------	--------------	------------

R66. Agriculture and Food, ~~[Medical Cannabis and Industrial Hemp]~~Specialized Products.

R66-4. Independent Cannabis Testing Laboratory.

R66-4-1. Authority and Purpose.

Pursuant to Subsections 4-41a-103(5), 4-41a-302(3)(b)(ii), ~~[4-41a-404(3), 4-41a-405(2)(b)(iv), 4-41a-701([3]1), 4-41a-801(1), and 4-2-103(1)(i)]~~, this rule establishes the application process, qualifications, and requirements to obtain and maintain an independent cannabis testing laboratory license.

R66-4-2. Definitions.

(1) "Applicant" means any person or business entity who applies for ~~[a cannabis processing facility]~~an independent cannabis testing laboratory license.

~~[(2) "Batch" means a quantity of:~~

~~(a) cannabis extract produced on a particular date and time, following clean up until the next clean up during which lots of cannabis are used;~~

~~(b) cannabis product produced on a particular date and time, following clean up until the next clean up during which cannabis extract is used; or~~

~~(c) cannabis flower packaged on a particular date and time, following clean up until the next clean up during which lots of cannabis are being used.~~

~~(3) "Cannabis" means any part of a marijuana plant.~~

~~(4) "Cannabis cultivation facility" means a person that:~~

~~(a) possesses cannabis;~~

~~(b) grows or intends to grow cannabis; and~~

~~(c) sells or intends to sell cannabis to a cannabis cultivation facility or to a cannabis processing facility.~~

~~(5) "Cannabis processing facility" means a person that:~~

~~(a) acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under Title 4 Chapter 41, Hemp and Cannabinoid Act;~~

~~(b) possesses cannabis with the intent to manufacture a cannabis product;~~

~~(c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and~~

~~(d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or the state central fill medical cannabis pharmacy.~~

~~(6) "Cannabis production establishment agent registration card" means a registration card that the department issues that:~~

~~(a) authorizes an individual to act as a cannabis production establishment agent; and~~

~~(b) designates the type of cannabis production establishment for which an individual may act as an agent.~~

~~(7) "Department" means the Utah Department of Agriculture and Food.~~

~~(8) "Independent cannabis testing laboratory" means a person who:~~

~~(a) conducts a chemical or other analysis of cannabis or a cannabis product; or~~

~~(b) acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.~~

~~(9) "Independent cannabis testing laboratory agent" means an individual who:~~

~~(a) is an employee of an independent cannabis testing laboratory; and~~

~~(b) holds a valid cannabis production establishment agent registration card.]~~

~~[(10)]2~~ "Lot" means the quantity of:

~~(a) flower produced on a particular date and time, following clean up until the next clean up during which the same materials are used; or~~

~~(b) trim, leaves, or other plant matter from cannabis plants produced on a particular date and time, following clean up until the next clean up.~~

~~[(11) "Medical cannabis research licensee" means a person who holds a license to perform academic medical cannabis research pursuant to Section 4-41a-901 and Rule R68-35.]~~

R66-4-3. Independent Testing Laboratory License.

(1) An independent testing laboratory license allows the licensee to receive cannabis from a licensed cannabis cultivation facility to conduct testing as required by S~~[ubs]~~ection 4-41a-701~~[(2)]~~ and Rule R6~~[8-29]~~6-3.

(2) An independent testing laboratory license allows the licensee to receive cannabis from a licensed cannabis processing facility to conduct testing as required by S~~[ubs]~~ection 4-41a-701~~[(2)]~~ and Rule R6~~[8-29]~~6-3.

(3) An independent testing laboratory license allows the licensee to receive cannabis from a licensed cannabis cultivation facility and a cannabis processing facility to conduct the additional test as requested.

~~[(4) A complete application shall include the required fee, statements, forms, diagrams, operation plans, and other applicable documents required in the application packet to be accepted and processed by the department.~~

~~(5) Before approving an application, the department may contact any applicant and request additional supporting documentation or information.~~

~~(6) Before issuing a license, the department shall inspect the proposed premises to determine if the applicant complies with state laws and rules.~~

~~(7) The department may conduct face-to-face interviews with an applicant if needed to determine the best qualified applicant for the number of licenses needed.]~~

~~([8]4)~~ The license shall expire 12 months from the date on which the license is issued.

~~[(9) An application for renewals shall be submitted to the department no later than 30 days before the license expiration date.~~

~~[(10) If the renewal application is not submitted 30 days before the expiration date the licensee may not continue to operate.~~

~~[(11) An independent cannabis testing laboratory license is not transferable or assignable. If the ownership of an independent cannabis testing laboratory changes by 50% or more, the requirements of Subsection 4-41a-201(15) shall be followed.]~~

R66-4-4. Independent Cannabis Testing Laboratory Requirements.

(1) An independent testing laboratory shall employ a scientific director responsible for:

- (a) ensuring that the laboratory achievement and maintenance of quality standards of practice; and
- (b) supervising laboratory staff.

(2) The scientific director for an independent laboratory shall have:

(a) a doctorate in chemical or biological sciences from an accredited college or university, and have at least 2 years of post-degree laboratory experience;

(b) a master's degree in chemical or biological sciences from an accredited college or university, and have at least 4 years of post-degree laboratory experience; or

(c) a bachelor's degree in chemical or biological sciences from an accredited college or university, and have at least 6 years of post-degree laboratory experience.

(3) An independent cannabis testing laboratory shall follow validated analytical methods, such as those published by the Association of Official Agricultural Chemists (AOAC), American Herbal Pharmacopoeia, EPA, FDA, or other reputable scientific organizations or notify the department of alternative scientifically valid testing methodology the lab is following for each required test.

(4) An independent cannabis testing laboratory may not use an alternative testing method without earlier review from the department.

(5) The department shall review any monograph or analytical method followed by an independent cannabis testing laboratory to ensure the methodology produces scientifically accurate results before the use of alternative testing methods to conduct the required tests.

(6) An independent cannabis testing laboratory shall establish written standard operating procedures for each test being conducted.

(7) An independent cannabis testing laboratory shall maintain an average testing turnaround time below ten business days within any three-month period.

(8) An independent cannabis testing laboratory shall obtain and keep the International Organization for Standardization (ISO) 17025:2017 accreditation.

(9) An independent cannabis testing laboratory may be licensed before ISO 17025:2017 accreditation, provided the independent cannabis testing laboratory:

(a) adopt and follow minimum good laboratory practices which satisfy the OECD Principles of Good Laboratory Practice and Compliance Monitoring published by the Organization for Economic Co-operation and Development; and

(b) becomes ISO 17025:2017 accredited within 24 months.

(10) The department incorporates the following materials by reference:

(a) Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control (2014 Revisions) published by the American Herbal Pharmacopoeia; and

(b) OECD Principles of Good Laboratory Practice and Compliance Monitoring (1997) published by the Organization for Economic Co-operation and Development.

~~[(11) An independent cannabis testing laboratory shall have written emergency procedures to be followed in case of:~~

~~[(a) fire;~~

~~[(b) chemical spill; or~~

~~[(c) other emergencies at the laboratory.~~

~~[(12) An independent cannabis testing laboratory shall compartmentalize each area in the facility based on function and shall limit access to the compartments to the appropriate authorized agents.]~~

R66-4-5. Security Requirements.

~~[(1) At a minimum, a licensed independent cannabis testing laboratory shall have a security alarm system on each perimeter entry point and perimeter window.]~~

~~[(2)]~~ At a minimum, a licensed independent cannabis testing laboratory shall have a complete video surveillance system:

(a) with minimum camera resolution of 640 x 470 pixels or pixel equivalent for analog; and

~~[(b) that retains footage for at least 45 days.~~

~~[(3) Cameras shall:]~~

~~[(a)]~~ ~~[(b) be fixed and placement shall]~~ allow for the clear and certain identification of any person and activity ~~lies in controlled areas;~~ and

~~[(b) record continuously.~~

~~[(4) Controlled areas included:]~~

~~[(a) entrances and exits;~~

~~[(b) any areas where cannabis or cannabis products are stored;~~

~~[(c) any areas where cannabis or cannabis products are being tested; and~~

~~[(d) any areas where cannabis waste is being moved, processed, stored, or destroyed.~~

~~[(5) If an independent cannabis testing facility stores footage locally, the surveillance system storage device shall be secured in the facility in a lockbox, cabinet, closet, or secured in another manner to protect from employee tampering or criminal theft.~~

NOTICES OF PROPOSED RULES

- ~~(6) If an independent cannabis testing laboratory stores footage on a remote server, access shall be restricted to protect from employee tampering.~~
- ~~(7) Any entry point shall be lighted in low light conditions sufficient to record activity occurring.]~~
- (18)2 Any visitors to an independent cannabis testing laboratory shall be required to have a properly displayed identification badge issued by the facility at all times while on the premises of the facility.
- (19)3 Any visitors shall be escorted by an independent cannabis facility agent at all times while in the facility.
- (14)4 An independent cannabis testing laboratory shall keep and maintain a visitor's log showing:
- (a) the full name of each visitor entering the facility;
 - (b) the badge number issued;
 - (c) the time of arrival;
 - (d) the time of departure; and
 - (e) the purpose of the visit.
- (14)5 The independent cannabis testing laboratory shall keep the visitors log for a minimum of a year.
- (12)6 The independent cannabis testing laboratory shall make the visitor log available to the department upon request.

R66-4-6. Inventory Control.

- (1) Each test sample shall have a unique identification number in the inventory control system.
 - (2) Each test sample shall be traceable to the lot or batch used as the base material from the cannabis production establishment.
 - (3) Unique identification numbers may not be reused.
 - (4) Each test sample that has been issued a unique identification number shall have a physical tag placed on it with:
 - (a) the unique identification number;
 - (b) the license number and name of the lab receiving the test sample;
 - (c) the license number and name of the cannabis production establishment name;
 - (d) the date the test sample was collected; and
 - (e) the weight of the sample.
 - (5) The tag shall be legible and placed in a position that can be clearly read and shall be kept free from dirt and debris.
- ~~[(6) The following shall be reconciled in the inventory control system at the close of business each day:~~
- ~~(a) the date and time the test sample was received;~~
 - ~~(b) each sample used for testing and the test results;~~
 - ~~(c) the identity of the agent conducting the test;~~
 - ~~(d) a complete inventory of cannabis test samples;~~
 - ~~(e) the weight and disposal of cannabis waste materials;~~
 - ~~(f) the identity of who disposed of the cannabis waste; and~~
 - ~~(g) the theft or loss or suspected theft or loss of test sample.]~~
- (7)6 An independent cannabis testing laboratory shall document in the inventory tracking system any test samples received, and any difference between the quantity specified in the transport and the quantity~~ies~~ received.

R66-4-7. Independent Cannabis Testing Laboratory Agents.

- ~~[(1) A prospective independent cannabis testing laboratory agent shall apply to the department for a cannabis testing laboratory agent registration card on a form provided by the department.~~
- ~~(2) An application is not considered complete until the background check has been completed, the registration fee has been paid, and the prospective agent has submitted the required training certificate.~~
- ~~(3) The cannabis establishment agent registration card shall contain:~~
- ~~(a) the agent's full name;~~
 - ~~(b) identifying information; and~~
 - ~~(c) a photograph of the agent.]~~
- (4)1 An independent cannabis testing laboratory is responsible to ensure that each agent has received any task-specific training as outlined in the operating plan submitted to the department.
- (5)2 An independent cannabis testing agent shall have a properly displayed identification badge which has been issued by the department while on the facility premises or while engaged in the transportation of cannabis.
- (6)3 Cannabis testing laboratory agents shall have their state-issued identification card in their possession to certify that the information on their badge is correct.
- ~~[(7) Each cannabis testing laboratory shall maintain a list of each employee that holds a cannabis testing laboratory agent registration card and provide the list to the department upon request.]~~

[R66-4-8. Transportation.

- ~~(1) A printed transport manifest shall accompany every transport of cannabis.~~
- ~~(2) The manifest shall contain the following information:~~
 - ~~(a) the cannabis production establishment address and license number of the departure location;~~
 - ~~(b) physical address and license number of the receiving location;~~
 - ~~(c) strain name, quantities by weight, and unique identification numbers of each cannabis material to be transported;~~
 - ~~(d) date and time of departure;~~

- ~~_____ (e) estimated date and time of arrival; and~~
- ~~_____ (f) name and signature of each agent accompanying the cannabis.~~
- ~~_____ (3) The transport manifest may not be voided or changed after departing from the original cannabis production establishment.~~
- ~~_____ (4) A copy of the transport manifest shall be given to the independent laboratory.~~
- ~~_____ (5) The receiving independent laboratory shall ensure that the cannabis material received is as described in the transport manifest and shall record the amounts received for each strain into the inventory control system.~~
- ~~_____ (6) The receiving independent laboratory shall document at the time of receipt any differences between the quantity specified in the transport manifest and the quantities received in the inventory control system.~~
- ~~_____ (7) During transport an independent cannabis testing laboratory agent shall ensure the cannabis is:~~
 - ~~_____ (a) shielded from the public view;~~
 - ~~_____ (b) secured; and~~
 - ~~_____ (c) temperature controlled if perishable.~~
- ~~_____ (8) An independent cannabis testing laboratory shall contact the department within 24 hours if a vehicle transporting cannabis is involved in an accident that involves product loss.~~
- ~~_____ (9) Only the registered agents of the independent cannabis testing laboratory may occupy a transporting vehicle.]~~

R66-4-[9]8. Cannabis Waste Disposal.

- (1) Solid and liquid wastes generated during cannabis testing shall be stored, managed, and disposed of in accordance with applicable state law.
- (2) Waste water generated during cannabis testing shall be disposed of in compliance with applicable state law.
- ~~_____ [(3) Cannabis waste generated from the cannabis plant, trim, and leaves are not considered hazardous waste unless it has been treated or contaminated with a solvent, or pesticide.~~
- ~~_____ (4) Cannabis waste shall be made unusable before leaving the independent cannabis testing laboratory, except as provided for in Subsection R68-30-9(10) and Subsection R68-30-9(11).~~
- ~~_____ (5) Cannabis waste, which is not designated as hazardous, shall be made unusable by grinding and incorporating the cannabis waste with other ground materials so the resulting mixture is at least 50% non-cannabis waste by volume or other methods approved by the department before implementation.~~
- ~~_____ (6) Materials used to grind and incorporate with cannabis fall into two categories:~~
 - ~~_____ (a) compostable; or~~
 - ~~_____ (b) non-compostable.~~
- ~~_____ (7) Compostable waste is cannabis waste to be disposed of as compost or in another organic waste method mixed with:~~
 - ~~_____ (a) food waste;~~
 - ~~_____ (b) yard waste; or~~
 - ~~_____ (c) vegetable-based grease or oils.~~
- ~~_____ (8) Non-compostable waste is cannabis waste to be disposed of in a landfill or another disposal method, such as incineration, mixed with:~~
 - ~~_____ (a) paper waste;~~
 - ~~_____ (b) cardboard waste;~~
 - ~~_____ (c) plastic waste; or~~
 - ~~_____ (d) soil.~~
- ~~_____ (9) Cannabis waste includes:~~
 - ~~_____ (a) cannabis plant waste including roots, stalks, leaves, and stems;~~
 - ~~_____ (b) excess cannabis or cannabis products from any quality assurance testing;~~
 - ~~_____ (c) cannabis or cannabis products that fail to meet testing requirements; and~~
 - ~~_____ (d) cannabis or cannabis products subject to a recall.]~~

~~_____ ([40]3) An independent cannabis testing laboratory may transfer cannabis waste material to a cannabis testing laboratory operated by the department for use by a medical cannabis research licensee if:~~

- ~~_____ (a) the laboratory operated by the department agrees to accept the material;~~
- ~~_____ (b) the licensee that submitted the material to the laboratory for testing allows the use of their material for medical cannabis research;~~
- ~~_____ (c) the material passed all required tests or is clearly labeled "not for human consumption" and is accompanied by a list of known contaminants; and~~

~~_____ (d) the material has met the sample retention requirements of the laboratory.~~

~~_____ ([44]4) The cannabis testing laboratory operated by the department may transfer any cannabis waste material to a medical cannabis research licensee if:~~

- ~~_____ (a) the licensee that submitted the material to the laboratory for testing agrees to the use of their material for medical cannabis research;~~
- ~~_____ (b) the material passed all required tests or is clearly labeled "not for human consumption" and is accompanied by a list of known contaminants; and~~
- ~~_____ (c) the material has met the sample retention requirements of the laboratory.~~

NOTICES OF PROPOSED RULES

R66-4-~~10~~2. Change in Operation Plans.

(1) An independent cannabis testing laboratory shall submit a notice, on a form provided by the department, before making any changes to:

- (a) ownership or financial backing of the facility;
- (b) the facility's name;
- (c) a change in location;
- (d) change in testing methods, equipment, remodeling, expansion, reduction or physical, non-cosmetic alteration of the lab; or
- (e) change in written operating procedures.

(2) An independent cannabis testing laboratory may not implement changes to the approved operation plan without department approval.

(3) The department shall approve ~~of~~ the requested changes unless approval would lead to a violation of the applicable laws and rules of the state.

(4) The department shall specify the reason for the denial of approval for a change to the operation plan.

R66-4-1~~4~~0. Renewals.

(1) An independent cannabis testing laboratory shall submit a notice of intent to renew and the licensing fee to the department by their license expiration date.

(2) If the licensing fee and intent to renew are not submitted on or before the license expiration date, the licensee may not continue to operate.

(3) The department shall renew a license unless renewal would lead to a violation of the applicable laws and rules of the state.

R66-4-1~~2~~1. ~~Proficiency~~ Additional Testing.

(1) The department ~~shall~~ may establish a ~~proficiency~~ testing program for ~~independent cannabis testing laboratories~~ conducting a study.

(2) Each independent cannabis testing laboratory shall participate in the ~~designated proficiency testing program with satisfactory performance~~ study as determined by the ~~D~~ department.

R66-4-13. Violation Categories.

(1) Public Safety Violations: \$3,000- \$5,000 per violation. This category is for violations which present a direct threat to public health or safety, including:

- (a) cannabis ~~sold~~ sent to an ~~unlicensed~~ unapproved source;
- (b) cannabis ~~purchased~~ received from an ~~unlicensed~~ unapproved source;
- (c) refusal to allow inspection;
- (d) refusal to participate in proficiency testing;
- (e) failure to comply with testing requirements;
- (f) failure to report testing results;
- (g) unauthorized personnel on the premises;
- (h) permitting criminal conduct on the premises;
- (i) engaging in or permitting a violation of the Title 4, Chapter 41a, Cannabis Production Establishments, that amounts to a public safety violation as described in this subsection.

(2) Regulatory Violations: \$1,000-\$5,000 per violation. This category is for violations involving this rule and other applicable state rules including:

- (a) failure to maintain alarm and security systems;
- (b) failure to keep and maintain records for at least two years;
- (c) failure to maintain traceability;
- (d) failure to follow transportation requirements;
- (e) failure to follow the waste and disposal requirements; or
- (f) engaging in or permitting a violation of Title 4, Chapter 41a, Cannabis Production Establishments or this rule that amounts to a regulatory violation as described in this subsection.

(3) Licensing Violations: \$500- \$5,000 per violation. This category is for violations involving licensing requirements, including:

- (a) an unauthorized change to the operating plan;
- (b) failure to notify the department of changes to the operating plan;
- (c) failure to notify the department of changes to financial or voting interests of greater than 2%;
- (d) failure to follow the operating plan as approved by the department;
- (e) engaging in or permitting a violation of this rule or Title 4, Chapter 41, Cannabis Production Establishments, that amounts to a licensing violation as described in this subsection; or
- (f) failure to respond to violations.

(4) The department shall calculate penalties based on the level of violation and the adverse effect or potential adverse effect at the time of the incidents giving rise to the violation.

KEY: cannabis laboratory, cannabis testing, inventory control system, cannabis waste disposal, agents, security requirements, operation plans

Date of Last Change: ~~July 19, 2024~~ 2025Authorizing, and Implemented or Interpreted Law: ~~4-41a-701([3]1); 4-41a-404(3); 4-41a-405(2)(b)(iv); 4-41a-103(5)~~**NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Rule or section number:****R317-1-7****Filing ID:** 57279**Agency Information**

1. Title catchline:	Environmental Quality, Water Quality	
Building:	Multi Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144870	
City, state and zip:	Salt Lake City, UT 84114-4870	
Contact persons:		
Name:	Phone:	Email:
Jodi Gardberg	385-242-6039	jgardberg@utah.gov
Samuel Taylor	385-417-1707	sgtaylor@utah.gov
Sandy Wingert	385-256-3438	swingert@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R317-1-7. TMDLs
4. Purpose of the new rule or reason for the change:
The purpose of this amendment is to incorporate by reference into Subsection R317-1-7(7.69) Castle, Mill, and Pack Creek <i>E.coli</i> Total Maximum Daily Loads (TMDLs) as approved by the Water Quality Board. The Water Quality Board initiated rulemaking to adopt these TMDLs on 05/28/2025.
5. Summary of the new rule or change:
This amendment incorporates by reference the Castle, Mill, and Pack Creek <i>E.coli</i> TMDLs into Subsection R317-1-7(7.69).

Fiscal Information

6. 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 impact on state government revenues or expenditures.
TMDL implementation will be addressed with existing state resources.
B. Local governments:
The proposed rule is not expected to have any impact on local governments' revenues or expenditures.
TMDL implementation for nonpoint source pollution is voluntary and addressed through existing incentive grants.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule is not expected to have any impact on small businesses' revenues or expenditures because TMDL implementation for nonpoint source pollution is voluntary and addressed through existing incentive grants.

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

The proposed rule is not expected to have any impact on non-small businesses' revenues or expenditures because TMDL implementation for nonpoint source pollution is voluntary and addressed through existing incentive grants.

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 impact on persons other than small businesses, non-small businesses, state, or local revenues or expenditures because TMDL implementation for nonpoint source pollution is voluntary and addressed through existing incentive grants.

F. Compliance costs for affected persons:

There are no compliance costs to impacted entities associated with this TMDL.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

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:**

Title 19, Section 5

Incorporation by Reference Information**8. Incorporation by Reference:**

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	TOTAL MAXIMUM DAILY LOADS FOR E. COLI: Castle, Mill, and Pack Creeks
Publisher	Utah Division of Water Quality

Issue Date	August 27, 2025
Issue or Version	First

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/14/2025

10. This rule change MAY become effective on:	08/27/2025
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:	John K. Mackey, Director	Date:	06/13/2025
---	--------------------------	--------------	------------

R317. Environmental Quality, Water Quality.**R317-1. Definitions and General Requirements.****R317-1-7. TMDLs.**

The following TMDLs are approved by the Board and incorporated by reference into this rule:

- 7.1 Middle Bear River -- February 23, 2010;
- 7.2 Chalk Creek -- December 23, 1997;
- 7.3 Otter Creek -- December 23, 1997;
- 7.4 Little Bear River -- May 23, 2000;
- 7.5 Mantua Reservoir -- May 23, 2000;
- 7.6 East Canyon Creek -- September 14, 2010;
- 7.7 East Canyon Reservoir -- September 14, 2010;
- 7.8 Kents Lake -- September 1, 2000;
- 7.9 LaBaron Reservoir -- September 1, 2000;
- 7.10 Minersville Reservoir -- September 1, 2000;
- 7.11 Puffer Lake -- September 1, 2000;
- 7.12 Scofield Reservoir -- September 1, 2000;
- 7.13 Onion Creek (near Moab) -- July 25, 2002;
- 7.14 Cottonwood Wash -- September 9, 2002;
- 7.15 Deer Creek Reservoir -- September 9, 2002;
- 7.16 Hyrum Reservoir -- September 9, 2002;
- 7.17 Little Cottonwood Creek -- September 9, 2002;
- 7.18 Lower Bear River -- September 9, 2002;
- 7.19 Malad River -- September 9, 2002;
- 7.20 Mill Creek (near Moab) -- September 9, 2002;
- 7.21 Spring Creek -- September 9, 2002;
- 7.22 Forsyth Reservoir -- September 27, 2002;
- 7.23 Johnson Valley Reservoir -- September 27, 2002;
- 7.24 Lower Fremont River -- September 27, 2002;
- 7.25 Mill Meadow Reservoir -- September 27, 2002;
- 7.26 UM Creek -- September 27, 2002;
- 7.27 Upper Fremont River -- September 27, 2002;
- 7.28 Deep Creek -- October 9, 2002;
- 7.29 Uinta River -- October 9, 2002;
- 7.30 Pineview Reservoir -- December 9, 2002;
- 7.31 Browne Lake -- February 19, 2003;
- 7.32 San Pitch River -- November 18, 2003;
- 7.33 Newton Creek -- June 24, 2004;
- 7.34 Panguitch Lake -- June 24, 2004;
- 7.35 West Colorado -- August 4, 2004;
- 7.36 Silver Creek -- August 4, 2004;
- 7.37 Upper Sevier River -- August 4, 2004;
- 7.38 Lower and Middle Sevier River -- August 17, 2004;
- 7.39 Lower Colorado River -- September 20, 2004;
- 7.40 Upper Bear River -- August 4, 2006;

NOTICES OF PROPOSED RULES

- 7.41 Echo Creek -- August 4, 2006;
- 7.42 Soldier Creek -- August 4, 2006;
- 7.43 East Fork Sevier River -- August 4, 2006;
- 7.44 Koosharem Reservoir -- August 4, 2006;
- 7.45 Lower Box Creek Reservoir -- August 4, 2006;
- 7.46 Otter Creek Reservoir -- August 4, 2006;
- 7.47 Thistle Creek -- July 9, 2007;
- 7.48 Strawberry Reservoir -- July 9, 2007;
- 7.49 Matt Warner Reservoir -- July 9, 2007;
- 7.50 Calder Reservoir -- July 9, 2007;
- 7.51 Lower Duchesne River -- July 9, 2007;
- 7.52 Lake Fork River -- July 9, 2007;
- 7.53 Brough Reservoir -- August 22, 2008;
- 7.54 Steinaker Reservoir -- August 22, 2008;
- 7.55 Red Fleet Reservoir -- August 22, 2008;
- 7.56 Newcastle Reservoir -- August 22, 2008;
- 7.57 Cutler Reservoir -- February 23, 2010;
- 7.58 Pariette Draw -- September 28, 2010;
- 7.59 Emigration Creek -- September 1, 2011;
- 7.60 Jordan River -- June 27, 2012;
- 7.61 Colorado River -- December 5, 2013;
- 7.62 Echo Reservoir -- March 26, 2014;
- 7.63 Rockport Reservoir -- March 26, 2014;
- 7.64 Nine Mile Creek -- October 27, 2016;
- 7.65 North Fork Virgin River -- May 23, 2018;
- 7.66 Fremont River -- October 28, 2020;
- 7.67 Spring Creek (Heber) -- December 15, 2021;~~and~~
- 7.68 Jordan River Watershed -- October 26, 2022;and
- 7.69 Castle, Mill, and Pack Creeks -- August 27, 2025.

KEY: TMDL, water pollution

Date of Last Change: ~~December 15, 2022~~2025

Notice of Continuation: August 15, 2022

Authorizing, and Implemented or Interpreted Law: 19-5

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:	R357-40	Filing ID: 57314
--------------------------------	----------------	-------------------------

Agency Information

1. Title catchline:	Governor, Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E South Temple, Suite 300	
City, state:	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Greg Jeffs	801-368-1957	gjeffs@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R357-40. Broadband Access Grant Program Rule	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 452 (2025 General Session)

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

HB 452, passed in the 2025 General Session, transferred the administration of the Utah Broadband Center and Access Act out of the Governor's Office of Economic Opportunity (GOEO) and into the Department of Transportation. This rule change repeals Rule R357-40.

A similar rule will be created at the Department of Transportation.

5. Summary of the new rule or change:

This rule change repeals Rule R357-40 in its entirety.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

There are no anticipated costs or savings to the state budget because a similar rule will be created by the Department of Transportation.

B. Local governments:

There are no anticipated costs or savings to local governments because a similar rule will be created by the Department of Transportation.

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

There are no anticipated costs or savings to small businesses because a similar rule will be created by the Department of Transportation.

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

There are no anticipated costs or savings to non-small businesses because a similar rule will be created by the Department of Transportation.

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**):

There are no anticipated costs or savings to other persons because a similar rule will be created by the Department of Transportation.

F. Compliance costs for affected persons:

There are no anticipated costs or savings because a similar rule will be created by the Department of Transportation.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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

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

The Executive Director of the Governor's Office of Economic Opportunity, Jefferson Moss, has reviewed and approved this regulatory impact analysis.

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 63N-17-302

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

08/14/2025

10. This rule change MAY become effective on:

08/21/2025

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:

Jefferson Moss, Executive Director

Date:

06/26/2025

R357. Governor, Economic Opportunity.

~~**[R357-40. Broadband Access Grant Program Rule:**~~

~~**R357-40-101. Title:**~~

~~This rule is known as the "Broadband Access Grant Program Rule".~~

~~**R357-40-102. Definitions:**~~

~~In addition to the terms defined under Section 63N-17-102 the following terms are defined:~~

~~(1) "Higher speed" means the speed is greater than 100 Mbps download and 20 Mbps upload.~~

~~(2) "Publicly Accessible" means the public is able to access an affordable broadband network as an ongoing benefit to the community through connecting households, businesses, and public networks within reasonable scope of the project.~~

~~(3) "Rural" means a:~~

~~(a) county of the third, fourth, fifth, or sixth class; or~~

~~(b) municipality in a county of the second class that has a population of 10,000 or less.~~

~~(4) "Unserved area" includes a designated geographic area in which households or businesses are without a fixed, terrestrial connection supporting at least 25 Mbps download and 3 Mbps upload speeds.~~

~~(5) "Underserved area" includes a designated geographic area in which households or businesses are without a fixed, terrestrial connection supporting at least 100 Mbps download and 20 Mbps upload speeds.~~

~~**R357-40-103. Authority:**~~

~~This rule is adopted by the office under the authority of Section 63N-17-302.~~

~~**R357-40-104. Application:**~~

~~(1) The application shall at a minimum require:~~

~~(a) a file map showing proposed service area in .shp, .kml, or .kmz format;~~

~~(b) project scope of work;~~

~~(c) project budget;~~

~~(d) number of users and current speeds available in the proposed area;~~

~~(e) resolution from the local governing body in support of the project and the minutes that support the resolution;~~

~~(f) show how the project is scalable and makes the greatest investment in last mile connections;~~

- ~~_____ (g) proof of applicant's ability to fund the match and the project prior to reimbursement; and~~
- ~~_____ (h) projected;~~
- ~~_____ (i) download speed of not less than 100 megabits per second;~~
- ~~_____ (ii) upload speed of not less than 20 megabits per second;~~
- ~~_____ (iii) low latency of less than 100 ms; and~~
- ~~_____ (iv) packet loss of less than 2%~~
- ~~_____ (2) The application process shall include a timeframe to challenge the proposed service area.~~

~~R357-40-105. Grant Amount, Award, and Required Contract.~~

- ~~_____ (1) The office reserves the right to award funding for any proposal in full or in part, to request additional information, or to reject any proposals.~~
- ~~_____ (2) The office shall create an application scoring matrix based on the priorities outlined in Section 63N-17-301 and the matrix will be made available on the office's website.~~
- ~~_____ (3) Grant funds are not eligible to fund:~~
 - ~~_____ (a) projects in areas receiving support from the Universal Public Telecommunications Service Support Fund; or~~
 - ~~_____ (b) any residential, commercial, or institutional user that is not unserved or underserved.~~
- ~~_____ (4) Higher speed broadband access will give priority to gig speed and low latency.~~
- ~~_____ (5) Upon award of a grant, and prior to disbursement of funds, awardee shall enter into a contract with the office governing the use of grant funding.~~
- ~~_____ (6) Unless addressed in the terms and conditions of the contract between awardee and the office the following provisions shall apply:~~
 - ~~_____ (a) grant funding may not be used to provide a primary benefit to any state other than Utah; and~~
 - ~~_____ (b) for other eligibility requirements, awardees must maintain eligibility status until the collaboration is complete, scope of work requirements have been met, final disbursement of funding has been made, and reporting has been completed.~~

~~R357-40-106. Contract Modifications.~~

- ~~_____ (1) Awardee may request a modification to the terms of a contract.~~
- ~~_____ (2) The office may deny a modification request for any reason.~~
- ~~_____ (3) The office shall have discretion to agree to reasonable, nonsubstantive changes.~~
 - ~~_____ (a) Non-substantive changes may include:~~
 - ~~_____ (i) changes to timelines within the scope of work;~~
 - ~~_____ (ii) corrections to clerical errors in the proposal materials; and~~
 - ~~_____ (iii) technical changes to conditions that do not alter the budget, business's eligibility status, or violate any state or federal law.~~
 - ~~_____ (4) Substantive changes shall be approved by the office in consultation with the broadband advisory subcommittee.~~
- ~~_____ (5) Approved changes shall be made in writing and through an amendment modifying the terms of the contract.~~
- ~~_____ (6) Awardees refusal or failure to sign the contract within 90 days of receipt of the contract constitutes a rejection of the broadband access grant and a waiver of any rights and benefits.~~

~~R357-40-107. Funding Distribution.~~

- ~~_____ (1) The office shall reimburse the awardee for no more than the total amount specified in the contract.~~
- ~~_____ (2) Payment will only be made for those costs authorized and approved by the office after sufficient documentation is provided in accordance with the terms and conditions provided in the contract.~~
- ~~_____ (3) Misrepresentation to the office or violations of the agreement may result in forfeiture of broadband access grant funding, repayment of the funding received, or disqualification from continued funding.~~
- ~~_____ (4) The office reserves the right to audit the use of grant funding.~~

~~R357-40-108. Reporting and Cooperation Requirements.~~

- ~~_____ (1) The awardee shall report to the office and provide documentation evidencing the following metrics for inclusion in the annual report described in section 63N-1a-306:~~
 - ~~_____ (a) the number of participants in the program; and~~
 - ~~_____ (b) any additional data needed as required and outlined in the terms of the contract.~~

~~KEY: economic development, broadband~~

~~Date of Enactment or Last Substantive Amendment: September 22, 2021~~

~~Authorizing, and Implemented or Interpreted Law: 63N-17-302]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R647-1-106

Filing ID: 57317

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Non-Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	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:	
R647-1-106. Definitions	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 353 (2024 General Session)
4. Purpose of the new rule or reason for the change:	
This amendment is adding new definitions to the Minerals Regulatory Program from HB 353 (2024 General Session).	
5. Summary of the new rule or change:	
This rule amendment adds eight new definitions and amends six other definitions. These changes come from legislation, HB 353 (2024), as well as needed clarity on certain definitions.	

Fiscal Information

6. 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 (division), that will be associated with this proposed rule change. There will be no cost to the state as these changes are purely administrative and only add clarity to the current rules.
B. Local governments:
This rule amendment will not affect local governments as it only impacts the division and mine operators.
C. Small businesses ("small business" means a business employing 1-49 persons):
There are a total of 559 small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There is no estimated fiscal cost or benefit to these businesses as these changes are purely administrative and only add clarity to the current rules.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There is no estimated fiscal cost or benefit to these businesses as these changes are purely administrative and only add clarity to the current rules.
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 amendment will not affect persons other than small businesses, non-small businesses, or local government entities as it's only applicable to the division and mine operators.

F. Compliance costs for affected persons:

There will be no compliance costs for mineral mine operators as the changes are purely administrative.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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

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 40-6-1 et seq.

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

08/15/2025

10. This rule change MAY become effective on:

08/27/2025

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:	06/30/2025
---	-----------------------	--------------	------------

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.

R647-1. Minerals Regulatory Program.

R647-1-106. Definitions.

"Act" means the Utah Mined Land Reclamation Act, enacted in 1975, as amended, in ~~[-(]Section 40-8-1[-, et seq.)]~~.

NOTICES OF PROPOSED RULES

"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 agency actions to grant, deny, revoke, suspend, change, annul, withdraw, or amend an authority, right, or license; and judicial review of such actions. Those matters not governed by Title 63G, Chapter 4, Administrative Procedures Act, (1953, as amended) ~~shall~~ may not be included within this definition.

"Agency" means a board, commission, department, division, officer, council, office, committee, commission, bureau, or other administrative unit of this state, including the agency head, agency employees, or other persons acting on behalf of or under the authority of the agency head, but does not mean the Legislature, the courts, the governor, a political subdivision of the state, or an administrative unit of a political subdivision of the state.

"Agency head" means an individual or body of individuals in whom the ultimate legal authority of the agency is vested by statute.

"Amendment" is an insignificant change in the approved notice of intention. Whether a change is insignificant is outlined in Subsection R647-4-119(2).

"Approved Notice of Intention" means a formally filed notice of intention to begin mining operations, including amendments or revisions thereto that is determined to be complete and contains a mining and reclamation plan, which has been approved by the Division. A notice of intention for exploration having a disturbed area of 10 acres or less, or a small mining operation must be determined complete in writing by the Division, but does not require a mining and reclamation plan.

"Basalt" (a) means fine-grained mafic igneous rock formed in the tertiary or quaternary periods. (b) A Utah Geological Survey or a United States Geological Survey published map that classifies material as "basalt" is prima facie evidence that the material meets the requirements of Subsection (a). An unmapped area may be classified by a Utah Geological Survey geologist or a professional geologist licensed in the state.

"Board" means the Utah Board of Oil, Gas and Mining. The Board shall hear appeals of adjudicative proceedings which begin before the Division as well as an adjudicative proceedings and other proceedings which begin before the Board. The Board may appoint a Hearing Examiner for its hearings in accordance with the Rules of Practice and Procedure before the Board of Oil, Gas and Mining.

"Bonded Area" means the area of a small mine or exploration project, or part of the permit area for large mines, to be covered by the reclamation surety. The operator must include, with the notice of intention and updated as applicable, a map showing the areas covered by the bond, the approximate dates when the surety for these areas was posted, and when partial bond release and final bond release were approved by the division.

"Clinker Production" means the pyroprocessing of raw meal within a rotary kiln, where it is heated to high temperatures, typically 1,400 degrees Celsius to 1,500 degrees Celsius, to induce chemical reactions that form cement clinker.

"Deleterious Materials" means earth, waste or introduced materials exposed by mining operations to air, water, weather or microbiological processes, which would likely produce chemical or physical conditions in the soils or water that are detrimental to the biota or hydrologic systems.

"Deposit" or "mineral deposit" means an accumulation of mineral matter in the form of consolidated rock, unconsolidated materials, solutions, or otherwise occurring on the surface, beneath the surface, or in the waters of the land from which a useful product may be produced, extracted or obtained, or which is extracted by underground mining methods for underground storage. "Deposit" or "mineral deposit" excludes sand, gravel, rock aggregate, basalt for an area not to exceed 50 acres, water, geothermal steam, and oil and gas, but includes oil shale and bituminous sands extracted by mining operations.

"Development" means the work performed in relation to a deposit following its discovery, but prior to and in contemplation of production mining operations, aimed at preparing the site for mining operations; further defining the ore deposit by drilling or other means; conducting pilot plant operations; and constructing roads or ancillary facilities.

"Disturbed Area" means the surface land disturbed by mining operations. The disturbed area for small mining operations ~~shall~~ may not exceed ten acres in an incorporated area of a county or 20 acres in an unincorporated area of a county. The disturbed area for large mining operations ~~shall~~ may not exceed the acreage described in the approved notice of intention.

"Division" means the Utah Division of Oil, Gas and Mining. The Division Director or designee is the Presiding Officer for an informal adjudicative proceedings which begin before the Division in accordance with ~~[Section]~~ Rule R647-5.

"Exempt Mining Operations" means those mining operations which were previously exempt from the Act because less than 500 tons of material was mined in a period of 12 consecutive months or less than two acres of land was excavated or used as a disposal site in a period of 12 consecutive months. These exemptions were eliminated by statutory amendments in 1986 and are no longer available.

"Exploration" means surface disturbing activities conducted to discover a deposit or mineral deposit, delineating the boundaries of a deposit or mineral deposit, and identifying regions or specific areas in which deposits or mineral deposits are most likely to exist. "Exploration" includes: sinking shafts; tunneling; drilling holes; digging pits or cuts; building roads and other access ways.

"Gravel" means a naturally occurring unconsolidated to moderately consolidated accumulation of rock and mineral particles, the dominant size range being between 4mm and 75mm, which has been deposited by sedimentary processes.

"Land affected" means the surface and subsurface of an area within the state where mining operations are being or will be conducted, including: (a) on-site private ways, roads, and railroads; (b) land excavations; (c) exploration sites; (d) drill sites or workings; (e) refuse banks or spoil piles; (f) evaporation or settling ponds; (g) stockpiles; (h) leaching dumps; (i) placer areas; (j) tailings ponds or dumps; (k) work, parking, storage, or waste discharge areas, structures, and facilities. Land affected does not include: (x) lands which have been reclaimed in accordance with an approved plan or as otherwise approved by the Board, (y) lands on which mining operations ceased before July 1, 1977, or (z) lands on which previously exempt mining operations ceased before April 29, 1989.

"Large Mining Operations" means mining operations which have a disturbed area of more than ten surface acres at a time in an incorporated area of a county or more than 20 surface acres at a time in an unincorporated area of a county.

"License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by statute.

"Mining operations" means those activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, surface mining and the surface effects of underground and in situ mining; on-site transportation, concentrating, milling, evaporation, and other primary processing.

"Mining operation" does not include: the extraction of sand, gravel, and rock aggregate; the extraction of basalt for an area not to exceed 50 acres; the extraction of oil and gas; the extraction of geothermal steam; ~~secondary processing[smelting or refining operations]~~; off-site operations and transportation; reconnaissance activities; or activities which will not cause significant surface resource disturbance and do not involve the use of mechanized earth-moving equipment, such as bulldozers or backhoes.

"Notice of Intention" means a notice of intention to start mining operations, that provide the complete information required for authorization to conduct mining operations, and includes amendments or revisions thereto.

"Off-site" means the land areas that are outside of or beyond the on-site land.

"On-site" means the surface lands on or under which surface or underground mining operations are conducted. A series of related properties under the control of a single operator but separated by small parcels of land controlled by others will be considered a single site unless excepted by the Division. Noncontiguous mining and exploration disturbances, under the control of one operator, will be considered as one operation regardless of aggregate acreage, when the outer most boundary of one disturbed areas within a two mile radius of the outer most boundary of another disturbed area. Those sites aggregating less than 20 acres in an unincorporated area or ten acres in an incorporated area will be considered Small Mine or Exploration sites as appropriate. Several properties linked together, as described as noncontiguous mining and exploration will be considered as one, for the purposes of permitting and bonding. All roads connecting two or more noncontiguous sites that were constructed for accessing these sites for mining purposes, or were existing but significantly upgraded, will be considered in the permitting process.

"Operator" means a natural person, corporation, limited liability company, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, owning, controlling, conducting, or managing a mining operation or proposed mining operation.

"Owner" means a natural person, corporation, limited liability company, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, owning, controlling, conducting, or managing a mineral deposit or the surface of lands employed in mining operations.

"Party" means the Board, Division or other person commencing an adjudicative proceeding, respondents, person permitted by the Board to intervene in the proceeding, and persons authorized by statute or agency rule to participate as parties in an adjudicative proceeding.

"Permit" means a permit order, ~~[notice to conduct mining operations issued by the Division. A notice to conduct mining operations is issued by the Division when either a notice of intention for a small mining operation or exploration is determined to be complete and includes a surety approved by the Division, or a notice of intention for a large mining operation or exploration with a plan of operations and surety approved by the Division.]~~

"Permit Order" means an action by the division that:

(a)(i) approves a notice of intention to commence a large mining operation or revise or amend a large mining operation; or

(ii) declares a notice of intention for a large mining operation deficient;

(b)(i) accepts as complete a notice of intention to commence a small mining operation or amend a small mining operation; and

(ii) approves the amount and form of surety for a notice of intention; or

(c) approves a notice of intention to conduct an exploration operation or amend an exploration operation.

"Person" means an individual, group of individuals, partnership, corporation, limited liability company, association, political subdivision or its units, governmental subdivision or its units, public or private organization or another agency.

"Precalcination" means the partial calcination, in a precalciner, of the raw meal, where a portion of the calcium carbonate is decomposed into calcium oxide and carbon dioxide, in a separate vessel upstream of the rotary kiln.

"Preheating" means the process of increasing the temperature of the raw meal, prior to introducing into the kiln, using waste heat from the kiln exhaust gases. This is typically accomplished in a preheater tower consisting of a series of cyclones.

"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. For ~~[these rules]~~ Title R647, the Board, or its appointed Hearing Examiner, shall be considered the Presiding Officer of an appeal of informal adjudicative proceedings which begin before the Division as well as an adjudicative proceedings which begin before the Board. The Division Director their designee shall be considered a Presiding Officer for an informal adjudicative proceedings which begin before the Division in accordance with ~~[this]~~ Rule R647-5. If fairness to the parties is not compromised, an agency may substitute one Presiding Officer for another during a proceeding.

"Primary Processing" means crushing, bagging, grinding, comminution, size classification, mineral concentration, magnetic and electrostatic separation, gravity separation, flotation, sedimentation, thickening, filtration, product drying, tailings disposal, washing, beneficiation, and leaching. Extracting bitumen or kerogen from the rock matrix is considered primary processing.

"Raw Meal Preparation" means the preparation of homogeneous mixture of raw materials, including crushing, grinding, proportioning, and blending, to achieve the desired chemical composition for cement production.

"Reclamation" means actions performed during or after mining operations to shape, stabilize, revegetate, or otherwise treat the land affected to achieve a safe and ecologically stable condition and use which will be consistent with local environmental conditions and land management practices.

"Regrade or Grade" means to physically alter the topography of land surface.

"Respondent" means a person against whom an adjudicative proceeding is initiated, whether by an agency or an other person.

"Revision" means a significant change in the approved notice of intention. Whether a change is significant is outlined in Subsection R647-4-119(2). ~~[change to an approved notice of intention to Conduct Mining Operations, which will increase or decrease the amount of land~~

NOTICES OF PROPOSED RULES

affected, or alter the location and type of on-site surface facilities, such that the nature of the reclamation plan will differ substantially from that in the approved notice of intention.]

"Rock Aggregate" means those consolidated rock materials associated with a sand deposit, a gravel deposit, or a sand and gravel deposit, that were created by alluvial sedimentary processes. The definition of rock aggregate specifically excludes solid rock in the form of bedrock, other than basalt, which is exposed at the surface of the earth or overlain by unconsolidated material.

"Sand" means a naturally occurring unconsolidated to moderately consolidated accumulation of rock and mineral particles, the dominant size range being between 0.004mm to 4mm, which has been deposited by sedimentary processes.

"Secondary Processing" means:

(a) smelting, which includes any metallurgical operation in which metal is separated by fusion from those impurities with which it may be chemically combined or physically mixed;

(b) refining, which includes operations performed after crude metals have been extracted from their ores in order to obtain them in a condition of higher purity;

(c) refining operations for bitumen and kerogen;

(d) any hydrometallurgical operations, including autoclave processing;

(e) any other pyrometallurgical operations, including roasting and sintering;

(f) raw meal preparation;

(g) preheating;

(h) precalcination; or

(i) clinker production.

"Shut Down" means an absence of on-site mining operations on land affected under a complete or approved notice of intention where the operator intends that mining operations are permanently terminated, or the Division, after notice, makes a determination pursuant to Subsection R647-3-113(7) or R647-4-117(6).

"Small Mining Operations" means mining operations which have a disturbed area of ten or fewer surface acres at a time in an incorporated area of a county or 20 or fewer surface acres at a time in an unincorporated area of a county.

"Surface Mining" means mining conducted on the surface of the land including open pit, strip, or auger mining; dredging; quarrying; leaching; surface evaporation operations; reworking abandoned dumps and tailings and activities related thereto.

"Suspension" means an absence of ongoing operations on land affected under an approved notice of intention, where the operator intends that operations will eventually resume.

"Underground Mining" means mining carried out beneath the surface by shafts, tunnels or other underground mine openings.

KEY: minerals reclamation

Date of Last Change: ~~2025~~ February 24, 2022]

Notice of Continuation: April 27, 2023

Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R647-2

Filing ID: 57318

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	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:
R647-2. Exploration
4. Purpose of the new rule or reason for the change:
The purpose of this amendment is to add clarity to the expectations of operators who conduct exploration mining.

5. Summary of the new rule or change:

This rule amendment clarifies the expectations of exploration operations, including placing boundary markers along the sites perimeter, cultural and historic resources, and other general language clean up.

Fiscal Information**6. 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 (division), that will be associated with this proposed rule change.

There will be no additional cost to the state as these changes have been internal policy and are now being amended into rule.

B. Local governments:

This rule amendment will not affect local governments as it only applies to the division and mine operators.

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

There are a total of 559 small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There may be a cost to mineral mine operators who do not have boundary markers along their site boundaries, however, the division cannot estimate how many operators will need to install them or know the material they will use as various options are acceptable.

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

There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There may be a cost to mineral mine operators who do not have boundary markers along their site boundaries, however, the division cannot estimate how many operators will need to install them or know the material they will use as various options are acceptable.

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 amendment will not affect persons other than small businesses, non-small businesses, or local government entities as it only applies to the division and mine operators.

F. Compliance costs for affected persons:

There may be compliance costs for operators, however, the division cannot estimate how many operators will be affected or the amount they will need to spend to be compliant as the operators have options for boundary markers and the division does not know how many operators will need to install markers.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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
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 40-6-1 et seq.

Public Notice Information
9. The public may submit written or oral comments to the agency identified in box 1.
A. Comments will be accepted until:

08/15/2025

10. This rule change MAY become effective on:

08/27/2025

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:	06/30/2025
---	-----------------------	--------------	------------

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.
R647-2. Exploration.
R647-2-101. Filing Requirements and Review Procedures.

1. Prior to the commencement of exploration, a Notice of Intention to Conduct Exploration (FORM MR-EXP) containing all the required information must be filed with and determined complete by the Division and the Division shall have approved the form and amount of reclamation surety. It is recommended that the notice of intention be filed with the Division at least 30 days prior to the planned commencement of exploration.

2. Within ~~30~~~~45~~ days after receipt of a Notice of Intention to Conduct Exploration (FORM MR-EXP), the Division will review the proposal and notify the operator in writing that the notice of intention is:

(a)~~[2-11-]~~ Complete and all required information has been submitted; or

(b)~~[2-12-]~~ Incomplete, and additional information as identified by the Division will be required.

(c) The Division will review and respond to any subsequent filings of information within ~~30~~~~40 working~~ days of receipt.

3. ~~If the Notice of Intention to Conduct Exploration involves more acreage than that allowed for small mining operations, [If more than five acres of disturbance are planned,]~~ a detailed exploration development and reclamation plan must be included in the notice of intention and approved by the Division.

4. The Division will review and approve or disapprove:

(a)~~[4-11-]~~ The form and amount of reclamation surety, and;

(b)~~[4-12-]~~ Any variances requested under Section R647-2-107, Section R647-2-108, or Section R647-2-109, regardless of the number of surface acres of disturbance planned.

5. Developmental drilling conducted within an already approved disturbed area with approved surety does not require submittal of a Notice of Intention to Conduct Exploration (FORM MR-EXP).

6. A permittee's retention of a notice of intention shall require the paying of permit fees as authorized by the Utah Legislature. The procedures for paying the permit fees are as follows:

(a)~~[6-11-]~~ The Division shall notify the operators of record annually of the amount of permit fees authorized by the Utah Legislature for Exploration.

(b)~~[6-12-]~~ Fees are due annually by the deadline in Section R647-2-115 for reports.

(c)~~[6-13-]~~ A permittee may avoid payment of the fee by complying with the following requirements:

(i)~~[6-13-11-]~~ A permittee will notify the Division of a desire to close out a notice of intention by checking the appropriate box of the permit fees billing form.

(ii)[6.13.12.] The permittee will then arrange with the Division for an onsite inspection of the site to assure that all required reclamation has been performed. If an inspection reveals that an area is not yet suitably reclaimed, then a new billing notice will be issued and the permittee will be given 30 days from the date of the onsite inspection to pay the fee.

R647-2-102. Duration of the Notice of Intention.

1. A Notice of Intention to Conduct Exploration that has been determined complete or approved,~~[-for operations of more than 10 acres has been approved,]~~ shall be valid until December 31st of the year following ~~[the year of-]~~submission~~[tial]~~. ~~[-All-]~~Exploration and reclamation activities should be completed within this time frame. An operator desiring to extend the duration of a notice of intention, must notify the Division in writing, prior to expiration of the notice of intention, specifying the reasons an extension is required, and the anticipated length of time necessary~~[required]~~ to complete exploration and reclamation.

2. The Division will review and approve the extension and adjust if necessary, the amount of reclamation surety.

3. Authorization to operate under a Notice of Intention to Conduct Exploration may be withdrawn in the event of failure by the operator to pay permit fees required by Section R647-2-101~~[-]~~[6], or to maintain and update reclamation surety as required, after notice and opportunity for Board hearing.

R647-2-103. Notice of Intention to Conduct Exploration.

The notice of intention shall address the requirements of the following section~~[rules]~~:

[TABLE

RULE # SUBJECT

~~— R647-2-104 Operator(s), Surface and Mineral Owner(s)
— R647-2-105 Maps and Drawings
— R647-2-106 Project Description
— R647-2-107 Operation Practices
— R647-2-108 Hole Plugging Requirements
— R647-2-109 Reclamation Practices
— R647-2-110 Variance]~~

TABLE	
RULE #	SUBJECT
<u>R647-2-104</u>	<u>Operator, Surface and Mineral Owner</u>
<u>R647-2-105</u>	<u>Maps and Drawings</u>
<u>R647-2-106</u>	<u>Project Description</u>
<u>R647-2-107</u>	<u>Operation Practices</u>
<u>R647-2-108</u>	<u>Hole Plugging Requirements</u>
<u>R647-2-109</u>	<u>Reclamation Practices</u>
<u>R647-2-110</u>	<u>Variance</u>

R647-2-104. Operators~~[(s)]~~, Surface and Mineral Owners~~[(s)]~~.

The notice of intention shall include the following general information:

(1)~~[-]~~ The name, permanent mailing address, ~~[and-]~~telephone number, and email address of the operator responsible for exploration.
(2)~~[-]~~ The name~~[-and-]~~, permanent mailing address, and telephone number of the surface land-owner~~[(s)]~~ and mineral owner~~[(s)]~~ of any~~[(H)]~~ land to be affected by the operations.

(3) Information regarding the operator's organizational structure pertinent to the mining operation:

(a) Registered Agent: The name, permanent mailing address, telephone number, and email address of the registered agent for the operator.

(b) Signatory Authority: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of individuals who have signatory authority on behalf of the operator for official documents.

(c) Authorized Contact Persons: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of persons authorized by the operator to communicate with the Division, including consultants or legal representatives.

(4)~~[-]~~ The federal project numbers, mining claim number~~[(s)]~~, lease number~~[(s)]~~, or permit number~~[(s)]~~ of any mining claims, or federal or state leases or permits included in the lands affected.

(5)~~[-]~~ A signed statement that the operator will conduct reclamation as required by Rule R647-2~~[these rules]~~.

(6) The Notice of Intent must be signed by the operator's owner or an individual with signatory authority.

R647-2-105. Maps and Drawings.

The notice of intention shall include a location map and an operations map. Each map shall be plotted at a scale to accurately identify locational landmarks and operation details.

1. The general location map shall be the scale of a USGS 7.5-minute series map or equivalent, 1 inch equals 2000 feet,~~[-(1"=2000')]~~ and identify new or existing access roads.

2. The operations map, 1 inch equals 200 feet, or other scale as determined necessary by the Division,~~[-(1"=200' or other scale as determined necessary by the Division)]~~ shall identify:

NOTICES OF PROPOSED RULES

- (a)~~[2-11]~~ The area to be disturbed;
- (b)~~[2-12]~~ The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned exploration activities; and
- (c)~~[2-13]~~ Any adjacent previous disturbance for which the operator is not responsible.

R647-2-106. Project Description.

The notice of intention should include the following information:

- (1)~~[-]~~ A statement giving general details of the type or method of exploration proposed, including the proposed dates during which exploration will be conducted;
- (2)~~[-]~~ The type of minerals to be explored for;
- (3)~~[-]~~ The general dimensions of ~~each~~~~[a]~~ drill hole~~[s]~~, including total depth and diameter;
- (4)~~[-]~~ The general dimensions of ~~each~~~~[a]~~ trench~~[es]~~, pit~~[s]~~, shaft~~[s]~~, cut~~[s]~~, or other type~~[s]~~ of disturbance~~[s]~~;
- (5)~~[-]~~ The width and length of any new roads constructed, and a description of improvements to existing roads;
- (6)~~[-]~~ An estimate of the total number of surface acres to be disturbed.
- (7)~~[-]~~ The amount of material, ~~including mineral deposit, topsoil, subsoil, overburden, waste rock, or core hole material,~~~~[s]~~ extracted, moved, or proposed to be moved during the exploration operation.

R647-2-107. Operation Practices.

The operator shall conform to the following practices while conducting exploration unless the Division grants a variance in writing:

- (1)~~[-]~~ Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare during operations. Methods to minimize hazards shall, at a minimum, include~~[-but not be limited to:]~~:

- (a)~~[1-11]~~ The closing or guarding of shafts and tunnels to prevent unauthorized or accidental entry in accordance with MSHA regulations;

- (b)~~[1-12]~~ The disposal of trash, scrap metal and wood, and extraneous debris;

- (c)~~[1-13]~~ The plugging or capping of drill, core, or other exploratory holes as set forth in Section~~[Rule]~~ R647-2-108;

- (d)~~[1-14]~~ The posting of appropriate warning signs in locations where public access to operations is readily available;

- (e)~~[1-15]~~ The construction of berms, fences and~~[-or]~~ barriers above highwalls or other excavations, when required by the ~~[D]~~division.

- (2)~~[-]~~ Drainages - If natural channels are to be affected by exploration, then the operator shall take appropriate measures to avoid or minimize environmental damage.

- (3)~~[-]~~ Erosion Control - Operations shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

- (4)~~[-]~~ Deleterious Materials - ~~Any~~~~[4]~~ deleterious or potentially deleterious material~~[s]~~ shall be safely removed from the site or kept in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

- (5)~~[-]~~ Soils - Suitable soil material shall be removed and stored in a stable condition where practical so as to be available for reclamation.

- (6)~~[-]~~ Boundary Markers. Unless otherwise approved in writing by the division, the operation will clearly mark on the ground any areas, including access roads to be improved or constructed, that are covered by the reclamation surety. The operator will maintain the markings as required by this rule. Boundary and road markers must be placed so that no less than two consecutive markers are readily visible in any direction from any point on a line. The following requirements apply to marking boundaries of areas covered by the reclamation surety:

- (a) markers must be in place prior to any surface or subsurface disturbance in the area covered by the reclamation surety;

- (b) markers must be durable stout steel, wood, or similar quality posts and painted or flagged to be readily visible, except that a prominent, permanent feature such as a pole, tree, or large rock, flagged or painted, may serve as a marker;

- (c) each boundary marker must be maintained in place and readily visible until the area covered by the reclamation surety is fully reclaimed and the reclamation surety for that area is released;

- (d) the following areas and features must be marked according to this rule:

- (i) the area shown on the map that depicts the area to be covered by the reclamation surety of the proposed notice of intention or revision;

- (ii) prior to submission of an application for bond release, areas that are the subject of an application for partial bond release or full bond release; and

- (iii) proposed permitted access roads to be improved or constructed.

- (7) Concurrent Reclamation - During operations, disturbed areas shall be reclaimed when no longer needed, except to the extent necessary to preserve evidence of mineralization for proof of discovery. Areas which have been disturbed but are not routinely or currently utilized shall be kept in a safe, environmentally stable condition.

R647-2-108. Hole Plugging Requirements.

Drill holes shall be properly plugged as soon as practical and may not be left unplugged for more than 30 days without approval of the Division. The procedures outlined in this section~~[below]~~ are required for the surface and subsurface plugging of drill holes. The Division may approve an alternate plan, if the operator can prove to the satisfaction of the Division that another method will provide adequate protection to the groundwater resources and long term stability of the land. Dry holes and nonartesian holes which do not produce significant amounts of water may be temporarily plugged with a surface cap to permit the operator to re-enter the hole for the duration of operations.

- (1)~~[-]~~ Surface plugging of drill holes shall be accomplished by:

(a)[1-11-] Setting a nonmetallic permaplug at a minimum of five [(5)-]feet below the surface, or returning the cuttings to the hole and tamping the returned cuttings to within five [(5)-]feet of ground level. [-]The hole above the permaplug or tamped cuttings will be filled with a cement plug. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing.

(b)[1-12-] If the area is tilled farmland, a five [(5)-]foot cement plug must be placed above a permaplug or tamped cuttings so that the top of the cement plug is a minimum of three [(3)-]feet below the ground surface.[-] The hole above the cement plug is to be filled with soil. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing. The top of the casing and cap must be a minimum of three [(3)-]feet below the ground surface.

(2)[-] Drill holes that encounter water, oil, gas or other potential migratory substances and are 2-1/2 inches or greater in surface diameter shall be plugged in the subsurface to prevent the migration of fluid from one strata to another. If water is encountered, plugging shall be accomplished as outlined in Subsections (2)(a) and (b)[below]:

(a)[2-11-] If artesian flow ~~[-(1-11-)]~~ water flowing to the surface from the hole[-] is encountered during or upon cessation of drilling, a cement plug shall be placed to prevent water from flowing between geologic formations and at the surface.[-] The cement mix should consist of API Class A or H cement with additives as needed.[-] It should weigh at least 13.5 lbs./gal., and be placed under the supervision of a person qualified in proper drill hole cementing of artesian flow.[-] Artesian bore holes must be plugged in the described manner, prior to removal of the drilling equipment from the well site.[-] If the surface owner of the land affected desires to convert an artesian drill hole to a water well, the owner must notify the Division in writing accepting responsibility for the ultimate plugging of the drill hole.

(b)[2-12-] Holes that encounter significant amounts of nonartesian water shall be plugged by:

(i)[2-12-11-] Placing a 50 foot cement plug immediately above and below any[the] aquifers~~[(1-12-)]~~; or

(ii)[2-12-112] Filling from the bottom up, ~~[-(1-12-112)]~~ through the drill stem,[-] with a high grade bentonite~~[-(1-12-112)]~~ and water slurry mixture.[-] The slurry shall have a Marsh funnel viscosity of at least 50 seconds per quart prior to the adding of any cuttings.

R647-2-109. Reclamation Practices.

The operator shall conform to the following practices while conducting reclamation unless the Division grants a variance in writing:

(1)[-] Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare following completion of operations.[-] Methods to minimize hazards shall, at a minimum, include~~[-but not be limited to:]~~:

(a)[1-11-] The permanent sealing of shafts and tunnels;

(b)[1-12-] Appropriate disposal of trash, scrap metal and wood, buildings, extraneous debris, and other materials incident to mining;

(c)[1-13-] The plugging of drill, core, or other exploratory holes as set forth in [Rule]Section R647-2-108;

(d)[1-14-] The posting of appropriate warning signs in locations where public access to operations is readily available;

(e)[1-15-] The construction of berms, fences and~~[-(1-15-)]~~ barriers above highwalls or other excavations when required by the ~~[D]~~division.

(2)[-] Drainages - If natural channels have been affected by exploration, then reclamation must be performed such that the channels will be left in a stable condition with respect to actual and reasonably expected water flow so as to avoid or minimize future damage to the hydrologic system.

(3)[-] Erosion Control - Reclamation shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

(4)[-] Deleterious Materials - Any[H] deleterious or potentially deleterious material shall be safely removed from the site or left in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

(5)[-] Land Use - The operator shall leave the on-site area in a condition which is capable of supporting the postmining land use.

(6)[-] Slopes - Waste piles, spoil piles and fills shall be regraded to a stable configuration and shall be sloped to minimize safety hazards and erosion while providing for successful revegetation.

(7)[-] Highwalls - In surface mining and in open cuts for pads or roadways, highwalls shall be reclaimed and stabilized by backfilling against them or by cutting the wall back to achieve a slope angle of 45 degrees or less.

(8)[-] Roads and Pads - On-site roads and pads shall be reclaimed when they are no longer needed for operations. When a road or pad is to be turned over to the property owner or managing agency for continuing use, the operator shall turn over the property with adequate surface drainage structures and in a condition suitable for continued use.

(9)[-] Dams and Impoundments - Water impounding structures shall be reclaimed so as to be self-draining and mechanically stable unless shown to have sound hydrologic design and to be beneficial to the postmining land use.

(10)[-] Trenches and Pits - Trenches and small pits shall be reclaimed.

(11)[-] Structures and Equipment - Structures, rail lines, utility connections, equipment, and debris shall be buried or removed.

(12)[-] Topsoil Redistribution - After final grading, soil materials shall be redistributed on a stable surface so as to minimize erosion, prevent undue compaction and promote revegetation.

(13)[-] Revegetation - The operator shall seed the disturbed area with~~[species seeded shall include]~~ adaptable~~[-perennial]~~ species that will grow on the site, provide basic soil and watershed protection, and support the postmining land use.

(a) Revegetation shall be considered accomplished when:

(i)[13-11-] The revegetation with species acceptable to the division has achieved 70%~~[-percent]~~ of the premining vegetative ground cover. If the premining vegetative ground cover of the disturbed area is unknown,[-the] ground cover of an adjacent undisturbed area that is representative of the premining ground cover will be used as a standard. Also, the vegetation has survived three growing seasons following the last seeding, fertilization or irrigation, unless such practices are to continue as part of the postmining land use; or

NOTICES OF PROPOSED RULES

(ii)[4.12.] the Division determines that the revegetation work has been satisfactorily completed within practical limits, ~~[; where reseeded area shall not be included for purposes of determining whether future exploration or mining operations involve a disturbed area of five acres or less.]~~

R647-2-110. Variance.

(1)[.] The operator may request a variance from ~~[Rule]~~Section R647-2-107, Section R647-2-108, or Section R647-2-109, by submitting the following information, which shall be considered by the Division on a site-specific basis:

(a)[4.11.] The rules ~~[to]~~ from ~~[as to]~~ which a variance is requested;

(b)[4.12.] The variance requested and description of the area that would be affected by the variances;

(c)[4.13.] Justification for the variance; and

(d)[4.14.] Alternate methods or measures to be utilized.

(2)[.] A variance shall be granted if the alternative method or measure proposed will be consistent with the Act.

(3)[.] Any variance must be specifically approved by the Division in writing.

R647-2-111. Surety.

(1)[.] After receiving notification that the notice of intention is approved or complete, but prior to commencement of operations, the operator shall provide ~~[must post]~~ a reclamation surety with the Division.

(a)[4.11.] Failure to furnish and maintain reclamation surety may, after notice and opportunity for a Board hearing, result in a withdrawal of the notice of intention as provided for in Section 40-8-16.

(2)[.] The Division will not require a separate surety where a reclamation surety in a form and amount acceptable to the ~~[D]~~division is held by other governmental entities, provided that the cost estimate is accurate and the Division is named as co-beneficiary. Cooperative Agreements shall ~~[may]~~ be developed and entered into according to Section 40-8-22.

(3)[.] As part of the review of the notice of intention, the Division shall determine the required surety amount based on:

(a)[3.11.] Site-specific calculations or estimates by the Division reflecting the cost the Division or a third party would incur to reclaim the site;

(b)[3.12.] Site-specific calculations or estimates by the operator reflecting the cost the Division or a third party would incur to reclaim the site, if accurate and verifiable by the Division; or

(c)[3.13.] The average dollars per acre costs for reclamation of ~~[for]~~ similar operations, as determined by the Division, based upon approved surety amounts for current large mining operations.

(d)[3.14.] In determining or verifying the amount of surety under Subsection ~~[s]~~ (3)(a)[4.11] or (3)(b)[4.12], the Division shall use cost data from current sureties for large mining operations, adjusted as necessary to reflect the nature and scope of operations and reclamation under the notice of intention.

(e)[3.15.] For the average dollars per acre in Subsection (3)(c)[4.13], the Board will annually approve the figure after a formal presentation from the Division and an opportunity for public comment.

(4)[.] The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the reclamation surety must be approved by the Division, except as provided in Subsection (4)(f). Acceptable forms may include:

(a)[4.11.] A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". Each ~~[All]~~ surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. ~~[Operators who do not have a surety bond with a company that meets the standards of subsection 4.11 will have 120 days from the date of Division notification after enactment of the changes to subsection 4.11 to achieve compliance or face enforcement action.]~~ When the Division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of this subsection ~~[subsection 4.11]~~, the operator has 120 days after notice from the Division by mail to correct the deficiency, or face enforcement action;

(b)[4.12.] Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

(c)[4.13.] Cash;

(d)[4.14.] An irrevocable letter of credit issued by a bank organized to do business in the United States;

(e)[4.15.] Escrow accounts; ~~[and]~~

(f) United States Treasury bonds or notes, pledged and assigned to the State of Utah, Division of Oil, Gas and Mining; and

(g)[4.16.] The Board may approve ~~[accept]~~ a written self-bonding agreement in the case of operators showing sufficient financial strength.

(5)[.] Surety shall be required until such time as the division deems reclamation complete. ~~[reclamation is deemed complete by the Division.]~~ The Division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

(a)[5.11.] A partial release of surety can be made by the Division if it determines that a substantial phase or segment of reclamation such as demolition, backfilling, ~~[or]~~ regrading, or vegetation establishment has been successfully performed and the residual amount of retained surety is determined to be adequate to insure completion of reclamation.

(6) The amount of reclamation surety may be adjusted:

(a) if required to address changes in the reclamation plan due to an amendment to the notice of intention under Section R647-3-115;

(b) as the result of a periodic review by the division conducted no more frequently than annually, unless agreed to be the operator, which shall take into account inflation and deflation based upon an acceptable costs index; or

(c) as the request of the operator.

R647-2-112. Failure to Reclaim.

If the operator fails or refuses to conduct reclamation as ~~required by [outlined in]~~ the complete ~~or approved~~ notice of intention, ~~or fails or refuses to [and]~~ comply with ~~[the requirements of]~~ Section R647-2-107, R647-2-108, or R647-2-109 the Board may, after notice and hearing, order that:

- (1)~~[-]~~ Reclamation be conducted by the Division; ~~and~~~~[-]~~
- (2)~~[-]~~ The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court; and
- (3)~~[-]~~ Any surety filed for this purpose be forfeited. With respect to the surety filed with the Division, the Board shall request the Attorney General to take the necessary legal action to enforce and collect the amount of liability. Where a reclamation surety has been filed with other governmental agencies, the Board shall notify such agency of the hearing findings and seek forfeiture concurrence as necessary.
- (a)~~[3-11-]~~ The forfeited surety shall be used only for the reclamation of land to which it relates, and any residual amount returned to the rightful claimant pursuant to controlling law.

R647-2-113. Confidential Information.

Information provided in the notice of intention and in the Mineral Exploration Progress Report (FORM MR-EPR) that relates to the location, size, and nature of the mineral deposit, shall be protected as confidential information by the Board and the Division. The information will not be a matter of public record until a written release is received from the operator.

R647-2-114. Revised Notice.

(1)~~[-]~~ Minor additions or changes in the location of exploration operations do not require the submittal of a revised notice of intention. A new or revised Notice of Intention to Conduct Exploration (FORM MR-EXP) letter must be submitted when:

- (a)~~[1-1-]~~ The proposed additions or changes will occur outside the originally designated legal subdivision; or
- (b)~~[1-2-]~~ For exploration operations involving less acreage than that allowed for small mining operations, ~~[under 5 acres]~~ the proposed additions will cause the total unreclaimed surface disturbance to increase by more than 1 acre ~~[or exceed 5 acres]~~; or
- (c)~~[1-3-]~~ For exploration operations over 5 acres, the proposed additions or changes will cause an increase in the area of disturbance previously approved.

(2)~~[-]~~ In the event the Division or the operator determine at the time a revision is submitted that the amount of the current surety does not accurately reflect the potential cost to complete reclamation at any particular point in time during the revised exploration operations, the Division may undertake a recalculation of the surety amount as provided in Subsection R647-2-111~~[-]~~~~(3)~~. If the recalculated amount is greater than the amount of the existing surety, the revised operations may not be implemented until a revised surety is filed with the Division.

R647-2-115. Reports.

On or before December 31st of each year, the operator conducting exploration must submit a ~~[Mineral]~~ Exploration Progress Report (FORM MR-EPR), which describes any unusual drilling conditions, water encountered, hole plugging measures, and reclamation activities conducted.

R647-2-116. Practices and Procedures; Appeals.

The Administrative Procedures, as outlined in Rule R647-5, shall be applicable to minerals regulatory proceedings.

R647-2-117. Mineral Exploration Tax Credit.

(1)~~[-]~~ In accordance with Section 40-6-24, each operator desiring to claim a tax credit for mineral exploration must submit by March 1 for the previous calendar year, to the division, the Mineral Exploration Tax Credit form, which:

- (a)~~[-]~~ Lists the eligible claimant's name;
- (b)~~[-]~~ Lists the eligible claimant's contact information, including address, phone number, and email address;
- (c)~~[-]~~ Lists the eligible claimant's taxpayer identification number;
- (d)~~[-]~~ Lists the amount of the eligible claimant's tax credit;
- (e)~~[-]~~ Includes proof of satisfying the certified expenditure definition;
- (f)~~[-]~~ A description of the mine where exploration occurred; and
- (g)~~[-]~~ Proof of each expenditure.

(2)~~[-]~~ The eligible claimant shall include in the application for a tax credit certificate the following information for the taxable year in which the person seeks a tax credit certification:

- (a)~~[-]~~ Proof of engaging in business of mining or extracting minerals;
- (b)~~[-]~~ Proof of being subject to a severance tax under Title 59, Chapter 5, Part 2, Mining Severance Tax; and
- (c)~~[-]~~ Proof that a certified expenditure was made during the taxable year.

(3)~~[-]~~ After the division receives an application for a tax credit certificate, for each expenditure in the application, the division shall approve the expenditure as a certified expenditure or deny the expenditure as an expenditure that is not certified expenditure. If the division denies an expenditure, the division shall provide the person a written explanation that states each reason the division denied the expenditure and give the person an opportunity to correct deficiencies or provide additional information.

(4)~~[-]~~ The tax credit certificate shall state the amount of the tax credit, which is equal to the amount of the eligible claimant's certified expenditures as approved by the division. The division may not issue a tax credit certificate for certified expenditures related to exploration activities at a mine if the aggregate value of tax credit certificates issued for certified expenditures related to exploration activities at the same mine exceeds \$20,000,000.

NOTICES OF PROPOSED RULES

(5)[-] An eligible claimant may assign a tax credit certificate to another person if the eligible claimant provides written notice to the division in a Mineral Tax Credit Reassignment form that includes:

(a)[-] The eligible claimant's written certification that they irrevocably elect not to claim the tax credit authorized on the tax credit certificate; and

(b)[-] The contact information for the person to whom the eligible credit is assigning the tax credit certificate.

(6)[-] If the eligible claimant meets the requirements of Subsections R647-2-117(1) and (2), the division shall issue an assigned tax credit certificate to the person identified by the eligible claimant in an amount equal to the eligible claimant's tax credit certificate. A person to whom an eligible claimant assigns a tax credit certificate may claim the tax credit under Section 59-5-216 as if the person met the requirements, if the person files a return under Title 59, Chapter 5, Part 2, Mining Severance Tax.

(7)[-] An eligible claimant who received a tax credit certificate in accordance with this section shall retain the tax credit certificate for the same time period that a person shall keep books and records under Section 59-1-1406.

(8)[-] The division shall annually submit by June 30 to the State Tax Commission an electronic list that includes:

(a)[-] The name and identifying information for:

(i)[-] Each eligible claimant to whom the division issues a tax credit certificate; and

(ii)[-] Each person to whom an eligible claimant assigns a tax credit certificate in accordance with Subsections R647-2-117(5) and

(6);

(b)[-] For each person described in Subsection R647-2-117(8)(a), the amount of the tax credit stated on the tax credit certificate; and

(c)[-] For each person described in Subsection R647-2-117(8)(a)(ii), information necessary to identify the tax credit certification that the eligible claimant assigned to the person.

R647-2-118. Cultural and Historic Resources Information.

(1) The notice of intent, including amendments and revisions, shall include a Cultural Resource Inventory Report (Report) from an archaeologist or consultant, who is properly permitted by the Public Lands Policy Coordinating Office (PLPCO), concerning cultural resources. The report shall meet the standards of the Utah State Historic Preservation Office (UTSHPO).

(a) The Report shall include a Class III inventory, otherwise known as an intensive survey, of the proposed bonded area, including a 100-foot or more buffer around the proposed disturbance area. The Report shall include areas of possible disturbance, including new roads, road improvements, staging areas, drilling, and any other disturbances. Drill pads and roads 15-feet wide or less may have a 50-foot inventory buffer.

(b) Slopes steeper than 30 degrees may be evaluated by a Class II Inventory, otherwise known as a less than intensive or reconnaissance survey, for the safety of the archaeologist or consultant.

(c) Ground that has already been disturbed by Mining operations within the last 50 years may be evaluated by a Class I Report, otherwise known as a literature review. The operator must receive permission from the division before a Class I is accepted in lieu of a Class III or II Report.

(d) The operator is not required to survey property to which the operator does not have legal access. If any portion of the bonded area is on land managed by a separate government agency, the operator will be required to comply with that agency's cultural and historic resources requirements.

(e) If the bonded area includes future expansion or phases within the next ten years, the operator shall include these phases in the Report.

(f) The operator shall include a discovery clause in the notice of intent, including amendments and revisions, indicating the operator will stop work and contact the division if subsurface cultural deposits are discovered.

(2) The Report required under Subsection (1) shall describe coordination efforts with and present evidence of clearances by UTSHPO. For any property eligible for or listed on the National Register of Historic Places that may be adversely affected by the proposed mining and reclamation operations, each notice of intent, including amendments and revisions, will describe the measures to be used to avoid or minimize adverse effects

(3) The Division may require the operator to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. Appropriate mitigation and treatment measures may be required after permit approval provided that the required measures are completed before the properties are affected by any mining operation.

(4) The notice of intent, including amendments and revisions, shall include proof that cultural consultation with UTSHPO has been completed. Proof may be provided in the form of a UTSHPO consultation letter, a memo completed as part of a formal agreement with UTSHPO, or as a copy of an email from a cultural resource professional from a relevant agency.

R647-2-119. Transfer of a Notice of Intention.

If an operator wishes to transfer an exploration mining operation to another party, an application form entitled, Transfer of Notice of Intention - Exploration Mining Operations (FORM MR-TRE) must be completed and filed with the division. The new mine operator must post adequate reclamation surety and assume full responsibility for any disturbances of the permitted operation. The form and amount of surety must be approved by the division for the transfer to be complete.

KEY: minerals reclamation

Date of Last Change: 2025[February 24, 2023]

Notice of Continuation: April 27, 2023

Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R647-3****Filing ID:** 57319**Agency Information**

1. Title catchline:		Natural Resources; Oil, Gas and Mining; Non-Coal	
Building:		Department of Natural Resources	
Street address:		1594 W North Temple, Suite 1210	
City, state:		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:
R647-3. Small Mining Operations
4. Purpose of the new rule or reason for the change:
The purpose of this amendment is to add clarity to the expectations of operators who conduct small mining operations.
5. Summary of the new rule or change:
This rule amendment clarifies the expectations of small mining operations, including placing boundary markers along the sites perimeter, cultural and historic resources, and other general language clean up.

Fiscal Information

6. 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 (division), that will be associated with this proposed rule change.
There will be no additional cost to the state as these changes have been internal policy and are now being amended into rule.
B. Local governments:
This rule amendment will not affect local governments as it is only applicable to the division and mine operators.
C. Small businesses ("small business" means a business employing 1-49 persons):
There are a total of 559 small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There may be a cost to mineral mine operators who do not have boundary markers along their site boundaries, however, the division cannot estimate how many operators will need to install them or know the material they will use as various options are acceptable.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There may be a cost to mineral mine operators who do not have boundary markers along their site boundaries, however, the division cannot estimate how many operators will need to install them or know the material they will use as various options are acceptable.

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 amendment will not affect persons other than small businesses, non-small businesses, or local government entities as it is only applicable to the division and mine operators.

F. Compliance costs for affected persons:

There may be compliance costs for operators, however, the division cannot estimate how many operators will be affected or the amount they will need to spend to be compliant as the operators have options for boundary markers and the division does not know how many operators will need to install markers.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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

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 40-6-1 et seq.

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

08/15/2025

10. This rule change MAY become effective on:

08/27/2025

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:	06/30/2025
---	-----------------------	--------------	------------

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.**R647-3. Small Mining Operations.****R647-3-101. Filing Requirements and Review Procedures.**

(1)[~~1~~]-[~~1~~] Prior to commencement of operations, a Notice of Intention to Commence Small Mining Operations (FORM MR-SMO) containing ~~[all]~~ the required information must be filed with and determined complete by the ~~[D]~~division and the ~~[D]~~division shall have approved the form and amount of reclamation surety. It is recommended that the notice of intention be filed with the ~~[D]~~division at least ~~[thirty-]~~[30]-days prior to the planned commencement of operations.

(2)[~~2~~]-[~~1~~] Within ~~30~~[~~15~~] days after receipt of a Notice of Intention, the ~~[D]~~division will review the proposal and notify the operator in writing ~~that the notice of intention is:~~

(a)[~~2-11-~~] ~~[That the notice of intention is-]complete and [all]-required information has been submitted; or;~~

(b)[~~2-12-~~] ~~[That the notice of intention is-]incomplete;~~ and additional information, as identified by the ~~[D]~~division, will be required.

(i)[~~2-12-11-~~] The ~~[D]~~division will review and respond to any subsequent filings of information within ~~30~~[~~10 working days~~] of receipt.

(3)[~~3~~]-[~~1~~] The ~~[D]~~division will review and approve or disapprove:

(a)[~~3-11-~~] The form and amount of reclamation surety~~[-(R647-3-111)-];~~ and

(b)[~~3-12-~~] Any~~[H]~~ variances requested from ~~Section~~[~~Rules~~] R647-3-107, ~~Section~~ R647-3-108, and ~~Section~~ R647-3-109, regardless of the number of surface acres of disturbance planned.

(4)[~~4~~]-[~~1~~] The operator must notify the ~~[D]~~division no later than 30 days after beginning small mining operations.

(5)[~~5~~]-[~~1~~] A permittee's authorization under a notice of intention to conduct small mining operations shall require the paying of permit fees as authorized by the Utah Legislature. The procedures for paying the permit fees are as follows:

(a)[~~5-11-~~] The ~~[D]~~division shall notify the operators of record annually of the amount of permit fees authorized by the Utah Legislature for small mining operations.

(b)[~~5-12-~~] Fees are due annually by the deadline in ~~Section~~ R647-3-117 for reports.

(6)[~~6~~]-[~~1~~] A permittee may avoid payment of the fee by complying with the following requirements:

(a)[~~6-11-~~] A permittee will notify the ~~[D]~~division of a desire to close out a notice of intention by checking the appropriate box of the permit fees billing form.

(a)[~~6-12-~~] The permittee will then arrange with the ~~[D]~~division for an onsite inspection of the site to assure that all required reclamation has been performed. If an inspection reveals that an area is not yet suitably reclaimed, then a new billing notice will be issued and the permittee will be given 30 days from the date of the onsite inspection to pay the fee.

R647-3-102. Duration of the Notice of Intention.

(1) ~~The completed~~[~~approved~~] notice of intention, including any subsequent amendments~~[-or revisions]~~, shall remain in effect for the life of the small mining operation. ~~The division may review the permit and require updated information and modifications when warranted.~~

(2) ~~[However, the approved]~~A completed notice of intention may be withdrawn, after notice and opportunity for ~~[D]~~board hearing, in the event the operator:

(a) fails to pay permit fees required by ~~Section~~ R647-3-101[-];

(b) fails to maintain and update adequate reclamation surety as required in ~~Section~~ R647-3-111;

(c) substantially fails to perform reclamation or conduct mining operations so that reclamation can be accomplished in accordance with the reclamation practices in ~~Section~~ R647-3-109;~~[-or if mining operations are continuously shut down or in suspension for a period in excess of five (5) years, unless an extended period of suspension is approved upon application of the operator.]~~

(d) shuts down or suspends mining operations for a period in excess of five years, unless an extended period of suspension is approved upon application; or

(e) fails, after notice, to timely request a hearing before the board, the division may, in accordance with Subsection (2), withdraw an approved notice of intention.

(3) If the operator requests a hearing before the board, the board shall conduct the hearing de novo, and the division may not withdraw an approved notice of intention until conclusion of the hearing, and the board issues an order to withdraw the notice of intention.

(4) If a notice of intention is withdrawn, the division will notify the operator in writing that it must commence complete reclamation work within 90 days and diligently proceed with such work as directed by the division.

R647-3-103. Notice of Intention to Commence Small Mining Operations.

The notice of intention shall address the requirements of the following ~~[rules]~~sections:

[TABLE

RULE # SUBJECT

— R647-3-104 Operator(s), Surface and Mineral Owner(s)
— R647-3-105 Map
— R647-3-106 Operation Plan
— R647-3-107 Operation Practices
— R647-3-109 Reclamation Practices
— R647-3-110 Variance]

NOTICES OF PROPOSED RULES

TABLE	
RULE #	SUBJECT
R647-3-104	Operator, Surface and Mineral Owner
R647-3-105	Map
R647-3-106	Operation Plan
R647-3-107	Operation Practices
R647-3-109	Reclamation Practices
R647-3-110	Variance

R647-3-104. Operator~~[(s)]~~, Surface and Mineral Owners~~[(s)]~~.

The notice of intention shall include the following general information:

(1)~~[-]~~ The name, permanent mailing address, ~~[and]~~ telephone number, and email address of the operator responsible for the ~~[small]~~ mining operations and reclamation of the site.

(2)~~[-]~~ The name, ~~[and]~~ permanent mailing address, and telephone number of the surface landowner~~[(s)]~~ and mineral owner~~[(s)]~~ of any~~[(H)]~~ land to be affected by the mining operation.

(3) Information regarding the operator's organizational structure pertinent to the mining operation:

(a) Registered Agent: The name, permanent mailing address, telephone number, and email address of the registered agent for the operator.

(b) Signatory Authority: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of individuals who have signatory authority on behalf of the operator for official documents.

(c) Authorized Contact Persons: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of persons authorized by the operator to communicate with the division, including to consultants or legal representatives.

(4)~~[-]~~ The federal project numbers, mining claim number~~[(s)]~~, lease number~~[(s)]~~, or permit number~~[(s)]~~ of any~~[(H)]~~ mining claims, or federal or state leases or permits included in the lands affected.

(5)~~[-]~~ A signed statement that the operator will conduct reclamation as required by Rule R647-3~~[these rules]~~.

(6) The Notice of Intent must be signed by the operator's owner or an individual with signatory authority.

R647-3-105. Project Location and Map.

The notice of intention shall include a location map and an operations map. Each map shall be plotted at a scale to accurately identify locational landmarks and operations details.

(1)~~[-]~~ The general location map shall be the scale of a USGS 7.5 minute series map or equivalent, 1 inch equals 2000 feet, ~~[-(1"= 2000')]~~ and identify new or existing access roads.

(2)~~[-]~~ The operations map, 1 inch equals 200 feet, or other scale as determined necessary by the division, ~~[-(1"= 200' or other scale as determined necessary by the Division)]~~ shall identify:

(a)~~[-]~~ The area to be disturbed;

(b)~~[-]~~ The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned small mining activities; and

(c)~~[-]~~ Any adjacent previous disturbance for which the operator is not responsible.

(3) Maps shall be updated as needed to show areas that have been regraded or seeded which have not yet been fully released from reclamation requirements.

R647-3-106. Operation Plan.

The operator shall provide a brief narrative description of the proposed mining operation as part of the notice of intention. The description should include the following information:

(1)~~[-]~~ A statement giving general details of the type or method of mining operations proposed, equipment to be used, ~~[and]~~ the type of minerals to be mined, a description of on-site primary processing, approximate depths of excavations, and toe to crest height and angle of highwalls;

(2)~~[-]~~ Estimated width and length of any new roads to be constructed;

(3)~~[-]~~ An estimate of the total number of surface acres to be disturbed by the mining operation.

(4)~~[-]~~ The amount of material, ~~[(4)]~~including mineral deposit, topsoil, subsoil, overburden, waste rock, or core hole material, ~~[(s)]~~ to be extracted, moved, or proposed to be moved, relating to the mining operation.

R647-3-107. Operation Practices.

During operations, the operator shall conform to the following practices unless the ~~[(D)]~~division grants a variance in writing:

(1)~~[-]~~ Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare during operations. Methods to minimize hazards shall, at a minimum, include~~[-but not be limited to-]~~:

(a)~~[-]~~ The closing or guarding of shafts and tunnels to prevent unauthorized or accidental entry in accordance with MSHA regulations;

(b)~~[-]~~ The disposal of trash, scrap metal and wood, and extraneous debris;

(c)~~[-]~~ The plugging or capping of drill, core, or other exploratory holes as set forth in Section~~[Rule]~~ R647-3-108~~[-]~~;

(d)~~[-]~~ The posting of appropriate warning signs in locations where public access to operations is readily available;

(e)~~[-]~~ The construction of berms, fences and~~[-for]~~ barriers above highwalls or other excavations when required by the ~~[(D)]~~division.

(2)[-] Drainages - If natural channels are to be affected by the mining operation, then the operator shall take appropriate measures to avoid or minimize environmental damage.

(3)[-] Erosion Control - Operations shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

(4)[-] Deleterious Materials - ~~Any~~ deleterious or potentially deleterious material shall be safely removed from the site or ~~kept~~ in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

(5)[-] Soils - Suitable soil material shall be removed and stored in a stable condition where practical so as to be available for reclamation.

(6)[-] Boundary Markers -- Unless otherwise approved in writing by the division, the operation will clearly mark on the ground any areas, including access roads to be improved or constructed, that are covered by the reclamation surety. The operator will maintain the markings as required by this rule. Boundary and road markers must be placed so that no less than two consecutive markers are readily visible in any direction from any point on a line. The following requirements apply to marking boundaries of areas covered by the reclamation surety:

(a) markers must be in place prior to any surface or subsurface disturbance in the area covered by the reclamation surety;

(b) markers must be durable stout steel, wood, or similar quality posts and painted or flagged to be readily visible, except that a prominent, permanent feature such as a pole, tree, or large rock, flagged or painted, may serve as a marker;

(c) each boundary marker must be maintain in place and readily visible until the area covered by the reclamation surety is fully reclaimed and the reclamation surety for that area is released;

(d) the following areas and features must be marked according to this rule:

(i) the area shown on the map that depicts the area to be covered by the reclamation surety of the proposed notice of intention or revision;

(ii) prior to submission of an application for bond release, areas that are the subject of an application for partial bond release or full bond release; and

(iii) proposed permitted access roads to be improved and constructed.

(7) Concurrent Reclamation - During operations, disturbed areas shall be reclaimed when no longer needed, except to the extent necessary to preserve evidence of mineralization for proof of discovery. Areas which have been disturbed but are not routinely or currently utilized shall be kept in a safe, environmentally stable condition.

R647-3-108. Hole Plugging Requirements.

Drill holes shall be properly plugged as soon as practical and ~~may~~ not be left unplugged for more than 30 days without approval of the ~~the~~ division. The procedures outlined ~~in this section~~ are required for the surface and subsurface plugging of drill holes. The ~~the~~ division may approve an alternate plan, if the operator can prove to the satisfaction of the ~~the~~ division that another method will provide adequate protection to the groundwater resources and long term stability of the land. Dry holes and nonartesian holes which do not produce significant amounts of water may be temporarily plugged with a surface cap to permit the operator to re-enter the hole for the duration of ~~the~~ operations.

(1)[-] Surface plugging of drill holes shall be accomplished by:

~~(a) [1-11-] Setting a nonmetallic permaplug at a minimum of five[-(5)] feet below the surface, or returning the cuttings to the hole and tamping the returned cuttings to within five[-(5)] feet of ground level. The hole above the permaplug or tamped cuttings will be filled with a cement plug. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing.~~

~~(b) [1-12-] If the area is tilled farmland, a five[-(5)] foot cement plug must be placed above a permaplug or tamped cuttings so that the top of the cement plug is a minimum of three[-(3)] feet below the ground surface. The hole above the cement plug is to be filled with soil. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing. The top of the casing and cap must be a minimum of three[-(3)] feet below the ground surface.~~

(2)[-] Drill holes that encounter water, oil, gas or other potential migratory substances and are 2-1/2 inches or greater in surface diameter shall be plugged in the subsurface to prevent the migration of fluid from one strata to another. If water is encountered, plugging shall be accomplished as outlined in Subsections (2)(a) and (b) below:

~~(a) [2-11-] If artesian flow[-(i.e.)], water flowing to the surface from the hole, is encountered during or upon cessation of drilling, a cement plug shall be placed to prevent water from flowing between geologic formations and at the surface. The cement mix should consist of API Class A or H cement with additives as needed. It should weigh at least 13.5 lbs./gal., and be placed under the supervision of a person qualified in proper drill hole cementing of artesian flow. Artesian bore holes must be plugged in the described manner, prior to removal of the drilling equipment from the well site. If the surface owner of the land affected desires to convert an artesian drill hole to a water well, the owner~~ must notify the ~~the~~ division in writing ~~that he~~ accepting responsibility for the ultimate plugging of the drill hole.

~~(b) [2-12-] Holes that encounter significant amounts of nonartesian water shall be plugged by:~~

~~(i) [2-12-11-] Placing a 50 foot cement plug immediately above and below any~~ aquifers ~~(or); or~~

~~(ii) [2-12-112-] Filling from the bottom up, through the drill stem, with a high grade bentonite and water slurry mixture. The slurry shall have a Marsh funnel viscosity of at least 50 seconds per quart prior to the adding of any cuttings.~~

R647-3-109. Reclamation Practices.

During reclamation, the operator shall conform to the following practices unless the ~~the~~ division grants a variance in writing:

(1)[-] Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare following completion of operations. Methods to minimize hazards shall, at a minimum, include ~~but not be limited to~~:

NOTICES OF PROPOSED RULES

(a)[1-11-] [F]the permanent sealing of shafts and tunnels;
(b)[1-12-] appropriate[The] disposal of trash, scrap metal and wood, buildings, extraneous debris, and other materials incident to mining;

(c)[1-13-] [F]the plugging of drill, core, or other exploratory holes as set forth in Section[Rule] R647-3-108;
(d)[1-14-] [F]the posting of appropriate warning signs in locations where public access to operations is readily available; and
(e)[1-15-] [F]the construction of berms, fences and~~for~~ barriers above highwalls or other excavations when required by the [D]division.

(2)[-] Drainages - If natural channels have been affected by mining operations, then reclamation must be performed such that the channels will be left in a stable condition with respect to actual and reasonably expected water flow so as to avoid or minimize future damage to the hydrologic system.

(3)[-] Erosion Control - Reclamation shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

(4)[-] Deleterious Materials - Any[H] deleterious or potentially deleterious material shall be safely removed from the site or left in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

(5)[-] Land Use - The operator shall leave the on-site area in a condition which is capable of supporting the postmining land use.

(6)[-] Slopes - Waste piles, spoil piles and fills shall be regraded to a stable configuration and shall be sloped to minimize safety hazards and erosion while providing for successful revegetation.

(7)[-] Highwalls - In surface mining and in open cuts for pads or roadways, highwalls shall be reclaimed and stabilized by backfilling against them or by cutting the wall back to achieve a slope angle of 45 degrees or less.

(8)[-] Roads and Pads - On-site roads and pads shall be reclaimed when they are no longer needed for operations. When a road or pad is to be turned over to the property owner or managing agency for continuing use, the operator shall turn over the property with adequate surface drainage structures and in a condition suitable for continued use.

(9)[-] Dams and Impoundments - Water impounding structures shall be reclaimed so as to be self-draining and mechanically stable unless shown to have sound hydrologic design and to be beneficial to the postmining land use.

(10)[-] Trenches and Pits - Trenches and small pits shall be reclaimed.

(11)[-] Structures and Equipment - Structures, rail lines, utility connections, equipment, and debris shall be buried or removed.

(12)[-] Topsoil Redistribution - After final grading, soil materials shall be redistributed on a stable surface, so as to minimize erosion, prevent undue compaction and promote revegetation.

(13)[-] Revegetation - The operator shall seed the disturbed area with[species seeded shall include] adaptable~~perennial~~ species acceptable to the division that will grow on the site, provide basic soil and watershed protection, and support the postmining land use.

Revegetation shall be considered accomplished when:

(a)[1-11-] The revegetation with species acceptable to the division has achieved 70%~~percent~~ of the premining vegetative ground cover. If the premining vegetative ground cover of the disturbed area is unknown,~~then~~ the ground cover of an adjacent undisturbed area that is representative of the premining conditions will be used as a standard. Also, the vegetation has survived three growing seasons following the last seeding, fertilization or irrigation, unless such practices are to continue as part of the postmining land use; or

(b)[1-12-] The [D]division determines that the revegetation work has been satisfactorily completed within practical limits.

(14)[-] Where reseeding has occurred and the vegetation has survived one growing season, the reseeded area may~~shall~~ not be included for purposes of determining whether a mining operation is a small mining operation.

R647-3-110. Variance.

(1)[-] The operator may request a variance from Section[Rule] R647-3-107, R647-3-108, or R647-3-109 by submitting the following information which shall be considered by the [D]division on a site-specific basis:

(a)[1-11-] [F]the rules~~(s)~~ from which~~as to where~~ a variance are~~is~~ requested;

(b)[1-12-] [F]the variances requested and a description of the area that would be affected by the variances;

(c)[1-13-] [F]justification for the variance; and

(d)[1-14-] [A]alternate methods or measures to be utilized.

(2)[-] A variance shall be granted if the alternative method or measure proposed will be consistent with the Act.

(3)[-] Any variance must be specifically approved by the [D]division in writing.

R647-3-111. Surety.

(1)[-] After receiving notification that the notice of intention is complete, but prior to commencement of operations, the operator shall provide~~must post~~ a reclamation surety with the [D]division.

(a)[1-11-] Failure to furnish and maintain reclamation surety may, after notice and opportunity for [B]board hearing, result in a withdrawal of the notice of intention as provided for in Section 40-8-16.

(2)[-] The [D]division will not require a separate surety where a reclamation surety in a form and amount acceptable to the [D]division is held by other governmental entities, provided that the cost estimate is accurate and the [D]division is named as co-beneficiary. Cooperative Agreements shall~~may~~ be developed and entered into according to Section 40-8-22.

(3)[-] As part of the review of the notice of intention, the [D]division shall determine the required surety amount based on:

(a)[1-11-] Site-specific calculations or estimates by the [D]division reflecting the cost the [D]division or a third party would incur to reclaim the site;

~~(b)[3-12-]~~ Site-specific calculations or estimates by the operator reflecting the cost the ~~[D]~~division or a third party would incur to reclaim the site, if accurate and verifiable by the ~~[D]~~division; or

~~(c)[3-13-]~~ The average dollars per acre costs for reclamation of similar operations, as determined by the ~~[D]~~division, based upon approved surety amounts for current large mining operations.

~~(d)[3-14-]~~ In determining or verifying the amount of surety under Subsection[s] ~~(3)[-11-](a)~~ or ~~(3)[-12-](b)~~, the ~~[D]~~division shall use cost data from current sureties for large mining operations, adjusted as necessary to reflect the nature and scope of operations and reclamation under the notice of intention.

~~(e)[3-15-]~~ For the average dollars per acre in Subsection ~~(3)[-13-](c)~~, the ~~[B]~~board will annually approve the figure after a formal presentation from the ~~[D]~~division and an opportunity for public comment.

~~(4)[-]~~ The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the reclamation surety must be approved by the ~~[D]~~division, except as provided in Subsection (4)(f)[subpart 4-16]. Acceptable forms may include:

~~(a)[4-11-]~~ A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". Each[AH] surety company[ies] also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570.~~[-Operators who do not have a surety bond with a company that meets the standards of subsection 4-11 will have 120 days from the date of Division notification after enactment of the changes to subsection 4-11 to achieve compliance or face enforcement action.-]~~ When the ~~[D]~~division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of this subsection[subsection 4-11], the operator has 120 days after notice from the ~~[D]~~division by mail to correct the deficiency, or face enforcement action;

~~(b)[4-12-]~~ Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

~~(c)[4-13-]~~ Cash;

~~(d)[4-14-]~~ An irrevocable letter of credit issued by a bank organized to do business in the United States;

~~(e)[4-15-]~~ Escrow accounts;~~[-and]~~

~~(f)~~ United States Treasury bonds or notes, pledged and assigned to the State of Utah, Division of Oil, Gas and Mining; and

~~(g)[4-16-]~~ The ~~[B]~~board may approve a written self-bonding agreement in the case of operators showing sufficient financial strength.

~~(5)[-]~~ Surety shall be required until such time as the ~~[D]~~division deems reclamation complete. The ~~[D]~~division shall[will] promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

~~(a)[5-11-]~~ A partial release of surety can be made by the ~~[D]~~division if it determines that a substantial phase or segment of reclamation such as demolition, backfilling, regrading, or vegetation establishment has been successfully performed and the residual amount of retained surety is determined adequate to insure completion of reclamation.

~~(6)[-]~~ The amount of reclamation surety may be adjusted:

~~(a)[6-11-]~~ if required to address changes in the reclamation plan due to an amendment to[As required by a revision in] the Notice of Intention under Section R647-3-115;

~~(b)[6-12-]~~ ~~[A]as the[a]~~ result of a periodic review by the ~~[D]~~division conducted no more frequently than at three or five[3] year intervals unless agreed to by the operator, which shall take into account inflation~~[r]~~ and deflation based upon an acceptable Costs Index; or

~~(c)[6-13-]~~ ~~[A]at the request of the operator.~~

~~(7)[-]~~ Notwithstanding any other provision of the~~[se rules]~~ Rule R647-3, for operations where the surety is in the form of a ~~[B]~~board-approved agreement under Subsection 40-8-14(3), the ~~[B]~~board shall retain the sole authority over the release, partial release, revision or adjustment of the surety amount, if any, which shall be in accordance with the agreement and the Act.

R647-3-112. Failure to Reclaim.

If the operator of a small mining operation fails or refuses to conduct reclamation as required by the complete notice of intention, ~~or[and]~~ fails or refuses to comply with Section R647-3-107, R647-3-108, or R647-3-109, the ~~[B]~~board may, after notice and hearing, order that:

~~(1)[-]~~ Reclamation be conducted by the ~~[D]~~division; and

~~(2)[-]~~ The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court; and

~~(3)[-]~~ Any surety filed for this purpose be forfeited. With respect to the surety filed with the ~~[D]~~division, the ~~[B]~~board shall request the Attorney General to take the necessary legal action to enforce and collect the amount of liability. Where ~~[reclamation-]surety or a bond~~ has been filed with another governmental agency, the ~~[B]~~board shall notify such agency of the hearing findings, and seek forfeiture concurrence as necessary.

~~(4)[3-11-]~~ The forfeited surety shall be used only for the reclamation of the land to which it~~[s]~~ relates, and any residual amount returned to the rightful claimant pursuant to controlling law.

R647-3-113. Notification of Suspension or Shut Down~~Termination~~ of Operations.

~~1. All mine operations are required to be maintained in a safe, clean, and environmentally stable condition. Active and inactive operations must continue to submit annual reports unless waived in writing by the Division.~~

~~(1)[-]~~ The operator need not notify the ~~[D]~~division of a~~[the]~~ suspension of ~~[small-]mining operations that does not exceed two[-(2)] years unless suspension or shut down of operations would result in potential hazards to the public safety and welfare or imminent significant environmental harm. If a suspension or shut down of operations would result in potential hazards to the public safety and welfare or significant~~

NOTICES OF PROPOSED RULES

environmental harm, the operator must notify the division as soon as possible, but no later than one day after operations are shut down or placed in suspension. The operator may elect to notify the division of such a suspension by disclosing that mining operations are, or will be, in suspension in the report required by Section R647-3-117.

(2)[3-] In the case of a shut down [termination of mining operations] or a suspension of mining operations that has exceeded, or is expected to exceed two[-(2)] years, the operator shall notify the division in writing or in the report required in Section R647-3-117.[;]

(a) The notification shall include a statement describing the operator's efforts to monitor and maintain the site in a safe, environmentally stable condition, and the date of the last self-inspection. The operator will keep written records of self-inspections and make them available to the division upon request.

(b) Upon request, the operator shall furnish the division with such data as it may require to evaluate the status of the mining operation, the status of compliance with Rule R647-3, and the probable future status of the land affected. Upon review of such data, the division will take such action as may be appropriate and consistent with the rules under Title R647.

[3-11 Monitor and maintain the site in accordance with each requirement of the operation practices in R647-3-107.

3-12 Upon request, furnish the Division with such data as it may require to evaluate the status of the small mining operation, the status of compliance with these rules, and the probable future status of the land affected. Upon review of such data, the Division will take such action as may be appropriate. The Division may grant an extended suspension period beyond two years if warranted.]

(3)[4-] The operator shall give the [D]division prompt written notice of a suspension of small mining operations that has exceeded or is expected to exceed five[-(5)] years, or of a shut down. Upon receipt of notification, the [D]division shall, within 30 days, arrange to inspect the property. The notice of suspension or shut down will include information about the status of the small mining operation, the status of compliance with Rule R647-3[-these rules], the probable future status of the land affected, and if applicable the estimated date mining operations are to resume.

(4)[5-] If the operator does not provide the notice required by Subsection R647-3-113(3)[-4], the [D]division shall serve written demand on the operator requiring that the operator provide the notice required by Subsection R647-3-113(3)[-4] within 30 days of receipt of the [D]division's demand letter.

(5)[6-] An operator who has provided notice under Subsection R647-3-113(3)[-4] or R647-113(2)[-3], may remain in suspension so long as the operator:

(a)[6-11-] Monitors the property as frequently as necessary, but no less than one time per year, to confirm the property is in a safe environmentally stable condition;

(b)[6-12-] Maintains the property in a safe, environmentally stable condition in accordance with Subsection R647-3-107(1)[-1] through R647-3-107(4)[-4];

(c)[6-13-] Maintains adequate reclamation surety; and

(d)[6-14-] Continues to pay permit fees required by Subsection R647-3-101(5)[-5] and submits annual reports required by Section R647-3-117.

(6)[7-] Small Mining operations that are in suspension for longer than five[-(5)] years will be reevaluated on a regular basis and shall no less than every five years provide an update of the report required by Subsection R647-3-113(3)[-4] or [-](5) which shall be evaluated by the [D]division for compliance with requirements of Subsection R647-3-113(5)(a) through (5)(d)[-6-11 through 6-14].

(7)[8-] The [D]division may require additional interim reclamation or stabilization measures reasonably necessary to ensure operator compliance with Subsection R647-3-113(5)(b)[-6-12] for a small mining operation to remain in a continued state of suspension. In accordance with Subsection R647-3-113(5)(b)[-5-12-], the [D]division will periodically evaluate the reclamation surety for operations in suspension and require changes as required by Subsection R647-3-111(6)[needed].

(8)[9-] The [D]division may, [thirty -(30)]-days after the operator's receipt of written notice and findings from the [D]division, determine mining operations are or have been shut down by demonstrating in written findings that the operator:

(a)[9-11-] Failed to file the annual report under Section R647-3-117 and pay permit fees under Subsection R647-3-101(5)[-5]; or

(b)[9-12-] Failed to provide notice required by the [D]division under Subsection R647-3-113(3)[-4] and failed to respond to a request to file such notice under Subsection R647-3-117(4)[-5]; or

(c)[9-13-] Failed to maintain the property in a safe, environmentally stable condition in accordance with the requirements in Subsections R647-3-107(1)[-1] through R647-3-107(4)[-4] as applicable.

(9)[10-] In the event the division makes a determination that a mining operation is shut down due to failure to comply with any of Subsections (8)(a) through (8)(c), the operator may within 30 days of the notice of determination, provide a written justification for its failure to comply, and if the division finds the justification to be reasonable, the failure to comply excusable, or no undue prejudice from the non-compliance, it shall withdraw the determination. Neither this provision, nor a written justification, if any, shall serve to preclude, limit, or otherwise prejudice any other administrative remedies or procedures available to an operator under applicable laws or rules.[The operator may, within thirty (30) days of receipt of written notice and findings as set forth at R647-3-113.9.11, R647-3-113.9.12, or R647-3-113.9.13, provide a written justification for its failure or comply. If the Division finds the justification to be reasonable, the failure to comply excusable, or no undue prejudice from the non-compliance, the determination of shut down shall be withdrawn. Neither this provision, nor a written justification, if any, shall serve to preclude, limit or otherwise prejudice any other administrative remedies or procedures available to an operator under applicable laws or rules.]

(10)[11-] An operator who ends a suspension and resumes mining operations shall notify the [D]division within a reasonable time after resuming mining operations that the operator has resumed mining operations. If operations have been in suspension for more than five[-(5)] years, or were shut down for more than five[-(5)] years, resumption of mining shall require compliance with the current rules in Sections R647-3-102 through R647-3-111 as applicable.

R647-3-114. Mine Enlargement.

Before enlarging a small mining operation beyond ten acres of surface disturbance in an incorporated area of a county or ~~twenty~~20 acres in an unincorporated area of a county, the operator must file a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) and receive ~~the~~division approval.

R647-3-115. Amendments~~Revisions~~.

(1)~~[-]~~ Small mining operators are required to submit an amendment~~[-revision]~~ to the complete notice of intention when a significant change~~(+)~~ in the small mining operation occurs. An amendment~~[-revision]~~ can be made by submitting a revised FORM MR-SMO~~[-(or similar form)]~~ and indicating the portion~~(+)~~ of the operation which is being amended~~[-revised]~~.

(2)~~[-]~~ Division approval of an amendment~~[-revision]~~ of small mining operations is not required but the operational change may not be implemented until the ~~the~~division determines that the amended notice of intention~~[-revised NOI]~~ is complete.

(3)~~[-]~~ In the event the ~~the~~division or the operator determine at the time an amendment~~[-revision]~~ is submitted that the amount of the current surety does not accurately reflect the potential cost to complete reclamation at any point in time during the amended~~[-revised]~~ small mining operations, the ~~the~~division may ~~undertake a~~recalculate~~ion of~~ the surety amount as provided in Subsection R647-3-111(3)~~[-3]~~. If the recalculated amount is greater than the amount of the existing surety, the revised operations may not be implemented until a revised surety is approved by the ~~the~~division.

(4)~~[-]~~ If the acreage within an approved small mining operation is later annexed into an incorporated area of a county, the permit may continue as a small mining operation. If the operator of such small mining operation subsequently proposes an increase of the disturbed acres, the current definitions for small or large mining operations would apply as appropriate.

R647-3-116. Transfer of a Notice of Intention.

If an operator wishes to transfer a small mining operation to another party, an application form entitled, Transfer of Notice of Intention - Small Mining Operations (FORM MR-TRS) must be completed and filed with the ~~the~~division. The new mine operator must post adequate reclamation surety and assume full responsibility for all disturbances of the permitted operation. The form and amount of surety must be approved by the ~~the~~division for the transfer to be complete.

R647-3-117. Reports.

(1)~~[-]~~ On or before January 31 of each year, unless waived in writing by the ~~the~~division, each operator conducting small mining operations must file a Small Mine Annual Report~~an operations and progress report~~ (FORM MR-AR) describing its operations during the preceding calendar year, including:

(a)~~[-1-1-]~~ The location of the operation and the file number and date of the applicable Notice of Intention;

(b)~~[-1-2-]~~ The gross amounts of ore and waste materials moved during the year, as well as the disposition of such materials;

(c)~~[-1-3-]~~ New surface disturbances created during the year;

(d)~~[-1-4-]~~ The reclamation work performed during the year; and

(e)~~[-1-5-]~~ A narrative description of ore extraction, on-site primary processing, exploration, site development work, maintenance, reclamation, and other work performed at the mine site during the year;

(2)~~[-1-6-]~~ If notice has been provided or required pursuant to Subsection R647-3-113(4) or (5)~~[-4 or 113-5]~~, the annual report shall include a narrative description of work performed to comply with Subsections R647-3-113(6)(a) through (6)(c)~~[-6-11 through 6-13-]~~

(3) If an operator is in suspension under Section R647-3-113, the report submitted by the operator must include the information required by Subsections (1) and (2), as applicable, and:

(a)~~[-1-7-]~~ The date suspension began or is anticipated to begin; and

(b)~~[-1-8-]~~ Any other information required by the ~~the~~division under Subsection R647-3-113(4) or (5)~~[-4 or 113-5]~~

(4)~~[-2-]~~ The operator shall keep and maintain timely records relating to the operator's~~his~~ performance under the Act and shall~~still~~ make these records available to the ~~the~~division upon request.

R647-3-118. Practices and Procedures; Appeals.

The Administrative Procedures, as outlined in ~~the~~Rule R647-5~~[-Rules]~~, shall be applicable to minerals regulatory proceedings.

R647-3-119. Confidential Information.

Information provided in the notice of intention relating to the location, size, and nature of the mineral deposit, and marked confidential by the operator, shall be protected as confidential information by the ~~the~~board and the ~~the~~division. The information will not be a matter of public record until a written release is received from the operator, or until the notice of intention is terminated.

R647-2-120. Cultural and Historic Resources Information.

(1) The notice of intent, including amendments and revisions, shall include a Cultural Resource Inventory Report (Report) from an archaeologist or consultant, who is properly permitted by the Public Lands Policy Coordinating Office (PLPCO), concerning cultural resources. The report shall meet the standards of the Utah State Historic Preservation Office (UTSHPO).

(a) The Report shall include a Class III inventory, otherwise known as an intensive survey, of the proposed bonded area, including a 100-foot or more buffer around the proposed disturbance area. The Report shall include areas of possible disturbance, including new roads, road improvements, staging areas, drilling, and any other disturbances. Drill pads and roads 15-foot wide or less may have a 50-foot inventory buffer.

NOTICES OF PROPOSED RULES

(b) Slopes steeper than 30 degrees may be evaluated by a Class II Inventory, otherwise known as a less than intensive or reconnaissance survey, for the safety of the archaeologist or consultant.

(c) Ground that has already been disturbed by Mining operations within the last 50 years may be evaluated by a Class I Report, otherwise known as a literature review. The operator must receive permission from the division before a Class I is accepted in lieu of a Class III or II Report.

(d) The operator is not required to survey property to which the operator does not have legal access. If any portion of the bonded area is on land managed by a separate government agency, the operator will be required to comply with that agency's cultural and historic resources requirements.

(e) If the bonded area includes future expansion or phases within the next ten years, the operator shall include these phases in the Report.

(f) The operator shall include a discovery clause in the notice of intent, including amendments and revisions, indicating the operator will stop work and contact the division if subsurface cultural deposits are discovered.

(2) The Report required under Subsection (1) shall describe coordination efforts with and present evidence of clearances by UTSHPO. For any property eligible for or listed on the National Register of Historic Places that may be adversely affected by the proposed mining and reclamation operations, each notice of intent, including amendments and revisions, will describe the measures to be used to avoid or minimize adverse effects

(3) The division may require the operator to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. Appropriate mitigation and treatment measures may be required after permit approval provided that the required measures are completed before the properties are affected by any mining operation.

(4) The notice of intent, including amendments and revisions, shall include proof that cultural consultation with UTSHPO has been completed. Proof may be provided in the form of a UTSHPO consultation letter, a memo completed as part of a formal agreement with UTSHPO, or as a copy of an email from a cultural resource professional from a relevant agency.

KEY: minerals reclamation

Date of Last Change: ~~2025~~~~October 29, 2020~~

Notice of Continuation: January 24, 2018

Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R647-4

Filing ID: 57320

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Non-Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	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:	
R647-4. Large Mining Operations	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 353 (2024 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of this amendment is to add clarity to the expectations of operators who conduct large mining operations.	

5. Summary of the new rule or change:

This rule amendment clarifies the expectations of large mining operations, including placing boundary markers along the sites perimeter, cultural and historic resources, and other general language clean up, including the legislative changes, HB 353 (2024), surrounding permit amendments, and revisions.

Fiscal Information**6. 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 (division), that will be associated with this proposed rule change. There may be additional cost to the state from public comment periods and hearings, however, the division cannot estimate how many operators will make changes to their permits or if a public comment period or hearing will be necessary.

B. Local governments:

This rule amendment will not affect local governments as it is only applicable to the division and mine operators.

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

There are a total of 559 small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There may be a cost to mineral mine operators who make changes to their permit plans, however, the division cannot estimate how many operators will make changes to their permits or if a public comment period or hearing will be necessary.

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

There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There may be a cost to mineral mine operators who make changes to their permit plans, however, the division cannot estimate how many operators will make changes to their permits or if a public comment period or hearing will be necessary.

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 amendment will not affect persons other than small businesses, non-small businesses, or local government entities as it is only applicable to the division and mine operators.

F. Compliance costs for affected persons:

There may be compliance costs for operators, however, the division cannot estimate how many operators will be affected or the amount they will need to spend to be compliant as the operators have options for boundary markers and the division does not know how many operators will need to install markers.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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
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 40-6-1 et seq.

Public Notice Information
9. The public may submit written or oral comments to the agency identified in box 1.
A. Comments will be accepted until:

08/15/2025

10. This rule change MAY become effective on:

08/27/2025

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:

06/30/2025

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.
R647-4. Large Mining Operations.
R647-4-101. Filing Requirements, ~~and~~ Review Procedures, and Public Notice.

Prior to commencement of operations, a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) containing[~~all~~] the required information must be filed with and approved by the [~~D~~]division and the [~~D~~]division shall have approved the form and amount of reclamation surety.

(1) The Notice of Intention for large mining operations shall be reviewed as provided in this section.

(a) Within 30 days after receipt of Notice of Intention for a large mining operation, the division shall complete the division's review of the Notice of Intention for completeness and notify the operator in writing that the notice of intention:

(i) is complete because the notice of intention is in a form approved by the division on which the operator provides a substantive response to each applicable request for information; or

(ii) is incomplete.

(b) If the Notice of Intention is incomplete, the division shall give the operator a reasonable opportunity to take action required to complete the Notice of Intention.

(3) Within five business days of the day on which the division notifies the operator under Subsection (1) that a Notice of Intention is complete, the division shall:

(a) submit for publication notice of the Notice of Intention and an opportunity for public comment:

(i) one time in the newspapers of general circulation published in the county where the land affected is situated; and

(ii) one time in a newspaper of general circulation in Salt Lake City, Utah;

(b) publish notice of the Notice of Intention and an opportunity for public comment:

(i) on a public legal notice website as required in Section 45-1-101; and

(ii) on the division's public website; and

(c) mail notice of the Notice of Intention to:

(i) the zoning authority of the county or municipality where the land affected is situated; and

(ii) the owner of record of the land affected.

(4)(a) The division shall accept public comment on a complete Notice of Intention for 30 days from the day on which notice is posted on the public legal notice website described in Subsection (3)(b)(i).

(i) The division shall include with a notice published under Subsection (3)(b) and electronic link by which a person may electronically submit public comment.

(ii) If a person wants to submit public comment through the mail, the person shall submit the public comment in writing and include their name and address to The Division of Oil, Gas and Mining at 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84116.

(iii) Only a person, municipality, or county who submits a timely, substantive public comment during the public comment period is eligible to seek intervention in a review proceeding for the division's final permit order on the Notice of Intention for a large mining operation.

(5)(a) Within 15 days after the close of public comment under Subsection (4), the division shall review the public comments received and identify substantive public comments.

(b) The division shall send a copy of the substantive public comments received to the operator and shall file a copy for public inspection at the division.

(c) The division may hold a public meeting to discuss issues raised by public comment.

(d) The division shall hold a public meeting if:

(i) The division has received a minimum of ten public comments;

(ii) Requested by a city or county government; or

(iii) If the director determines that a public hearing is warranted based on the scope of the project.

(e) If the division determines that a public meeting is necessary, the division shall hold the public meeting within 45 days after the end of the period to review public comments under Subsection (4).

(6)(a) By no later than 30 days of the later of the following, the division shall take an action described in Subsection (b):

(i) the day on which time period under Subsection (4) for accepting public comment ends; or

(ii) the day on which the division holds a public hearing under Subsection (5).

(b) By no later than the day described in Subsection (6)(a), the division shall:

(i) approve the Notice of Intention; or

(ii) provide the operator written notice of any deficiency and grant the operator a reasonable opportunity to take an action that is required to remove the deficiency.

(7) Upon approving a notice of intention, the division shall provide the operator notice of the approval and post a permit order approving the notice of intention on the division's public website.

(8) An operator may convert a small mining operation to a large mining operation or may convert a large mining operation to a small mining operation by filing a notice of intention with the division requesting the conversion. The division shall review the notice of intention according to the procedures provided in this section for the resulting mining operation.

[— 1. Within 30 days after receipt of a Notice of Intention, or within 30 days after receipt of any subsequent submittal, the Division will complete its review and notify the operator in writing:

1.11. That the notice of intention is complete; or

1.12. That the notice of intention is incomplete, and that additional information as identified by the Division will be required.

2. Within 30 days after receipt of the notice of intention or within 30 days following the last action of the operator or Division on the notice of intention, the Division shall reach a tentative decision with respect to the approval or denial of the notice of intention.

Notice of the tentative decision will then be published in accordance with Rule R647-4-116.]

(9)[3.] Division approval of the notice of intention and execution of the Reclamation Contract (FORM MR-RC) by the operator shall bind the [D]division and the operator in accordance with the Act and implementing regulations; and, shall enable the operator to conduct mining and reclamation activities[in accordance therewith].

(10)[4.] The operator must notify the [D]division within 30 days of beginning mining operations.

(11)[5.] A permittee's retention of an approved notice of intention shall require the paying of permit fees as authorized by the Utah Legislature. The procedures for paying the permit fees are as follows:

(a)[5-11.] The [D]division shall notify the operators of record annually of the amount of permit fees authorized by the Utah Legislature for the following notices of intention.

(i)[5-11.11.] Large Mining Operations that are [(f)less than 50 acres]-(fees calculated on the disturbed acreage permitted/bonded)].

(A) The determination of whether a large mine operation is less than 50 acres is calculated based on the permitted acreage.

(B) The determination of whether a large mine operation is greater than or equal to 50 acres is calculated based on the permitted acreage.

(ii)[5-11.12.] Large Mining Operations that are [(f)greater than or equal to 50 acres]-(fees calculated on the disturbed acreage permitted/bonded)].

(A) the determination of whether a large mine operation is greater than or equal to 50 acres is calculated based on the disturbed permitted acreage.

(b)[5-12.] Fees are due annually by the deadline in Section R647-4-121 for reports.

(c)[5-13.] A permittee may avoid payment of the fee by complying with the following requirements:

(i)[5-13.11.] A permittee will notify the [D]division of a desire to close out a notice of intention by checking the appropriate box of the permit fees billing form.

(ii)[5-13.12.] The permittee will then arrange with the [D]division for an onsite inspection of the site to assure that [all]-required reclamation has been performed. If an inspection reveals that an area is not yet suitably reclaimed, then a new billing notice will be issued and the permittee will be given 30 days from the date of the onsite inspection to pay the fee.

R647-4-102. Duration of the Notice of Intention and Withdrawal of Approval.

(1)[4.] The approved notice of intention, including any subsequently approved amendments or revisions, shall remain in effect for the life of the large min[e]ing operation. [unless the Board or Division withdraws the approval in accordance with R647-4-102.2.]The [D]division may review the permit and require updated information and modifications when warranted.

NOTICES OF PROPOSED RULES

(2)[2-] An approved notice of intention may be withdrawn, after notice and opportunity for [B]board hearing, in the event the operator ~~if~~:

(a)[2-11-] ~~The operator f~~ Fails to pay permit fees required by Subsection R647-4-101(11)[5];

(b)[2-12-] ~~The operator f~~ Fails to maintain and update reclamation surety as required by the Act.

(c)[2-13-] ~~After commencing mining operations, the operator s~~ Substantially fails to perform reclamation or conduct mining operations so that reclamation can be accomplished in accordance with the approved mining and reclamation plan; ~~or~~

(d)[2-14-] ~~There have been no mining operations on the land affected for a continuous period in excess of five (5) years, and either the operator is not authorized to remain in suspension under R647-4-117.6, or that operations have been shut down for the entire period.] Shuts down or suspends mining operations for a period in excess of five years, unless an extended period of suspension is approved upon application; or~~

(c) [2-15-] ~~If, after notice, the operator f~~ Fails, after notice, to timely request a hearing before the [B]board, the [D]division may, in accordance with Subsection [R647-4-1-2-](2), withdraw an approved notice of intention.

(3)[2-16-] If the operator requests a hearing before the [B]board, the [B]board shall conduct the hearing *de novo*, and the [D]division may not withdraw an approved notice of intention until conclusion of the hearing, and the [B]board issues an order to withdraw the notice of intention.

(4)[3-] If a notice of intention is withdrawn, the [D]division will notify the operator in writing that it must commence complete reclamation work within 90 days and diligently proceed with such work as directed by the [D]division.

R647-4-103. Notice of Intention to Commence Large Mining Operations.

The notice of intention shall address the requirements of the following sections ~~rules~~:

[TABLE

RULE # SUBJECT

~~R647-4-104 Operator(s), Surface and Mineral Owner(s)~~
~~R647-4-105 Maps, Drawings and Photographs~~
~~R647-4-106 Operation Plan~~
~~R647-4-108 Hole Plugging Requirements~~
~~R647-4-109 Impact Assessment~~
~~R647-4-110 Reclamation Plan~~
~~R647-4-112 Variance]~~

TABLE	
RULE #	SUBJECT
R647-4-104	<u>Operator, Surface and Mineral Owner</u>
R647-4-105	<u>Maps, Drawings, and Photographs</u>
R647-4-106	<u>Operation Plan</u>
R647-4-108	<u>Hole Plugging Requirements</u>
R647-4-109	<u>Impact Assessment</u>
R647-4-110	<u>Reclamation Plan</u>
R647-4-112	<u>Variance</u>

R647-4-104. Operators[~~(s)~~], Surface and Mineral Owners[~~(s)~~].

(1)[+-] The name, permanent mailing address, ~~and~~ ~~telephone number, and email address~~ of the operator responsible for the mining operations and reclamation of the site.

(2)[2-] The name, permanent mailing address, and telephone number of the surface landowner[~~(s)~~] and mineral owner[~~(s)~~] of any ~~the~~ land to be affected by the operations.

(3) Information regarding the operator's organizational structure pertinent to the mining operation:

(a) Registered Agent: The name, permanent mailing address, telephone number, and email address of the registered agent for the operator.

(b) Signatory Authority: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of individuals who have signatory authority on behalf of the operator for official documents.

(c) Authorized Contact Persons: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of persons authorized by the operator to communicate with the division, including consultants or legal representatives.

(4)[3-] The federal project numbers, mining claim number[~~(s)~~], lease number[~~(s)~~], or permit number[~~(s)~~] of any mining claims, or federal or state leases or permits included in the lands affected.

(5) A signed statement that the operator will conduct reclamation as required by Rule R647-4.

(6) The Notice of Intent must be signed by the operator's owner or an individual with signatory authority.

R647-4-105. Maps, Drawings and Photographs.

(1)[+-] A topographic base map must be submitted with the notice of intention. The scale should be ~~[approximately]~~ about 1 inch ~~equals~~ ~~[=]~~ 2,000 feet, preferably a USGS 7.5 minute series or equivalent topographic map where available. The following information shall be included on the map:

(a)[+-] Property boundaries of surface ownership of all lands which are to be affected by the mining operations;

(b)[1-12-] Perennial streams, springs and other bodies of water, roads, buildings, landing strips, electrical transmission lines, water wells, oil and gas pipelines, existing wells, boreholes, or other existing surface or subsurface facilities within 500 feet of the proposed mining operations;

(c)[1-13-] Proposed route of access to the mining operations from nearest publicly maintained highway. The map scale will be appropriate to show access.

(d)[1-14-] Known areas which have been previously impacted by mining or exploration activities within the proposed disturbed area.

(2)[2-] A surface facilities map shall be provided at a scale of [~~approximately~~]about 1 inch equals["="] 200 feet['] or other scale as determined necessary by the [D]division. The following information shall be included on the surface facilities map:

(a)[2-11-] Proposed surface facilities, including [~~but not limited to~~]buildings, stationary mining['] or processing equipment, roads, utilities, power lines, proposed drainage control structures, and, the location of topsoil storage areas, tailings or processed waste facilities, disposal areas for overburden, solid and liquid wastes and wastewater discharge treatment and containment facilities;

(b)[2-12-] A border clearly outlining the acreage proposed to be disturbed by mining operations.

(3)[3-] The following maps, drawings or cross sections may be required by the [D]division:

(a)[3-11-] Regraded Slopes to be left at steeper than 2h:1v;

(b)[3-12-] Plans, profiles and cross sections of roads, pads or other earthen structures to be left as part of the postmining land use;

(c)[3-13-] Water impounding structures with embankments greater than 20 feet in height from the upstream toe of the embankment or greater than 20 acre feet in storage capacity;

(d)[3-14-] Maps identifying surface areas which will be disturbed by the operator but will not be reclaimed, such as solid rock slopes, cuts, roads, or sites of buildings or surface facilities to be left as part of the postmining land use;

(e)[3-15-] Sediment ponds, diversion channels, culvert size and locations, and other hydrologic designs and features to be incorporated into the mining and reclamation plan;

(f)[3-16-] Baseline information maps and drawings including soils, vegetation, watershed[()], geologic formations and structure, contour and other such maps which may be required for determination of existing conditions, operations, reclamation and postmining land use;

(g)[3-17-] A reclamation activities and treatment map to identify the location and the extent of the reclamation work to be accomplished by the operator upon cessation of mining operations. This drawing shall be utilized to determine adequate bonding and reclamation practices for the site;

(h)[3-18-] Other maps, plans, or cross sections as may reasonably be required by the [D]division.

(4)[4-] The operator may submit photographs[~~(prints)~~] of the site sufficient to show existing vegetation and surface conditions. These photographs should show the general appearance and condition of the land to be affected and should be clearly marked as to the location, orientation and the date that the pictures were taken.

(5)[5-] Copies of the underground and surface mine development maps.

R647-4-106. Operation Plan.

(1) The operator shall provide a narrative description referencing maps or drawings as necessary, of the proposed operations including:

(a)[1-] Type of mineral[()] to be mined;

(b)[2-] Type of operations to be conducted, including the mining and primary [']processing methods to be used on-site, and the identification of any deleterious or acid[-]-forming materials present or to be left on the site as a result of mining or mineral processing;

(c)[3-] Estimated acreages proposed to be disturbed [~~and~~]or reclaimed annually or sequentially;

(d)[4-] A description of the nature of the materials to be mined or processed including waste['] or overburden materials and the estimated annual tonnages of ore and waste materials to be mined;

(e)[5-] A description of existing soil types, including the location and extent of topsoil or suitable plant growth material. If no suitable soil material exists, an explanation of the conditions shall be given;

(f)[6-] A description of the plan for protecting and redepositing existing soils;

(g)[7-] A description of existing vegetative communities and cover levels, sufficient to establish revegetation success standards in accordance with Section[Rule] R647-4-111;

(h)[8-] Depth to groundwater, extent of overburden material and geologic setting;

(i)[9-] Proposed location and size of ore and waste stockpiles, tailings facilities and water storage['] or treatment ponds.

(j)[10-] Information regarding the amount of material, [{}]including mineral deposit, topsoil, subsoil, overburden, waste rock, or core hole material, [{}] extracted, moved or proposed to be moved.

R647-4-107. Operation Practices.

During operations, the operator shall conform to the following practices unless the [D]division grants a variance in writing:

(1)[1-] Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare during operations. Methods to minimize hazards shall, at a minimum, include[~~but not be limited to~~]:

(a)[1-11-] The closing or guarding of shafts and tunnels to prevent unauthorized or accidental entry in accordance with MSHA regulations;

(b)[1-12-] The disposal of trash, scrap metal and wood, and extraneous debris;

(c)[1-13-] The plugging or capping of drill, core, or other exploratory holes as set forth in Section[Rule] R647-4-108;

(d)[1-14-] The posting of appropriate warning signs in locations where public access to operations is readily available;

(e)[1-15-] The construction of berms, fences and[~~or~~] barriers above highwalls or other excavations when required by the [D]division.

NOTICES OF PROPOSED RULES

(2)[2-] Drainages - If natural channels are to be affected by the mining operation, then the operator shall take appropriate measures to avoid or minimize environmental damage.

(3)[3-] Erosion Control - Operations shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

(4)[4-] Deleterious Materials - Any[4] deleterious or potentially deleterious material shall be safely removed from the site or kept in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

(5)[5-] Soils - Suitable soil material shall be removed and stored in a stable condition where practical so as to be available for reclamation.

(6) Boundary Markers. For mining operations with bonded area under 160 acres, unless otherwise approved in writing by the division, the operation will clearly mark on the ground any areas, including access roads to be improved or constructed, that are covered by the reclamation surety. The operator will maintain the markings as required by this rule. Boundary and road markers must be placed so that no less than two consecutive markers are readily visible in any direction from any point on a line. The following requirements apply to marking boundaries of areas covered by the reclamation surety:

(a) Markers must be in place before any surface or subsurface disturbance in the area covered by the reclamation surety;

(b) Markers must be durable stout steel, wood, or similar quality posts and painted or flagged to be readily visible, except that a prominent, permanent feature such as a pole, tree, or large rock, flagged or painted, may serve as a marker;

(c) Each boundary marker must be maintained in place and readily visible until the area covered by the reclamation surety is fully reclaimed and the reclamation surety for that area is released;

(d) The following areas and features must be marked according to this rule:

(i) The area shown on the map that depicts the area to be covered by the reclamation surety of the proposed notice of intention or revision;

(ii) Before submission of an application for bond release, areas that are the subject of an application for partial bond release or full bond release; and

(iii) Proposed permitted access roads to be improved or constructed.

(e) This requirement is to be applied retroactively to all mining operations with bonded area under 160 acres.

(7)[6-] Concurrent Reclamation - During operations, disturbed areas shall be reclaimed when no longer needed, except to the extent necessary to preserve evidence of mineralization for proof of discovery. Areas which have been disturbed but are not routinely or currently utilized shall be kept in a safe, environmentally stable condition.

R647-4-108. Hole Plugging Requirements.

Drill holes shall be properly plugged as soon as practical and ~~shall~~may not be left unplugged for more than 30 days without approval of the [D]division. The procedures outlined ~~below~~in this section are required for the surface and subsurface plugging of drill holes. The [D]division may approve an alternate plan, if the operator can prove to the satisfaction of the [D]division that another method will provide adequate protection to the groundwater resources and long term stability of the land. Dry holes and nonartesian holes which do not produce significant amounts of water may be temporarily plugged with a surface cap to permit the operator to re-enter the hole for the duration of operations.

(1)[1-] Surface plugging of drill holes shall be accomplished by:

(a)[1-1-] Setting a nonmetallic permaplug at a minimum of five ~~(5)~~feet below the surface, or returning the cuttings to the hole and tamping the returned cuttings to within five ~~(5)~~feet of ground level. The hole above the permaplug or tamped cuttings will be filled with a cement plug. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing.

(b)[1-1-] If the area is tilled farmland, a five ~~(5)~~foot cement plug must be placed above a permaplug or tamped cuttings so that the top of the cement plug is a minimum of three ~~(3)~~feet below the ground surface. The hole above the cement plug is to be filled with soil. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing. The top of the casing and cap must be a minimum of three ~~(3)~~feet below the ground surface.

(2)[2-] Drill holes that encounter water, oil, gas or other potential migratory substances and are 2-1/2 inches or greater in surface diameter shall be plugged in the subsurface to prevent the migration of fluid from one strata to another. If water is encountered, plugging shall be accomplished as outlined in Subsections (2)(a) and (b)~~below~~:

(a)[2-1-] If artesian flow~~(i.e.,~~ water flowing to the surface from the hole) is encountered during or upon cessation of drilling, a cement plug shall be placed to prevent water from flowing between geologic formations and at the surface. The cement mix should consist of API Class A or H cement with additives as needed. It should weigh at least 13.5 lbs./gal., and be placed under the supervision of a person qualified in proper drill hole cementing of artesian flow. Artesian bore holes must be plugged in the described manner, prior to removal of the drilling equipment from the well site. If the surface owner of the land affected desires to convert an artesian drill hole to a water well, the owner ~~he~~ must notify the [D]division in writing that they accept[s] responsibility for the ultimate plugging of the drill hole.

(b)[2-1-] Holes that encounter significant amounts of nonartesian water shall be plugged by:

(i)[2-1-1-] Placing a 50 foot cement plug immediately above and below ~~the~~ aquifers~~(s)~~; or

(ii)[2-1-1-] Filling from the bottom up, ~~[c]~~through the drill stem, ~~[y]~~ with a high grade bentonite~~[f]~~ or water slurry mixture. The slurry shall have a Marsh funnel viscosity of at least 50 seconds per quart prior to the adding of any cuttings.

R647-4-109. Impact Assessment.

The operator shall provide a general narrative description identifying potential surface and ~~and/or~~ subsurface impacts. This description will include, at a minimum:

- (1)~~[1-]~~ Projected impacts to surface and groundwater systems;
- (2)~~[2-]~~ Potential impacts to state and federal threatened and endangered species or their critical habitats;
- (3)~~[3-]~~ Projected impacts of the mining operation on existing soil resources;
- (4)~~[4-]~~ Projected impacts of mining operations on slope stability, erosion control, air quality, and public health and safety;
- (5)~~[5-]~~ Actions which are proposed to mitigate any of the ~~[above]~~referenced impacts in Subsections (1) through (4).

R647-4-110. Reclamation Plan.

Each notice of intention shall include a reclamation plan, including maps or drawings as necessary, consisting of a narrative description of the proposed reclamation including~~[-but not limited to]:~~

- (1)~~[1-]~~ A statement of the current land use and the proposed postmining land use for the disturbed area;
- (2)~~[2-]~~ A description of the manner and the extent to which roads, highwalls, slopes, impoundments, drainages, pits and ponds, piles, shafts and adits, drill holes, and similar structures will be reclaimed;
- (3)~~[3-]~~ A detailed description of any surface facilities to be left as part of the postmining land use, including~~[-but not limited to]~~ buildings, utilities, roads, pads, ponds, pits and surface equipment;
- (4)~~[4-]~~ A description of the treatment, location and disposition of any deleterious or acid-forming materials generated and left on-site, including a map showing the location of such materials upon the completion of reclamation;
- (5)~~[5-]~~ A planting program as best calculated to revegetate the disturbed area.
- (a)~~[5-1-]~~ Plans shall include, at a minimum, grading ~~[and]~~or stabilization procedures, topsoil replacement, seed bed preparation, seed mixtures~~(s)~~ and rates~~(s)~~, and timing of seeding ~~(f)with fall seeding[is] preferred[timing]~~);
- (b)~~[5-12-]~~ Where there is no original protective cover, an alternate practical procedure must be proposed to minimize or control erosion or siltation.
- (6)~~[6-]~~ A signed statement that the operator will conduct reclamation as required by these rules.
- (7) The notice of intention, reclamation plan, and surety must all be in the same operator's name.

R647-4-111. Reclamation Practices.

During reclamation, the operator shall conform to the following practices unless the ~~[D]~~division grants a variance in writing:

- (1)~~[1-]~~ Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare following completion of operations. Methods to minimize hazards shall include~~[-but not be limited to]:~~
 - (a)~~[1-1-]~~ The permanent sealing of shafts and tunnels;
 - (b)~~[1-12-]~~ Appropriate~~[The]~~ disposal of trash, scrap metal and wood, buildings, extraneous debris, and other materials incident to mining;
 - (c)~~[1-13-]~~ The plugging of drill, core, or other exploratory holes as set forth in Section~~[Rule]~~ R647-4-108;
 - (d)~~[1-14-]~~ The posting of appropriate warning signs in locations where public access to operations is readily available;
 - (e)~~[1-15-]~~ The construction of berms, fences ~~[and]~~or barriers above highwalls or other excavations when required by the ~~[D]~~division.
- (2)~~[2-]~~ Drainages - If natural channels have been affected by mining operations, then reclamation must be performed such that the channels will be left in a stable condition with respect to actual and reasonably expected water flow so as to avoid or minimize future damage to the hydrologic system.
- (3)~~[3-]~~ Erosion Control - Reclamation shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.
- (4)~~[4-]~~ Deleterious Materials - Any~~[H]~~ deleterious or potentially deleterious material shall be safely removed from the site or left in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.
- (5)~~[5-]~~ Land Use - The operator shall leave the on-site area in a condition which is capable of supporting the postmining land use.
- (6)~~[6-]~~ Slopes - Waste piles, spoil piles and fills shall be regraded to a stable configuration and shall be sloped to minimize safety hazards and erosion while providing for successful revegetation.
- (7)~~[7-]~~ Highwalls - In surface mining and in open cuts for pads or roadways, highwalls shall be reclaimed and stabilized by backfilling against them or by cutting the wall back to achieve a slope angle of 45 degrees or less.
- (8)~~[8-]~~ Roads and Pads - On-site roads and pads shall be reclaimed when they are no longer needed for operations. When a road or pad is to be turned over to the property owner or managing agency for continuing use, the operator shall turn over the property with adequate surface drainage structures and in a condition suitable for continued use.
- (9)~~[9-]~~ Dams and Impoundments - Water impounding structures shall be reclaimed so as to be self-draining and mechanically stable unless shown to have sound hydrologic design and to be beneficial to the postmining land use.
- (10)~~[10-]~~ Trenches and Pits - Trenches and small pits shall be reclaimed.
- (11)~~[11-]~~ Structures and Equipment - Structures, rail lines, utility connections, equipment, and debris shall be buried or removed.
- (12)~~[12-]~~ Topsoil Redistribution - After final grading, soil materials shall be redistributed on a stable surface, so as to minimize erosion, prevent undue compaction and promote revegetation.
- (13)~~[13-]~~ Revegetation - The operator shall seed the disturbed area with~~[species seeded shall include]~~ adaptable ~~[perennial]~~species acceptable to the division that will grow on the site, provide basic soil and watershed protection, and support the postmining land use.
 - (a) Revegetation shall be considered accomplished when:

NOTICES OF PROPOSED RULES

(i)~~[13-11.]~~ The revegetation with species acceptable to the division has achieved 70%~~[-percent]~~ of the premining vegetative ground cover. If the premining vegetative ground cover of the disturbed area is unknown, the ground cover of an adjacent undisturbed area that is representative of the premining conditions~~[-ground cover]~~ will be used as a standard. Also, the vegetation has survived three growing seasons following the last seeding, fertilization or irrigation, unless such practices are to continue as part of the postmining land use; or

(ii)~~[13-12.]~~ The ~~[D]~~division determines that the revegetation work has been satisfactorily completed within practical limits.

R647-4-112. Variance.

(1)~~[1-]~~ The operator may request a variance from ~~[Rule]~~Section R647-4-107, Section R647-4-108, or Section R647-4-111, by submitting the following information which shall ~~[will]~~be considered by the ~~[D]~~division on a site-specific basis:

(a)~~[1-11.]~~ The rules~~[(s)]~~ from ~~[as to]~~which ~~[a-]~~variances are ~~[is-]~~requested;

(b)~~[1-12.]~~ The variances requested and a description of the area that would be affected by the variances;

(c)~~[1-13.]~~ Justification for the variances; and

(d)~~[1-14.]~~ Alternate methods or measures to be utilized.

(2)~~[2-]~~ A variance shall be granted if the alternative method or measure proposed will be consistent with the Act.

(3)~~[3-]~~ Any variance must be specifically approved by the ~~[D]~~division in writing.

R647-4-113. Surety.

(1)~~[1-]~~ After receiving notification that the notice of intention has been approved, but prior to commencement of operations, the operator shall provide a ~~[the]~~reclamation surety to the ~~[D]~~division.

(a) Failure to furnish and maintain reclamation surety may, after notice and opportunity for~~[-Board]~~ board hearing, result in a withdrawal of the approved notice of intention as provided for in Section 40-8-16.

(2)~~[2-]~~ The ~~[D]~~division will not require a separate surety where~~[n]~~ a reclamation surety in a form and amount acceptable to the ~~[D]~~division is held by other governmental entities, provided that the cost estimate is accurate and the ~~[D]~~division is named as co-beneficiary. Cooperative Agreements shall ~~[will]~~be developed and entered into according to Section 40-8-22.

(3)~~[3-]~~ As part of the review of the notice of intention, the ~~[D]~~division shall determine the final amount of surety required to reclaim the mine site.~~[-The surety amount will be based upon (a) the technical details of the approved mining and reclamation plan, (b) the proposed post mining land use, and (c) projected third party engineering and administrative costs to cover Division expenses incurred under a bond forfeiture circumstance-]~~ An operator's surety estimate will be accepted if it is accurate and verifiable. The ~~[D]~~division may accept surety estimates based upon the Minerals Reclamation Program's average dollars per acre reclamation costs, if comparable to site specific cost estimates for similar operations. The surety amount will be based upon:

(a) The technical details of the approved mining and reclamation plan;

(b) The proposed post mining land use; and

(c) Projected third party engineering and administrative costs to cover division expenses incurred under a bond forfeiture circumstance.

(4)~~[4-]~~ The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the reclamation surety must be approved by the ~~[D]~~division, except as provided in Subsection (4)(f)~~[subpart 4.16]~~. Acceptable forms may include:

(a)~~[4-11.]~~ A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". Each~~[All]~~ surety company~~ies]~~ also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. ~~[Operators who do not have a surety bond with a company that meets the standards of subsection 4.11 will have 120 days from the date of Division notification after enactment of the changes to subsection 4.11 to achieve compliance or face enforcement action-]~~ When the ~~[D]~~division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of this subsection~~[4-11-]~~, the operator has 120 days after notice from the ~~[D]~~division by mail to correct the deficiency, or face enforcement action;

(b)~~[4-12.]~~ Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

(c)~~[4-13.]~~ Cash;

(d)~~[4-14.]~~ An irrevocable letter of credit issued by a bank organized to do business in the United States;

(e)~~[4-15.]~~ Escrow accounts;~~[-]~~

(f) United States Treasury bonds or notes, pledged and assigned to the State of Utah, Division of Oil, Gas and Mining; and

(g)~~[4-16.]~~ The ~~[B]~~board may approve a written self-bonding agreement in the case of operators showing sufficient financial strength.

(5)~~[5-]~~ Surety shall be required until~~[-such time as]~~ the division deems reclamation ~~[is deemed-]~~complete~~[-by the Division]~~. The ~~[D]~~division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

(a)~~[5-11-]~~ A partial release of surety can be made by the ~~[D]~~division if it determines that a substantial phase or segment of reclamation such as demolition, backfilling, regrading or vegetation establishment has been successfully performed and the residual amount of retained surety is determined adequate to insure completion of reclamation.

(6)~~[6-]~~ The amount of reclamation surety may be adjusted:

(a)~~[6-11-]~~ If required to address changes in the reclamation plan due to an amendment or revision to the Notice of Intention under Sections R647-4-118 and R647-4-119;

(b)~~[6-12-]~~ As the result of a periodic review by the ~~[D]~~division conducted no more frequently than at five~~[5]~~ year intervals unless agreed to by the operator~~[-]~~ which shall take into account inflation~~[-]~~ or deflation based upon an acceptable Costs Index; or

(c)~~[6-13-]~~ At the request of the operator.

(7)[7-] Notwithstanding any other provision of these rules, for operations where the surety is in the form of a [B]board-approved agreement under Subsection 40-8-14(3), the [B]board shall retain the sole authority over the release, partial release, revision or adjustment of the surety amount, if any, which shall be in accordance with the agreement and the Act.

R647-4-114. Failure to Reclaim.

If the operator of a large mining operation fails or refuses to conduct reclamation as required by [outlined in] the approved notice of intention, or fails or refuses to comply with Sections R647-4-107 through R647-4-109 and R647-4-111, the [B]board may, after notice and hearing, order that:

- (1) R[re]clamation be conducted by the [D]division and[that]:
- (2)[4-] The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court; and[or]
- (3)[2-] Any surety filed for this purpose be forfeited. With respect to the surety filed with the [D]division, the [B]board shall request the Attorney General to take the necessary legal action to enforce and collect the amount of liability. Where surety or a bond has been filed with another governmental agency[ies], the [B]board shall notify such agency of the hearing findings, and seek forfeiture concurrence as necessary.
- (4) The forfeited surety shall be used only for the reclamation of the land to which it relates, and any residual amount returned to the rightful claimant pursuant to controlling law.

R647-4-115. Confidential Information.

Information provided in the notice of intention relating to the location, size, and nature of the mineral deposit, and marked confidential by the operator, shall be protected as confidential information by the [B]board and the [D]division. The information will not be a matter of public record until a written release is received from the operator, or until the notice of intention is terminated.

R647-4-116. Procedures for Review of Permit Orders.[Public Notice and Appeals.]

- [1. Public notice will be deemed complete when the following actions have been taken:
- (1.) A description of the disturbed area and the tentative decision to approve or disapprove the notice of intention shall be published by the Division in abbreviated form, one time only, in all newspapers of general circulation published in the county or counties where the land affected is situated, and in a daily newspaper of general circulation in Salt Lake City, Utah.
- (2.) A copy of the abbreviated information and tentative decision shall also be mailed by the Division to the zoning authority of the county or counties in which the land affected is situated and to the owner or owners of record of the land affected, as described in the notice of intention.
2. Any person or agency aggrieved by the tentative decision may file a written protest with the Division, during the public comment period identified in the notice, setting forth factual reasons for the complaint.
3. If no responsive written protests are received by the Division within 30 days after the last date of publication, the tentative decision of the Division on the notice of intention shall be final and the operator will be so notified.
4. If written objections of substance are received by the Division during the public comment period, a hearing shall be held before the Division in accordance with UCA 40-8-13, following which hearing the Division shall issue its decision.]
- (1) As used in this section, "party" means:
 - (a) The division;
 - (b) The operator whose proposed mining operation is at issue in the permit order; or
 - (c) If granted intervention by the board:
 - (i) The municipality or county in which the proposed mining operation at issue in the permit order is located; or
 - (ii) A person.
- (2)(a) A party may obtain the review of a permit order by filing a petition for review before the board within 30 days after the date on which a permit order is issued.
- (b) Only a party may file a petition for review of a permit order.
- (3)(a) A petition for review shall:
 - (i) Be filed and served in accordance with the board rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (ii) Include the party's name, address, and telephone number;
 - (iii) Describe the nature and extent of the party's property, financial, or other interest in the review proceeding;
 - (iv) Include a statement of the party's contentions, including, as applicable:
 - (A) The legal authority under which the petition for review is requested;
 - (B) The legal authority under which the board has jurisdiction to review the petition for review;
 - (C) A statement setting forth the specific contentions that the party seeks to have litigated in the review proceeding;
 - (D) Each of the party's arguments in support of the party's requested relief;
 - (E) A detailed description of any permit condition to which the party is objecting;
 - (F) Any modification or addition to a permit order that the party is requesting; and
 - (G) A claim for relief; and
 - (v) For a large mining operation permit order, if the party is not the division or the operator, include a statement and supporting documentation demonstrating that the party timely provided a substantive public comment that is compliant with rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as required by Subsection 40-8-13(6)(d)(iv).

NOTICES OF PROPOSED RULES

(b) A party who files a petition for review may only raise a contention in the party's petition for review or during the review proceeding that:

(i) Is within the board's jurisdiction;

(ii) Is supported with information or documentation that:

(A) Is cited with reasonable specificity; and

(B) Sufficiently enables the board to fully consider the substance and significance of the issue; and

(iii) For a party other than the division or operator and with regard to a large mining operation permit order, the party raised as a substantive public comment.

(4)(a) A municipality, county, or other person who is not a party may not participate in a review proceeding under this section unless granted the right to intervene by the board.

(b) A municipality, county, or person seeking to intervene in the review proceeding shall file a petition with the board no later than the sooner of:

(i) 15 days of the day on which a petition for review is filed under Subsection (2); or

(ii) 30 days after the date on which the permit order is issued if the person submits the petition to intervene under Subsection (4)(c).

(c) A person wanting to initiate a review of a permit order who has not been granted intervention by the board shall file a petition to intervene at the same time that the person files a petition for review under Subsections (2) and (3).

(d) A petition to intervene shall include:

(i) The petitioner's name, address, and telephone number;

(ii) The nature and extent of the petitioner's property, financial, or other interest in the review proceeding;

(iii) The possible effect of a decision or order that may be entered in the review proceeding on the petitioner's interest described in Subsection (4)(d)(ii);

(iv) A statement setting forth the specific contentions that the petitioner seeks to have litigated in the review proceeding;

(v) A brief explanation of the basis for the contention and a concise statement of the alleged facts or evidence the petitioner intends to rely on in proving the contention at the hearing; and

(vi) A statement of the relief that the petitioner seeks from the board.

(e)(i) A petitioner may only raise a contention under Subsection (4)(d) on a matter within the scope of the board's jurisdiction.

(ii) A petitioner may only raise a contention under Subsection (4)(d) related to a large mining operation permit order on a matter for which the person raised a substantive public comment.

(f) The board shall grant a petition for intervention if the board determines that:

(i) The petitioner's legal interests may be substantially affected by the review proceeding; and

(ii) The interests of justice and the orderly and prompt conduct of the review proceedings will not be materially impaired by allowing the intervention.

(g)(i) The board may delegate the determination of the right to intervene to a hearing examiner in accordance with rules made under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(ii) A party aggrieved by a hearing examiner determination on a petition for intervention may appeal that determination to the board. The board shall make a determination on the appeal of the petition for intervention before hearing the merits of the case.

(5) In a review proceeding, the operator and the division are parties to the review proceeding regardless of who files the petition for review and the operator and division do not need to file a separate petition to intervene.

(6)(a) If a petition for review of a permit order is filed under Section R647-4-116, the board shall:

(i) Within 30 days from the day on which the petition for review is filed schedule:

(A) An intervention hearing pursuant to Subsection (4); or

(B) An administrative hearing before the board at the next regularly scheduled board public meeting; and

(ii) Issue the decision of the board by no later than 30 days from the day on which the administrative hearing described in Subsection (6)(a)(i)(B) is held.

(b) The board may consolidate two or more petitions for review of a permit order if the board finds that consolidation will aid the just, speedy, and economical determination of the issues presented before the board.

(c) The board shall conduct a de novo review of a permit order for which a petition for review has been filed under this section.

(7) Review of a permit order is subject to Title 63G, Chapter 4, Administrative Procedures Act, to the extent that the chapter does not conflict with this section.

(8) A person shall exhaust administrative remedies under this section before the person may seek judicial review of a permit order.

R647-4-117. Notification of Suspension or Shut Down of Operations.

(1)[4-] The operator need not notify the [D]division of a suspension of mining operations that does not exceed two years unless suspension or shut down of operations would result in potential hazards to the public safety and welfare or imminent significant environmental harm. If a suspension or shut down of operations would result in potential hazards to the public safety and welfare or significant environmental harm, the operator must notify the division as soon as possible but no later than one day after operations are shut down or placed in suspension. The operator may elect to notify the [D]division of such a suspension by disclosing that mining operations are, or will be, in suspension in the report required by Section R647-4-121.

(2)[2-] In the case of a shut down [termination] or a suspension of mining operations that has exceeded, or is expected to exceed two[(2)] years, the operator shall notify the [D]division in writing or in the report required by Section R647-4-121.

(a)[2-11-] The notification shall include a statement describing the operator's efforts to monitor and maintain the site in a safe, environmentally stable condition, and the date of the last self-inspection. The operator will keep written records of self-inspections and make them available to the [D]division upon request.

(b)[2-12-] Upon request the operator shall furnish the [D]division with such data as it may require to evaluate the status of the mining operation, the status of compliance with these rules, and the probable future status of the land affected. Upon review of such data, the [D]division will take such action as may be appropriate and consistent with the rules under Title R647.

(3)[3-] The operator shall give the [D]division prompt written notice of a suspension of large mining operations that has exceeded or is expected to exceed five[-(5)] years, or of a shut down. Upon receipt of notification, the [D]division shall, within 30 days, arrange to inspect the property. The notice of suspension or shut down will include information about the status of the large mining operation, the status of compliance with these rules, the probable future status of the land affected, and if applicable the estimated date mining operations are to resume.

(4)[4-] If the operator does not provide the notice required by Subsection (3)[R647-4-117.3], the [D]division shall serve written demand on the operator requiring that the operator provide the notice required by Subsection (3) within 30 days of receipt of the division's demand letter~~[may require that the notice be provided]~~.

(5)[5-] An operator who has provided notice under Subsection (3) [R647-4-117.3-] or (4)[R647-4-117.4] may remain in suspension so long as the operator:

(a)[5-11-] Monitors the property as frequently as necessary, but no less than one time per year, to confirm the property is in a safe, environmentally stable condition;

(b)[5-12-] Maintains the property in a safe, environmentally stable condition in accordance with the requirements in Section R647-4-107, as applicable;

(c)[5-13-] Maintains adequate reclamation surety; and

(d)[5-14-] Continues to pay permit fees required by Subsection R647-4-101[-](5) and submits annual reports required by Subsection R647-4-121[-](4).

(6)[6-] Large mining operations that are in suspension for longer than five[-(5)] years will be reevaluated on a regular basis and shall, no less than every five years, provide an update of the report required by Subsection (3) or (4) which shall be evaluated by the [D]division for compliance with Subsection (5). [at least every five (5) years.]

(7) The [D]division may require additional interim reclamation or stabilization measures reasonably necessary to ensure operator compliance with [R647-4-117.5-12] Subsection (5)(b) for a large mining operation to remain in a continued state of suspension. In accordance with Subsection [R647-4-113.6-12] R647-4-113(6)(b), the [D]division will periodically evaluate the reclamation surety for operations in suspension and require changes as required by Subsection R647-4-113[-](6).

(8)[7-] The [D]division may, 30 days after the operator's receipt of written notice and findings from the division, [after notice to the operator,] determine mining operations are or have been shut down by demonstrating in written findings that the operator:

(a)[7-11-] Failed[s] to file the annual report under Section R647-4-121 and pay permit fees under Subsection R647-4-101[-](5);

(b)[7-12-] Failed[s] to provide notice required by the [D]division under Subsection (3)[R647-4-117.3] and fails to respond to a request to file such notice under Subsection (4)[R647-4-117.4]; or

(c)[7-13-] Failed[s] to maintain the property in a safe, environmentally stable condition in accordance with the requirements in Subsections R647-4-107[-](1) through [407-](4), as applicable~~[-or]~~

~~[— 7.14. Fails to comply with any Division requirements under R647-4-117.5-15.]~~

(9)[7-15-] In the event the [D]division makes a determination that a mining operation is shut down due to a failure to comply with any of ~~[the provision of]~~ Subsection (7) [R647-4-117.6-11 through R647-4-117.6-14], the operator may within 30 days of the notice of the determination, provide a written justification for its failure to comply, and if the [D]division finds the justification to be reasonable, the failure to comply excusable, or no undue prejudice from the non-compliance, it shall withdraw the determination. Neither this provision, nor a written justification, if any, shall serve to preclude, limit, or otherwise prejudice any other administrative remedies or procedures available to an operator under applicable laws or rules.

(10)[8-] An operator who ends a suspension and resumes mining operations shall notify the [D]division within a reasonable time after resuming mining operations that the operator has resumed mining operations. If operations have been in suspension for more than five years, or were shut down for more than five years, resumption of mining shall require compliance with the current rules at Sections R647-4-102 through R647-4-113, as applicable, to the extent the current rules would have applied to the operations had it continued mining during the period of suspension or shut down.

R647-4-118. Revisions.

(1)[1-] ~~[In order to]~~ To revise a notice of intention, an operator shall file a Notice of Intention to Revise Large Mining Operations (FORM MR-REV). This notice of intention must include all information concerning the revision that would have been required in the original notice of intention.

(2)[2-] A Notice of Intention to Revise Large Mining Operations (FORM MR-REV) will be processed and considered for approval by the [D]division in the same manner as an original notice of intention. The operator will be authorized and bound by the requirements of the existing approved notice until the revision is acted upon and any revised surety requirements are satisfied. Those portions of the approved notice of intention not subject to the revision will not be subject to review under this provision.

(3)[3-] Large mining operations which have a disturbed area of ten acres or less in an incorporated area of a county or ~~[twenty]~~ 20 acres or less in an unincorporated area of a county may refile as a small mining operation. Reclaimed areas must meet full bond release requirements before they can be excluded from the disturbed acreage.

R647-4-119. Amendments.

1. An amendment is an insignificant change to the approved notice of intention. The [D]division will review the change and make the determination of significance on a case-by-case basis.

(a) Within 15 days after receipt of an amendment or revision to a notice of intention, the division shall complete the significance analysis outlined in Subsection (2).

(2) When determining whether a proposed change is significant, the division will rely upon the following criteria:

(a) INSIGNIFICANT CHANGES. If a proposed change would only entail the following elements, it should be treated as an insignificant change and considered an amendment rather than a revision:

(i) A cumulative increase of no more than 10 acres or 10% of land, whichever is greater, in an incorporated area, or 20 acres or 20% of land, whichever is greater, in an unincorporated area, over a 10-year period;

(ii) The division anticipates an increase in bond which is no more than 10% in an incorporated area or 20% in an unincorporated area; or

(iii) A change involving only the following items, which are considered insignificant: (1) administrative actions; (2) repair or maintenance of the operator's equipment or facilities; (3) minor immaterial expansion of existing facilities; or (4) minor increase in storage capacity, such as tailing or waste rock, up to 15% of the storage capacity under the approved notice of intention.

(b) SIGNIFICANT CHANGES. If a proposed change meets any one of the following elements, it is considered significant and must be handled as a revision.

(i) A material change in the management, location, storage, or volume the treatment, location, and disposition of any deleterious or acid-forming materials generated and left on-site;

(ii) A change which will have material adverse impacts on fish, wildlife, and related MW14 GW15 NB16 environmental values beyond those previously considered; or

(iii) The impact proposed in the permit change are significant enough in the professional opinion of the division's staff to warrant the need for public comment. In these cases, the specific concerns must be documented by the staff and approved by the Minerals Manager and Deputy Director of Mining.

(c) SIGNIFICANCE ANALYSIS. If the proposed change involves two or more of the following, it will be classified as significant and treated as a revision. Otherwise, the proposed change will be classified as insignificant and treated as an amendment. Proposed changes to be considered in this analysis include:

(i) Acreage increase or decrease by 50% of the existing acreage or 50 acres, whichever is smaller, unless the increase is less than that outlined in Subsection (2)(a)(i).

(ii) The division anticipates surety increase or decrease by 25% or more of the existing surety. However, any such change should not be considered if it meets the criteria outlined in Subsection (2)(a)(ii);

(iii) A material change to the mining methods within the existing permitted area;

(iv) A material change to the onsite primary processing;

(v) A material change to the description regarding the manner and extent to which roads, highwalls, slopes, impoundments, drainages, pits and ponds, piles, shafts and adits, holes, and similar structures will be reclaimed;

(vi) A material change to a planting program that includes, at a minimum, grading or stabilization procedures, or both, topsoil replacement, seed bed preparation, seed mixture, and rate and timing of seeding;

(vii) A material change to the approved mining operation or the approved reclamation plan, or both. Request for a variance: (1) to the operation; or (2) from the approved reclamation plan or reclamation rules, or both;

(viii) A period of ten or more years since the last time the division approved the Notice of Intent or a revision; and

(ix) Significant additional material adverse environmental impacts when compared with impacts already affecting the site. The determination is made after evaluating the impacts to soils, vegetation, ground and surface hydrology, wildlife, or other environmental resources. The division may consult with other regulatory authorities when additional expertise is required to analyze potential adverse impacts.

(3)[2-] A request for an amendment should be filed on the Notice of Intention to Revise Large Mining Operations (FORM MR-REV). An amendment of a large mining operation requires [D]division approval but does not require public notice.

R647-4-120. Transfer of Notice of Intention.

If an operator wishes to transfer a mining operation to another party, an application for Transfer of Notice of Intention - Large Mining Operations (FORM MR-TRL), must be completed and filed with the [D]division. The new mine operator must [will be required to-] post adequate [a new-]reclamation surety and [must-]assume full responsibility for any disturbances of the permitted operation[continued mining operations and reclamation]. The form and amount of surety must be approved by the division for the transfer to be complete.

R647-4-121. Reports.

(1)[1-] On or before January 31 of each year, unless waived in writing by the [D]division, each operator conducting large mining operations must file an Large Mine Annual Report[of Mining Operations] (FORM MR-AR) describing its operations during the preceding calendar year[- Form MR-AR], including[es]:

(a)[1-11-] The location of the operation and file number of the approved notice of intention;

(b)[1-12-] The gross amounts of ore and waste materials moved during the year, as well as the disposition of such materials;

(c) [1-13-] The reclamation work performed during the year and n]New surface disturbances created during the year;[-]

(d) The reclamation work performed during the year;

(e)[1-14-] A narrative description of ore extraction, on-site primary processing, exploration, site development work, maintenance, reclamation, and other work performed at the mine site during the year;[-]

(2)[2-] The operator shall include an updated map depicting surface disturbance and reclamation performed during the year, prepared in accordance with [Rule]Section R647-4-105.

(3)[3-] If an operator is in suspension under Section R647-4-117, the report submitted by the operator must include the information required by Subsections R647-4-121[-](1) and R647-4-121[-](2), as applicable, and:

(a)[3-11-] The date suspension began or is anticipated to begin;

(b)[3-12-] The date of the last self-inspection and the results of that inspection including[-, but not limited to,] whether the property remains in a safe, environmentally stable condition;

(c)[3-13-] Any steps taken to return the property to, or maintain the property in, a safe, environmentally stable condition; and

(d)[3-14-] Any other information required by the [D]division under Subsection R647-4-117[-](2)(b)[-2].

(4)[4-] The operator shall keep and maintain timely records relating to the operator's performance under the Act and shall make these records available to the [D]division upon request.

R647-4-122. Practices and Procedures; Appeals.

The Administrative Procedures, as outlined in Rule[the] R647-5[-Rules], shall be applicable to minerals regulatory proceedings.

R647-4-123. Cultural and Historic Resources Information.

(1) The notice of intent, including amendments and revisions, shall include a Cultural Resource Inventory Report (Report) from an archaeologist or consultant, who is properly permitted by the Public Lands Policy Coordinating Office (PLPCO), concerning cultural resources. The report shall meet the standards of the Utah State Historic Preservation Office (UTSHPO).

(a) The Report shall include a Class III inventory, otherwise known as an intensive survey, of the proposed bonded area, including a 100-foot or more buffer around the proposed disturbance area. The Report shall include areas of possible disturbance, including new roads, road improvements, staging areas, drilling, and any other disturbances. Drill pads and roads 15-foot wide or less may have a 50-foot inventory buffer.

(b) Slopes steeper than 30 degrees may be evaluated by a Class II Inventory, otherwise known as a less than intensive or reconnaissance survey, for the safety of the archaeologist or consultant.

(c) Ground that has already been disturbed by Mining operations within the last 50 years may be evaluated by a Class I Report, otherwise known as a literature review. The operator must receive permission from the division before a Class I is accepted in lieu of a Class III or II Report.

(d) The operator is not required to survey property to which the operator does not have legal access. If any portion of the bonded area is on land managed by a separate government agency, the operator will be required to comply with that agency's cultural and historic resources requirements.

(e) If the bonded area includes future expansion or phases within the next ten years, the operator shall include these phases in the Report.

(f) The operator shall include a discovery clause in the notice of intent, including amendments and revisions, indicating the operator will stop work and contact the division if subsurface cultural deposits are discovered.

(2) The Report required under Subsection (1) shall describe coordination efforts with and present evidence of clearances by UTSHPO. For any property eligible for or listed on the National Register of Historic Places that may be adversely affected by the proposed mining and reclamation operations, each notice of intent, including amendments and revisions, will describe the measures to be used to avoid or minimize adverse effects

(3) The division may require the operator to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. Appropriate mitigation and treatment measures may be required after permit approval provided that the required measures are completed before the properties are affected by any mining operation.

(4) The notice of intent, including amendments and revisions, shall include proof that cultural consultation with UTSHPO has been completed. Proof may be provided in the form of a UTSHPO consultation letter, a memo completed as part of a formal agreement with UTSHPO, or as a copy of an email from a cultural resource professional from a relevant agency.

KEY: minerals reclamation

Date of Last Change: 2025[October 29, 2020]

Notice of Continuation: April 27, 2023

Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R671-102

Filing ID: 57269

Agency Information

1. Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, Suite 300
City, state:	Murray, UT 84107

Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Amanda Montague	801-440-0545	amontague@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R671-102. Americans with Disabilities Act Complaint Procedures
4. Purpose of the new rule or reason for the change:
This rule amendment is part of a regular review of agency rules to ensure accuracy.
5. Summary of the new rule or change:
This rule amendment amends complaint procedures and the role of an Americans with Disabilities Act (ADA) Coordinator.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:					
A. State budget:					
There is no anticipated cost or savings to the state budget, as the only substantive changes reassign the existing workload within the Board and will have no resulting cost or savings to state budgets.					
B. Local governments:					
There is no expected fiscal impact on local governments, as this rule change does not affect or involve local governments.					
C. Small businesses ("small business" means a business employing 1-49 persons):					
This rule does not affect small businesses and so has no expected fiscal impact.					
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):					
This rule change has no effect on non-small business and so has no expected financial impact.					
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 amendment will have no fiscal impact on persons other than small businesses, non-small businesses, or state or local government entities, and will have no impact on other persons mentioned above.					
F. Compliance costs for affected persons:					
This rule change entails no compliance costs for affected persons, as this nature of the changes will no impact on affected persons.					
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)					
Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

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 67-19A-302	Subsection 63G-3-201(3)	Title 63G, Chapter 2
Section 34A-5-107		

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until:	08/14/2025
--	------------

10. This rule change MAY become effective on:	08/21/2025
--	------------

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. Scott Stephenson, Chair	Date:	06/11/2025
---	----------------------------	--------------	------------

R671. Pardons (Board of), Administration.**R671-102. Americans with Disabilities Act Complaint Procedures.****R671-102-1. Authority and Purpose.**

(1) This rule is made under authority of [~~Utah Code Ann.~~] Subsection 63G-3-201(3). The Board of Pardons and Parole (Board) adopts, defines, and publishes within this rule the grievance procedures for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act, as amended.

(2) The purpose of this rule is to implement [~~the provisions of~~] Title II of the Americans with Disabilities Act, which provides that no individual shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by the Board because of a disability.

R671-102-2. Definitions.

(1) "ADA Coordinator" means the Board's [~~Administrative~~] designee. The ADA Coordinator, [~~assigned by the Board's Chairperson to~~] shall investigate and facilitate the prompt and equitable resolution of complaints filed by qualified persons with disabilities. The ADA Coordinator may also be a representative of the [~~Department of Human Resource Management~~] Division of Human Resource Management assigned to the Board.

[~~—~~ (2) "Board" means the Board of Pardons and Parole created by Utah Const. Art. 7, Section 12(1), and Utah Code Ann. Section 77-27-2(1).

[~~—~~ (3) "Chairperson" as provided in Utah Code Ann. Subsection 77-27-4(1), means the Board's Chairperson.

~~_____ (4) "Designee" means an individual appointed by the Board's Chairperson, or the Board's Vice Chairperson, to investigate allegations of ADA non-compliance in the event the ADA Coordinator is unable or unwilling to conduct an investigation for any reason, including a conflict of interest. A designee does not have to be an employee of the Board; however, the designee must have a working knowledge of the responsibilities and obligations required of employers and employees by the ADA.]~~

~~(2)[(5)] "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.~~

~~(3)[(6)] "Major life activities" include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, and working. A major life activity also includes the operation of major bodily function, such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.~~

~~(4)[(7)] "Qualified Individual" means an individual who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Board. A "qualified individual" is also one who, with or without reasonable accommodation, can perform the essential functions of the employment position that individual holds or desires.~~

~~[_____ (8) "Vice Chairperson," as provided in Utah Code Ann. Subsection 77-27-4(2), means the Board's Vice Chairperson.]~~

R671-102-3. Filing of Complaints.

(1) Any qualified individual may file a complaint alleging non-compliance with Title II of the Americans with Disabilities Act, as amended, or the federal regulations promulgated thereunder.

(2) Qualified individuals shall file their complaints with the Board's ADA Coordinator, unless the complaint alleges that the ADA Coordinator was non-compliant, in which case qualified individuals shall file their complaints with the Board's administrator~~[designee]~~.

(3) Qualified individuals shall file their complaints within 90 days after the date of the alleged non-compliance to facilitate the prompt and effective consideration of pertinent facts and appropriate remedies.~~[(s)] [h]~~However, the Board's administrator~~[Chairperson]~~ has the discretion to direct that the grievance process be utilized to address legitimate complaints filed more than 90 days after alleged non-compliance.

(4) Each complaint shall:

(a) include the complainant's name and address;

(b) include the nature and extent of the individual's disability;

(c) describe the Board's alleged discriminatory action in sufficient detail to inform the Board of the nature and date of the alleged violation;

(d) describe the action and accommodation desired; and

(e) be signed by the complainant or by the complainant's~~[his]~~ legal representative.

(5) Complaints filed on behalf of classes or third parties shall describe or identify by name, if possible, the person~~[(s)]~~ allegedly aggrieved by the reported discrimination.

(6) If the complaint is not in writing, the ADA Coordinator ~~[or designee]~~shall ensure that the complaint is transcribed or otherwise summarized ~~in[reduce the complaint to]~~ writing upon receipt of the complaint.

(7) By filing a complaint or a subsequent appeal, the complainant authorizes necessary parties to conduct a confidential review of all relevant information, including records classified as private or controlled under the Government Records Access and Management Act, ~~[Utah Code Ann.]~~Subsection 63G-2-302(1)(b) and Section 63G-2-304, consistent with 42 U.S.C. 12112(d)(4)(A), (B), and (C) and 42 U.S.C. 2112(d)(3)(B) and (C), and relevant information otherwise protected by statute, rule, regulation, or other law.

R671-102-4. Investigation of Complaints.

(1) The ADA Coordinator ~~[or designee]~~shall investigate complaints to the extent necessary to assure all relevant facts are collected and documented. This may include gathering all information listed in Subsections R671-102-3(4) and (7) of this rule if it is not made available by the complainant.

(2) The ADA Coordinator ~~[or designee]~~may seek assistance from the Attorney General's staff, and the Board's human resource and budget staff in determining what action, if any, should be taken on the complaint. The ADA Coordinator ~~[or designee]~~may also consult with the ~~[V]ice-[C]hair[person]~~ in making a recommendation.

(3) The ADA Coordinator ~~[or designee]~~shall consult with representatives from other state agencies that may be affected by the decision, including the Governor's Office of Planning and Budget, the ~~[Department]~~Division of Human Resource Management, the Division of Risk Management, the Division of Facilities Construction Management, the Utah Department of Corrections, and the Office of the Attorney General before making any recommendation that would:

(a) involve an expenditure of funds beyond what is reasonably able to be accommodated within the applicable line item so that it would require a separate appropriation;

(b) require facility modifications; or

(c) require reassignment to a different position.

R671-102-5. Recommendation and Decision.

(1) Within 15 working days after receiving the complaint, the ADA Coordinator ~~[or designee]~~shall recommend in writing to the Board's ~~[V]ice-[C]hair[person]~~ what action, if any, should be taken on the complaint.~~[The recommendation shall be in writing or in another accessible format suitable to the complainant.]~~

(2) If the ADA Coordinator ~~[or designee]~~is unable to make a recommendation within the 15 working day period, the complainant shall be notified in writing, or in another accessible format suitable to the complainant, stating why the recommendation is delayed and what additional time is needed.

(3) The vice chair~~[Board's Vice Chairperson]~~ may confer with the ADA Coordinator ~~[or designee]~~ and the complainant and may accept or modify the recommendation to resolve the complaint. The vice chair~~[Board's Vice Chairperson]~~ shall render a decision within 15 working days after the vice chair's~~[Board's Vice Chairperson's]~~ receipt of the recommendation from the ADA Coordinator~~[or designee]~~. The vice chair~~[Board's Vice Chairperson]~~ shall take all reasonable steps to implement the decision. The vice chair's~~[Board's Vice Chairperson's]~~ decision shall be in writing, or in another accessible format suitable to the complainant, and shall be promptly delivered to the complainant.

R671-102-6. Appeals.

(1) The complainant may appeal the vice chair's~~[Board's Vice Chairperson's]~~ decision to the chair~~[Board's Chairperson]~~ within ten working days after the complainant's receipt of the vice chair's~~[Vice Chairperson's]~~ decision.

(2) The appeal shall be in writing or in another accessible format reasonably suited to the complainant's ability.

(3) The chair~~[Board's Chairperson]~~ may name a designee to assist on the appeal. The ADA coordinator and the Board administrator~~[or his designee]~~ may not also be the chair's~~[Board's Chairperson's]~~ designee for the appeal.

(4) In the appeal, the complainant shall describe in sufficient detail why the decision does not effectively address the complainant's needs.

(5) The chair~~[Board's Chairperson or his designee]~~ shall review the ADA Coordinator's ~~[or his designee's]~~ recommendation, the vice chair's~~[Board's Vice Chairperson's]~~ decision, and the points raised on appeal prior to reaching a decision. The Board's ~~[C]~~chair~~[person]~~ may direct additional investigation as necessary. The chair~~[Board's Chairperson]~~ shall consult with representatives from other state agencies that would be affected by the decision, including the Governor's Office of Planning and Budget, the ~~[Department of Human Resource Management]~~Division of Human Resource Management, the Division of Risk Management, the Division of Facilities Construction Management, the Utah Department of Corrections, and the Office of the Attorney General before making any decision that would:

(a) involve an expenditure of funds beyond what is reasonably able to be accommodated within the applicable line item so that it would require a separate appropriation;

(b) require facility modifications; or

(c) require reassignment to a different position.

(6) The chair~~[Board's Chairperson]~~ shall issue a final decision within 15 working days after receiving the complainant's appeal. The decision shall be in writing, or in another accessible format suitable to the complainant, and shall be promptly delivered to the complainant.

(7) If the chair~~[Board's Chairperson]~~ is unable to reach a final decision within the 15 working day period, the complainant shall be notified in writing, or by another accessible format suitable to the complainant, why the final decision is being delayed and the additional time needed to reach a final decision.

R671-102-7. Record Classification.

(1) Records created in administering this rule are classified as "protected" under ~~[Utah Code Ann. Subsections]~~Section 63G-2-305~~[(9), (22), (24), and (25)]~~.

(2) After issuing a decision under Section R671-102-5, or a final decision upon appeal under Section R671-102-6, portions of the record pertaining to the complainant's medical condition shall be classified as "private" under ~~[Utah Code Ann. Subsection]~~Section 63G-2-302~~[(1)(b)]~~, or "controlled" under ~~[Utah Code Ann. Section]~~Section 63G-2-304, consistent with 42 U.S.C. 12112(d)(4)(A), and (C) and 42 U.S.C. 12112(d)(3)(B) and (C), at the option of the ADA coordinator.

~~[(a)]~~3 The written decision of the vice chair~~[Board's Vice Chairperson]~~ or the chair~~[Board's Chairperson]~~ shall be classified as "public," and all other records, except controlled records under Subsection R671-102-7(2), classified as "private."

R671-102-8. Relationship to Other Laws.

This rule does not prohibit or limit the use of remedies available to individuals under:

~~[(a)]~~1 the state Anti-Discrimination Complaint Procedures, ~~[Utah Code Ann.]~~Section 34A-5-107 and ~~[Utah Code Ann.]~~Section ~~67-19-A-302~~67-19-A-302;

~~[(b)]~~2 the Federal ADA Complaint Procedures, 28 CFR 35.170 through 28 CFR 35.178; or

~~[(c)]~~3 any other Utah State or federal law that provides equal or greater protection for the rights of individuals with disabilities.

KEY: disabilities

Date of Last Change: ~~[May 8, 2014]~~2025

Notice of Continuation: September 17, 2024

Authorizing, and Implemented or Interpreted Law: ~~[67-19-32; 63G-2]~~67-19A-302; 63G-3-201(3); Title 63G Chapter 2; 34A-5-107

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R671-105

Filing ID: 57270

Agency Information

1. Title catchline:

Pardons (Board of), Administration

Street address:

448 E Winchester St, Suite 300

City, state:	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Amanda Montague	801-440-0545	amontague@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R671-105. Board Administration
4. Purpose of the new rule or reason for the change:
In 2022, a legislative audit recommended that the Board revise its management plan and publish corresponding administrative rules. This rule aims to address that recommendation.
5. Summary of the new rule or change:
This rule establishes the Board Chair's administrative authority.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the state budget, as this new rule is clerical in nature and will have no impact on how the Board functions.
B. Local governments:
There is no expected fiscal impact on local governments, as this new rule is clerical and clarifying in nature and will have no impact local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule does not affect small businesses and so has no expected fiscal impact, as this new rule is clerical and clarifying in nature and will have no impact small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This new rule has no effect on non-small business and so has no expected financial impact, as this rule is clerical and clarifying in nature and will have no impact on 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 new rule will have no fiscal impact on persons other than small businesses, non-small businesses, or state or local government entities, as this rule is clerical and clarifying in nature and will have no impact on other persons mentioned above.
F. Compliance costs for affected persons:
This new rule entails no compliance costs for affected persons, as this rule is clerical and clarifying in nature and will have no impact affected persons.
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.					

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 77-27-4		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:		08/14/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time:	Place (physical address or URL):
07/29/2025	1:00 PM	448 E Winchester, Suite 300, Murray, UT
10. This rule change MAY become effective on:		08/21/2025
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. Scott Stephenson, Chair	Date:	06/11/2025
---	----------------------------	--------------	------------

R671. Pardons (Board of), Administration.**R671-105. Board Administration.****R671-105-1. Authority and Purpose.**

- (1) Pursuant to Section 77-27-4, the administrative authority of the Board is vested in the Board Chair.
- (2) The Board Chair has the authority to delegate the performance of administrative tasks and responsibilities for staff to the Board administrator.
- (3) The Board administrator is subject to the direct authority of the Board Chair.
- (4) Staff may appeal personnel matters that involve job action to the Board Chair.

KEY: leadership, administration**Date of Last Change: 2025****Authorizing, and Implemented or Interpreted Law: 63G-3-1 et seq.****NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Rule or section number:****R671-206****Filing ID: 57277****Agency Information**

1. Title catchline:	Pardons (Board of), Administration	
Street address:	448 E Winchester St, Suite 300	
City, state:	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Amanda Montague	801-440-0545	amontague@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R671-206. Competency of Offenders
4. Purpose of the new rule or reason for the change:
This rule amendment is proposed in response to an ongoing effort by the Board to update its administrative rules to ensure consistency with current statutory provisions, address concerns raised in its 2022 legislative audit, and fulfill goals outlined in its latest strategic plan.
5. Summary of the new rule or change:
This amendment clarifies that proceedings will be stayed when an offender's competency is in question. It adjusts the language from "reason to believe" someone is incompetent to questions someone's competency.
It also makes nonsubstantive changes.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated impact on state budgets, as this rule clarifies the standard for when competency is in question but does not change any workload or process issues.
B. Local governments:
This rule change is not anticipated to have any fiscal impact on local governments because it does not affect local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change does not have a fiscal impact on small businesses because it does not affect small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule changes do not have a fiscal impact on non-small businesses because it does not affect 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 amendment does not affect other persons as listed above.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

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 77-15-2	Section 77-15-3	Section 77-15-5
Section 77-27-2	Section 77-27-7	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:		08/14/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time:	Place (physical address or URL):
07/29/2025	01:00 PM	448 E Winchester, Suite 300, Murray, UT

10. This rule change MAY become effective on: 08/21/2025

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. Scott Stephenson, Chair	Date:	06/11/2025
---	----------------------------	--------------	------------

R671. Pardons (Board of), Administration.**R671-206. Competency of Offenders.****R671-206-1. Incompetence for Board Proceedings Defined.**

For purposes of the proceedings of the Board of Pardons and Parole (Board)[5] an offender is incompetent to proceed if the offender is suffering from a mental disorder or intellectual disability resulting in either:

- (1) an inability to have a rational and factual understanding of a pending Board hearing; or
- (2) an inability to consult with counsel and participate in a hearing with a reasonable degree of rational understanding.

R671-206-2. Stay to Determine Offender Competence.

(1) If ~~an offender's competency is questioned by~~ a Board member or hearing official, Department of Corrections (Department)[~~agent or employee~~], counsel for the State, or counsel for an offender[~~has reason to believe that an offender may be incompetent as defined herein or as defined in UCA 77-15-2~~], ~~then~~ all proceedings shall be stayed pending a decision by the Board regarding the offender's competence.

(2) A stay of proceedings under this rule does not toll any time served nor does it affect an offender's sentence expiration date.

R671-206-3. Proceedings When Competence Is Questioned.

If there is reason to believe that an offender is or may be incompetent, the Board may:

- (1) request a mental health evaluation from the Department or a private mental health expert to assist in determining whether the offender is competent or is likely to become competent while housed in the custody of the Department;
- (2) appoint one or more contract psychologists to examine the offender and report in writing to the Board, specifically addressing the issue of competency, as defined [~~herein~~]in this rule and pursuant to[~~in UCA~~] Subsection 77-27-7(5); or
- (3) request that the Board's counsel from the Attorney General's office file a petition on behalf of the Board with the district court for a competency hearing pursuant to [~~UCA~~]Section 77-15-3.

R671-206-4. Determination of Competence.

If the Board or the district court, pursuant to [~~UCA~~]Section 77-15-3, determines the offender is competent, the Board shall proceed with scheduled hearings or other actions.

KEY: criminal competency

Date of Last Change: [~~January 8, 2018~~]2025

Notice of Continuation: October 3, 2022

Authorizing, and Implemented or Interpreted Law: 77-15-2; 77-15-3; 77-15-5; 77-27-2; 77-27-7

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R671-302

Filing ID: 57272

Agency Information

1. Title catchline:		Pardons (Board of), Administration	
Street address:		448 E Winchester St, Suite 300	
City, state:		Murray, UT 84107	
Contact persons:			
Name:		Phone:	Email:
Jennifer Yim		801-261-6464	jmyim@utah.gov
Amanda Montague		801-440-0545	amontague@agutah.gov
Zarah Borja		385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R671-302. Public Access to Hearings

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

This rule amendment is part of a regular review of Board rules.

5. Summary of the new rule or change:

This rule amendment revises the procedures governing access to hearings, clarifying requirements of participation for both the general public and news media outlets.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

There is no anticipated cost or savings to the state budget, as this rule change is clerical in nature and will have no impact on how the Board functions.

B. Local governments:

There is no expected fiscal impact on local governments, as this rule change is clerical and clarifying in nature and will have no impact on local governments.

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

This rule does not affect small businesses and so has no expected fiscal impact, as this rule change is clerical and clarifying in nature and will have no impact on small businesses.

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

This rule change has no effect on non-small businesses and so has no expected financial impact, as this rule change is clerical and clarifying in nature and will have no impact on 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 amendment will have no fiscal impact on persons other than small businesses, non-small businesses, or state or local government entities, as this rule change is clerical and clarifying in nature and will have no impact on other persons mentioned above.

F. Compliance costs for affected persons:

This rule change entails no compliance costs for affected persons, as this rule change is clerical and clarifying in nature and will have no impact on affected persons.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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

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

The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

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:

Subsection 63G-3-201(3)	Subsection 77-27-9(5)	Subsection 77-27-5(1)
-------------------------	-----------------------	-----------------------

Public Notice Information
9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 08/14/2025

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time:	Place (physical address or URL):
07/29/2025	01:00 PM	448 E Winchester, Suite 300, Murray, UT

10. This rule change MAY become effective on: 08/21/2025

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. Scott Stephenson, Chair	Date:	06/11/2025
---	----------------------------	--------------	------------

R671. Pardons (Board of), Administration.
R671-302. News Media and Public Access to Hearings.
R671-302-1. Open Hearings.

(1) According to state law, and subject to fairness, health, and security requirements, Board hearings are open public hearings.

(2) Public access to Board hearings is primarily available through live internet streaming of hearing.

(3) The requirement that a hearing be open to the public is satisfied when a hearing is conducted electronically. There is no requirement that any participant be present at the anchor location.

(4) ~~(e)~~ When health, safety, and security procedures and protocols of the Board and the Utah Department of Corrections ~~-(UDC)~~ (Department) allow, victims and members of the public, including media representatives, may attend Board hearings in person.

(5) ~~(d)~~ The Board shall only accept testimony ~~[or comments]~~ from the offender and specific individuals as provided in Rules R671-203, ~~and~~ R671-308, R671-516, and R671-517. Nothing in this rule prohibits the Board from accepting written comments from other individuals.

(6) ~~(e)~~ The Board may limit or suspend forms of ~~in-person~~ access to hearings in declared cases of national, state, county, or municipal ~~declared~~ emergency ~~;~~ or natural catastrophe ~~;~~ or other unforeseen and extraordinary circumstances.

R671-302-2. Limited Seating.

When conditions allow in-person attendance at hearings pursuant to Section R671-302-1, if the number of individuals wishing to attend a hearing exceeds the seating capacity of the room in which the hearing will be conducted, priority for admission and seating shall be given to:

(1) ~~;~~ an individual involved in the hearing;

(2) ~~;~~ a victim or victim representative of record;

(3) ~~;~~ up to three victim advocates or other individuals designated by a victim or victim representative of record;

(4) ~~;~~ up to five individuals selected by the offender;

(5) ~~;~~ any officials designated or approved by the Board; ~~and~~

(6) a pooled media representative;

~~(7)[6-]~~ a member of the public on a first[-]come basis.

R671-302-3. Security and Conduct.

(~~[a]~~1) An individual may attend a Board hearing in-person pursuant to Section R671-302-1.

(~~[b]~~2) Each individual in attendance at a Board hearing is subject to hearing facility security requirements and must conduct themselves in a manner that does not interfere with the orderly conduct of the hearing.

(~~[e]~~3) Any individual in attendance at a Board hearing that causes a disturbance or engages in behavior deemed by the hearing official to be disruptive of the proceeding may be ordered to leave and security personnel may be requested to escort the individual from the premises.

~~[R671-302-4. Executive Session.~~

~~Board executive sessions are closed sessions with no access. No filming, recording or transmitting of executive session portions of any hearing will be allowed.]~~

R671-302-4[5]. Media Procedures.

(~~[a]~~1) In addition to the requirements of Section R671-303-3, a media representative may attend a Board hearing in-person pursuant to Section R671-302-1.

(~~[b]~~2) A media representative may be permitted to operate photographic, recording or other equipment during the public portion of any hearing, subject to prior approval by the Board or its designee and the safety or security requirements of the Department [~~of Corrections (UDC)~~] and the hearing facility.

(~~[e]~~3) If the Board receives requests for more than one media representative to operate photographic, recording or other equipment during a hearing, the Board ~~may~~shall require a media pooling arrangement.

(~~[d]~~4) If a hearing official determines that media equipment or operators are causing a disturbance, are interfering with, or have the potential to cause a disturbance or interfere with an orderly, fair and impartial hearing, restrictions may be imposed to eliminate those problems.

(~~[e]~~5) Instant broadcast or transmitting of video, audio, or images by media or any individual during a hearing is prohibited.

(~~[f]~~6) Photographing, recording, transmitting, or broadcasting the image of any victim attending a Board hearing is prohibited unless approved by the victim and the Board or its designee~~hearing official prior to the hearing~~. All approvals must be confirmed at least 24 hours prior before the hearing.

R671-302-5[6]. Media Equipment Approval.

(~~[a]~~1) A media request to use photographic, recording or other equipment at an in-person hearing must be made in writing to the Board ~~administrator~~director or designee at least three business days ~~[prior to]~~before a hearing.

(~~[b]~~2) Media representatives shall comply with any equipment screening criteria imposed by the Department.~~[Equipment will not be approved if the equipment is likely to disturb or interfere with the hearing.]~~

(~~[e]~~3) If equipment is approved for use at a hearing, its location and mode of operation shall be approved in advance by the Board's designee. Any approved equipment will remain in a stationary position during the entire hearing and will be operated as unobtrusively as possible.

~~[(d) No artificial lighting may be used during a hearing, or in the hearing room. The hearing official or other Board representative may direct the placement of equipment and seating to ensure the hearing is conducted in an orderly and safe manner.]~~

R671-302-6[7]. Violations.

Any individual or organization that violates this rule may be removed from a hearing and may be prohibited from attending future Board hearings.

KEY: public hearings, media, equipment

Date of Last Change: ~~[August 24, 2021]~~2025

Notice of Continuation: August 28, 2021

Authorizing, and Implemented or Interpreted Law: 63G-3-201(3); 77-27-9(5); 77-27-5(1)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R671-312

Filing ID: 57273

Agency Information

1. Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, Suite 300
City, state:	Murray, UT 84107

Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Amanda Montague	801-440-0545	amontague@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R671-312. Commutation Hearings for Death Penalty Cases
4. Purpose of the new rule or reason for the change:
This rule amendment is part of the Board's regular review of its administrative rules for clarity and accuracy.
5. Summary of the new rule or change:
This rule amendment provides clarity on the computation of time, refines the definition of "petitioner," and corrects the roles assigned during commutation hearings.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the state budget, as this rule change is clerical in nature and will have no impact on how the Board functions.
B. Local governments:
There is no expected fiscal impact on local governments, as this rule change is clerical and clarifying in nature and will have no impact on local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule does not affect small businesses and so has no expected fiscal impact, as this rule change is clerical and clarifying in nature and will have no impact on small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule change has no effect on non-small businesses and so has no expected financial impact, as this rule change is clerical and clarifying in nature and will have no impact on 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 amendment will have no fiscal impact on persons other than small businesses, non-small businesses, or state or local government entities, as this rule change is clerical and clarifying in nature and will have no impact on other persons mentioned above.
F. Compliance costs for affected persons:
This rule change entails no compliance costs for affected persons, as this rule change is clerical and clarifying in nature and will have no impact on affected persons.
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.					

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:		
Article VII, Section 12	Section 77-19-8	Section 77-27-5
Section 77-27-5.5	Section 77-27-8	Subsection 77-27-9(2)(e)
Section 77-27-9.5		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:		07/31/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time:	Place (physical address or URL):
07/29/2025	01:00 PM	448 E Winchester, Suite 300, Murray, UT

10. This rule change MAY become effective on:	08/07/2025
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. Scott Stephenson, Chair	Date:	06/11/2025
---	----------------------------	--------------	------------

R671. Pardons (Board of), Administration.**R671-312. Commutation Hearings for Death Penalty Cases.****R671-312-1. General Applicability.**

The provisions and procedures set forth below are of general applicability to all petitions filed with the Utah Board of Pardons and Parole (Board) seeking the commutation of a death sentence.

(1) As used in R671, computation of time is done pursuant to Utah Rule of Civil Procedure 6.

NOTICES OF PROPOSED RULES

(2) As used in R671-312, 312A, and 312B, "petitioner" means the person whose death sentence is sought to be commuted by the filing of a commutation petition with the Board.

(3)(4) Any person, individually or through counsel, who has been sentenced to death by a court in this state may petition the Board for commutation of the death sentence.

(4)(2) No person has a right, privilege, or entitlement to commutation or clemency; nor to the scheduling of a commutation hearing. Nothing in this rule may be interpreted to convey any right or expectation of commutation, clemency, or to a commutation hearing. The decision to schedule a commutation hearing is within the exclusive power and authority of the Board.

(5)(3) Petitions for commutation of a death sentence shall be governed by applicable state constitutional provisions, statutes, this rule, and other Board administrative rules as applicable.

(6)(4) Any document, pleading, notice, attachment or other item submitted as part of the commutation petition, response, or subsequent pleadings shall be delivered to and filed with the Board's Administrative Coordinator at the Board's offices.

(7)(5) Upon the filing of a commutation petition, and throughout the duration of all commutation proceedings, any communication to the Board by any party or party's counsel should be directed to the Board's administrator or designee [Administrative Coordinator]. Any communication from the Board to any party or counsel will be directed through the Board's administrator or designee [Administrative Coordinator]. This section does not apply to Board communications with its own legal counsel as assigned by the Attorney General.

(8)(6) A commutation petition, any response thereto, and any subsequent pleading, or document submitted to the Board for consideration in relation to a commutation petition is considered a public document, unless the document is determined by the Board to be controlled, protected, or private, pursuant to any other statute, law, rule, or prior case law.

(9)(7) Any order issued by the Board relating to a commutation petition is a public document.

(10)(8) If the petitioner's execution is stayed by a court, after a commutation petition has been filed with the Board, but prior to commencement of any commutation hearing, all commutation proceedings before the Board shall cease.

(11)(9) If the petitioner's execution is stayed by a court after a commutation hearing has commenced, the hearing may continue, and the Board may render its decision.

(10) As used in this rule, "day" means a regular calendar day, including weekends and holidays.

(11) As used in this rule, "Petitioner" means the person whose death sentence is sought to be commuted by the filing of a commutation petition with the Board.

(12) The Board may summarily deny, with or without a response or objection from the State, any commutation petition without a hearing.

(13) Procedures applicable to commutation petitions for any person sentenced to death by a court in this state on or before prior to April 26, 1992, are governed by Rule R671-312A. Procedures applicable to commutation petitions for any person sentenced to death by a court in this state after April 26, 1992, are governed by Rule R671-312B.

(14) If the Board deems necessary and appropriate, the Board may temporarily stay an execution to fully consider hear a petition for commutation.

KEY: capital punishment

Date of Last Change: May 22, 2013 2025

Notice of Continuation: October 3, 2022

Authorizing, and Implemented or Interpreted Law: Art VII, Sec 12; 77-19-8; 77-27-2; 77-27-4; 77-27-5; 77-27-5.5; 77-27-8; 77-27-9(2)(e); 77-27-9.5.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R698-6

Filing ID: 57306

Agency Information

1. Title catchline:	Public Safety, Administration	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W, 1st Floor	
City, state:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-965-4018	kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information**2. Rule or section catchline:**

R698-6. Honoring Heroes Restricted Account

3. Are any changes in this filing because of state legislative action?

Changes are because of legislative action.

If yes, any bill number and session: HB 26 (2023 General Session)**4. Purpose of the new rule or reason for the change:**

Section 53-1-118 was repealed effective 07/01/2024 upon passage of HB 26, passed in the 2023 General Session. The statutory provisions that authorized this rule no longer exist. Because this rule is not authorized and is no longer necessary, this rule is being repealed.

5. Summary of the new rule or change:

The statutory provisions that authorized this rule no longer exist. Because this rule is not authorized and is no longer necessary, this rule is being repealed in its entirety.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

The proposed rule filing is not anticipated to have a fiscal impact on the state budget. This rule is being repealed because the Honoring Heroes Restricted Account was repealed upon passage of HB 26 (2023); therefore, this rule is no longer authorized or needed.

B. Local governments:

The proposed rule filing is not anticipated to have a fiscal impact on local governments. This rule is being repealed because the Honoring Heroes Restricted Account was repealed upon passage of HB 26 (2023); therefore, this rule is no longer authorized or needed.

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

The proposed rule filing is not anticipated to have a fiscal impact on small businesses. This rule is being repealed because the Honoring Heroes Restricted Account was repealed upon passage of HB 26 (2023); therefore, this rule is no longer authorized or needed.

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

The proposed rule filing is not anticipated to have a fiscal impact on non-small businesses. This rule is being repealed because the Honoring Heroes Restricted Account was repealed upon passage of HB 26 (2023); therefore, this rule is no longer authorized or needed.

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 filing is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities. This rule is being repealed because the Honoring Heroes Restricted Account was repealed upon passage of HB 26 (2023); therefore, this rule is no longer authorized or needed.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons. The rule is being repealed because the Honoring Heroes Restricted Account was repealed upon passage of HB 26 (2023); therefore, this rule is no longer authorized or needed.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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

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:		
Subsection 53-1-118(8)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/14/2025
10. This rule change MAY become effective on:	08/21/2025
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:	Jess L. Anderson, Commissioner	Date:	06/18/2025
---	--------------------------------	--------------	------------

R698. Public Safety, Administration.

~~R698-6. Honoring Heroes Restricted Account.~~~~R698-6-1. Purpose.~~

~~The purpose of this rule is to establish procedures by which an organization may apply to the department to receive funds under Section 53-1-118.~~

~~R698-6-2. Authority.~~

~~This rule is authorized by Section 53-1-118(8) which provides that the commissioner shall make rules regarding the procedures to be used to obtain funds from the account.~~

~~R698-6-3. Definitions.~~

~~(1) The terms used in this rule are defined in Section 53-1-102.~~

~~(2) In addition:~~

~~(a) "awarded funds" means the funds appropriated by the department from the account;~~

~~(b) "restricted funds" means the funds appropriated to the department from the account;~~

~~(c) "the account" means the Public Safety Honoring Heroes Restricted Account; and~~

~~(d) "UHP" means the Utah Highway Patrol.~~

~~R698-6-4. Application Process:~~

~~(1) An organizations that wishes to receive awarded funds must submit an application to the commissioner.~~

~~(2) The application must contain the following:~~

~~(a) verification that the organization is a charitable organization that qualifies for tax exempt status under Internal Revenue Code Section 501(c)(3);~~

~~(b) a statement indicating that a primary part of the organization's mission is to support the families of fallen UHP troopers or other department employees;~~

~~(c) a detailed description of how the organization intends to spend the awarded funds to support the families of fallen UHP troopers and other department employees; and~~

~~(d) documentation of how the organization spent any awarded funds that were previously appropriated to the organization.~~

~~(3)(a) All applications must be submitted before July 1 in order to be eligible for awarded funds from the current fiscal year.~~

~~(b) If no applications are received by July 1, the award funds shall remain in the account until the next fiscal year.~~

~~R698-6-5. Distributions and Prioritization of Awards.~~

~~(1) The commissioner shall review any applications that have been submitted and determine which organization will receive awarded funds based upon the following criteria:~~

~~(a) which organization's intended use of the awarded funds will have the broadest application or meet the greatest need; and~~

~~(b) whether the organization used previously awarded funds in the manner for which they originally sought the funds.~~

~~(2) The commissioner shall distribute all restricted funds in the account each year to one or more qualified organizations.~~

~~KEY: Honoring Heroes Restricted Account~~

~~Date of Last Change: September 1, 2010~~

~~Notice of Continuation: June 12, 2025~~

~~Authorizing, and Implemented or Interpreted Law: 53-1-118(8)~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R708-27

Filing ID: 57313

Agency Information

1. Title catchline:		Public Safety, Driver License	
Mailing address:		PO Box 144501	
City, state and zip:		Salt Lake City, UT 84114-4501	
Contact persons:			
Name:		Phone:	Email:
Kim Gibb		801-556-8198	kgibb@utah.gov
Tara Zamora		801-964-4483	tarazamora@utah.gov
Britani Flores		801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R708-27. Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests
4. Purpose of the new rule or reason for the change:
This rule filing updates the catchline and updates the authorizing statute to Section 53G-10-507.
The body of the existing rule has been updated to add separate sections for authority and purpose which were combined in the existing filing.
Sections have been modified to include a new process for reporting test scores and updated information on applying for certification to administer knowledge and skills tests.

5. Summary of the new rule or change:

This rule filing updates this rule catchline to reflect the rule's purpose and contents more accurately.

The authorizing statute was renumbered in the existing rule and has been updated from Section 53A-13-208 to Section 53G-10-507.

Rule sections have been added to separate authority and purpose.

Some definitions were added to include information for the new Division Education Management System or DEMS, which is used to report test scores, as well as information for moral turpitude.

The sections of this rule have been renamed and updated to clarify the process for applying for certification, test score and completion submission, as well as the requirements for administering tests as required by statute.

A section was added regarding procedures for governing information adjudicative proceedings.

Fiscal Information**6. 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 a fiscal impact on state government. This rule filing clarifies a process that is already in place and has not changed any part of the existing certification process.

B. Local governments:

This rule change is not expected to have a fiscal impact on local governments. This rule filing clarifies a process that is already in place and has not changed any part of the existing certification process.

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

This rule change is not expected to have a fiscal impact on small businesses. This rule filing clarifies a process that is already in place and has not changed any part of the existing certification process.

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

This rule change is not expected to have a fiscal impact on non-small businesses. This rule filing clarifies a process that is already in place and has not changed any part of the existing certification process.

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 a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities. This rule filing clarifies a process that is already in place and has not changed any part of the existing certification process.

F. Compliance costs for affected persons:

The proposed rule is not expected to have any compliance costs for any affected persons. This rule filing is clarifying a process that is already in place. The proposed rule has not changed any part of the process.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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

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 53G-10-507

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

08/14/2025

10. This rule change MAY become effective on:

08/21/2025

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:

Christopher Caras, Division Director

Date:

06/26/2025

R708. Public Safety, Driver License.

~~**[R708-27. Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests.**~~

~~**R708-27-1. Authority and Purpose.**~~

~~_____ This rule establishes standards and procedures to certify teachers of driver education classes in the public schools to administer knowledge and driving skills tests as required by Section 53A-13-208.~~

~~**R708-27-2. Definitions.**~~

~~_____ "Cancellation" means the certification is void.~~

~~_____ "Certification" means the process by which public education teachers of driver education are certified by the Driver License Division to administer knowledge and driving skills tests.~~

~~_____ "Division" means the Driver License Division of the Utah Department of Public Safety.~~

~~_____ "Suspension" means that a teacher's certification is currently void but may be reinstated whenever the teacher follows a division-approved plan and complies with reinstatement procedures.~~

~~_____ "Teacher" means a teacher of driver education classes in the public schools of the State of Utah.~~

~~_____ "Test" means a division approved knowledge test or driving skills test as approved by the division.~~

~~_____ "USOE" means the Utah State Office of Education.~~

~~**R708-27-3. Standards and Procedures.**~~

~~_____ (1) A teacher shall become certified by making application and by meeting the requirements of this rule. Application shall be made on a form furnished by the division and shall include the following information:~~

~~_____ (a) The name of the teacher who is applying for certification;~~

~~_____ (b) The addresses of locations where the teacher will be conducting driver education tests; and~~

NOTICES OF PROPOSED RULES

- ~~_____ (c) A verification that the teacher has completed division approved training for knowledge and driving skills testing.~~
- ~~_____ (2) The division will offer training to teachers concerning minimum standards which must be met in the administration and scoring of tests.~~
- ~~_____ (3) The division may authorize and train personnel within the public schools to provide the above training to teachers desiring to be certified to administer driver license knowledge and driving skills tests.~~
- ~~_____ (4) When testing students for driver licenses, certified teachers shall use only such driver training tests which are developed and used as a standard by the division for first time driver license applicants.~~
- ~~_____ (5) Knowledge test questions shall be kept in a secure place and shall be accessible only to school officials and to the division. Copies of the tests shall not be retained by students.~~
- ~~_____ (6) The driving skills test shall be conducted on streets, highways and off road courses only. No simulator testing shall be substituted as part of the final test.~~
- ~~_____ (7) The test results will be valid for driver licensing purposes only if administered in conjunction with approved public driver education courses and by teachers meeting the requirements of these rules.~~
- ~~_____ (8) Records of all student test results shall be retained by the school for a four year period. The records shall be accessible to the division upon request during normal school hours.~~
- ~~_____ (9) Investigations and resolution of complaints relating to testing under this program shall be the responsibility of the USOE.~~
- ~~_____ (10) The USOE shall provide annually, on or before September 30, to the division, a list of all active certified driver education teachers.~~

~~R708-27-4. Submittal of Evidence of Student Test Completion.~~

- ~~_____ (1) The following procedures shall be followed by the teacher and the student in submitting evidence of satisfactory completion of knowledge and driving skills testing.~~
- ~~_____ (2) As evidence of satisfactory completion of knowledge testing, the school shall furnish a certificate of knowledge test completion to the student. The certificate shall be a form approved by the division and shall contain:~~
 - ~~_____ (a) the student's full legal name;~~
 - ~~_____ (b) the student's date of birth;~~
 - ~~_____ (c) the name of the school district;~~
 - ~~_____ (d) the name of the school;~~
 - ~~_____ (e) the school ID number;~~
 - ~~_____ (f) results of the knowledge test;~~
 - ~~_____ (g) the date the test was passed; and~~
 - ~~_____ (h) the signature of the certified teacher who administered the test.~~
- ~~_____ (3) To apply for a Class D learner permit, a student must successfully pass the written knowledge test given by the division, or submit the certificate of knowledge test completion given him by the school.~~
- ~~_____ (4) As evidence of satisfactory completion of driving skills testing and course completion, the school shall furnish a certificate to the student. The certificate shall be a form approved by the division and shall contain the following:~~
 - ~~_____ (a) the student's name as it appears on the Utah Lerner permit;~~
 - ~~_____ (b) the student date of birth;~~
 - ~~_____ (c) the student's date of birth;~~
 - ~~_____ (d) original issue date of completion certificate;~~
 - ~~_____ (e) results of the driving skills test;~~
 - ~~_____ (f) the signature of the certified teacher who administered the test;~~
 - ~~_____ (g) the date the test was completed;~~
 - ~~_____ (h) the date the driver education course was completed;~~
 - ~~_____ (i) the school ID number;~~
 - ~~_____ (j) the name of the school district; and~~
 - ~~_____ (k) the name of the school.~~
- ~~_____ (5) To apply for a Class D driver license, a student may submit the completed certificate of testing and the certificate of completion of driver training course, as issued to him/her by the school, to a division testing station.~~
- ~~_____ (6) When a student applies for a Class D driver license, the Division may waive it's normally administered knowledge and driving skills tests for students presenting valid certificates of testing.~~

~~R708-27-5. Refusal to Certify, Grounds for Cancellation and Suspension of Certification.~~

- ~~_____ (1) The division may refuse to certify teacher applicants who do not meet the standards for training or who submit an application that contains false or incomplete information.~~
- ~~_____ (2) The certification of a teacher shall be effective until cancelled or suspended by the division. The USOE may initiate suspension or cancellation of a certification by providing the division with a written request.~~
- ~~_____ (3) Certification once granted may be cancelled or suspended for non-compliance with these rules.~~
- ~~_____ (4) When the division determines that a need exists to cancel or suspend a teacher's certification, it shall determine an appropriate course of action from the following options:~~
 - ~~_____ (a) suspension, pending a plan for remediation leading to reinstatement, or~~
 - ~~_____ (b) cancellation of certification.~~

~~(5) Reinstatement following cancellation of certification shall consist of completing an approved training plan following cancellation of certification and making application for a new certification.~~

~~(6) Certification shall be cancelled when teachers no longer are employed as licensed public school teachers. Teachers who discontinue employment with the USOE and then return to teach driver education must make a new application with the division for a new certification and complete approved training following cancellation of certification.]~~

R708-27. Certification and Requirements of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests.

R708-27-1. Purpose.

The purpose of this rule is to establish standards and procedures to certify teachers of driver education classes in the public schools to administer knowledge and driving skills tests.

R708-27-2. Authority.

This rule is authorized by Section 53G-10-507.

R708-27-3. Definitions.

(1) Terms in this rule are defined in Section 53-3-102.

(2) In addition:

(a) "act of moral turpitude" means conduct that:

(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 property;

(b) "cancellation" means the certification is void;

(c) "certification" means the process that public education teachers of driver education are certified by the Driver License Division to administer knowledge and driving skills tests;

(d) "DEMS" means the Driver Education Management System, the division's official record keeping program;

(e) "division" means the Driver License Division of the Utah Department of Public Safety;

(f) "suspension" means that a teacher's certification is currently void but may be reinstated when the teacher follows a division-approved plan and complies with reinstatement procedures;

(g) "teacher" means a teacher of driver education classes in the public schools of the state;

(h) "test" means a division approved knowledge test or driving skills test as approved by the division; and

(i) "USOE" means the State Office of Education.

R708-27-4. Certification Procedures.

(1) Each teacher seeking certification shall apply to the USOE.

(2) The USOE representative shall notify the division when teachers have applied for certification and request access to DEMS by providing:

(a) the name of the teacher who is applying for certification;

(b) the locations where the teacher will be conducting driver education tests; and

(c) verification that the teacher has completed division approved training for knowledge and driving skills testing.

(3) The division shall offer training to teachers concerning minimum standards that must be met in the administration and scoring of tests.

(4) The division may authorize and train personnel within the public schools to provide the training referenced in Section R708-27-4 to teachers applying for certification.

R708-27-5. Requirements of Certified Driver Education Teachers, School, and the USOE.

(1) The certified teacher shall:

(a) ensure each student has in their possession a valid learner permit issued by the division during each training lesson or while taking a driving skills test;

(b) only use written knowledge and driving skills tests that are developed as a standard by the division for first time driver license applicants;

(c) keep knowledge test questions in a secure place accessible only to school officials and the division;

(d) not allow students to retain copies of the test;

(e) conduct driving skills tests on streets, highways, and off-road courses only. No simulator testing may be substituted as part of the final test;

(f) only test students enrolled in a high school driver education program; and

(g) test students in accordance with this rule.

(2) The school shall retain records of each student's test results for four years.

(3) The school shall ensure students test results are accessible to the division upon request during normal school hours.

(8) The USOE shall be responsible for investigating and resolving complaints relating to testing under this program.

(9) The USOE shall provide annually, on or before September 30, to the division, a list of every active certified driver education teacher.

R708-27-6. Submittal of Student Test Completion.

- (1) The certified teacher shall enter the test scores electronically into DEMS.
- (2) The certified teacher shall ensure the record in DEMS includes:
 - (a) the student's full legal name;
 - (b) the student's date of birth;
 - (c) the name of the school district;
 - (d) the name of the school;
 - (e) the school ID number;
 - (f) results of the knowledge test;
 - (g) the date the test was passed; and
 - (h) the name of the certified teacher who administered the test.
- (3) The certified teacher shall update the record in DEMS with the driving skills test score and course completion date.
- (4) The teacher shall ensure the updated record in DEMS includes the following:
 - (a) the student's name as it appears on the Utah learner permit;
 - (b) the learner permit number;
 - (c) results of the driving skills test;
 - (d) the date the driving skills test was completed;
 - (e) the date the driver education course was completed; and
 - (f) the name of the certified teacher who administered the test.

R708-27-7. Refusal to Certify, Grounds for Cancellation and Suspension of Certification.

- (1) The division may:
 - (a) refuse to certify a teacher; or
 - (b) following a notice of agency action, suspend, place on probation or refuse to certify a teacher.
- (2) The division may suspend, place on probation or refuse issuance of certification for:
 - (b) failure to comply with this rule;
 - (c) failure to meet the standards for training;
 - (d) providing false information in an application or form required by the division;
 - (e) conviction of a felony, or conviction of or reasonable grounds to believe a tester has committed an act of moral turpitude; or
 - (f) failure to appear for a hearing.
- (3) The certification of a teacher shall be effective until canceled or suspended by the division.
- (4) The USOE may initiate suspension or cancellation of a certification by providing the division with a written request.
- (5) A proceeding to revoke, place on probation, or refuse to issue or renew a certification is designated as an informal adjudicative proceeding under Section 63G-4-202.
- (6) A teacher who has had a certification suspended may not be eligible to reapply for a certification until six months have elapsed since the date of the suspension.
- (7) The teacher shall submit an application for recertification.
- (8) Upon receipt of a completed application, the division shall conduct a review process as established by the division director to determine eligibility for recertification.
- (9) The division shall provide notice of final decision in writing to the teacher within 20 days of receipt of the completed application, required documentation, and fees.
- (10) The teacher shall have an opportunity to request a hearing in writing within 20 days of receipt of the division's final decision when a request for reinstatement is denied.
- (11) Any teacher who has had a certification suspended by the division two times may not be eligible to reapply for recertification.
- (12) The division shall cancel the certification of teachers who are no longer employed as licensed public school teachers.
- (13) Teachers who discontinue employment and later return to teach driver education shall submit a new application for a new certification and complete approved training.

R708-27-8. Procedures Governing Informal Adjudicative Proceedings.

- (1) The division shall begin an action to revoke, place on probation, or refuse to issue or renew a certification by the issuance of notice of agency action that complies with Section 63G-4-20.
- (2) The division may not require a response from the recipient to initiate action.
- (3) The division shall grant an opportunity for a hearing on a revocation, probation or refusal to issue or renew a license when the division receives in writing a request for a hearing.
- (4) The division shall send written notice of a hearing to the licensee or applicant at least 14 days before the date of the hearing.
- (5) The division may not permit discovery before the hearing, either compulsory or voluntary, except that each party shall have access to information in the division's files, and to investigate information and materials not restricted by law.
- (6) The division shall designate an individual or panel to conduct the hearing.
- (7) The individual or panel conducting the hearing shall issue a written decision that constitutes final agency action within 20 days after the date of the close of the hearing, or after the failure of a party to appear for the hearing.
- (8) The division shall ensure the final agency action states the:
 - (a) decision;

(b) reason for the decision;

(c) notice of right to request reconsideration under Section 63G-4-302;

(d) notice of right of judicial review under Section 63G-4-402; and

(f) time limits for filing an appeal to the appropriate district court.

KEY: driver education, teacher certification

Date of Last Change: ~~2025~~~~August 8, 2006~~

Notice of Continuation: December 16, 2021

Authorizing, and Implemented or Interpreted Law: ~~53A-13-208~~53G-10-507

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R708-36

Filing ID: 57312

Agency Information

1. Title catchline:		Public Safety, Driver License
Mailing address:		PO Box 144501
City, state and zip:		Salt Lake City, UT 84114-4501
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R708-36. Disclosure of Personal Identifying Information in MVRs
4. Purpose of the new rule or reason for the change:
This rule filing corrects the citation of the statute granting authority for this rule from Subsection 53-3-109(7) to Subsection 53-3-109(8).
Sections of the existing rule have been edited to clarify the information contained in the motor vehicle records (MVRs).
Additional sections containing information regarding definitions and commercial driver license MVRs have been added.
5. Summary of the new rule or change:
This rule filing corrects the citation of the statute granting authority from Subsection 53-3-109(7) to Subsection 53-3-109(8).
Sections of this rule have been edited to ensure the information contained in an MVR is better identified.
A section has been added to include information that is displayed on a commercial driver license MVR.
The authorized and implemented section has been updated to reflect citation of Section 53-3-420 and 49 CFR 384 to show authority for the information required to be displayed on a commercial driver license MVR, as well as the reason and method for its release.
In addition, a definition section has been added.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

This rule filing is not expected to have a fiscal impact on state government because the filing is not changing the existing process. The addition of the commercial driver license MVR information is not a new process and adding it to this rule does not change any process already in place.

B. Local governments:

This rule filing is not expected to have a fiscal impact on local governments because the filing is not changing the existing process. The addition of the commercial driver license MVR information is not a new process and adding it to this rule does not change any process already in place.

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

This rule filing is not expected to have a fiscal impact on small businesses because the filing is not changing the existing process. The addition of the commercial driver license MVR information is not a new process and adding it to this rule does not change any process already in place.

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

This rule filing is not expected to have a fiscal impact on non-small businesses because the filing is not changing the existing process.

The addition of the commercial driver license MVR information is not a new process and adding it to this rule does not change any process already in place.

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 filing is not expected to have a fiscal impact on persons other than small businesses, non-small businesses, state or local government entities because the filing is not changing the existing process.

The addition of the commercial driver license MVR information is not a new process and adding it to this rule does not change any process already in place.

F. Compliance costs for affected persons:

There are no compliance costs associated with this rule filing.

The changes made to this rule do not change the existing process.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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**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:**

Subsection 53-3-109(8)	Section 53-3-420	49 CFR 384
------------------------	------------------	------------

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until:	08/14/2025
--	------------

10. This rule change MAY become effective on:	08/21/2025
--	------------

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:	Christopher Caras, Division Director	Date:	06/26/2025
---	--------------------------------------	--------------	------------

R708. Public Safety, Driver License.**R708-36. Disclosure of Personal Identifying Information in MVRs.****[R708-36-1. Purpose:**

One of the responsibilities of the division is to compile information regarding the driving record of licensed drivers in Utah. This information is searched, compiled and summarized by the division in a report called a Motor Vehicle Record (MVR). The MVR contains certain personal identifying information and is protected from public disclosure for privacy reasons in accordance with the federal Driver Privacy Protection Act of 1994 (DPPA), Section 53-3-109 and Title 63G, Chapter 2 (Government Records Access and Management Act). However, such laws provide for limited public disclosure of such information because the Division Director has determined it is in the best interest of public safety in order to protect the public against fraud and misuse of the MVR. It is the purpose of this rule to set forth the contents of the MVR and the procedure to be followed in disclosing it.

R708-36-2. Authority:

This rule is authorized by Section 53-3-109(7).

R708-36-3. Content of MVRs:

(1) The personal identifying information contained in an MVR consists of the driver name, driver license number, and in certain circumstances, the driver address.

(2) The driver name and driver license number will appear on every MVR released by the division to qualified requesters.

(3) Driver address will appear only on MVRs released to licensed private investigators or investigative agencies certified by the Department of Public Safety. The division may make exceptions to this procedure, provided the exception falls under a permissible use set forth in the DPPA.

(4) All MVRs will contain the driver's 5-digit zip code, date of birth, military status, license status, license issue/expiration dates, license class, endorsements, reportable arrests, convictions, reportable department actions, and reportable failure to appear/comply notations.

R708-36-4. Disclosure Procedure:

(1) When properly requested to do so the division will search its driver license files and then compile and furnish an MVR on any person licensed in the state.

(2) MVRs shall only be released to qualified requesters in accordance with the DPPA.

(3) In order to receive an MVR, the requester must:

NOTICES OF PROPOSED RULES

- ~~_____ (a) provide acceptable proof of identification such as a driver license, official identification card, or other official documentation. The division may also require other forms of identification as needed;~~
- ~~_____ (b) declare one or more permissible uses within the DPPA under which the requester is qualified to receive the information. The division will provide a list of the permissible uses for the requester to review if necessary. The division may determine that the requester is not entitled to receive an MVR if the division has reason to believe the declaration is invalid, or that any other condition in this rule has not been met;~~
- ~~_____ (c) provide sufficient information to locate the driver records;~~
- ~~_____ (d) pay appropriate fees in a manner approved by the division; and~~
- ~~_____ (e) agree to comply with state and federal laws regulating re-sale and further disclosure of information on an MVR.~~

R708-36-5. Bulk Requests.

~~_____ Bulk customers (generally those requesting 50 or more MVRs at a time) may meet the conditions in this rule by contracting with the division.~~

R708-36-6. Electronic Transactions.

~~_____ Requests for MVRs may be transacted electronically as approved by the division.]~~

R708-36-1. Purpose.

~~_____ The purpose of this rule is to set forth the contents of an MVR and the procedure to be followed in disclosing and requesting it.~~

R708-36-2. Authority.

~~_____ This rule is authorized by Subsection 53-3-109(8).~~

R708-36-3. Definitions.

- ~~_____ (1) Terms used in this rule are defined in Sections 53-3-102, 53-3-402 and 49 CFR 383.~~
- ~~_____ (2) In addition:~~
 - ~~_____ (a) "DOT card" means a certificate issued to an individual who has been medically examined and found physically qualified to operate a commercial motor vehicle in accordance with Federal Motor Carrier Safety Administration standards;~~
 - ~~_____ (b) "driving type" means an applicant for a CDL must report if they meet the federal requirements under 49 CFR 391 of the Federal Motor Carrier Safety Regulations, the state requirements under Section 53-3-303.5, or they meet the federal requirements under 49 CFR 391 of the Federal Motor Carrier Safety Regulations with the exception that they are under 21 years of age;~~
 - ~~_____ (c) "SPE certificate" means a type of medical exception certificate issued to an individual who has been medically examined and cannot meet the Federal Motor Carrier Safety Administration standards to get a commercial driver license due to impaired or missing limbs; and~~
 - ~~_____ (d) "variance" means a type of medical exception certificate issued to an individual who has been medically examined and cannot meet the Federal Motor Carrier Safety Administration standards to get a commercial license due to physical impairments.~~

R708-36-4. Content of Class D MVRs.

- ~~_____ (1) The division shall ensure a class D MVR contains the record subjects:~~
 - ~~_____ (a) name;~~
 - ~~_____ (b) driver license number;~~
 - ~~_____ (c) five-digit zip code;~~
 - ~~_____ (d) date of birth;~~
 - ~~_____ (e) military status;~~
 - ~~_____ (f) license status;~~
 - ~~_____ (g) license issue and expiration dates;~~
 - ~~_____ (h) license class;~~
 - ~~_____ (i) license endorsements;~~
 - ~~_____ (j) reportable arrests;~~
 - ~~_____ (k) reportable violations;~~
 - ~~_____ (l) reportable convictions; and~~
 - ~~_____ (m) reportable denials, suspensions, revocations, and withdrawals.~~
- ~~_____ (2) The division shall display the record subject's address only on MVRs released to licensed private investigators. The division may make exceptions to this procedure, provided the exception falls under a permissible use set forth in the Driver's Privacy Protection act of 1994~~

R708-36-5. Content of Commercial Driver License MVRs.

~~_____ The division shall ensure the Commercial driver license MVRs contains the record subjects:~~

- ~~_____ (1) information in Subsection R708-36-4(1);~~
- ~~_____ (2) Transportation Security Administration hazmat approval and expiration dates;~~
- ~~_____ (3) driving violations with pleas held in abeyance;~~
- ~~_____ (4) driving type;~~
- ~~_____ (5) medical certification status;~~
- ~~_____ (6) DOT card effective and expiration dates;~~

- _____ (7) any applicable variance effective and expiration dates;
 _____ (8) any applicable SPE certificate effective and expiration dates; and
 _____ (9) information from the medical examiners certification record including:
 _____ (a) medical examiners name;
 _____ (b) phone number;
 _____ (c) medical specialty;
 _____ (d) state of jurisdiction;
 _____ (e) medical license number; and
 _____ (f) registry number.

R708-36-6. Disclosure Procedure.

- _____ (1) The division may release the class D and commercial driver license MVR in accordance with:
 _____ (a) the Driver's Privacy Protection Act of 1994;
 _____ (b) Sections 53-3-109 and 53-3-420; and
 _____ (c) Title 63G, Chapter 2, Government Records Access and Management Act.
 _____ (2) The division shall search the driver license database, and compile and furnish an MVR on any person found.

R708-36-7. Request Procedure.

- _____ (1) A requester shall:
 _____ (a) provide acceptable proof of identification including:
 _____ (i) driver license;
 _____ (ii) identification card; or
 _____ (iii) other official documentation determined by the division;
 _____ (b) declare one or more permissible uses within the Driver's Privacy Protection Act of 1994 under which the requester is qualified to receive the information;
 _____ (c) provide sufficient information to locate the MVRs;
 _____ (d) pay appropriate fees in a manner approved by the division; and
 _____ (e) agree to comply with state and federal laws regulating resale and further disclosure of information on an MVR.
 _____ (2) The division may determine the requester is not entitled to receive an MVR if the division has reason to believe the declaration is invalid, or that any other condition in this rule has not been met.

KEY: driver license, ~~motor vehicle record~~ MVR, privacy

Date of Last Change: ~~2025~~ June 1, 2000

Notice of Continuation: January 7, 2025

Authorizing, and Implemented or Interpreted Law: ~~53-3-109(7)~~ 53-3-109(8); 53-3-420; 49 CFR 384

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R710-6	Filing ID: 57322
--------------------------------	---------------	-------------------------

Agency Information		
1. Title catchline:	Public Safety, Fire Marshal	
Building:	Conference Center at Miller Campus	
Street address:	410 W 9800 S, Suite 372	
City, state:	Sandy, UT 84070	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Ted Black	801-256-2390	tblack@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information	
2. Rule or section catchline:	
R710-6. Liquefied Petroleum Gas Rule	

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

The Liquid Petroleum Gas Board identified that this rule referenced outdated education programs that may be used to obtain licenses.

This rule amends and updates the name of the education program that may be used to obtain a license.

It also clarifies definitions, removes provisions that are codified, and addresses formatting and consistency issues.

5. Summary of the new rule or change:

This rule amends and updates the name of the education program that may be used to obtain a license.

It also clarifies definitions and removes provisions that are codified.

The rule change also ensures consistency with formatting and language throughout this rule and ensures compliance with the Rulewriting Manual for Utah guidelines.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

There is no anticipated cost or savings to the state budget because this rule amendment doesn't make any operational changes.

This rule amendment only updates names of licensure providers, antiquated language, and corrects formatting issues.

B. Local governments:

There is no anticipated cost or savings to local governments because this rule amendment doesn't make any operational changes.

This rule amendment only updates names of licensure providers, antiquated language, and corrects formatting issues.

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

There is no anticipated cost or savings to small businesses because this rule amendment doesn't make any operational changes.

This rule amendment only updates names of licensure providers, antiquated language, and corrects formatting issues.

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

There is no anticipated cost or savings to non-small businesses because this rule amendment doesn't make any operational changes.

This rule amendment only updates names of licensure providers, antiquated language, and corrects formatting issues.

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**):

There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule amendment doesn't make any operational changes.

This rule amendment only updates antiquated language and corrects formatting issues.

F. Compliance costs for affected persons:

There is no anticipated compliance cost for affected persons because this rule amendment doesn't make any operational changes.

This rule amendment only updates antiquated language and corrects formatting issues.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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

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 53-7-305

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

08/14/2025

10. This rule change MAY become effective on:

08/21/2025

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:	Ted Black, State Fire Marshal	Date:	06/30/2025
---	-------------------------------	--------------	------------

R710. Public Safety, Fire Marshal.

R710-6. Liquefied Petroleum Gas Rule[s].

R710-6-1. Purpose.

[The purpose of t]This rule [is to] establishes the [minimum rules to provide regulation to those] standards and requirements to license individuals who distribute, transfer, dispense, or install LP Gas [and] or [its] LP Gas appliances in the state[State of Utah].

R710-6-2. Authority.

This rule is authorized by Section 53-7-305.

R710-6-3. Definitions.

(1) Terms used in this rule are defined in Sections 53-7-302 and 53-7-102.

(2) In addition;

([+]a) "ASME" means the American Society of Mechanical Engineers.

NOTICES OF PROPOSED RULES

~~[(2) "AHJ" means authority having jurisdiction, and includes such county and municipal officers who are charged with the enforcement of state and municipal laws; consisting of all fire enforcement officials including designated staff from the Utah State Department of Public Safety.]~~

~~[(3)](b) "ASME Stamp" means the symbol used to designate that the container has been built to the ASME Boiler and Pressure Vessel Code, Section VIII, Divisions 1 or 2, Rules for the Construction of Unfired Pressure Vessels.~~

~~[(4) "Board" means the Liquefied Petroleum Gas Board.]~~

~~[(5) "Concern" means a person, firm, corporation, partnership, or association, licensed by the board.]~~

~~[(6) "Container" means the propane tank.]~~

~~[(7)](c) "Dispenser" means pump assemblies, transfer hoses, meters and associated equipment that is mounted, ~~or~~ anchored, or may be installed inside of a steel cabinet, which may be installed on a common base, separate base, or separate location as the container. [Note: Both the dispenser and container may be installed on a common base, or separate base, or separate location.]~~

~~[(8)](d) "Dispensing System" means equipment in which LP Gas is transferred from one container to another in liquid form.~~

~~[(9) "Division" means the Division of the State Fire Marshal.]~~

~~[(10) "Enforcing Authority" means the division, the municipal or county fire department, other fire prevention agency acting within its respective fire prevention jurisdiction, or the building official of any city or county.]~~

~~[(11)](e) "ICC" means International Code Council, Inc.~~

~~[(12) "IFC" means International Fire Code.]~~

~~[(f) "IFGC" means International Fuel Gas Code.]~~

~~[(13) "License" means a written document issued by the Division authorizing a concern to be engaged in an LPG business.]~~

~~[(14) "LPG" means Liquefied Petroleum Gas.]~~

~~[(15)](g) "LPG Certificate" means a written or electronic document issued by the ~~[D]~~division to any person [for the purpose of granting] to grant permission to such person to perform an[~~y~~] act or acts for which authorization is required.~~

~~[(16)](h) "NFPA" means the National Fire Protection Association.~~

~~[(17) "Possessory Rights" means the right to possess LPG, but excludes broker trading or selling.]~~

~~[(18)](i) "Public Place" means a highway, street, alley or other parcel of land, essentially unobstructed, which is deeded, dedicated or otherwise appropriated to the public for public use, and where the public exists, travels, traverses or is likely to frequent.~~

~~[(19) "Qualified Instructor" means a person holding a valid LPG certificate in the area in which he is instructing.]~~

R710-6-4. Licensing.

~~(1) The division may issue the following types of licenses:~~~~[Type of license.]~~

~~(a) Class I: A licensed dealer who is engaged in the business of installing gas appliances or systems for the use of LPG and who sells, fills, refills, delivers, or is permitted to deliver any LPG.~~

~~(b) Class II: A business engaged in the sale, transportation, and exchange of cylinders, but not transporting or transferring gas in liquid.~~

~~(c) Class III: A business not engaged in the sale of LPG, but engaged in the sale and installation of gas appliances, or LPG systems.~~

~~(d) Class IV: [Those businesses listed below] Any of the following businesses:~~

~~(i) dispensers;~~

~~(ii) sale of used containers greater than 96 pounds water capacity; and~~

~~(iii) other LPG businesses not [listed above] listed in Subsections R710-6-4(1)(a) through (c).~~

~~(2) The application for a license to engage in the business of LPG as required in Subsection R710-6-5(1), shall be accompanied with proof of general liability insurance.~~

~~(a) The general liability insurance shall be issued by a general liability insurance carrier showing coverage of at least \$1,000,000 for each incident, and \$2,000,000 in total coverage.~~

~~(b) The licensee shall notify the ~~[SFM]~~division within 30 days after the general liability insurance coverage required is no longer in effect for any reason.~~

~~(3) The application shall be signed by an authorized representative of the applicant.~~

~~(a) If the application is made by a partnership, it shall be signed by at least one partner.~~

~~(b) If the application is made by a corporation or association other than a partnership, it shall be signed by the principal officers[~~7~~] or authorized agents.~~

~~(4) [Following]The division shall issue a license upon receipt of a[~~the~~] properly completed application, an inspection, completion of [a~~H~~]inspection requirements, and compliance with [the provision of the statute]Title 53, Chapter 7, Part 3, Liquefied Petroleum Gas Act and [these]this rule[s], the Division shall issue a license.~~

~~(5) [Original]Licenses shall be valid for one year from the date of application. [Thereafter, each license shall be renewed annually and renewals thereof shall be valid for one year from issuance.]~~

~~(6) Application for renewal shall be made on forms provided by the ~~[SFM]~~division.~~

~~(7) The board may [refuse]deny to renew a[~~ny~~] license [in the same manner, and]for any reason[~~, that~~] they are authorized, pursuant to [Article 5 of these rules]Section R710-6-6, to deny an initial license.~~

~~[(a) The applicant shall, upon such refusal, have the same rights as are granted by Section R710-6-7 to an applicant for a license which has been denied by the board.]~~

~~(8) A[Every] licensee shall notify the ~~[D]~~division, [in writing]via email, within 30 days of any change of [his]address.~~

~~(9) A licensee may not conduct business under a name other than the name or names which appear on the license. [No licensee shall conduct his licensed business under a name other than the name or names which appears on his license.]~~

(10) The division shall make available ~~[upon request and without cost]~~ to the enforcing authority, the name, business address, and license number of each ~~[concern] person~~ that is licensed pursuant to ~~[these]~~ this rule[s] upon request and without cost.

~~[Upon request, single copies of such list shall be furnished, without cost, to a licensed concern.]~~

(11) The holder of any license shall submit such license for inspection upon request of the ~~[Division or the]~~ enforcing authority.

(12) ~~[Every]~~ A licensed ~~[concern] person~~ shall, within 20 days of employment, and within 20 days of termination of any employee, report to the division, the name ~~[address]~~ and LPG certificate number, if any, of every person performing any act requiring an LPG certificate for such licensed ~~[concern] person.~~

(13) ~~[Every]~~ A license issued pursuant to ~~[the provisions of these]~~ this rule[s] shall be posted in a conspicuous place on the premises of the licensed location.

(14) A duplicate license may be issued by the ~~[D]~~ division to replace any previously issued license, which has been lost or destroyed, upon the submission of a written statement from the licensee to the ~~[D]~~ division.

(a) ~~[Such]~~ The written statement shall attest ~~[to the fact that]~~ as to whether the license has been lost or destroyed.

(b) If the original license is found it shall be surrendered to ~~[D]~~ division within 15 days ~~[except if the license is a digital license.]~~

(15) ~~[Every]~~ A license shall be identified by a number, delineated as P-number.

(16) ~~[Any accident where a licensee and LPG are involved must be reported to the board in writing by the affected licensee within 3 days upon receipt of information of the accident.]~~ A licensee who is involved in an accident involving LPG shall immediately report to the division by telephone and in writing within three days the following information:

(a) ~~[The report must contain]~~ any pertinent information such as the location, names of persons involved, cause, contributing factors, and the type of accident; and ~~[~~

~~[If]~~ whether death or serious injury of persons, or property damage of \$5,000 or more resulted ~~[s]~~ from the accident ~~[the report must be made immediately by telephone and followed by a written report].~~

~~[At their discretion, the board will investigate, or direct the division to investigate, all serious accidents.]~~

R710-6-5. LP Gas Certificates.

(1) An individual seeking to obtain an LPG certification shall submit an [A] application [for an LPG certificate shall be made in writing] to the division ~~[~~

~~(a) The application]~~ which shall be signed by the applicant.

(2) ~~[Every person]~~ An individual who performs any act ~~[or acts]~~ described in Section 53-7-308, shall pass an initial examination ~~[in accordance with the provisions of this article.]~~ in each of the following categories they are seeking certification:

~~(3) Types of initial examinations:~~

(a) Carburetion;

(b) Dispenser;

(c) HVAC ~~[A]~~ or Plumber;

(d) Recreational Vehicle Service;

(e) Service ~~[man]~~ Technician; and

(f) Transportation and Delivery.

~~(3)~~ (4) The initial examination shall include an open book written test or online test of the applicant's knowledge of the work to be performed by the applicant.

(a) The applicant is allowed to use ~~[the adopted statute, administrative]~~ Title 53, Chapter 7, Part 3, Liquefied Petroleum Gas Act, this rule[s], IFGC, NFPA 54, NFPA 1192, and NFPA 58.

(b) Any other materials to include cellular telephones or related cellular equipment are prohibited in the examination room.

~~(c) The initial examination may also include a practical or actual demonstration of some selected aspects of the job to be performed by the applicant if so warranted by the test administrator.]~~

~~(d)~~ (c) Leaving the office or testing location before the completion of the examination shall void[s] the examination and will require the examination to be retaken by the applicant.

~~(e)~~ (d) To successfully complete the written or online ~~[and practical initial]~~ examinations, the applicant must obtain a minimum grade of 70% in each portion or category of the examination ~~[taken].~~

(i) Each portion or category of the examination will be graded separately.

(ii) ~~[Failure of any one portion of the examination will not delete the entire test.]~~ If an applicant takes a paper examination for multiple categories during a single session for more than one category, failure of the examination in a single category will not cause the applicant to fail the other categories of the examination.

~~(f) Completion of the certification examination will not be allowed if it appears to the test administrator that the applicant has not prepared to take the examination.~~

~~(g) Examinations may be given at various field locations as deemed necessary by the Division.~~

~~(a) Appointments for field examinations are required.~~

~~(h) Applicants that have successfully completed the requirements of the Certified Employee Training Program, as written by the National Propane Gas Association, and that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived after appropriate documentation is provided to the Division by the applicant.]~~

(e) An applicant may have the requirement for initial examination waived if the applicant submits documentation of the following:

(i) successful completion of the Propane Education Research Council (PERC) Education Program, a similar successor program promulgated by PERC, a program demonstrated to be equivalent to the PEP program, or successor program promulgated by PERC;

NOTICES OF PROPOSED RULES

~~[(i)](ii)~~ ~~[As required in Subsections R710-6-6(2) and R710-6-6(3)(f), those applicants that have successfully completed]~~ successful completion of the requirements in Code of Federal Regulations, CFR 49, Parts 172.700, 172.704, 177.800 and 177.816, that correspond to the work to be performed by the applicant ~~[, shall have the requirement for initial examination waived, after appropriate documentation is provided to the division by the applicant.];~~

~~[(j)](iii)~~ ~~successful completion of~~ ~~[As required in Subsections R710-6-6(2) and R710-6-6(3)(e), those applicants that have successfully completed]~~ the Rocky Mountain Gas Association ~~[, Natural Gas Technician Certification Exam, or a successor testing program]~~ with a passing score, shall have the requirement for initial examination waived, after appropriate documentation is provided to the division by the applicant ~~[,]; or~~

~~[(k)](iv)~~ ~~[As required in R710-6-6(2) and R710-6-6(3)(e), those applicants that are licensed]~~ proof of licensure as a journeyman plumber[s] as required in ~~[the Construction Trades Licensing Act]~~ Rule R156-55c, Plumber Licensing Act ~~Rule[s], R156-55c, shall have the requirement for initial examination waived, after appropriate documentation is provided to the division by the applicant].~~

(5) ~~[Original]~~ LPG certificates shall be valid for one year from the date of issuance.

~~[—](a)~~ ~~Thereafter, each LPG certificate shall be renewed annually and renewals thereof shall be valid for one year from issuance.]~~

(6) Application for renewal shall be made on forms provided by the ~~[D]~~ division.

(7) ~~[Every]~~ A holder of a valid LPG Certificate shall take a re-examination test every five years from the date of original certificate issuance ~~[, to comply with the provisions of Subsection R710-6-6(3) as follows.];~~

(a) ~~[t]~~ The re-examination test ~~[to comply with the provisions of Subsection R710-6-6(3)]~~ shall consist of an open book examination;

(b) the open book re-examination ~~[will]~~ shall consist of questions that focus on changes in the last five years to NFPA 1192, NFPA 54, NFPA 58, the statute, and the adopted administrative rules Title 53, Chapter 7, Part 3, Liquefied Petroleum Gas Act, and this rule;

~~[(i)](c)~~ ~~[T]~~ the re-examination test may also consist of questions that focus on practices of concern as noted by the board or division;

~~[(e)](d)~~ the certificate holder ~~[is responsible to]~~ shall complete the re-examination in sufficient time to renew; and

~~[(d)](e)~~ the certificate holder ~~[is responsible to]~~ shall submit to the division the correct renewal fees to complete that certificate renewal ~~[,];~~

~~(8)~~ An applicant may have the requirement for re-examination waived if the applicant submits documentation of the following:

~~[(e) — as required in Subsection R710-6-6(7), those applicants that have successfully completed]~~ (a) successful completion of the requirements in Code of Federal Regulations CFR 49, Parts 172.700, 172.704, 177.800 and 177.816, that corresponds to the work to be performed by the applicant[, shall have the requirement for re-examination waived, after appropriate documentation is provided to the Division by the applicant; and]; or

~~[(b)](f) — as required in Subsection R710-6-6(7), those applicants that provide the division with]~~ written verification of the completion of 40 hours of continuing training over the previous five-year period related to the work to be performed by the applicant ~~[, shall have the requirement for re-examination waived].~~

~~[(8)](9)~~ The division may ~~[refuse]~~ deny to renew an ~~[y]~~ LPG certificate in the same manner and for any reason that is authorized pursuant to Subsection R710-6-~~[7]~~ 6(2).

~~[(9)](10)~~ The holder of an LPG certificate shall submit such certificate for inspection, upon request of the ~~[Division or the]~~ enforcing authority.

~~[—](10)~~ Type.

~~—(a)~~ Every LPG certificate shall indicate the type of act or acts to be performed and for which the applicant has qualified.

~~—(b)~~ Any person holding a valid LPG certificate shall not be authorized to perform any act unless he is a licensee or is employed by a licensed concern.

~~—(c)~~ It is the responsibility of the LPG certificate holder to insure that the concern they are employed by is licensed under this act.

~~—(d)~~ The requirements listed in Sections 4.10.2 and 4.10.3 of these rules do not apply to licensed journeyman plumbers who meet the requirements listed in 4.4.10 of these rules.

~~—(e)~~ The requirements listed in Sections 4.10.2 and 4.10.3 of these rules do not apply to those final consumers that meet the requirements stated in Section 53-7-308.

~~(11)~~ Any change in home address of any holder of a valid LPG certificate shall be reported by the registered person to the Division within 30 days of such change.

~~(12)~~ A duplicate LPG certificate may be issued by the Division to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the Division from the certified person:

~~—(a)~~ Such statement shall attest to the certificate having been lost or destroyed.

~~—(b)~~ If the original is found, it shall be surrendered to the Division within 15 days.

~~(13)~~ Every LPG certificate issued shall contain the following information:

~~—(a)~~ the name and address of the applicant;

~~—(b)~~ the physical description of applicant;

~~—(c)~~ the signature of the LP Gas Board Chair or the State Fire Marshal;

~~—(d)~~ the date of issuance;

~~—(e)~~ the expiration date;

~~—(f)~~ type of service the person is qualified to perform; and

~~—(g)~~ have printed on the card the following: "This certificate is for identification only, and shall not be used for recommendation or advertising".

~~(14)~~ No LPG certificate shall be issued to any person who is under 16 years of age.

~~(15)~~ Restrictive Use.

~~—(a)~~ No LPG certificate shall constitute authorization for any person to enforce any provisions of these rules.

- ~~_____ (b) A LPG certificate may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed concern.~~
- ~~_____ (c) Regardless of the acts for which the applicant has qualified, the performance of only those acts authorized under the licensed concern employing such applicant shall be permissible.~~
- ~~_____ (d) Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a LPG certificate has qualified shall be permissible by such applicant.~~
- ~~_____ (16) Every person who takes an examination for a LPG certificate shall have the right to contest the validity of individual questions of such examination.~~
- ~~_____ (a) Every contention as to the validity of individual questions of an examination that cannot be reasonably resolved, shall be made in writing to the division within 48 hours after taking said examination.~~
- ~~_____ (i) Contentions shall state the reason for the objection.~~
- ~~_____ (b) The decision as to the action to be taken on the submitted contention shall be by the board, and such decision shall be final.~~
- ~~_____ (c) The decision made by the board, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.~~
- ~~_____ (17) LPG Certificates shall not be transferable to another individual.~~
- ~~_____ (a) Individual LPG certificates shall be carried by the person to whom issued.~~
- ~~_____ (18) New employees of a licensed concern may perform the various acts while under the direct supervision of persons holding a valid LPG certificate for a period not to exceed 45 days from the initial date of employment.~~
- ~~_____ (a) By the end of such period, new employees shall have taken and passed the required examination.~~
- ~~_____ (b) In the event the employee fails the examination, re-examination shall be taken within 30 days.~~
- ~~_____ (c) The employee shall remain under the direct supervision of an employee holding a valid LPG certificate, until certified.~~
- ~~_____ (19) Every LPG certificate shall be identified by a number, delineated as PE number.~~
- ~~_____ (a) Such number shall not be transferred from one person to another.]~~

R710-6-6. Responsibilities and Requirements for Certificate Holders.

- ~~_____ (1) An LPG certificate shall show the type of act or acts to be performed and for which the applicant has qualified.~~
- ~~_____ (2) An individual holding a valid LPG certificate may not be authorized to perform any act unless they are a licensee or are employed by a licensed person.~~
- ~~_____ (3) It is the responsibility of the LPG certificate holder to ensure that the person they are employed by is licensed under this act.~~
- ~~_____ (4) The requirements listed in Subsections R710-6-6(2) and (3) do not apply to licensed journeyman plumbers who meet the requirements this rule, or final consumers that meet the requirements in Section 53-7-308.~~
- ~~_____ (5) A duplicate LPG certificate may be issued by the division to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the division from the certified person.~~
- ~~_____ (a) The written statement shall attest as to whether the certificate has been lost or destroyed.~~
- ~~_____ (b) If the original certificate is found, it shall be surrendered to the division within 15 days.~~
- ~~_____ (6) An LPG certificate issued shall contain the following information:~~
 - ~~_____ (a) the name of the applicant;~~
 - ~~_____ (b) the signature of the LP Gas Board Chair or the State Fire Marshal;~~
 - ~~_____ (c) the date of issuance;~~
 - ~~_____ (d) the expiration date; and~~
 - ~~_____ (e) the type of service the person is qualified to perform.~~
- ~~_____ (7) An LPG certificate may not be issued to a person who is under 16 years of age.~~
- ~~_____ (8) The issuance of a certificate does not grant the individual the authorization to enforce this rule.~~
- ~~_____ (9) An LPG certificate may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed person.~~
- ~~_____ (10) Regardless of the acts for which the applicant has qualified, the performance of only those acts authorized under the licensed person employing such applicant shall be permissible.~~
- ~~_____ (11) Regardless of the acts authorized to be performed by a licensed person, only those acts for which the applicant for a LPG certificate has qualified shall be permissible by such applicant.~~
- ~~_____ (12) LPG Certificates are not transferable to another individual and shall be carried by the person to whom they are issued.~~
- ~~_____ (13) New employees of a licensed person may perform the various acts while under the direct supervision of persons holding a valid LPG certificate for a period not to exceed 45 days from the initial date of employment.~~
 - ~~_____ (a) By the end of such period, an employee seeking to obtain a LPG certificate shall have passed the required examination.~~
 - ~~_____ (b) In the event the employee fails the examination, re-examination shall be taken within 30 days.~~
 - ~~_____ (c) The employee shall remain under the direct supervision of an employee holding a valid LPG certificate, until certified.~~
- ~~_____ (14) Every LPG certificate shall be identified by a number, delineated as PE-number, and such number may not be transferred from one person to another.~~

R710-6-[6]7. Adjudicative Proceedings.

- ~~_____ (1) [All a]Adjudicative proceedings performed by the [agency] division or board are designated as informal adjudicative proceedings under Section 63G-4-202[shall proceed informally as set forth herein and as authorized by Sections 63G-4-202 and 63G-4-203].~~

NOTICES OF PROPOSED RULES

(2) The division may suspend, revoke, or deny to issue or to renew a license or certificate ~~issuance, renewal, or continued validity of a license or LPG certificate may be denied, suspended or revoked by the division if the division finds that~~ if the applicant, ~~[person]individual~~ employed for, or the ~~[person]individual~~ having authority and management of a ~~[concern]person~~ ~~[commits]engages in~~ any of the following ~~[violations]conduct~~:

- (a) the ~~[person]individual~~ or applicant is not the real person in interest;
- (b) the ~~[person]individual~~ or applicant provides material misrepresentation or false statement in the application, whether for an original or renewal certificate;
- (c) the ~~[person]individual~~ or applicant refuses to allow inspection by the division or enforcing authority on an annual basis to determine compliance with ~~[the provisions of these]~~ this rule[s];
- (d) the ~~[person]individual~~, applicant, or ~~[concern]licensee~~ for a license does not have the proper or necessary facilities, including qualified personnel to conduct the operations for which application is made;
- (e) the ~~[person]individual~~ or applicant for a LPG certificate does not ~~[possess]have~~ the qualifications of skill or competence to conduct the operations for which application is made ~~;~~;
- ~~_____ (i) this which~~ can also be evidenced by failure to pass the examination ~~[-and/or practical tests];~~
- (f) the ~~[person]individual~~ or applicant refuses to take the examination;
- (g) the ~~[person]individual~~ or applicant has been convicted of a violation of one or more federal, state, or local laws;
- (h) the ~~[person]individual~~ or applicant has been convicted of a violation of ~~[the adopted]this rule[s]~~ or has been found by a board administrative proceeding to have violated ~~[the adopted]this rule[s]~~;
- (i) any offense or finding of unlawful conduct, or there is or may be a threat to the public's health or safety if the person or applicant were granted a license or certificate of registration;
- (j) there are other factors upon which a reasonable and prudent person would rely to determine the suitability of the person or applicant to safely and competently distribute, transfer, dispense or install LP Gas ~~[and/or its appliances];~~
- (k) the ~~[person]individual~~ or applicant does not complete the re-examination process before the certificate or license expiration date;

or

- (l) the ~~[person]individual~~ or applicant fails to pay any fee as required in Section R710-6-8.
- (3) An ~~[person]individual~~ whose license or certificate of registration is suspended or revoked by the division ~~[shall have an opportunity for]~~ may request a hearing before the ~~[LPG-B]board~~ ~~[if requested by that person]~~ within 20 days after receiving notice.

(4) ~~[All a]~~ Adjudicative proceedings, other than criminal prosecution, taken by the enforcing authority to enforce ~~[the]Title 53, Chapter 7, Part 3, Liquefied Petroleum Gas [Section, Utah Fire Prevention and Safety-]Act, and [these]this rule[s]~~, shall ~~[commence]begin~~ in accordance with Section 63G-4-201.

(5) The board shall:

- ~~_____ (a) act as the hearing authority;[-and shall-]~~
- ~~_____ (b) convene after timely notice to [all parties]each party involved[-]; and~~
- ~~_____ [(i) The board shall](c) be the final authority on the suspension or revocation of a license or certificate of registration.~~
- (6) The board shall ~~[direct the division to-]issue a signed order to the parties involved~~ ~~[giving the decision of the board within a reasonable time of the hearing-]pursuant to Section 63G-4-203.~~

(7) Reconsideration of the board's decision may be requested in writing within 20 days of the date of the decision pursuant to Section 63G-4-302.

(8) After a period of three years from the date of revocation, the board may review the written or electronic application of a person whose license or certificate of registration has been revoked.

(9) Judicial review of ~~[all]any~~ final board actions resulting from informal adjudicative proceedings is available pursuant to Section 63G-4-402.

R710-6-[7]8. Fees.

- ~~_____ (1) The required fee shall accompany the application for license or LPG certificate or submission of plans for review.~~
- ~~_____ (2) When an LPG certificate has expired for more than one year, an application shall be made for an original certificate as if the application was being taken for the first time.~~
- ~~_____ (a) Examinations will be retaken with initial examination fees.]~~
- When an LPG certificate has expired for more than one year, an application shall be made for an original certificate as if the application was being made for the first time; and
- (1) new examinations shall be taken; and
- (2) new examination fees shall be paid.

R710-6-[8]9. Board Procedures.

- ~~_____ (1)[The board will review the division and enforcing authorities activities since the last meeting, and review and act on license and permit applications, review financial transactions, consider recommendations of the Division, and all other matters brought to the board.~~
- ~~_____ (2) The board may be asked to serve as a review board for items under disagreement.~~
- ~~_____ (3) Board meetings shall be presided over and conducted by the chair and in his absence the vice chair.~~
- ~~_____ (4) Meetings of the board shall be conducted in accordance with an agenda, which shall be submitted to the members by the division, not less than 21 days before the regularly scheduled board meeting.~~

~~_____~~(5) The chair ~~[of the board]~~ and board members shall be entitled to vote on ~~[a]~~any issue~~[s]~~ considered by the board. A board member who declares a conflict of interest or where a conflict of interest has been determined, shall recuse themselves and not vote on that particular issue.

~~_____~~(6) ~~Public notice of board meetings shall be made by the division as prescribed in Section 52-4-6.~~

~~_____~~(7)(2) The division shall provide the board with a secretary, who shall prepare minutes and shall perform ~~[a]~~secretarial duties necessary for the board to fulfill its responsibility.

~~_____~~(a) ~~The minutes of board meetings shall be completed and sent to board members at least 21 days prior to the scheduled board meeting.~~

~~_____~~(8) ~~The board may be called upon to interpret codes adopted by the board.]~~

~~_____~~(9)(3) The board ~~[C]~~chair may assign a member~~[(s)]~~ various assignments as required to aid in the promotion of safety, health and welfare in the use of LPG.

R710-6-~~19~~10. Amendments and Additions.

(1) ~~[A]~~LPG facilities that are located in a public place shall be inspected by a certified LP Gas ~~[serviceman]~~technician every five years for leaks in ~~[a]~~any buried piping as follows:

(a) ~~[I]~~if a leak is detected and repaired, the buried piping shall again be pressure tested for leaks~~[-]~~;

(b) ~~[T]~~the certified LP Gas ~~technician~~[serviceman] shall keep a written record of the inspection and ~~[a]~~any corrections made to the buried piping located in a public place~~[-]~~; and

(c) ~~[T]~~the inspection records shall be available to be inspected on a regular basis by the division.

(2) When~~[ever]~~ the division is required to complete more than two inspections to receive compliance on an LP Gas System, container, apparatus, appliance, appurtenance, tank or tank trailer, or any pertinent equipment for the storage, transportation, or dispensation of LP Gas, the division shall charge to the owner for each additional inspection~~[-the]~~ or re-inspection fee.

(3) ~~[A]~~LPG containers of more than 5,000 water gallons shall be inspected at least biannually for compliance with ~~[the adopted statute]~~Title 53, Chapter 7, Part 3, Liquefied Petroleum Gas Act and this rule[s]. The following containers are exempt from this requirement:

(a) those excluded from the act in Section 53-7-303;

(b) containers under federal control;

(c) containers under the control of the U.S. Department of Transportation and used for transportation of LP Gas; and

(d) containers located at private residences.

(4) Those using self-serve key or card services shall be trained in safe filling practices by the licensed dealer providing the services~~[-]~~.

~~_____~~(a) ~~A]~~ and a letter shall be sent to the division by the licensed dealer stating that those using the self-serve key or card service have been trained.

(5) ~~[NFPA, Standard 58 Amendments;]~~American Society of Testing and Materials (ASTM) A-212 Steel pressure propane containers greater than 5,000 water gallons may not be brought into the state or relocated within the state. Effected Containers are identified with material as SA212, SA212A, SA212B, A212B or other identified as 212 material construction.

(6) The following are amendments and additions to the codes and standards adopted under Section 15A-5-103 to regulate LPG systems:

(a) NFPA, Standard 58, Section 5.2.1.1 is amended to add the following section: (d) All new, used or existing containers of 5,000 water gallons or less, installed in the ~~[State of Utah]~~state or relocated within the ~~[State of Utah]~~state shall be marked with the ASME stamp as defined in ~~[Section 2.1 of these rules]~~Subsection R710-6-3(3). All new, used or existing containers of more than 5,000 water gallons, installed in the ~~[State of Utah]~~state or relocated within the ~~[State of Utah]~~state, shall be marked with the ASME stamp as defined in ~~[Section 2.1 of these rules]~~Subsection R710-6-3(3), and shall be inspected for approval by the ~~[D]~~division. If the ~~[D]~~division has concerns about the integrity or condition of the container, additional nondestructive testing may be required to include ~~[but not limited to]~~ hydrostatic testing, ultrasonic metal thickness testing or any other testing as determined necessary by the ~~[D]~~division. All incurred costs for additional testing required by the ~~[D]~~division shall be the responsibility of the owner.

(b) NFPA, Standard 58, Section 5.2.1.1 is amended to add the following section: (e) If an existing U68, U69, U200 or U201 specification container, more than 5,000 water gallons, is relocated within the ~~[State of Utah]~~state, and does not bear the required ASME stamp as defined in ~~[Section 2.1 of these rules]~~Subsection R710-6-3(3), the container cannot be reinstalled unless the container has received a "Special Classification Permit" from the ~~[D]~~division. Specifications of the type of container, container history if known, material specifications and calculations, and condition of the container shall be submitted to the ~~[D]~~division by the person seeking the "Special Classification Permit". The ~~[D]~~division shall inspect the container for approval. If the ~~[D]~~division has concerns about the integrity or condition of the container, additional nondestructive tests such as hydrostatic testing, ultrasonic metal thickness testing or any other testing as determined necessary by the ~~[D]~~division. All incurred costs of testing and evaluations shall be the responsibility of the owner. The ~~[D]~~division will approve or disapprove the proposed container. Approval by the ~~[D]~~division shall be obtained before the container is set or filled with LP Gas.

(c) NFPA, Standard 58, Section 5.2.1.6 is amended to add the following sentence at the end of the section: (A) Repairs and alterations shall only be made by those holding a National Board "R" Certificate of Authorization commonly known as an R Stamp.

(d) NFPA Standard 58, Sections ~~[5.9.3.2(2)]~~5.11.3.2.1(2)(a) and (b) are deleted and rewritten as follows: Type K copper tubing without joints below grade may be used in exterior LP Gas piping systems only.

~~_____~~(e) ~~NFPA, Standard 58, Section 6.6.1.2 is amended to add the following at the end of the section: When guard posts are installed they shall be installed meeting the following requirements:~~

~~_____~~(i) ~~constructed of steel not less than four inches in diameter and filled with concrete;~~

~~_____~~(ii) ~~set with spacing not more than four feet apart;~~

~~_____~~(iii) ~~buried three feet in the ground in concrete not less than 15 inches in diameter; and~~

NOTICES OF PROPOSED RULES

~~(iv) set with the tops of the posts not less than three feet above the ground.]~~

~~[(4)](c)~~ NFPA, Standard 58, Section ~~[6.6.3]~~6.8.3 is amended to add the following section: ~~[6.6.3.9]~~6.8.3.5 Skid mounted ASME horizontal containers greater than 2000 water gallons, with non-fireproofed steel mounted attached supports, resting on concrete, pavement, gravel or firm packed earth, may be mounted on the attached supports to a maximum of 12 inches from the top of the skid to the bottom of the container.

~~[(5)](f)~~ NFPA, Standard 58, Section ~~[6.6.6]~~6.8.7 is amended to add the following: (N) All metallic equipment and components that are buried or mounded shall have cathodic protection installed to protect the metal and shall meet the following requirements:

(i) sacrificial anodes shall be installed as required by the size of the container. If more than one sacrificial anode is required they shall be evenly distributed around the container;

(ii) sacrificial anodes shall be connected to the container or piping as recommended by the manufacturer or using accepted engineering practices; and

(iii) sacrificial anodes shall be placed as near the bottom of the container as possible and ~~[approximately]~~about two feet away from the container.

~~[(h)](g)~~ NFPA, Standard 58, Section ~~[6.25.3.19]~~6.27.3.19 is added as follows: On dispensing installations, 1,000 gallon water capacity or less, where the dispensing cabinet is located next to the LP Gas container, stainless steel wire braid hose of more than 36 inches in length may be used on vapor and liquid return lines only. The hose shall be secured and routed in a safe and professional manner~~[-marked with the date of installation, and shall be replaced every five years from that installation date].~~

~~[(i) NFPA, Standard 58, Section 6.27.3.2, the last sentence of the section is deleted and rewritten as follows: Existing installations shall comply with this requirement by March 31, 2011.~~

~~[(j)](h)~~ NFPA, Standard 58, Section 8.4.1.1(1) is amended as follows: On line one remove "5ft (1.5m)" and replace it with "10 ft (3m)".

R710-6-11. Validity.

If any article, section, subsection, sentence, clause, or phrase, of ~~[these]~~this rule[s] is for any reason held to be unconstitutional, contrary to statute, or exceeding the authority of the LPG Board, such decision ~~[shall]~~may not affect the validity of the remaining portion of ~~[these]~~this rule[s].

R710-6-12. Conflicts.

In the event where separate requirements pertain to the same situation in the same code, or between different codes or standards as adopted, the more restrictive requirement shall govern, as determined by the enforcing authority.

~~[R710-6-13. Penalties.~~

~~(1) Civil penalties for violation of any rule or referenced code shall be as follows:~~

~~(a) concern failure to license —\$210 to \$900;~~

~~(i) double the fee plus the cost of the license;~~

~~(b) person failure to obtain LPG Certificate —\$30 to \$90;~~

~~(i) double the fee plus the cost of the certificate;~~

~~(c) failure of concern to obtain LPG Certificate for employees who dispense LPG —\$210 to \$900;~~

~~(i) double the fee plus the cost of the license;~~

~~(d) concern doing business under improper class —\$140 to \$600;~~

~~(i) double the fee;~~

~~(e) failure to notify SFM of change of address —\$60;~~

~~(i) based on two hours of inspection fee at \$30 per hour; and~~

~~(f) violation of the adopted Statute or Rules —\$210 to \$900;~~

~~(i) triple the license fee.]~~

KEY: liquefied petroleum gas

Date of Last Change: ~~[September 13, 2016]~~2025

Notice of Continuation: September 23, 2020

Authorizing, and Implemented or Interpreted Law: 53-7-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R873-22M-20

Filing ID: 57326

Agency Information

1. Title catchline:

Tax Commission, Motor Vehicle

Building:

Tax Commission

Street address:

210 N 1950 W

City, state:	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R873-22M-20. Aircraft Registration Pursuant to Utah Code Ann. Sections 72-10-102, 72-10-109 through 72-10-112	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 200 (2018 General Session)
4. Purpose of the new rule or reason for the change:	
The State Tax Commission used to register aircraft, but legislation was passed to transfer this responsibility to the Department of Transportation. Because the Tax Commission no longer registers aircraft, this section is unnecessary and can be removed.	
5. Summary of the new rule or change:	
The removal of this section will not cause any change in regulation as it will now be enforced by the Department of Transportation.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This amendment is not expected to impact the state budget because any costs or savings would have been considered in the legislation shifting registration responsibilities to the Department of Transportation.
B. Local governments:
This amendment is not expected to impact local governments because any costs or savings would have been considered in the legislation shifting registration responsibilities to the Department of Transportation.
C. Small businesses ("small business" means a business employing 1-49 persons):
This amendment is not expected to impact small businesses because any costs or savings would have been considered in the legislation shifting registration responsibilities to the Department of Transportation.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This amendment is not expected to impact non-small businesses because any costs or savings would have been considered in the legislation shifting registration responsibilities to the Department of Transportation.
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 amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local governments because any costs or savings would have been considered in the legislation shifting registration responsibilities to the Department of Transportation.
F. Compliance costs for affected persons:
This amendment is not expected to impose compliance costs on affected persons because any costs or savings would have been considered in the legislation shifting registration responsibilities to the Department of Transportation.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

Commissioner of the Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

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 72-10-102	Sections 72-10-109 through 72-10-112
-------------------	--------------------------------------

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 08/14/2025

10. This rule change MAY become effective on: 08/21/2025

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:	Rebecca Rockwell, Commissioner	Date:	06/19/2025
---	--------------------------------	--------------	------------

R873. Tax Commission, Motor Vehicle.

R873-22M. Motor Vehicle.

~~R873-22M-20. Aircraft Registration Pursuant to Utah Code Ann. Sections 72-10-102, 72-10-109 through 72-10-112.~~

- ~~(1) The registration period for aircraft is from January 1 through December 31.~~
- ~~(2) The average wholesale value of an aircraft is obtained from the "average wholesale" column listed in the fall edition of the Aircraft Bluebook Price Digest in the year preceding the year of registration for all aircraft listed in that publication.~~
- ~~(3) The database maintained by the Division of Aeronautics shall include the following information for each aircraft:~~
 - ~~(a) the name and address of the owner of the aircraft;~~
 - ~~(b) the airport where the aircraft is hangared;~~
 - ~~(c) the FAA number of the aircraft;~~
 - ~~(d) the aircraft manufacturer or builder;~~
 - ~~(e) the year of manufacture or the year the aircraft was completed and certified for air worthiness by the FAA;~~
 - ~~(f) the aircraft model as identified by the manufacturer or builder; and~~
 - ~~(g) the aircraft serial number.~~

- ~~(4) Aircraft not legally registered are subject to seizure and impound under the provisions of Section 72-10-112.~~
- ~~(5) The registration certificate shall be surrendered upon the sale of an aircraft or at the time of registration renewal. A duplicate certificate may be obtained for a fee.~~
- ~~(6) The Utah decal shall be displayed on the registered aircraft in accordance with instructions given with the decal. Decals must be applied and maintained in a manner that permits identification of the calendar year expiration date and the registration number. In the event of loss or damage, a decal replacement shall be obtained for a fee.]~~

KEY: taxation, motor vehicles, aircraft, license plates

Date of Last Change: ~~2025~~~~[November 15, 2024]~~

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 41-1a-102; 41-1a-104; 41-1a-108; 41-1a-116; 41-1a-211; 41-1a-215; 41-1a-214; 41-1a-401; 41-1a-402; 41-1a-411; 41-1a-413; 41-1a-414; 41-1a-416; 41-1a-418; 41-1a-419; 41-1a-420; 41-1a-421; 41-1a-422; 41-1a-522; 41-1a-701; 41-1a-1001; 41-1a-1002; 41-1a-1004; 41-1a-1005; 41-1a-1009 through 41-1a-1011; 41-1a-1101; 41-1a-1209; 41-1a-1211; 41-1a-1220; 41-6-44; 53-8-205; 59-12-104; 59-2-103; 72-10-109 through 72-10-112; 72-10-102

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R877-23V-5

Filing ID: 57307

Agency Information

1. Title catchline:	Tax Commission, Motor Vehicle Enforcement	
Building:	Tax Commission	
Street address:	210 N 1950 W	
City, state:	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R877-23V-5. Temporary Motor Vehicle Registration Permits and Extension Permits Issued by Dealers Pursuant to Utah Code Ann. Section 41-3-302
4. Purpose of the new rule or reason for the change:
<p>This rule amendment addresses three concerns with the motor vehicle permitting process.</p> <p>First, the previous procedure in rule for a dealer recording an extension permit approval number issued by MVED required unnecessary information that caused confusion.</p> <p>Second, after allowing unlimited extensions during COVID, MVED analyzed current data and determined that an increase in the percentage of temporary permits was warranted.</p> <p>Finally, the current time period in rule for a dealer to file a stub portion of a temporary permit with the division when a dealer sells a motor vehicle for registration in another state is difficult to meet and not enforceable.</p>
5. Summary of the new rule or change:
<p>This rule amendment makes three changes to address the concerns described above.</p> <p>First, it clarifies and simplifies the way dealers record extension permits and requires only the approval number to be recorded.</p> <p>Second, it increases from 2% to 6% the amount of extensions a dealer may allow out of the total number of temporary permits issued to the dealer in the last three months.</p>

Third, it increases the filing period from 10 to 45 days for a dealer to file the stub portion of a temporary permit with the division when a dealer sells a motor vehicle for registration in another state.

Fiscal Information

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

A. State budget:

This amendment is not expected to impact the state budget because it reduces regulation that is unrelated to state revenue.

B. Local governments:

This amendment is not expected to impact local governments because it doesn't affect local government.

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

This amendment is not expected to impact small businesses because it only clarifies existing regulation on certain small businesses.

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

This amendment is not expected to impact non-small businesses because it only clarifies existing regulation on certain 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 amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local governments because it only clarifies existing regulation on certain small businesses.

F. Compliance costs for affected persons:

This amendment is not expected to impose additional compliance costs on affected persons because it merely clarifies existing regulation.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

Commissioner of the Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

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 41-3-302

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:**

08/14/2025

10. This rule change MAY become effective on:

08/21/2025

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:**

Rebecca Rockwell, Commissioner

Date:

06/26/2025

R877. Tax Commission, Motor Vehicle Enforcement.**R877-23V. Motor Vehicle Enforcement.****R877-23V-5. Temporary Motor Vehicle Registration Permits and Extension Permits Issued by Dealers Pursuant to Utah Code Ann. Section 41-3-302.**

(1) Every dealer desiring to issue temporary permits for the operation of motor vehicles shall ~~[make application]~~ apply to the Motor Vehicle Enforcement Division. If the privilege is extended, the dealer will receive a series of permits, consecutively numbered. The numbers shall be recorded by the division and charged to the dealer.

(2) If a vehicle purchaser requests a temporary permit, the dealer shall issue no more than one temporary registration permit, in numerical sequence, for each motor vehicle sold.

(3) The expiration date on the original permit shall be legible from a distance of 30 feet.

(4) The permit shall be displayed at the rear of the motor vehicle, in a place where the printed information on the permit and the expiration date may be easily seen.

(5) Temporary permits must not be placed in rear windows or permit holders with less than ~~[seventy]~~ 70 percent light transparency.

(a) If a permit holder is used, it must not cover any of the printed information on the permit, including the expiration date.

(b) If a license plate frame is used in conjunction with a permit holder, it must not cover any printed information or expiration date on the permit.

(c) Temporary permits must be protected from exposure to the weather and conditions that would ~~[render]~~ make them illegible.

(6) If a temporary permit is filled out incorrectly, the sale of the vehicle is rescinded, or for some other reason the permit is unusable, the dealer must return the permit to the Motor Vehicle Enforcement Division, together with the stub, and it will not be considered issued. If the permit is placed on a vehicle and the sale has not been rescinded, the permit will be considered issued and the dealer is liable for the registration fee for the vehicle together with any applicable penalties.

(7) A dealer's temporary permits may be audited at any time and the dealer required to pay for all outstanding permits. The registration fee charged will be for a passenger car unless the dealer is licensed to sell only motorcycles or small trailers.

(a) If the dealer's records ~~[indicate]~~ show that the permit was issued for a vehicle other than that for which the dealer was billed, the dealer must submit the proper fee and penalty.

(b) If the records disclose that the permit was cleared properly, the dealer must furnish the license number of the vehicle for which the permit was issued and the date of issue.

(c) A dealer shall resolve any outstanding permit billings by payment of fees and penalties or by reconciling the permits before any additional permits will be issued to the dealer. This action will not be construed to be a cancellation of a dealer's privilege of issuing temporary permits, but ~~[merely]~~ a function of the division's routine audit and billing procedure.

(8) The dealer shall keep a written record in numerical sequence of every temporary registration permit issued. This record shall include ~~[all of]~~ the following information:

(a) the name and address of the person or firm to whom the permit is issued;

(b) a description of the motor vehicle for which it was issued, including year, make, model, and identification number;

(c) date of issue;

(d) license number;

(e) in the case of a commercial vehicle, the gross laden weight for which it was issued.

NOTICES OF PROPOSED RULES

(9) In exceptional circumstances a dealer as agent for the division may issue an additional temporary permit for a vehicle ~~by following the procedures outlined below~~ as follows:

(a) The dealer must contact the division and request an extension permit for a particular vehicle. If the request is denied, no extension permit will be issued.

~~(b) [If the extension permit is approved, the division shall issue the dealer an approval number. This number must be recorded by the dealer in its temporary permit record and on the permit and stub in the space provided for the license number. The space provided on the permit and stub for the dealer name must be completed with the words "State Tax Commission" and the dealer's license number. The remainder of the permit and stub will be completed as usual.]~~ If the division approves the extension permit, the division shall issue the dealer an approval number and the dealer shall record the approval number:

(i) in the dealer's temporary permit record; and

(ii) on the permit stub in the space next to the dealer's license number.

(c) The dealer must return the permit stub to the division within 45 days from the date it is issued.

(d) A dealer may not issue an extension permit if it is determined that the dealer has been granted extensions for more than ~~2~~6% of the permits issued to the dealership during the past three months. This percentage is calculated by dividing the number of extensions granted the dealer during the past three months by the permits issued by the dealer during the past three months.

(10) All extension permits issued by dealers under this rule are considered issued by the division.

(11) When a motor vehicle is sold for registration in another state, the stub portion of the temporary permit shall be filed with the division within ~~ten~~45 days from the date of issue, accompanied by the required fee. The sale must be reported in the dealer's monthly report of sale required by Subsection 41-3-301(2)(b). If the permit stub and the required fee are not postmarked or received by the division within 45 days, a penalty equal to the required fee shall be collected pursuant to Section 41-3-302.

(12) The temporary registration card, attached to the temporary permit, must be detached and given to the customer ~~at the time~~ when the temporary permit is issued. This temporary registration card must be kept in the vehicle while the temporary permit is displayed.

KEY: taxation, motor vehicles

Date of Last Change: ~~2025~~February 9, 2023

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 41-1a-712; 41-3-105; 41-3-201; 41-3-202; 41-3-210; 41-3-301; 41-3-302; 41-3-305; 41-3-503; 41-3-505; 41-3-506; 41-3-507

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R911-8

Filing ID: 57309

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:	R911-8. Emergency Medical Services Ground Ambulance Rates and Charges	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.	
If yes, any bill number and session:	HB 301, 2025 General Session	

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

The purpose of this rule filing is to address changes that were made upon passage of HB 301 during the 2025 General Session, as well as correcting formatting and language inconsistencies.

5. Summary of the new rule or change:

This rule change removes the billing rate language that was codified in Section 53-2d-503 upon passage of HB 301 (2025), and addresses formatting and language inconsistencies in the current version of this rule.

Fiscal Information**6. 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 the state budget because the amendment only addresses formatting and language inconsistencies and removes the billing rate language that was codified in Section 53-2d-503.

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 removes the billing rate language that was codified in Section 53-2d-503.

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 removes the billing rate language that was codified in Section 53-2d-503.

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 because the amendment only addresses formatting and language inconsistencies and removes the billing rate language that was codified in Section 53-2d-503.

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, state, or local government entities because the amendment only addresses formatting and language inconsistencies and removes the billing rate language that was codified in Section 53-2d-503.

F. Compliance costs for affected persons:

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 removes the billing rate language that was codified in Section 53-2d-503.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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

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-503	Section 53-2d-103	
-------------------	-------------------	--

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	08/14/2025
--	------------

10. This rule change MAY become effective on:	08/21/2025
--	------------

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:	Darin Bushman, Director	Date:	06/23/2025
---	-------------------------	--------------	------------

R911. Public Safety, Emergency Medical Services.

R911-8. Emergency Medical Services Ground Ambulance Rates and Charges.

R911-8-1[00]. [Authority and] Purpose.

~~_____ (1) This rule is established pursuant to Title 53, Chapter 2d, Emergency Medical Services Act.~~

~~_____ (2) This rule establishes maximum ambulance rates and charges for Utah licensed ground ambulance providers.] This rule establishes maximum ambulance mileage rates, medication and supply charges, and fiscal reports for Utah licensed ground ambulance providers.~~

R911-8-2. Authority.

~~_____ This rule is authorized by Sections 53-2d-503 and 53-2d-103.~~

R911-8-3. Definitions.

~~_____ Terms used in this rule are defined in Sections 53-2d-101 and 53-2d-503.~~

R911-8-4. Ground Ambulance Base Rates.

~~_____ The bureau adopts the ground ambulance base rates as defined in Subsection 53-2d-503(5)(a).~~

R911-8-[200]5. [Ground Ambulance Transportation Revenues, Rates, and Charges.] Mileage Rates.

~~_____ (1) A licensed ground ambulance provider may not charge more than the [rate described pursuant to Subsections R911-8-200(6) through (12) on] set mileage rate for ambulance transports.~~

~~_____ (2) Net income and subsidies for a licensed ground ambulance provider may not exceed 10% of gross revenue.~~

~~_____ (3) A licensed ground ambulance provider may lower [a] the mileage rate at their discretion.~~

~~_____ (4) A licensed ground ambulance provider may not charge a [base] mileage rate for transportation to a patient who is not transported.~~

~~_____ (5) The [department] bureau may adjust each rate annually based on financial data received from licensed ground ambulance providers.~~

~~_____ (6) [Ground ambulance base rates for patient transport to a hospital or patient receiving facility are as follows:~~

~~_____ (a) EMT ground ambulance license level—\$1,176.11 per transport;~~

~~_____ (b) advanced EMT ground ambulance license level—\$1,552.68 per transport;~~

~~_____ (c) paramedic ground ambulance license level—\$2,270.22 per transport; and~~

~~_____ (d) any EMT or AEMT level licensed ground ambulance provider with a paramedic on board—\$2,270.22 per transport if:~~

- ~~(i) a designated emergency medical service dispatch center dispatches a licensed paramedic provider to treat the individual;~~
- ~~(ii) the licensed paramedic provider has initiated advanced life support;~~
- ~~(iii) online medical control directs that a paramedic remain with the patient during transport; and~~
- ~~(iv) the licensed ground ambulance provider has a reimbursement for paramedic services agreement with a paramedic licensed provider for the service provided.~~
- ~~(7) A base rate may not include costs for:~~
 - ~~(a) providing procedures to an individual; or~~
 - ~~(b) administering medications.~~
- ~~(8) A mileage rate may be charged up to a maximum of \$42.24 per mile computed from the location of the patient upon ambulance arrival to the destination hospital or patient receiving facility. A fuel fluctuation surcharge of \$0.25 per mile may be added when the diesel fuel price exceeds \$5.10 per gallon, or the gasoline price exceeds \$4.25 per gallon as invoiced.~~
- ~~[(9)](7) A surcharge of \$1.50 per mile may be assessed if an ambulance is required to travel two or more miles on unpaved roads.~~
- ~~[(10)](8) If more than one patient is transported from the location of the patients to the same destination hospital or patient receiving facility, a charge [shall]may be assessed to each patient as follows:~~
 - ~~(a) The transportation base rate; and~~
 - ~~(b) the mileage rate divided equally between the total number of patients.~~
- ~~[(11)](9) A licensed ground ambulance provider may charge separately for a round trip if the following conditions apply:~~
 - ~~(a) no charge is billed to the patient for at least 30 minutes at the hospital or a patient receiving facility at the halfway point of the trip; and~~
 - ~~(b) no more than \$22.05 per quarter hour is charged for time over 30 minutes.~~
- ~~[(12) A licensed ground ambulance provider may charge for disposable supplies used and medications administered during patient care, in addition to the base rate and mileage rate if the disposable supplies and medications are priced fairly and competitively with a similar product in the local area.~~
- ~~(13) A licensed ground ambulance provider may charge for supplies, providing supplies, medications, and administering medications on a response if:~~
 - ~~(a) supplies and medications are priced fairly and competitively with a similar product in the local area;~~
 - ~~(b) the individual does not refuse the service; and~~
 - ~~(c) the licensed ground ambulance personnel assess or treats the individual, but does not transport.~~
- ~~(14) A licensed ground ambulance provider may petition the department for a temporary service-specific surcharge when there is a temporary escalation of costs. The petition shall specify the surcharge amount and financial justification. The department will make a final decision on the proposed surcharge within 30 days of receipt of the petition.~~
- ~~(15) A licensed ground ambulance provider shall submit a fiscal report in accordance with the instructions, guidelines, and review criteria as specified by the department.~~
 - ~~(a) A fiscal report shall be submitted within six months of the end of their fiscal year.~~
 - ~~(b) The department shall provide guidance and a template for a fiscal report. Guidance will be posted on the department's website.~~
 - ~~(c) The department shall provide a summary of fiscal reports to the EMS Committee before adjusting a maximum base rate for a licensed ground ambulance provider.~~
- ~~(16) The department may review a licensed ground ambulance provider's fiscal report for compliance. The department may perform financial audits to ensure compliance to reporting requirements.~~
- ~~(17) Each licensed ground ambulance provider shall submit a written total number of billed patient transports for each calendar year to the department for calculating Medicaid assessments.~~
 - ~~(a) A written patient transport number shall be submitted within 90 days after the end of the calendar year.~~
 - ~~(b) The submission shall include a written justification when a patient transport number is not in agreement with patient care data submitted to the department pursuant to Rule R911-7. A written justification shall include a description of each data reporting error and a plan to correct future data submission.~~
 - ~~(c) Any submitted patient transport number not in agreement with patient care report data may be evaluated, corrected, or audited by the department.]~~

R911-8-6. Supply and Medication Charges for Non-Transport Responses.

- ~~(1) A licensed ground ambulance provider may charge for supplies, providing supplies, medications, and administering medications on a response if:~~
 - ~~(a) supplies and medications are priced fairly and competitively compared with a similar product in the local area;~~
 - ~~(b) the individual does not refuse the service; and~~
 - ~~(c) the licensed ground ambulance personnel assess or treats the individual but does not transport the individual.~~
- ~~(2) A licensed ground ambulance provider may petition the bureau for a temporary service-specific surcharge when there is a temporary escalation of costs.~~
 - ~~(a) The petition shall specify the surcharge amount and financial justification; and~~
 - ~~(b) the bureau will make a final decision on the proposed surcharge within 30 days of receipt of the petition.~~

R911-8-7. Fiscal and Transportation Reports.

- ~~(1) A licensed ground ambulance provider shall submit a fiscal report on a bureau approved form:~~
 - ~~(a) in accordance with the instructions, guidelines, and review criteria as specified by the bureau on its website; and~~

NOTICES OF PROPOSED RULES

- (b) within six months of the end of the licensed ground ambulance provider's fiscal year.
- (2) The bureau may review a licensed ground ambulance provider's fiscal report for compliance. The bureau may perform financial audits to ensure compliance to reporting requirements.
- (3) Each licensed ground ambulance provider shall submit a written total number of billed patient transports for each calendar year to the bureau for calculating Medicaid assessments within 90 days after the end of the calendar year.
- (a) The submission shall include a written justification when a patient transport number is not in agreement with patient care data submitted to the bureau pursuant to Rule R911-7.
- (b) The written justification shall include a description of each data reporting error and a plan to correct future data submission.
- (4) Any submitted patient transport number not in agreement with patient care report data may be evaluated, corrected, or audited by the bureau.

KEY: emergency medical services, rates

Date of Last Change: 2025~~July 1, 2024~~

Authorizing, and Implemented or Interpreted Law: 53-2d-503; 53-2d-103

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends August 14, 2025.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through November 12, 2025, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective 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. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** CPR (Change in Proposed Rule)**Rule or section number:****R66-31****Filing ID: 57197****Date of previous publication (only for CPRs):** **06/15/2025****Agency Information**

1. Title catchline:	Agriculture and Food; Specialized Products	
Building:	TSOB 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
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R66-31. Industrial Hemp Cannabinoid Product Testing
4. Purpose of the new rule or reason for the change:
During the public comment period, a Department of Agriculture and Food (department) employee found an error in the proposed text.
5. Summary of the new rule or change:
Subsection R66-31-5(3)(c) contains an error in the proposed text. This filing updates that text with the correct information by revising the measurement method to "by mass" instead "of the total cannabinoids."
(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the June 15, 2025, issue of the Utah State Bulletin, on page 8. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The proposed change will not impact the state's budget because the proposed change only revises an error in the text to clarify the measurement method.
B. Local governments:
The proposed change will not impact local governments because they do not administer the program.

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

The proposed change will not impact small businesses because this filing only clarifies the measurement method.

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

The proposed change will not impact non-small businesses because this filing only clarifies the measurement method.

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 change will not impact other persons because this filing only clarifies the measurement method.

F. Compliance costs for affected persons:

The compliance costs for the program are not changing.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

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:**

Subsection 4-41-204(2)

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until:	08/14/2025
--	------------

10. This rule change MAY become effective on:	08/21/2025
--	------------

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:	Commissioner, Kelly Pehrson	Date:	06/25/2025
---	-----------------------------	--------------	------------

R66. Agriculture and Food, Specialized Products.

R66-31. Industrial Hemp Cannabinoid Product Testing.

R66-31-1. Authority and Purpose.

Pursuant to Subsection 4-41-204(2), this rule establishes the standards for industrial hemp cannabinoid product potency testing and sets limits for foreign matter, microbial life, pesticides, residual solvents, heavy metals, and mycotoxins.

R66-31-2. Definitions.

- (1) "Analyte" means a substance or chemical component that is undergoing analysis.
- (2) "Batch or lot" means a quantity of:
 - (a) cannabinoid concentrate produced on a particular date and time, following clean up until the next clean up during which the same lots of industrial hemp are used; or
 - (b) cannabinoid product produced on a particular date and time, following clean up until the next clean up during which industrial hemp concentrate is used.
- (3) "Cannabinoid" means any:
 - (a) naturally occurring derivative of Cannabigerolic acid (CAS 25555-57-1); or
 - (b) any chemical compound that is both structurally and chemically similar to a derivative of Cannabigerolic acid.
- (4) "Cannabinoid concentrate" means:
 - (a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass; and
 - (b) any amount of a natural, derivative, or synthetic cannabinoid in the synthetic cannabinoid's purified state.
- (5) "Certificate of analysis" (COA) means a document produced by a testing laboratory listing the results for which that testing was performed.
- (6) "Final product" means a reasonably homogenous cannabinoid product in its final packaged form created using the same standard operating procedures and the same formulation.
- (7) "Foreign matter" means:
 - (a) any matter that is present in a cannabis lot that is not a part of the cannabis plant; or
 - (b) any matter that is present in a cannabis or cannabinoid product that is not listed as an ingredient.
- (8) "Pesticide" means any:
 - (a) substance or mixture of substances, including a living organism, that is intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, or other forms of plant or animal life that are normally considered to be a pest or that the commissioner declares to be a pest;
 - (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and
 - (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, or emulsifying agent with deflocculating properties of its own used with a pesticide to aid in the application or effect of a pesticide.
- (9) "THCA" means delta-9-tetrahydrocannabinolic acid (CAS 23978-85-0).
- (10) "Unknown Cannabinoid" means any component of a cannabis plant product, cannabis concentrate, or cannabis product that a laboratory determines is likely to be a cannabinoid by comparison of physical properties, including molecular weight, retention time, and absorption spectra but is not delta-9-THC, THCA, or any of the cannabinoids listed in Subsection 4-41-102(22)(b).
- (11) "Unit" means each individual portion of an individually packaged product.

R66-31-3. Required Cannabinoid Product Tests.

- (1) A cannabinoid processor may not register or sell a cannabinoid product until a representative sample has been tested by:
 - (a) the department's analytical laboratory to determine the amount of any THC analogs present in the sample; and
 - (b) the department's analytical laboratory or a third party testing laboratory to determine the presence of adulterants in the sample.
- (2) Each batch of cannabinoid product shall include a COA in accordance with this rule.
- (3) If multiple laboratories perform the required tests, all laboratories shall test the same batch.

R66-31-4. Foreign Matter Standards.

A sample and related batch of cannabinoid product fails quality assurance testing if:

- (1) the sample contains foreign matter visible to the unaided human eye;
- (2) the sample is found to contain microscopic foreign matter considered to be harmful or estimated to comprise greater than 3% of the mass of the representative sample as determined by the testing laboratory; or
- (3) foreign matter is found that is suspected to have been intentionally added to the sample to increase its visual appeal or market value.

R66-31-5. Potency Testing and Standards.

(1) A batch of cannabinoid product shall have the following determined and listed on the COA:

- (a) quantity of any cannabinoid it is known to contain, including any THC analog; and
- (b) the cannabinoid profile by percentage of mass.

(2) Cannabinoid products may not exceed the cannabinoid product THC level.

(3) A lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fails quality assurance testing for cannabinoid content if:

- (a) any of the artificially derived cannabinoids listed in Table 1 are found to be present; or
- (b) greater than 10% of the total cannabinoid peak area is comprised of unknown cannabinoids after peaks smaller than 1% of the total peak area have been excluded as determined by high-performance liquid chromatography with a diode array detector (HPLC-DAD); or
- (c) a newly identified cannabinoid approved by the department is present in a quantity greater than 2% ~~of the total cannabinoids~~ by mass.

(4)(a) The department recognizes the following as newly identified cannabinoids:

- (b) Cannabicitran (CBTC), CAS 31508-71-1.

TABLE 1 Artificially Derived Cannabinoids	
Analyte	Chemical Abstract Service (CAS) Registry number
Hexahydrocannabinol (HHC)	36403-90-4, 36403-91-5
3-Heptyl-delta(1)-tetrahydrocannabinol (THCP)	54763-99-4, 51768-60-6
tetrahydrocannabinol acetate (THC-OAc)	23132-17-4, 23050-54-6

R66-31-6. Microbial Standards.

A sample and related batch of cannabinoid product fails quality assurance testing for microbiological contaminants if the results exceed the limits in Table 2.

TABLE 2 Microbial Analytes and Action Levels	
Material	Microbial Limit Requirement
Cannabinoid Concentrate	Total Aerobic Microbial Count $\leq 100,000$ cfu/g Total Combined Yeast and Mold Count $\leq 1,000$ cfu/g Not detectable in 1g: STEC, Salmonella spp., Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, and Aspergillus terreus
Infused Edible Products	Total Aerobic Microbial Count $\leq 10,000$ cfu/g Total Combined Yeast and Mold Count $\leq 1,000$ cfu/g Not detectable in 1 g: STEC, Salmonella spp.
Infused Non- Edible Products	Total Aerobic Microbial Count ≤ 250 cfu/g Total Yeast and Mold ≤ 250 cfu/g Not detectable in 1g: Pseudomonas aeruginosa, Staphylococcus aureus

NOTICES OF CHANGES IN PROPOSED RULES

Infused Suppository Products	Total Aerobic Microbial Count ≤10,000 cfu/g Total Combined Yeast and Mold Count ≤1,000 cfu/g Not detectable in 1 g: STEC, Salmonella spp., Pseudomonas, Staphylococcus aureus
------------------------------	--

R66-31-7. Pesticide Standards.

(1) A sample and related batch of cannabinoid product fails quality assurance testing for pesticides if the results exceed the limits as set forth in Table 3.

TABLE 3 Pesticide Analytes and Action Levels		
Analyte	Chemical Abstract Service (CAS) Registry number	Action Level ppm
Abamectin	71751-41-2	0.5
Acephate	30560-19-1	0.4
Acequinocyl	57960-19-7	2
Acetamiprid	135410-20-7	0.2
Aldicarb	116-06-3	0.4
Azoxystrobin	131860-33-8	0.2
Bifenazate	149877-41-8	0.2
Bifenthrin	82657-04-3	0.2
Boscalid	188425-85-6	0.4
Carbaryl	63-25-2	0.2
Carbofuran	1563-66-2	0.2
Chlorantraniliprole	500008-45-7	0.2
Chlorfenapyr	122453-73-0	1
Chlorpyrifos	2921-88-2	0.2
Clofentezine	74115-24-5	0.2
Cyfluthrin	68359-37-5	1
Cypermethrin	52315-07-8	1
Daminozide	1596-84-5	1
DDVP (Dichlorvos)	62-73-7	0.1
Diazinon	333-41-5	0.2
Dimethoate	60-51-5	0.2
Ethoprophos	13194-48-4	0.2
Etofenprox	80844-07-1	0.4
Etoxazole	153233-91-1	0.2
Fenoxycarb	72490-01-8	0.2
Fenpyroximate	134098-61-6	0.4
Fipronil	120068-37-3	0.4
Flonicamid	158062-67-0	1
Fludioxonil	131341-86-1	0.4
Hexythiazox	78587-05-0	1
imazalil	35554-44-0	0.2
Imidacloprid	138261-41-3	0.4
Kresoxim-methyl	143390-89-0	0.4
Malathion	143390-89-0	0.2
Metalaxyl	57837-19-1	0.2

Methiocarb	2032-65-7	0.2
Methomyl	16752-77-5	0.4
Methyl parathion	298-00-0	0.2
MGK-264	113-48-4	0.2
Myclobutanil	88671-89-0	0.2
Naled	300-76-5	0.5
Oxamyl	23135-22-0	1
Paclobutrazol	76738-62-0	0.4
Permethrins	52645-53-1	0.2
Phosmet	732-11-6	0.2
Piperonyl_butoxide	51-03-6	2
Prallethrin	23031-36-9	0.2
Propiconazole	60207-90-1	0.4
Propoxur	114-26-1	0.2
Pyrethrins	8003-34-7	1
Pyridaben	96489-71-3	0.2
Spinosad	168316-95-8	0.2
Spiromesifen	283594-90-1	0.2
Spirotetramat	203313-25-1	0.2
Spiroxamine	118134-30-8	0.4
Tebuconazole	80443-41-0	0.4
Thiacloprid	111988-49-9	0.2
Thiamethoxam	153719-23-4	0.2
Trifloxystrobin	141517-21-7	0.2

(2) Permethrins should be measured as cumulative residue of cis- and trans-permethrin isomers (CAS numbers 54774-45-7 and 51877-74-8).

(3) Pyrethrins should be measured as the cumulative residues of pyrethrin I (CAS 121-21-1), pyrethrin II (CAS 121-29-9), cinerin I (CAS 25402-06-6), and jasmolin I (CAS 4466-14-2).

(4) Abamectin is a composite of the amounts of avermectin B1a and avermectin B1b.

R66-31-8. Residual Solvent Standards.

(1) A sample and related batch of cannabinoid product fails quality assurance testing for residual solvents if the results exceed the limits provided in Table 4 unless the solvent is:

- (a) a component of the product formulation;
- (b) listed as an ingredient; and
- (c) generally considered to be safe for the intended form of use.

TABLE 4 List of Solvents and Action Levels		
Solvent	Chemical Abstract Service	Action level
	(CAS)Registry number	Ppm
1,2 Dimethoxyethane	110-71-4	100
1,4 Dioxane	123-9	380
1-Butanol	71-36-3	5,000
1-Pentanol	71-41-0	5,000
1-Propanol	71-23-8	5,000
2-Butanol	78-92-2	5,000
2-Butanone	78-93-3	5,000
2-Ethoxyethanol	110-80-5	160
2-methylbutane	78-78-4	5,000

NOTICES OF CHANGES IN PROPOSED RULES

2-Propanol (IPA)	67-63-0	5,000
Acetone	67-64-1	5,000
Acetonitrile	75-05-8	410
Benzene	71-43-2	2
Butane	106-97-8	5,000
Cumene	98-82-8	70
Cyclohexane	110-82-7	3,880
Dichloromethane	75-09-2	600
2,2-dimethylbutane	75-83-2	290
2,3-dimethylbutane	79-29-8	290
1,2-dimethylbenzene	95-47-6	See Xylenes
1,3-dimethylbenzene	108-38-3	See Xylenes
1,4-dimethylbenzene	106-42-3	See Xylenes
Dimethyl sulfoxide	67-68-5	5,000
Ethanol	64-17-5	5,000
Ethyl acetate	141-78-6	5,000
Ethylbenzene	100-41-4	See Xylenes
Ethyl ether	60-29-7	5,000
Ethylene glycol	107-21-1	620
Ethylene Oxide	75-21-8	50
Heptane	142-82-5	5,000
n-Hexane	110-54-3	290
Isopropyl acetate	290	5,000
Methanol	67-56-1	3,000
Methylpropane	75-28-5	5,000
2-Methylpentane	107-83-5	290
3-Methylpentane	96-14-0	290
N,N-dimethylacetamide	127-19-5	1,090
N,N-dimethylformamide	68-12-2	880
Pentane	109-66-0	5,000
Propane	74-98-6	5,000
Pyridine	110-86-1	100
Sulfolane	126-33-0	160
Tetrahydrofuran	109-99-9	720
Toluene	108-88-3	890
Xylenes	1330-20-7	2,170

(2) Xylenes is a combination of the following:

- (a) 1,2-dimethylbenzene;
- (b) 1,3-dimethylbenzene;
- (c) 1,4-dimethylbenzene; and
- (d) ethyl benzene.

R66-31-9. Heavy Metal Standards.

A sample and related batch of cannabinoid product fails quality assurance testing for heavy metals if the results exceed the limits provided in Table 5.

TABLE 5 Heavy Metals	
Metals	Natural Health Products Acceptable
	limits in parts per million
Arsenic	<2
Cadmium	<.82
Lead	<1.2
Mercury	<.4

R66-31-10. Mycotoxin Standards.

A sample and related batch of cannabinoid product fails quality assurance testing for mycotoxin if the results exceed the limits provided in Table 6.

TABLE 6 Mycotoxin	
Test	Specification
The Total of	
Aflatoxin B1,	
Aflatoxin B2,	
Aflatoxin G1, and	
Aflatoxin G2	<20 ppb of substance
Ochratoxin A.	<20 ppb of substance

R66-31-11. Prohibited Additives.

A cannabinoid processor may not include Vitamin E Acetate in any inhalable cannabinoid product.

KEY: industrial hemp, cannabinoid, testing

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 4-41-204(2)

End of the Notices of Changes in 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:	R70-580	Filing ID: 57316
Effective date:	06/28/2025	
Agency Information		
1. Title catchline:	Agriculture and Food, Regulatory Services	
Building:	Taylorsville State Office Building	
Street address:	4315S 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:
Camille Knudson	801-597-6010	camillek@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Amber Brown	385-245-5222	ambermbrown@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R70-580. Kratom Product Registration and Labeling

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

A change is needed to allow the Department of Agriculture and Food (department) to extend the registration period for currently registered products while the department writes new rules to address substances added to the products. The department does not want to renew registration for products that would no longer be compliant when the new rules are in place because those products are potentially unsafe.

5. Summary of the new rule or change:

In Section R70-580-3, language has been added that allows the department to extend the registration period for a kratom product, at their discretion.

6A. The agency finds that regular rulemaking would:

- ☒ cause an imminent peril to the public health, safety, or welfare;
- ☐ cause an imminent budget reduction because of budget restraints or federal requirements; or
- ☐ place the agency in violation of federal or state law.

B. Specific reasons and justifications for this finding:

The department would like to extend the registration of current products temporarily to allow us to publish new rules to set limits on substances allowed to be added to the products. This would allow us to avoid having to re-register products for a year when those products are potentially unsafe.

Fiscal Information

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

The department will not be impacted by the change because the fee for each product registration will not change. This rule will allow the department to collect the registration fee up to three months following when it is typically due but the timeline for the following year will remain the same. This means some processors will pay the same fee for 15 months this year and 9 months next year, which will even out over two years.

B. Local governments:

Local governments do not participate in the kratom program and will not be impacted.

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

Small businesses will not be impacted. They will pay the same registration fee for their products up to three months later. The 2026 fee will be due at the end of June for all products regardless of when they paid their 2025 fee.

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**):

Other persons will not be impacted because they do not participate in the kratom program.

E. Compliance costs for affected persons:

Compliance costs for the kratom program have not changed.

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 will not have a fiscal impact on businesses. Kelly Pehrson, Commissioner

Citation Information

8. 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 4-45-107		
------------------	--	--

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	06/28/2025
---	-----------------------------	--------------	------------

R70. Agriculture and Food, Regulatory Services.**R70-580. Kratom Product Registration and Labeling.****R70-580-1. Authority and Purpose.**

Pursuant to Section 4-45-107, this rule establishes the requirements for labeling and registration of products made from and containing kratom.

R70-580-2. Definitions.

(1) "Certificate of Analysis (COA)" means a certificate from a laboratory describing the results of the laboratory's analytical testing of a sample.

(2) "End Consumer" means an individual who does not resell the purchased kratom product.

(3) "Food" means a raw, cooked, or processed edible substance, ice, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(4) "Label" means the display of any written, printed, or graphic matter upon the immediate container of a kratom product or a statement by or under the control of the kratom processor or distributor, which is directly related to the kratom product bearing the label.

(5) "Third-party Laboratory" means a laboratory that has no direct interest in a processor or distributor of kratom products that can perform mandated testing utilizing validated methods.

(6) "Approved Kratom Delivery Form" means a kratom product in raw leaf, capsule, tablet, powder, liquid, tea bag, concentrated, extract, or gummy forms. The following are not approved kratom delivery forms:

(a) any form that is combustible or intended to be used for vaporization;

(b) any form that is intended to be added to food; or

(c) any form that mimics a candy product or is manufactured, packaged, or advertised in a way that appeals to children.

(7) "Kratom Type" means the specified strain of the botanical *Mitragyna speciosa*.

(8) "Kratom Processor" means any kratom product manufacturer, distributor, or retailer who offers a kratom product for sale or resale to consumers.

(9) "Kratom Product" means a product manufactured or processed from kratom acquired by a kratom processor that is certified to be compliant with Title 4, Chapter 45, Kratom Consumer Protection Act.

(10) "Kratom Retailer" means a kratom processor who sells a kratom product to an end consumer.

R70-580-3. Product Registration.

(1) A kratom product distributed or available for distribution that is intended to be offered for sale to an end consumer in Utah, including on the internet or social media platforms, shall be:

(a) in an approved kratom delivery form; and

(b) registered with the department annually by the kratom processor.

(2) A product that contains the same kratom ingredients in the same kratom delivery form but a different container, package, or volume shall be included in a single registration.

(3) Application for registration shall be made on a form provided by the department that includes the following information:

(a) the name and address of the kratom processor and the name and address of the kratom processor whose name will appear on the label, if other than the kratom processor making the registration;

(b) the name of the kratom product included in the registration;

(c) the kratom type and recommended usage, including directions for use or serving size for the kratom product;

(d) the approved kratom delivery form;

(e) the weights or volumes, as appropriate, of the package of kratom product, offered for sale for the recommended usage and the entire package;

(f) a complete copy of the label that will appear on the kratom product or the document that can be reached via a scannable bar code, QR code, or web address, pursuant to Subsection R70-580-6(7);

(g) a certificate of analysis for the kratom product from a third-party laboratory that shall obtain and keep the International Organization for Standardization (ISO) 17025:2017 accreditation from an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement;

(i) a third-party laboratory may test kratom product before obtaining ISO/IEC 17025:2017 accreditation provided by the third-party laboratory;

(A) adopts and follows minimum good laboratory practices which satisfy the OECD Principles of Good Laboratory Practice and Compliance Monitoring published by the Organization for Economic Co-operation and Development; and

(B) becomes ISO/IEC 17025:2017 accredited within 18 months, by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement;

(ii) if a kratom processor uses an out-of-state third-party laboratory they shall include a copy of the laboratory accreditation with the registration;

(h) certification that:

(i) the kratom processor has not added any substance to the kratom product that is listed in Title 58, Chapter 37, Utah Controlled Substances Act;

(ii) the kratom processor has not mixed or packed any nonkratom substance that affects the quality or strength of the kratom product to such a degree as to make the kratom product injurious to a consumer;

(iii) the kratom product manufacturer has not added any synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant;

(iv) the registrant assumes responsibility and liability for the product based on their role in the processing of the kratom product and whether they are a kratom manufacturer, distributor, or retailer; and

(v) that the registered kratom product is compliant with applicable current state and federal guidelines for food safety.

(4) A non-refundable registration fee, as outlined in the fee schedule approved by the legislature, shall be paid to the department with the submission of a registration application.

(5) A separate registration fee shall be required for each kratom product manufactured or processed from raw materials with the same specifications, same name, and same kratom delivery form.

(6) The department may deny registration for an incomplete application.

(7) The department shall deny or withdraw registration for a kratom product that:

(a) violates Title 4, Chapter 45, Kratom Consumer Protection Act;

(b) is adulterated or contaminated with foreign materials that would be injurious to a consumer; or

(c) if there is any reasonable basis to suspect that the kratom product is unsafe or that ingredients violate state law.

(8) A new registration application is required for the following:

(a) a change in the kratom product ingredients or processes that materially alters the product;

(b) a change to the recommended usage; and

(c) a change of name for the product.

(9) Other changes shall not require a new registration application but the registrant shall submit copies of all label changes to the department as soon as they are effective.

(10) The kratom processor registering the kratom product is responsible for the accuracy and completeness of the information submitted.

(11) A registration is renewable ~~[for up to one]~~ each year with an annual renewal fee per kratom product that shall be paid on or before June 30th of each year.

~~(12) At their discretion, the department may extend the registration period of a kratom product for up to three months.~~

~~(1[2]3)~~ A kratom product that has been discontinued shall continue to be registered until the kratom product is no longer available for distribution.

~~(1[3]4)~~ A late fee shall be assessed for a renewal of a kratom product registration submitted after June 30th and shall be paid before the registration renewal is issued.

R70-580-4. Establishment Registration.

(1) Pursuant to Subsection 4-45-104(5), a kratom processor shall register as a food establishment under Section 4-5-301.

(2) A kratom processor may be registered in another state that meets or exceeds the requirements in Section 4-5-301 if they provide the department with a copy of the registration from the federal or state regulatory agency.

(3) A kratom processor shall be subject to any statutes, rules, regulations, policies, and procedures for food establishments specific to the form of the kratom product offered for sale.

(4) In their application for registration, each kratom processor shall identify any DBAs they operate that involve the production of kratom products and the person that is legally responsible to produce the kratom product. If the legally responsible person changes, the department shall be notified of the change within 30 days.

(5) The application for registration shall include a certification that the products manufacturer maintains a manufacturing batch record (MBR) that documents:

(a) batch-to-batch uniformity;

(b) that each batch conforms to kratom raw material specifications;

(c) that each batch record shows that each step of the MBR was performed;

(d) that the production processes, controls, and tests ensure reliable, reproducible results; and

(e) that the finished kratom product meets each specification before the product is released for distribution.

(5) MBR testing shall be performed on finished kratom products as identified by lot or batch number.

(6) Each MBR shall also include the following information:

(a) the lot or batch identification number of the tested product;

(b) the date received;

(c) the date of testing completion;

(d) the method of analysis for each test conducted;

(e) a photo of the kratom product that was tested;

NOTICES OF 120-DAY (EMERGENCY) RULES

- (f) the name and address of the kratom processor that manufactured the product; and
- (g) the name and address where the MBR records are maintained and available for inspection by the department.

R70-580-5. Certificate of Analysis.

- (1) At a minimum, the certificate of analysis for each batch of kratom product shall include the following test results:
 - (a) the contents of mitragynine and 7-hydroxymitragynine in the kratom product certifying compliance with this rule and Subsection 4-45-104(1);
 - (b) the level of pathogens in the kratom product does not exceed the amounts listed in Table 1 when one gram or greater sample is tested; and

TABLE 1	
Microbial Analytes and Action Levels	Microbial Limit Requirement
Total Aerobic Microbial Count	NMT $\leq 10,000,000$ cfu/g
Total Combined Yeast and Mold	NMT $\leq 100,000$ cfu/g
Total Bile-tolerant Gram-negative Bacteria	NMT $< 10,000$ cfu/g
Salmonella spp. & E. coli	Absence in 100g

- (c) that the levels of heavy metals in the kratom product do not exceed the amounts listed in Table 2.

TABLE 2 Heavy Metals	
Metals	Natural Health Products Acceptable limits in parts per million
Arsenic	< 2
Cadmium	< 0.82
Lead	< 1.2
Mercury	< 0.4

- 2) Testing shall be performed on finished kratom products as identified by lot or batch number.
- 3) The certificate of analysis shall also include the following information:
 - a) the lot or batch identification number of the tested product;
 - b) the date received;
 - c) the date of testing completion;
 - d) the method of analysis for each test conducted;
 - e) a photo of the kratom product that was tested;
 - f) the name and address of the kratom processor that manufactured the product; and
 - g) the name and address of the laboratory that completed the testing.
- 4) The lot or batch number on the certificate of analysis shall match the lot or batch number on the kratom product and shall be conspicuously placed on the container or label of the kratom product.
- 5) Upon receipt of an adverse or non-compliant test result, the kratom processor shall be required to produce a new certificate of analysis from an independent third-party laboratory on the reported product to affirm compliance.
- 6) Failure to submit a new certificate of analysis shall be cause for withdrawal or denial of product registration.
- 7) Mycotoxin testing of a kratom product may be required if the department has reason to believe that mycotoxins may be present.

R70-580-6. Label Requirements.

- (1) A kratom product that is marketed as conventional food as defined in Sections 4-5-102 and 4-45-102 shall be labeled pursuant to the labeling requirements of Section 4-5-201.
- (2) A kratom product marketed as a dietary supplement as defined in Section 4-1-109 shall be labeled pursuant to the requirements of 21 CFR 101.36.
- (3) The label shall contain the factual basis upon which the kratom processor represents the product as a kratom product by identifying kratom within the list of ingredients.

(4) The label shall identify each kratom product by a unique batch or lot number specifically linking each kratom product to a specific batch or a lot manufactured by the kratom processor.

(5) A kratom product shall not contain claims that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease on the label or labeling.

(6) The label of each kratom product label shall include the following text pursuant to 21 CFR 101.93 (c), prominently displayed:

"This product has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease."

(7) A kratom product shall meet the standards in 21 U.S.C. 9, the Food Drug and Cosmetic Act, other applicable federal laws and regulations, and any applicable state laws and regulations relating to the labeling of food and cosmetics.

(8) If there is not sufficient room on the kratom product label, the kratom product shall display on the label a scannable bar code, QR code, or web address linked to a document containing the information required in Subsections R70-580-6(1) through R70-580-6(7).

(9) No information, illustration, or depiction that the processor knows or should know appeals to children shall appear on the label.

R70-580-7. Product Appearance and Flavor.

(1) A kratom processor may not produce a kratom product that is designed to mimic a candy product.

(2) A kratom processor may not produce a product that includes a candy-like flavor or another flavor the kratom processor knows or should know appeals to children.

(3) A kratom processor may not shape a kratom product in any way that appeals to children, including products that are shaped like fruit, stars, cartoon renderings, humans, or animals.

(4) A kratom product shall be packaged in child-resistant packaging, pursuant to 16 CFR 1700.

R70-580-8. Inspection and Testing.

(1) The department shall conduct a randomized inspection of the kratom product distributed or available for distribution for compliance with this rule.

(2) The department shall periodically sample, analyze, and test a kratom product distributed for compliance with registration and labeling requirements and the certificate of analysis.

(a) Each department sample shall include at least ten grams of kratom product.

(b) The department may test kratom product for any substance listed in Subsection R70-580-5(1) as well as for any of the following prohibited substances, at the discretion of the department:

(i) any pesticide;

(ii) any fentanyl derivative;

(iii) any of the following cannabinoids with an action level of 0.01% (w/w):

(A) delta-9-THC;

(B) delta-8-THC;

(C) THCA;

(D) CBD;

(E) CBDA;

(F) CBG;

(G) CBGA; or

(H) any other cannabinoid tested for by the laboratory with an action level of 0.01% (w/w);

(iv) cocaine; or

(v) any of the following Benzodiazepines:

(A) diazepam;

(B) alprazolam;

(C) triazolam;

(D) lorazepam; or

(E) clonazepam.

(c) Kratom product that is found to contain a prohibited substance shall be considered adulterated in violation of this rule.

(3) The department may conduct an inspection of any kratom product distributed or available for distribution if there is any reasonable basis to suspect that the kratom product is unsafe or that ingredients violate state law or rules.

(4) The test results from the department inspection samples shall be the official sample results.

(5) Upon request, a kratom processor shall provide documentation certifying that any batch of kratom raw materials acquired pursuant to a compliant specification purchase that is used to process or manufacture a kratom product is compliant with Section R70-580-5.

R70-580-9. Retailer Responsibilities.

(1) A retailer shall:

(a) ensure that kratom product is labeled correctly; and

(b) ensure that the kratom product offered for sale is properly registered with the department.

(2) A retailer shall provide the identity of the processor or manufacturer of a kratom product sold by the retailer upon request of the department.

(3) A retailer shall register a kratom product instead of the kratom processor if the product is not registered.

NOTICES OF 120-DAY (EMERGENCY) RULES

R70-580-10. Violation.

- (1) Each improperly labeled kratom product shall be a separate violation of this rule.
- (2) A kratom product shall be considered misbranded if it does not meet the labeling requirements of this rule.
- (3) A kratom product shall be considered adulterated based on the definition in Subsection 4-5-103(1).
- (4) It is a violation to distribute or market a kratom product that is not registered with the department.
- (5) Each unit manufactured or processed from a batch of raw material or on a single retail invoice shall be considered a separate violation of this rule for an unregistered product marketed for sale.
- (6) It is a violation:
 - (a) to prepare, distribute, sell, or offer for sale a kratom product that violates Subsection 4-45-104 (1);
 - (b) to prepare, distribute, sell, or offer for sale a kratom product that is not in an approved kratom delivery form, including adding or processing kratom into any food consumed for taste, aroma, and nutritive value;
 - (c) to prepare, distribute, sell, or offer for sale a kratom product that would be potentially harmful to consumers;
 - (d) for a kratom processor to fail to register as a food establishment pursuant to Section 4-5-301 or Subsection R70-580-4(2);
 - (e) for a kratom processor to distribute, sell, or offer for sale a kratom product to an individual under 18 years of age; and
 - (f) for a kratom processor to improperly sample, test, falsify a certificate of analysis, or knowingly submits a falsified certificate of analysis for a kratom product.

R70-580-11. Penalties.

Any violation of or failure to comply with this rule or any specific requirements may be grounds for issuance of citations, fines, recall of kratom product, revocation of registration, or denial of future registration pursuant to Sections 4-2-303 and 4-2-304.

KEY: kratom, kratom product registration, kratom processor

Date of Last Change: June 28, 2025

Authorizing, and Implemented or Interpreted Law: 4-45-107

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:	R152-57	Filing ID: 52767
Effective date:	06/18/2025	

Agency Information

1. Title catchline:	Commerce, Consumer Protection	
Building:	Heber Wells	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114-6704	
Contact persons:		
Name:	Phone:	Email:
Daniel Larsen	801-530-6145	dcprules@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R152-57. Maintenance Funding Practices Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 13-2-5(1)	This provision grants the Division authority to promulgate rules to administer and enforce the chapters listed in Section 13-2-1, including Title 13, Chapter 57, Maintenance Funding Practices Act.
Subsections 13-57-201(2)(b)(ii) and (3)(b)(ii)	These provisions grant the Division authority to promulgate rules regarding application requirements for registration and renewal of registration as a maintenance funding provider.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsections 13-57-401(1) through (4)	These provisions direct the Division to make rules regarding: 1) the application process to register as a maintenance funding provider; 2) the filing process for a maintenance funding provider to submit a maintenance funding agreement to the Division; 3) the filing process for annual reports required by Section 13-57-203; and 4) any other requirement the Division needs to carry out the provisions of the chapter.
--------------------------------------	---

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 comments have been received since this rule was promulgated.

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 13-57-401. Additionally, it provides guidance to maintenance funding providers regarding how to comply with Title 13, Chapter 57, Maintenance Funding Practices Act, and enables the Division to efficiently and effectively carry out its provisions. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Managing Analyst	Date:	06/18/2025
---	---------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-50	Filing ID: 50286
Effective date:	07/01/2025	

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Tracy Taylor	801-530-6621	trtaylor@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R156-50. Private Probation Providers Licensing Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:		
Title 58, Chapter 50	Provides for the licensure and regulation of private probation providers.	
Subsection 58-1-106(1)(a)	Provides that the Division of Professional Licensing (division) may adopt and enforce rules to administer Title 58.	
Subsection 58-1-202(1)(a)	Provides that the Private Probation Provider's Licensing Board's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 50 with respect to private probation providers.	

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:

Since this rule was last reviewed in August 2019, this rule has not been amended, and the division has received no written comments with respect to 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 necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 50. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mark Steinagel, Director	Date:	06/25/2025
---	--------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-55e	Filing ID: 50289
Effective date:	06/26/2025	

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Stephen Duncombe	801-530-6235	sduncombe@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R156-55e. Elevator Mechanics Licensing Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Title 58, Chapter 55	Provides for the licensure and regulation of elevator mechanics.
Subsection 58-1-106(1)(a)	Provides that the Division of Professional Licensing (division) may adopt and enforce rules to administer Title 58.
Subsections 58-1-202(1)(a) and 58-55-103(1)(b)(i)	Provides that the Construction Services Commission's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 55 with respect to elevator mechanics.

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:

Since this rule was last reviewed in April 2019, this rule has not been amended, and the division has received no written comments with respect to 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 necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 55. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mark Steinagel, Managing Director	Date:	06/10/2025
---	-----------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R251-301	Filing ID: 50364
Effective date:	06/23/2025	

Agency Information

1. Title catchline:	Corrections, Administration	
Building:	Utah Department of Corrections	
Street address:	14717 S Minuteman Dr	
City, state:	Draper, UT	
Contact persons:		
Name:	Phone:	Email:
Dan Blanchard	801-400-7797	danblanchard@utah.gov
Tyler Johnson	385-228-9883	tajohnson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R251-301. Employment, Educational or Vocational Training for Community Correctional Center Offenders	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 63G-3-201	This rule is required based on specific statutory authorization. Additionally, this rule requires specific action from people outside of the Department of Corrections (department).
Section 64-13-10	Establishes the department's rulemaking authority.
Subsection 64-13-14.5(2)	The department shall establish rules governing offenders on release status in a community correctional center, including rules for employers of offenders residing at a Community Correctional Center (CCC).
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 written comments regarding 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 establishes requirements for offenders' participation in employment, educational or vocational programs while residing at CCCs. Also sets requirements for private employers who employ offenders residing at CCCs. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jared Garcia, Executive Director	Date:	06/23/2025
---	----------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R357-11	Filing ID: 54826
Effective date:	06/20/2025	

Agency Information

1. Title catchline:		Governor, Economic Opportunity	
Building:		World Trade Center	
Street address:		60 E South Temple, Suite 300	
City, state:		Salt Lake City, UT	
Contact persons:			
Name:		Phone:	Email:
Greg Jeffs		801-368-1957	gjeffs@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	
R357-11. Utah Technology Innovation Funding Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63N-3-204(2)(b)	Statute requires that "the office shall make rules establishing procedures for applying for and issuing grants or loans under this part."
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 comments received 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 necessary because statute requires that this rule exists. However, the statute this rule is based on will be repealed, effective 07/01/2025. The program has been moved to another agency, and this rule will be reinstated there at that time. However, to ensure rule coverage is maintained during the transition, this rule needs to be continued.	

Agency Authorization Information

Agency head or designee and title:	Greg Jeffs, Designee	Date:	06/20/2025
---	----------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R357-29	Filing ID: 57102
Effective date:	06/20/2025	

Agency Information

1. Title catchline:	Governor, Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E South Temple, Suite 300	
City, state:	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Greg Jeffs	801-368-1957	gjeffs@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R357-29. Rural County Grant Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	Subsection 63N-4-802(6) Statute specifically requires that, "the office shall make rules to administer the program."	
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 comments received 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 necessary because Section 63N-4-802 requires the office to have rules for this program. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Greg Jeffs, Designee	Date:	06/20/2025
------------------------------------	----------------------	-------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R386-703	Filing ID: 56060
Effective date:	07/01/2025	

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Environmental Epidemiology	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142104	
City, state and zip:	Salt Lake City, UT 84114-2104	

Contact persons:		
Name:	Phone:	Email:
Mark Jones	801-538-6191	markejones@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R386-703. Injury Reporting Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-7-113	This section requires the Department of Health and Human Services (department) to identify the major risk factors contributing to injury, sickness, death, and disability within the state and, where that a need exists, educate the public regarding these risk factors. It also allows the department to establish programs to reduce or eliminate these factors unless adequate programs already exist in the private sector.
Section 26B-7-202	This section gives the department authority to investigate and control the causes of epidemic infections and communicable disease. It requires the department to provide for the detection, reporting, prevention, and control of communicable diseases and epidemic infections or any other health hazard which may affect the public health.
Subsection 26B-1-202(2)(a)	This subsection gives the department authority to adopt rules necessary or desirable for providing health and social services to the people of Utah.
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 comments have been received since the last five-year review for 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:	
<p>The department has determined that this rule is necessary for the department to continue to identify the causes and risks of major injuries of public health concern, which helps guide public health policy and actions to reduce or eliminate those injuries. Therefore, this rule should be continued.</p> <p>The department received no comments in opposition to the continuation of Rule R386-703 and therefore did not respond to any such comments.</p>	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	06/16/2025
---	-------------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R600-3	Filing ID: 51488
Effective date:	06/27/2025	

Agency Information

1. Title catchline:	Labor Commission, Administration
Building:	Heber Wells Building
Street address:	160 E 300 S, 3rd Floor
City, state:	Salt Lake City, UT

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R600-3. Definitions Applicable to Construction Licensees	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 34-28-2(2)	This statutory code section specifically references the authority of the Labor Commission to make rules pursuant to the Utah Administrative Rulemaking Act regarding "unincorporated entities." This rule is necessary to explain matters dealing with "unincorporated entities" in relation to the administration of the Utah Payment of Wages Act, the Utah Workers' Compensation Act, and the Utah Occupational Safety and Health Act.
Subsection 34A-2-103(8)(c)	This statutory code section specifically references the authority of the Labor Commission to make rules pursuant to the Utah Administrative Rulemaking Act regarding "unincorporated entities." This rule is necessary to explain matters dealing with "unincorporated entities" in relation to the administration of the Utah Payment of Wages Act, the Utah Workers' Compensation Act, and the Utah Occupational Safety and Health Act.
Subsection 34A-6-103(2)	This statutory code section specifically references the authority of the Labor Commission to make rules pursuant to the Utah Administrative Rulemaking Act regarding "unincorporated entities." This rule is necessary to explain matters dealing with "unincorporated entities" in relation to the administration of the Utah Payment of Wages Act, the Utah Workers' Compensation Act, and the Utah Occupational Safety and Health 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:	
No comments have been received during the last five-year period.	
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 Labor Commission continues to handle unpaid wages, occupational safety and health, discrimination and workers compensation claims. In each type of case, the relationship between an employee and employer is a determining factor. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Jacson R Maughan, Commissioner	Date:	06/26/2025
---	--------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R649-1	Filing ID: 56977
Effective date:	06/30/2025	

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas
Building:	Department of Natural Resources

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	1594 W North Temple, Suite 1210	
City, state:	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 catchline:	
R649-1. Oil and Gas Definitions	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining.
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 comments have been received 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:	
Rule R649-1 is necessary as it provides the definitions for each Title R649 rule. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
---	-----------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R649-2	Filing ID: 52805
Effective date:	06/30/2025	

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, Suite 1210	
City, state:	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 catchline:
R649-2. General Rules

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining (division).
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 comments have been received 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:	
Rule R649-2 is necessary as it provides the scope of the R649 rules, operator designation, the division's right to inspect, access to records, measurement of production, and compulsory pooling orders. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
---	-----------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R649-3	Filing ID: 54197
Effective date:	06/30/2025	

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, Suite 1210		
City, state:	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 catchline:	
R649-3. Drilling and Operating Practices	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining.
Subsection 40-6-5(2)(d)	This subsection explains what should be prevented when drilling wells.
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 comments have been received 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:

Rule R649-3 is necessary as it provides performance bond information, the location and siting of wells, the permitting process, drilling operations, plugging and abandonment of wells, and incident reporting requirements. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
---	-----------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R649-5	Filing ID: 54198
Effective date:	06/30/2025	

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, Suite 1210	
City, state:		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 catchline:	
R649-5. Underground Injection Control of Recovery Operations and Class II Injection Wells	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining.
Subsection 40-6-5(5)(a)	This subsection explains that the Board has exclusive jurisdiction over class II injection wells.
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 comments have been received 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:	
Rule R649-5 is necessary as it provides requirements for the injection of fluids into reservoirs, including water disposal, the testing and monitoring requirements, and the duration of approval for injection wells. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
---	-----------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R649-6	Filing ID: 51599
Effective date:	06/30/2025	

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, Suite 1210	
City, state:	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 catchline:	R649-6. Gas Processing and Waste Crude Oil Treatment	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:		
Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining.	
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 comments have been received 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:	Rule R649-6 is necessary as it provides requirements for gas processing plants and waste crude oil treatment facilities. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
------------------------------------	-----------------------	-------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R649-8	Filing ID: 54200
Effective date:	06/30/2025	

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, Suite 1210	
City, state:	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 catchline:

R649-8. Reporting and Report Forms

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining.
Subsection 40-6-5(2)(i)	This subsection explains that records should be available for examination at any reasonable time.

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 comments have been received 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:

Rule R649-8 is necessary as it provides the required reports throughout the Title R649, including instructions and the applicable rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
------------------------------------	-----------------------	-------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R649-9	Filing ID: 56978
Effective date:	06/30/2025	

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, Suite 1210	
City, state:		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 catchline:

R649-9. Exploration and Production Recycling Facilities

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining.
Subsection 40-6-5(2)(l)	This subsection gives the Board authority to regulate produced water.

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 comments have been received 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:

Rule R649-9 is necessary as it provides the informational and procedural requirements for managing and permitting E and P (exploration and production) recycling facilities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
---	-----------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R649-10	Filing ID: 53306
Effective date:	06/30/2025	

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, Suite 1210	
City, state:	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 catchline:	
R649-10. Administrative Procedures	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining (division).
Subsection 40-6-5(2)(l)	This subsection gives the Board authority to regulate produced water.
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 comments have been received 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:	
Rule R649-10 is necessary as it provides the process for informal adjudicative proceedings before the division. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
---	-----------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R649-11	Filing ID: 53305
Effective date:	06/30/2025	

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, Suite 1210	
City, state:		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 catchline:	
R649-11. Administrative Penalties	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining.
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 comments have been received 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:	
Rule R649-11 is necessary as it provides procedures for assessing administrative penalties to operators who are in violation and do not make changes to be in compliance again. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
---	-----------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R649-12	Filing ID: 56606
Effective date:	06/30/2025	

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, Suite 1210		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state:	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 catchline:	
R649-12. Certification of Pollution Control Facility or Freestanding Pollution Control Property	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 40-6-5	This section gives the Board jurisdiction over all persons and property necessary to enforce Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining.
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 comments have been received since this rule was established.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
Rule R649-12 is necessary as it provides the authority, purpose, and scope of the Pollution Control Facilities and Freestanding Control Properties tax incentives. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	06/30/2025
---	-----------------------	--------------	------------

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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). 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 REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Rule number:	R251-109	Filing ID: 52978
New deadline date:	11/20/2025	

Agency Information

1. Title catchline:	Corrections, Administration	
Building:	Administration Building	
Street address:	14717 S Minuteman Dr.	
City, state:	Draper, UT	
Contact persons:		
Name:	Phone:	Email:
Dan Blanchard	801-400-7797	danblanchard@utah.gov
Tyler Johnson	385-228-9883	tajohnson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R251-109. Sex Offender Treatment Providers
3. Reason for requesting the extension:
The Department of Corrections requests additional time to review this rule and determine necessary updates to provisions for sex offender treatment standards and certification for providers.

Agency Authorization Information

Agency head or designee and title:	Jared Garcia, Executive Director	Date:	07/01/2025
------------------------------------	----------------------------------	-------	------------

End of the Notices of Five-Year Review Extensions 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

Animal Industry

No. 57132 (Amendment) R58-6: Poultry and Captive-Raised Gamebirds

Published: 05/15/2025

Effective: 06/24/2025

No. 57155 (Amendment) R58-15: Agricultural and Wildlife Damage Prevention

Published: 05/15/2025

Effective: 06/24/2025

Conservation Commission

No. 57165 (Repeal) R64-3: Utah Environmental Stewardship Certification Program (UESCP), a.k.a. Agriculture Certificate of Environmental Stewardship (ACES)

Published: 06/01/2025

Effective: 07/08/2025

No. 57098 (Amendment) R64-6: Agriculture Voluntary Incentives Program

Published: 05/01/2025

Effective: 06/24/2025

Marketing and Development

No. 57131 (Amendment) R65-11: Utah Sheep Marketing Order

Published: 05/15/2025

Effective: 06/24/2025

Specialized Products

No. 57125 (Amendment) R66-1: Cannabis Cultivation

Published: 05/15/2025

Effective: 06/24/2025

No. 57126 (Amendment) R66-2: Cannabis Processing

Published: 05/15/2025

Effective: 06/24/2025

Regulatory Services

No. 57167 (Amendment) R70-910: Weights and Measures Requirements

Published: 06/01/2025

Effective: 07/08/2025

Alcoholic Beverage Services

Administration

No. 57134 (Amendment) R82-1: General

Published: 05/15/2025

Effective: 06/27/2025

No. 57135 (Amendment) R82-2: Administration

Published: 05/15/2025

Effective: 06/27/2025

No. 57136 (Amendment) R82-3: Disciplinary Actions and Enforcement

Published: 05/15/2025

Effective: 06/27/2025

Auditor

Administration

No. 57130 (Amendment) R123-7: Required Governmental Entities' Posting of Financial Information to Transparent Utah, formerly known as the Utah Public Finance Website

Published: 06/01/2025

Effective: 07/09/2025

Commerce

Professional Licensing

No. 57161 (Amendment) R156-64: Deception Detection Examiners Licensing Act Rule

Published: 06/01/2025

Effective: 07/08/2025

Education

Administration

No. 57179 (Amendment) R277-113: LEA Fiscal and Auditing Policies

Published: 06/01/2025

Effective: 07/08/2025

No. 57180 (Amendment) R277-331: Stipends for Future Educators

Published: 06/01/2025

Effective: 07/08/2025

No. 57181 (Amendment) R277-407: School Fees

Published: 06/01/2025

Effective: 07/08/2025

No. 57182 (Amendment) R277-474: School Instruction and Sex Education

Published: 06/01/2025

Effective: 07/08/2025

No. 57183 (Amendment) R277-487: Public School Data Confidentiality and Disclosure

Published: 06/01/2025

Effective: 07/08/2025

No. 57184 (Amendment) R277-497: School Accountability System

Published: 06/01/2025

Effective: 07/08/2025

No. 57185 (Repeal) R277-725: Statewide Online Education Program Contractor Requirements

Published: 06/01/2025

Effective: 07/08/2025

NOTICES OF RULE EFFECTIVE DATES

No. 57186 (Amendment) R277-920: School Improvement and Leadership Development
Published: 06/01/2025
Effective: 07/08/2025

Environmental Quality

Air Quality

No. 57035 (Amendment) R307-110: Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits
Published: 03/01/2025
Effective: 07/02/2025

No. 57035 (Change in Proposed Rule) R307-110: Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits
Published: 06/01/2025
Effective: 07/02/2025

Government Operations

Human Resource Management

No. 57138 (Amendment) R477-1: Definitions
Published: 05/15/2025
Effective: 07/01/2025

No. 57139 (Amendment) R477-2: Administration
Published: 05/15/2025
Effective: 07/01/2025

No. 57140 (Amendment) R477-3: Classification
Published: 05/15/2025
Effective: 07/01/2025

No. 57141 (Amendment) R477-4: Filling Positions
Published: 05/15/2025
Effective: 07/01/2025

No. 57142 (Amendment) R477-5: Employee Status and Probation
Published: 05/15/2025
Effective: 07/01/2025

No. 57143 (Amendment) R477-6: Compensation
Published: 05/15/2025
Effective: 07/01/2025

No. 57144 (Amendment) R477-7: Leave
Published: 05/15/2025
Effective: 07/01/2025

No. 57145 (Amendment) R477-10: Employee Development
Published: 05/15/2025
Effective: 07/01/2025

No. 57146 (Amendment) R477-15: Workplace Harassment Prevention
Published: 05/15/2025
Effective: 07/01/2025

Health and Human Services

Administration

No. 57118 (Repeal) R380-808: Fatality Review Act
Published: 05/15/2025
Effective: 07/02/2025

Integrated Healthcare

No. 57119 (Repeal) R414-1C: Coronavirus Public Health Emergency Period

Published: 05/15/2025

Effective: 07/02/2025

No. 57149 (Repeal) R414-200: Non-Traditional Medicaid Health Plan Services

Published: 05/15/2025

Effective: 07/02/2025

No. 57150 (Amendment) R414-312: Public Health Emergency Provisions

Published: 05/15/2025

Effective: 07/02/2025

No. 57152 (Amendment) R414-504: Principles of Facility Case Mix Rates and Other Payments

Published: 05/15/2025

Effective: 07/02/2025

No. 57153 (Amendment) R414-516: Nursing Facility Non-State Government-Owned Upper Payment Limit Quality Improvement Program

Published: 05/15/2025

Effective: 07/02/2025

Population Health, Primary Care and Rural Health

No. 56998 (Amendment) R434-40: Utah Health Care Workforce Financial Assistance Program

Published: 01/15/2025

Effective: 07/01/2025

No. 56998 (Change in Proposed Rule) R434-40: Utah Health Care Workforce Financial Assistance Program

Published: 05/15/2025

Effective: 07/01/2025

Data, Systems and Evaluation, Vital Records and Statistics

No. 57148 (Amendment) R436-3: Amendments and Corrections to Vital Records

Published: 05/15/2025

Effective: 07/01/2025

Human Services Program Licensing

No. 57120 (Amendment) R501-14: Human Service Program Background Screening

Published: 05/15/2025

Effective: 07/02/2025

Services for People with Disabilities

No. 57151 (Repeal) R539-11: Strategy Report Advisory Committee

Published: 05/15/2025

Effective: 07/02/2025

Juvenile Justice and Youth Services

No. 57154 (Amendment) R547-11: Guidelines for the Transfer to the Department of Corrections of a Minor Provisionally Housed in a Juvenile Justice Services Secure Care Facility

Published: 05/15/2025

Effective: 07/01/2025

Insurance

Title and Escrow Commission

No. 57156 (Repeal) R592-5: Title Insurance Product or Service Approval for a Dual Licensed Title Licensee

Published: 05/15/2025

Effective: 06/24/2025

NOTICES OF RULE EFFECTIVE DATES

Natural Resources

Outdoor Recreation

No. 57158 (New Rule) R650-306: Boating Grant Program

Published: 05/15/2025

Effective: 06/24/2025

Wildlife Resources

No. 57171 (Amendment) R657-5: Taking Big Game

Published: 06/01/2025

Effective: 07/08/2025

No. 57172 (Amendment) R657-43: Landowner Permits

Published: 06/01/2025

Effective: 07/08/2025

No. 57174 (New Rule) R657-55a: Wildlife Expo Permits

Published: 06/01/2025

Effective: 07/08/2025

Public Safety

Driver License

No. 57173 (Amendment) R708-41: Requirements for Acceptable Documentation, Storage, and Maintenance

Published: 06/01/2025

Effective: 07/08/2025

Fire Marshal

No. 57116 (Amendment) R710-4: Buildings Under the Jurisdiction of the State Fire Prevention Board

Published: 05/15/2025

Effective: 06/26/2025

End of the Notices of Rule Effective Dates Section