

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT

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Nancy L. Lancaster, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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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 August 16, 2025, 12:00 a.m., and September 02, 2025, 11:59 p.m. are included in this, the September 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 October 15, 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 January 13, 2026, 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:****R58-11****Filing ID:** 57424**Agency Information**

1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	Taylorsville State Office Building, South Building, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R58-11. Slaughter of Livestock and Poultry
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food is amending this rule because some of the information within it is redundant with existing statutory language under Section 4-32-108. This amendment will streamline the regulatory framework by removing unnecessary duplication, ensuring clarity, and improving efficiency in reference to the relevant requirements.
5. Summary of the new rule or change:
This filing removes redundant definitions and removes the sanitation standards and farm custom slaughter licensing sections because the information is redundant and found in statute. This filing amends the remaining sections by clarifying the requirements by aligning with the Rulemaking Manual for Utah and removing redundant information found in statute. Lastly, most of the revisions are technical changes which include renumbering impacted sections and applicable lists.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This filing does not change the requirements of the program and only removes redundant information and provides technical changes that will not impact the state's budget.
B. Local governments:
This filing does not change the requirements of the program and only removes redundant information and provides technical changes that will not impact local governments.

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

This filing does not change the requirements of the program and only removes redundant information and provides technical changes that will not impact small businesses.

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

This filing does not change the requirements of the program and only removes redundant information and provides technical changes that will not impact 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 filing does not change the requirements of the program and only removes redundant information and provides technical changes that will not impact other persons.

F. Compliance costs for affected persons:

The compliance costs for this program are not changing since the requirements 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 4-32-109	Section 4-32-110	
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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:	08/28/2025
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R58. Agriculture and Food, Animal Industry.**R58-11. Slaughter of Livestock and Poultry.****R58-11-1. Authority.**

Promulgated under the authority of Sections 4-32-109 and 4-32-110.

R58-11-2. Definitions.

The definitions listed in Section 4-32-105 shall apply for this rule.

- [~~_____~~ (1) "Adulterated" means the same as defined in Subsection 4-32-105(1).]
- (2) [1] "Bill of Sale for Hides" means a hide release or other formal means of transferring the title of a hide.
- (3) [2] "Business" means an individual or organization receiving remuneration for a service.
- (4) [3] "Commerce" means the ~~[exchange]~~ movement or transportation of poultry products between:
- (a) ~~any state[s and U.S.], territory[ies], [including Guam, the Virgin Islands of the United States, American Samoa, and] or the District of Columbia; or~~
- (b) ~~within any territory not organized with a legislative body, or the District of Columbia.~~
- [~~_____~~ (5) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food or their designee.]
- (6) [5] "Custom Slaughter-Release Permit" means a permit that serves as a Brand Inspection Certificate and allows an animal owner to have their animal farm custom slaughtered.
- [~~_____~~ (7) "Department" means the Utah Department of Agriculture and Food.]
- (8) [6] "Detain or Embargo" means the holding of a food or food product for legal verification of adulteration, misbranding, or proof of ownership.
- [~~_____~~ (9) "Farm Custom Slaughtering" means the slaughtering, skinning, and preparing of livestock and poultry by humane means for human consumption that is done at a place other than a licensed slaughtering house by a person who is not the animal owner.]
- (10) [7] "Food" means a product intended for human consumption.
- (11) [8] "Immediate Family" means individuals who reside in the same household as the owner. ~~[persons and their sons and daughters living together in a single dwelling unit.]~~
- (12) [9] "License" means a license issued by the department to allow farm custom slaughtering.
- [~~_____~~ (13) "Licensee" means a person with a valid Farm Custom Slaughtering License.]
- [~~_____~~ (14) "Misbranded" means the same as defined in Subsection 4-32-105(27).]
- [~~_____~~ (15) "Official establishment" means an establishment at which inspection of the slaughter of animals, or the preparation of meat or poultry products is maintained under the authority of Chapter 4-32, Utah Meat and Poultry Products Inspection and Licensing Act.]
- (1) [6] [0] "Owner" means a person holding legal title to an animal.

[R58-11-3. Sanitation Standards.

- [~~_____~~ (1) Any person operating in an official establishment shall clean and sanitize food contact surfaces and non food contact surfaces as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of products.]
- [~~_____~~ (a) Cleaning compounds, sanitizing agents, processing aids, and other chemicals used shall be safe and effective under the conditions of use.]
- [~~_____~~ (b) Any chemicals used shall be used in a manner that will not adulterate products or create insanitary conditions.]
- [~~_____~~ (c) Documentation substantiating the safety of a chemical's use in a food processing environment shall be made available to inspection program employees for review.]
- [~~_____~~ (d) Product shall be protected from adulteration during processing, handling, storage, loading, unloading, and transportation.]
- [~~_____~~ (2) Any person operating in an official establishment shall maintain grounds to prevent conditions that could lead to insanitary conditions or adulteration of product.]
- [~~_____~~ (a) A pest management program shall be in place to prevent the harborage and breeding of pests on the grounds and within buildings.]
- [~~_____~~ (b) The pest control program shall prevent product adulteration.]
- [~~_____~~ (c)(i) The grounds shall be maintained to prevent the entry of rodents, insects, or animals into areas where there is product.]
- [~~_____~~ (ii) Each opening leading to the outside or an area holding an inedible product shall have an effective closure that completely fills the opening.]
- [~~_____~~ (d) Each area inside and outside shall be maintained to prevent harborage of rodents and insects.]
- [~~_____~~ (e) Any pest control substance used shall be safe and effective under the conditions of use and may not be applied or stored in a manner that would result in the adulteration of product or the creation of insanitary conditions.]
- [~~_____~~ (3) Any person operating in an official establishment shall ensure that each sewage and waste disposal system shall properly remove sewage and waste material such as feces, feathers, trash, garbage, and paper.]

- ~~_____ (a) Sewage shall be disposed of into a sewage system separate from other drainage lines or through other means sufficient to prevent backup of sewage into areas where a product is processed, handled, or stored.~~
- ~~_____ (b) If the sewage disposal system is a private system requiring approval by a state or local health authority, a letter of approval from that authority to the inspector shall be provided upon request.~~
- ~~_____ (4) An official establishment shall supply running water that complies with the National Primary Drinking Water Regulations, 40 CFR 141, at a suitable temperature and under pressure as needed, in any area where required for processing products; for cleaning rooms and equipment, utensils, and packaging materials; and for employee sanitary facilities.~~
- ~~_____ (a) If a municipal water supply is used, the supplier shall provide a water report, issued under the authority of the state or local health agency, certifying or attesting to the potability of the water supply, and make the information available to the inspector, upon request.~~
- ~~_____ (b) An official establishment using a private well shall document at least semi-annually, the potability of the water supply and make the documentation available to the inspector upon request.~~
- ~~_____ (5) Each official establishment shall be maintained during slaughtering and processing in a manner to ensure the production of wholesome, unadulterated products.~~
- ~~_____ (6)(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, conveniently located, and maintained in a sanitary condition and in good repair to ensure the cleanliness of any person handling any product.~~
- ~~_____ (b) Dressing rooms, lavatories, and toilets shall be separate from the rooms and compartments where products are processed, stored, or handled.~~
- ~~_____ (7) Any person operating in an official establishment shall handle and maintain inedible material to prevent the diversion of inedible animal products into human food channels and prevent the adulteration of human food.~~

R58-11-4. Farm Custom Slaughtering License.

- ~~_____ (1) Anyone who desires to do farm custom slaughtering shall apply for a Farm Custom Slaughtering License.~~
- ~~_____ (2)(a) An application for a Farm Custom Slaughtering License shall be on a form provided by the department.~~
- ~~_____ (b) The application shall show:~~
 - ~~_____ (i) the name, address, and telephone number of the owner of the facility;~~
 - ~~_____ (ii) the name, address, and telephone number of the operator if it is different than the owner; and~~
 - ~~_____ (iii) a brief description of the vehicle to be used and the license number.~~
- ~~_____ (3)(a) Farm Custom Slaughtering Licenses will be valid for the calendar year.~~
- ~~_____ (b) Each licensee will be required to re-apply for a license each calendar year.~~
- ~~_____ (c) Any change of ownership or vehicle license will require a person to file a new application with the department.~~
- ~~_____ (4) The department will not recognize a Farm Custom Slaughtering License as complete until the applicant has demonstrated the ability to slaughter and has completed and signed the license application form.~~
- ~~_____ (5) An applicant shall pay the applicable fee, as set forth in the fee schedule approved by the Legislature, before the department issues the license.]~~

R58-11-[5]3. Equipment and Sanitation Requirements.

- ~~_____ (1) A farm custom slaughter licensee shall maintain any vehicle, [or] unit used for farm custom slaughtering, equipment, and all sanitation requirements as adopted per [shall be maintained consistent with the sanitation standards in Section R58-11-3] Subsection 4-32-103(1)(a).~~
- ~~_____ (2)[(a)] Any vehicle or unit shall incorporate a tripod or rail that can lift a carcass to a height that enables the carcass to clear the ground for bleeding and evisceration.~~
- ~~_____ (b) Any hook, gamble, or rack used to hoist and eviscerate animals shall be of easily cleanable metal construction.~~
- ~~_____ (3)(a) Knives, scabbards, saws, and other equipment shall be made of rust resistant metal or other impervious, easily cleanable material.~~
- ~~_____ (b) A clean, dust proof container shall be used to transport and store each instrument and utensil used in slaughtering animals.]~~
- ~~_____ ([4]3)(a) A water tank shall be an integral part of the unit or vehicle.~~
- ~~_____ (b) The water tank shall be of approved construction with a minimum capacity of 40 gallons.~~
- ~~_____ (c) A licensee shall maintain each water system according to sanitary standards and use only potable water.~~
- ~~_____ ([5]4) A licensee shall fill a sanitation tank large enough to allow complete immersion of each tool used for slaughtering during slaughter operations with potable water and maintained at a temperature of at least 180 degrees Fahrenheit.~~
- ~~_____ (a)(i) In lieu of 180 degrees Fahrenheit water, a licensee may use chemical sterilization with an approved chemical agent after thoroughly cleaning the equipment.~~
- ~~_____ (ii) Chloramine, hypochlorite, quaternary ammonium or other approved chemical compounds may be used for this purpose, and a concentration shall be maintained sufficient to disinfect each utensil.~~
- ~~_____ (b) Hot water, cleaning agents, and disinfectant shall be available if chemicals are used in lieu of 180 degrees Fahrenheit water.~~
- ~~_____ ([6]5) Cleaning agents and paper towels shall be available so any person can clean their hands and equipment as needed.~~
- ~~_____ (7) Any apron, frock, or other outer clothing worn by a person who handles meat shall be clean and of material that is easily cleanable.]~~
- ~~_____ ([8]6) Pursuant to 9 CFR 325.13, any licensee may denature inedible product and offal with either an approved denaturing agent or using [pouch]paunch material, such as stomach or intestinal contents, as a natural denaturing agent.~~
- ~~_____ (9) When a licensee transports uninspected meat to an establishment for processing, they shall:~~
 - ~~_____ (a) do so in a manner whereby the product will not be adulterated, misbranded, or mislabeled;~~

NOTICES OF PROPOSED RULES

- ~~_____ (b) transport the meat in such a way that it is properly protected; and]~~
([e]7) Licensees transporting uninspected meat products from a slaughter operation to a licensed establishment for processing shall deliver carcasses within one hour of slaughter, [to be placed] under refrigeration at or below 40 degrees Fahrenheit [within one hour of slaughter].
~~_____ (10) A licensee shall thoroughly clean each unit or vehicle after each daily use.~~
~~_____ (11) A licensee shall clean and sanitize any food contact and non food contact surfaces of utensils and equipment as necessary to prevent the creation of insanitary conditions and the adulteration of carcasses and parts.~~
~~_____ (12) A licensee shall protect carcasses from adulteration during processing, handling, storage, loading, unloading, and transportation to processing establishments.~~
~~_____ (13) A licensee shall clean and sanitize knives, scabbards, saws, and other food contact surfaces before slaughter and as needed to prevent adulteration.~~
~~_____ (14) A licensee shall clean and sanitize equipment after each slaughter and immediately before each slaughter.]~~
([15]8) To prevent adulteration, [A] a licensee shall properly separate, place, and properly denature inedible in designated containers that are:
~~_____ (a) marked "Inedible Not For Human Consumption" in letters not less than 4 inches in height, [; and~~
~~_____ (b) kept clean and properly separated from edible carcasses to prevent adulteration.~~
~~_____ (16) A licensee shall take adequate care to prevent contamination of the carcasses from fecal material, ingesta, milk, perspiration, hair, cosmetics, medication, and similar substances.~~
~~_____ (17) Outer clothing a licensee wears while handling exposed carcasses shall be clean.~~
~~_____ (18) A licensee with a communicable disease, who is a disease carrier, or who infected with boils, infected wounds, sores, or an acute respiratory infection may not participate in livestock slaughtering.~~
~~_____ (19) A licensee shall use the hand wash facilities as needed to maintain good personal hygiene.]~~

R58-11-[6]4. Slaughtering Procedures of Livestock.

- (1) Slaughtering may not take place under adverse conditions such as blowing dirt, dust, or mud.
- (2) If a licensee uses a slaughter area for repeated kills, the licensee shall maintain the area to prevent blood from collecting, running off onto adjacent property, or contaminating a water source.
- (3) A licensee shall remove and dispose of any hides, viscera, blood, ~~[pouch]paunch~~ material, and tissue at a rendering facility, landfill, composting, or burial as allowed by law.
- (4) A licensee shall make each animal insensible to pain by a single blow, gunshot, electrical shock, or other means that is instantaneous and effective before the animal is shackled, hoisted, thrown, cast, or cut.
- (5)(a) A licensee shall hoist and bleed each animal as soon after stunning as possible to utilize post-stunning heart action and to obtain complete bleeding.
- (b) A licensee shall move carcasses away from the bleeding area for skinning and butchering.
- (6) A licensee shall:
 - (a) handle the carcass and head skin without contaminating the neck tissue by leaving the ears on the hide and tying the head skin;
 - (b) remove the feet before the carcass is otherwise cut;
 - (c) except for skinning and starting skinning procedures, cut the skin from the inside outward to prevent carcass contamination with cut hair; and
 - (d) carefully roll or reflect away the hair side of the hide from the carcass during skinning when the carcass is moved from the skinning bed, caution should be taken to prevent exposed parts from contacting adulterating surfaces.
- (7)(a) Before evisceration, a licensee shall tie the rectum, including the bladder neck, to prevent urine and fecal leakage.
- (b) A licensee shall take care while opening abdominal cavities to prevent carcass or viscera contamination.
- (8)(a) A licensee shall trim hair, dirt, and other accidental contamination before washing.
- (b) Washing should proceed from the carcass top downward to remove any possible contaminants from clean areas.
- (9) Emergency slaughter does not include the slaughter of non-ambulatory injured cattle. For this rule, the department does not allow non-ambulatory disabled cattle that cannot rise from a recumbent position or cannot walk, including, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions to be slaughtered for food.

R58-11-[7]5. Identification and Records.

- (1) ~~[Pursuant to Section 4-24-304, it shall be unlawful for any 1]Licensees may not [to-]slaughter livestock [that does not have a Brand Inspection Certificate or Farm Custom Slaughter Tag filled out at the time of slaughter]without proper documentation.~~
~~_____ (a) Animal owners shall have a Brand Inspection Certificate for livestock intended to be farm custom slaughtered, issued by a department Brand Inspector before slaughter, and shall pay the legal brand inspection fee and beef promotion fee. This is accomplished by the animal owner contacting a department Brand Inspector and obtaining a Brand Inspection Certificate, and a Custom Slaughter Release Permit.]~~
([4b](i)](2) A[nimal] livestock owner[s] shall provide a licensee with proper documentation before or at the time of slaughter that includes:
~~_____ (a) a brand inspection certificate, as required in Section 4-24-304; or~~
~~_____ (b) for beef, pork, and sheep, a [obtain-]Farm Custom Slaughter identification tag[s] obtained from a department Brand Inspector for [a fee of \$2 each]the legislature approved applicable fee.~~
~~_____ (ii) The department requires these tags on beef, pork, and sheep.]~~

(2)3(a) The Custom Slaughter-Release Permit or Farm Custom Slaughter Tag shall include an affidavit with a signed statement that reads: "I hereby certify ownership of this animal to be slaughtered by ('insert name'). I fully understand that having my animal farm custom slaughtered means my animal will not receive meat inspection and is for my use, the use of my immediate family, non-paying guests, or full-time employees. The carcass will be stamped "NOT FOR SALE" and will not be sold."

(b) In addition to this affidavit, the owner or designee will record the following information:

- (i) date;
- (ii) owner's name, address, and telephone number;
- (iii) animal description, including brands and marks;
- (iv) Farm Custom Slaughter Tag number;
- (v) location of slaughter;
- (vi) name of licensee;
- (vii) licensee permit number; and
- (viii) carcass destination.

(3)4 Before slaughter, the licensee shall prepare the Farm Custom Slaughter Tag with complete and accurate information.

(a) One tag shall stay in the license holder's file for at least one year.

(b) One tag plus a copy of the Farm Custom Slaughter-Release Permit shall be sent to the department by the 10th of each month for the preceding month's slaughter by the licensee.

(4)5 After slaughter, any licensee shall stamp the carcasses "NOT FOR SALE" on each quarter with letters at least 3/8" in height; and affix a Farm Custom Slaughter "NOT FOR SALE" tag to each quarter of beef and each half of pork and sheep.

(5)6 A licensee receiving hides for slaughtering services shall obtain a copy of the Custom Slaughter-Release Permit to record the transfer of ownership, pursuant to Section 4-24-401[8].

R58-11-[8]6. Poultry Exemptions[Slaughter].

(1) A person shall register with the department to operate under a poultry exemption consistent with Title 4 Chapter 32 Utah Meat and Poultry Products Inspection and Licensing Act and federal poultry exemptions, including those outlined in 21 U.S.C 464(c) and 9 C.F.R. 381.10.

(1)2(a) The Personal Use Exemption[-] includes a

[—(b) A] person who raises poultry [may]to slaughter or process [the poultry under a]for personal use, as allowed by Subsection 4-32-106(2) [exemption] if:

- [—(i) local ordinances do not prohibit slaughtering or processing poultry;
- [—(ii) the person or the person's immediate family, regular employees of the person, or non-paying guests exclusively consume the poultry product derived from the slaughtered poultry;
- [—(iii) only the owner or an employee performs the slaughtering or processing of the poultry;]
- [—(iv)a] the poultry is healthy when slaughtered; and
- [—(v)b] the exempt poultry is not sold or donated for use as human food[-and
- [—(vi) the immediate container bears the statement, "NOT FOR SALE".]

(2)(a)3 A Farm Custom Slaughter and Processing[-] exemption allows

[—(b) Per Subsections 4-32-105(10) and 4-32-105(11)(a);] a person [may]to slaughter or process poultry belonging to another person if:

- [—(i) local ordinances do not prohibit slaughtering or processing poultry;
- [—(i) the person does not engage in the business of buying or selling poultry products capable of use as human food;]
- [—(iii)a] the poultry is healthy when slaughtered;
- [—(iv)b] the person conducts the slaughtering or processing in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;
- [—(v)c] the person using a unit or vehicle for farm custom slaughtering constructs the unit or vehicle to permit maintenance according to sanitation standards; and

[—(v)d] the immediate container bears the following information:

- [—(A)i] the owner's name and address; and
- [—(B)ii] the licensee's name and address,[-and
- [—(C) the statement, "NOT FOR SALE".]

[—(e) The department shall maintain a registry of persons who perform Farm Custom Slaughter and processing during the calendar year.]

(3)(a)4 A Producer or Grower 1,000 Bird Limit Exemption[-] consistent with Subsection 4-32-109(12) includes:

[—(b) A poultry producer or grower may slaughter no more than 1,000 birds of their raising in a calendar year for distribution as human food if:

- [—(i) the poultry producer or grower does not engage in buying or selling poultry products other than products produced from poultry raised on their own farm, including rented or leased property;
- [—(ii) the producer or grower slaughters or processes under the sanitation standards capable of producing poultry products that are sound, clean, fit for human food, and not adulterated;]

[—(iii)a] the producer or grower keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year; and

[—(iv) the poultry products do not move in commerce; and]

NOTICES OF PROPOSED RULES

([v]b) as required by the U.S. Public Health Service, Food and Drug Administration, Food Code 2022, incorporated by the department in Section R70-530-3, the immediate container bears the following information:

([A]i) name of product; and

([B]ii) name and place of business of the processor; and

([v]iii) ~~[the immediate container bears]~~ the statement "Exempt R58-11-[8]6([3]4)."

~~[(b) The department shall maintain a registry of persons who slaughter or process fewer than 1,000 poultry during the calendar year.]~~

~~[(4)(a)](5) A Producer or Grower 20,000 Bird Limit Exemption[-] consistent with Subsection 4-32-109(11) includes:~~

~~[(b)a] [A]a poultry producer or grower may slaughter no more than 20,000 healthy birds of their own raising in a calendar year for distribution as human food[-if];~~

~~[(i) the poultry producer or grower does not engage in buying or selling poultry products other than that produced from poultry raised on their own farm, including rented or leased property;~~

~~[(ii) the poultry producer or grower slaughters or processes in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;]~~

~~[(iii)b] the producer or grower keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year;~~

~~[(iv)c] the poultry product does not move in commerce, as defined in 9 CFR 381.1; and~~

~~[(v)d] the immediate container bears the following information:~~

~~[(A)i] name of product;~~

~~[(B)ii] name and address of the processor; and~~

~~[(E)iii] the statement "Exempt R58-11-[8]6([4]5)."~~

~~[(c) The department shall maintain a registry of persons who slaughter or process fewer than 20,000 poultry during the calendar year.]~~

~~[(5)(a)](6) A Producer, ~~or~~ Grower, or Other Person Exemption[-] consistent with federal law and Subsection 4-32-109(11), allows~~

~~[(b) The term "Producer or Grower or Other Person" in this section means] a single entity[-that may be:~~

~~[(i) a poultry grower who] to slaughter[s] and process[es] no more than 20,000 poultry within a calendar year that the entity raised or purchased for direct sale [directly]-to household consumers, restaurants, hotels, and boarding houses [to be used in homes and]for use in dining rooms to prepare meals served or sold directly to customers[-or] if:~~

~~[(ii) a person who purchases live poultry from a grower and then slaughters these poultry and processes poultry for sale direct to household consumers, restaurants, hotels, and boarding houses to be served in those homes or dining rooms to prepare meals sold directly to customers.~~

~~[(c) A business may slaughter and process poultry under this exemption if;~~

~~[(i) local ordinances do not prohibit slaughtering or processing poultry;~~

~~[(ii) the producer or grower or other person slaughters for processing and sale direct to household consumers, restaurants, hotels, and boarding houses for use in dining rooms or the preparation of meals sold directly to customers;~~

~~[(iii) the producer or grower or other person slaughters no more than 20,000 birds in a calendar year that the producer or grower or other person raised or purchased;~~

~~[(iv) the producer or grower or other person does not engage in the business of buying or selling poultry or poultry products prepared under any other exemptions in the same calendar year they claim the Producer or Grower or Other Person Exemption;]~~

~~[(v)a] the poultry products do not move in commerce;~~

~~[(vi) distribution is directly to household consumers, restaurants, hotels, and boarding houses for use in their dining rooms or in the preparation of meals sold directly to consumers within the jurisdiction where it is prepared;]~~

~~[(vii)b] the business slaughters or processes in a fixed establishment and in accordance with sanitation standards that produce poultry products that are sound, clean, and fit for human food;~~

~~[(viii)c] the producer keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year;[-and]~~

~~[(ix)d] the immediate containers bear the following information:~~

~~[(A)i] name of product;~~

~~[(B)ii] ingredients statement if applicable;~~

~~[(E)iii] net weights statement;~~

~~[(D)iv] name and address of the processor;~~

~~[(E)v] safe food handling statement;~~

~~[(F)vi] date of the package or Lot number; and~~

~~[(G)vii] the statement "Exempt R58-11-[8]6([5]6)"[-];~~

~~[(d) [A business preparing poultry products under the Producer or Grower or Other Person Exemption may]the entity does not slaughter, or process poultry owned by another person[-]; and~~

~~[(c) [A business preparing poultry products under the Producer or Grower or Other Person Exemption may]-]does not sell poultry products to a retail store or other producer or grower.~~

~~[(f) The department shall maintain a registry of persons who operate under a Producer or Grower or Other Person Exemption during the calendar year.]~~

~~[(6)(a)](7) A Small Enterprise Exemption[-] consistent with federal law and Subsection 4-32-109(11), allows a~~

~~[(b) A] business [that qualifies for the Small Enterprise Exemption may be:~~

~~[(i) a producer or grower who]to raise[s], slaughter[s], [and]-dress[es] and cut up poultry for distribution [use]-as human food if:[whose processing of dressed exempt poultry is limited to cutting up;~~

- ~~(ii) a business that purchases live poultry that it slaughters and limits the processing of the slaughtered poultry to the cutting up; or~~
- ~~(iii) a business that purchases dressed poultry that it distributes as carcasses and limits processing to the cutting up of inspected or exempted poultry products for distribution for use as human food.~~
- ~~(c) A business may slaughter, dress, and cut up poultry for distribution as human food if:~~
 - ~~(i) local ordinances do not prohibit slaughtering or processing poultry;~~
 - ~~(ii)a) the business limits the processing of federal or state inspected, or exempt poultry products to the cutting up of carcasses or the business slaughters and dresses or cuts up no more than 20,000 birds in a calendar year;~~
 - ~~(iii)b) the business slaughters or processes in a fixed establishment and in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;~~
 - ~~(iv)c) the facility is not used to slaughter or process another person's poultry; and~~
 - ~~(v)d) the immediate containers bear the following information:~~
 - ~~(A)i) name of product;~~
 - ~~(B)ii) ingredients statement if applicable;~~
 - ~~(C)iii) net weights statement;~~
 - ~~(D)iv) name and address of processor;~~
 - ~~(E)v) safe food handling statement;~~
 - ~~(F)vi) date of package or Lot number, and;~~
 - ~~(G)vii) the statement "Exempt R58-11-[8]6([6]7)."~~
- ~~(d) A business may not cut up and distribute poultry products produced under the Small Enterprise Exemption to a business operating under the following exemptions:~~
 - ~~(i) Producer or Grower or PGOP Exemption;~~
 - ~~(ii) Retail Dealer; or~~
 - ~~(iii) Retail Store.~~
 - ~~(e) The department shall maintain a registry of persons who operate under the Small Enterprise Exemption during the calendar year.]~~

R58-11-[9]7. Producer and Grower Sharing a Fixed Facility.

- (1) Each producer or grower sharing a fixed facility shall comply with the laws and regulations governing establishments, ~~[as set forth in]~~including Title 4, Chapter 32, Utah Meat and Poultry and Poultry Products Inspection and Licensing Act, this rule, and relevant [the]United States Department of Agriculture Poultry Exemptions, and federal regulations[that apply].
- (2)~~(a)~~ Each producer or grower shall notify the department five business days before slaughtering and processing~~[-]~~, and the notification shall include:
 - ~~(b) The individual shall provide the department with the following information pertaining to the slaughtering and processing of birds:]~~
 - ~~(i)a) the date of slaughter or processing;~~
 - ~~(ii)b) the time of slaughter or processing; and~~
 - ~~(iii)c) the location of slaughter or processing.~~
- (3) ~~[The p]~~Producers or growers sharing a fixed facility shall:
 - ~~(a) before operations begin:~~
 - ~~(a)i) conduct a pre-operational inspection on any food-contact surfaces; and~~
 - ~~(b)ii) document the findings of the pre-operational inspection and corrective actions pursuant to 9 CFR 416.12(a) and 416.15 before the commencement of operations;~~
 - ~~(b) during and after operations:~~
 - ~~(e)i) maintain records for at least one year and have them available for inspection by department officials;~~
 - ~~(d)ii) fully label the product in accordance with this rule before it leaves[leaving] the facility;~~
 - ~~(e)iii) maintain the product temperature at 40 degrees F or less during transport; and~~
 - ~~(f)iv) keep a written recall plan pursuant to 9 CFR 418 and have it available for inspection by department officials.~~
- (4) Producers or growers may not process in the same facility on the same day as any other producer or grower.

R58-11-[10]8. Enforcement Procedures.

- ~~(1) It is unlawful for any person to slaughter or assist in slaughtering livestock and poultry as a business outside of a licensed slaughterhouse unless they hold a valid Farm Custom Slaughtering License issued by the department.~~
- ~~(2) Only persons who comply with Title 4, Chapter 32, Utah Meat and Poultry Products Inspection and Licensing Act and associated rules, and Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, shall be entitled to receive and retain a license.~~
- ~~(3) A license may be renewed annually and shall expire on the 31st of December of each year.]~~
 - ~~(4)1) The department may suspend [A]a license [may be suspended]when:~~
 - ~~(a) the department has reason to believe that an eminent public health hazard exists;~~
 - ~~(b) insanitary conditions are such that carcasses would be made adulterated and or contaminated;~~
 - ~~(c) the license holder has interfered with the department in the performance of its duties; or~~
 - ~~(d) the licensee violates Title 4, Chapter 32, the Utah Meat and Poultry Products Inspection and Licensing Act or Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or associated rules.~~
- ~~(5)2(a) The department may, pursuant to 9 CFR 500, suspend or terminate any exemption, as listed in Section R58-11-8, with respect to any person when the department finds that the action will aid in effectuating the purposes of the Act.~~

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(b) Failure to comply with the conditions of the exemption, including failure to process poultry and poultry products under sanitation standards, may result in termination of an exemption, in addition to other penalties consistent with 9 CFR ~~[318.13]~~381.13.

~~([6]3)~~ When a violation may have occurred, the department may send a warning letter to the licensee that specifies the violations and affords the holder a reasonable opportunity to correct them.

~~([7]4)~~ When a licensee has been notified by the department that suspected violations have occurred or when the department suspends a license, the licensee may have an opportunity for a hearing to state their views before the department.

~~([8]5)~~(a) Any person ~~[whose license has been suspended]~~ may apply for reinstatement if the department suspended their license.

(b) The department may re-evaluate the applicant and conditions.

(c) The department may reinstate the license if the applicant ~~[has demonstrated to the department that they will comply]~~ demonstrates compliance with [the rules]this rule.

~~([9]6)~~ The department ~~[or]~~ may detain or embargo one meat found in a food establishment that does not have the proper identification or any uninspected meat slaughtered by a licensee that does not meet the requirements of this rule~~[-may detained or embargo].~~

~~([10]7)~~ The department may denature or destroy meat determined to be unfit for human consumption.

KEY: food inspections, slaughter, livestock, poultry, custom exempt, exemptions, poultry exemptions

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

Notice of Continuation: November 8, 2024

Authorizing, and Implemented or Interpreted Law: 4-32-109

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R58-18

Filing ID: 57422

Agency Information

1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	Taylorsville State Office Building, South Bldg., Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	CamilleK@utah.gov
Leann Hunting	801-982-2200	Leannhunting@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R58-18. Domesticated Elk Farms
4. Purpose of the new rule or reason for the change:
The legislature passed HB 253 during the 2025 General Session that included clarifying information for the Domesticated Elk Program. After those changes were codified, the Department of Agriculture and Food (department) reviewed the rules regarding the domesticated elk program and realized that both Rules R58-18 and R58-20 contained duplicated and redundant information.
The department is repealing and reenacting this rule to remove the redundant information found in statute, and combining the duplicated information found in Rule R58-20 by streamlining the requirements into one clear rule for the program.
5. Summary of the new rule or change:
The repeal and reenact of Rule R58-18 remove redundant definitions found in statute. The remaining sections in this rule have been revised to combine the requirements from Rule R58-20 into this rule while removing the duplicated information to provide one location for producers to find the relevant information to comply with this rule.

(EDITOR'S NOTE: The proposed repeal of Rule R58-20, ID 57425, is in this issue, September 15, 2025, of the Bulletin.)

Fiscal Information

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

A. State budget:

The requirements are not changing for this program, so the proposed changes will not impact the state's budget.

B. Local governments:

Local governments do not administer or participate in this program, and the proposed changes will not impact them.

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

The proposed changes do not change the requirements of the program and will not impact small businesses.

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

The proposed changes do not change the requirements of the program and will not impact 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*):

The proposed changes do not change the requirements of the program and will not impact other persons.

F. Compliance costs for affected persons:

The requirements are not changing so this filing does not impact the compliance costs.

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 4-39-106

Subsection 4-39-303(6)

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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:

09/01/2025

R58. Agriculture and Food, Animal Industry.

~~[R58-18. Domesticated Elk Farms.~~

~~R58-18-1. Purpose and Authority.~~

~~_____ (1) Promulgated under the authority of Section 4-39-106 and Subsection 4-39-303(6).~~

~~_____ (2) This rule establishes procedures for the application and renewal of licenses, health requirements, and standards for operating a domesticated elk facility.~~

~~R58-18-2. Definitions.~~

~~_____ In addition to the definitions found in Sections 4-1-109, 4-7-103, 4-24-102, 4-32-105, and 4-39-102, the following terms are defined for this rule:~~

~~_____ (1) "Animal identification" means a device or means of individual animal identification.~~

~~_____ (2) "Approved test" means a diagnostic test for Chronic Wasting Disease (CWD) surveillance accepted by the United States Department of Agriculture (USDA) and approved by the state veterinarian.~~

~~_____ (3) "Commingle" means maintaining animals where physical contact among animals could occur, including keeping animals in the same pasture or enclosure. "Commingle" does not include holding animals at a sale, during transportation, during artificial insemination, or in other circumstances involving limited contact among animals for a short period.~~

~~_____ (4) "Commissioner" means the commissioner of the Utah Department of Agriculture and Food.~~

~~_____ (5) "CWD-exposed animal" means an animal that commingled with a CWD-positive animal within the previous 60 months.~~

~~_____ (6) "CWD-exposed herd" means a herd in which a CWD-positive animal or a CWD-exposed animal has resided for any period within 60 months before that animal's diagnosis as CWD-positive or exposure to CWD.~~

~~_____ (7) "CWD Herd Certification Program" means the Chronic Wasting Disease Herd Certification Program.~~

~~_____ (8) "CWD-positive animal" means an animal that has had a diagnosis of CWD confirmed by an official CWD test.~~

~~_____ (9) "CWD-positive herd" means a herd in which a CWD-positive animal resided within the previous 60 months.~~

~~_____ (10) "CWD-suspect herd" means a herd in which a suspect domesticated elk resides.~~

~~_____ (11) "Dead tested" means an elk that dies of natural causes on an elk farm that has at least one sample that is testable for CWD.~~

~~_____ (12) "Department" means the Utah Department of Agriculture and Food.~~

~~_____ (13) "Domesticated elk" means an animal of the genus and species Cervus elaphus, born and held in captivity and domestically raised for commercial purposes.~~

~~_____ (14) "Domesticated elk facility" means a facility where domesticated elk are raised or hunted and includes an elk ranch.~~

~~_____ (15) "Elk farm" means a facility where domesticated elk are raised.~~

~~_____ (16) "Elk ranch" means a facility where domesticated elk are harvested through typical hunting methods.~~

~~_____ (17) "Harvest" means to kill by hunting or slaughter. For this rule, "harvest" may include an elk that dies by means other than hunting or slaughter.~~

~~_____ (18) "Herd of origin" means the herd that an imported animal has resided in, or does reside in, before importation.~~

~~_____ (19) "Hunt killed" means any elk reported as harvested on a harvest permit.~~

~~_____ (20) "Hunt killed tested" means any elk reported as harvested on a harvest permit for which at least one sample is testable for CWD.~~

~~_____ (21) "Missing" means an elk that is on departmental records that is not present during physical inventory and is presumed dead and untested for inventory and testing compliance calculations.~~

~~_____ (22) "Moved out" means any elk that is sold or sent from a farm to another elk farm or an elk ranch.~~

~~_____ (23) "Official slaughter facility" means a place where the slaughter of livestock occurs that is under the authority of the state or federal government and receives state or federal inspections.~~

~~_____ (24) "Premises identification number" means a nationally unique number assigned by the department to a premises that is, in the judgment of the department, a geographically distinct location from other premises.~~

- ~~_____ (25) "Quarantine Facility" means a confined area where selected elk can be secured, contained, and isolated from any other elk and livestock.~~
- ~~_____ (26) "Raised" means possession of domesticated elk for any purpose other than hunting.~~
- ~~_____ (27) "Slaughtered" means any elk harvested for meat on an elk farm or at a licensed slaughter establishment but does not include elk harvested through hunting and documented on a harvest permit.~~
- ~~_____ (28) "Slaughtered tested" means any slaughtered elk for which at least one sample is testable for CWD.~~
- ~~_____ (29) "Suspect domesticated elk" means a domesticated elk for which the state veterinarian has determined that unofficial test results, laboratory evidence, or clinical signs suggest that the domesticated elk may be infected with a disease-spreading pathogen and laboratory results are inconclusive or have not been conducted.~~
- ~~_____ (30) "Trace Back Herd" or "Source Herd" means a herd of Cervidae where an animal affected with CWD has formerly resided.~~
- ~~_____ (31) "Trace Forward Herd" means a herd of Cervidae that has received exposed animals that originated from a CWD positive herd within five years before the diagnosis of CWD in the positive herd or from the identified date of entry of CWD into the positive herd.~~

R58-18-3. Application and Licensing Process.

- ~~_____ (1) Each applicant for a license to operate an elk farm shall submit a signed, complete, accurate, and legible application on a department issued form.~~
- ~~_____ (2) In addition to the application, an applicant shall submit a general plot plan showing the location of the proposed elk farm in conjunction with roads, towns, and other points of interest in the immediate area.~~
- ~~_____ (3) The department shall assign a premises identification number to an elk farm when the department approves a finished application.~~
- ~~_____ (4) After the department receives an application, a complete domesticated elk facility inspection shall be:~~
 - ~~_____ (a) conducted before the issuing of a license or entry of elk to any elk farm;~~
 - ~~_____ (b) conducted by an approved department employee and a Division of Wildlife Resources (DWR) employee; and~~
 - ~~_____ (c) the responsibility of the applicant to request at least three working days in advance.~~
- ~~_____ (5) The department shall issue a license upon receipt of an application, inspection of the domesticated elk facility, completion of the facility approval form, and receipt of the license fee.~~
- ~~_____ (6) Each elk farm license shall expire at the beginning of the department's fiscal year, July 1st.~~
- ~~_____ (7) The elk owner may only allow elk to enter a domesticated elk facility after the department has issued a license.~~
- ~~_____ (8) An elk owner shall submit an application to have a license for each location that is:~~
 - ~~_____ (a) maintained for a different purpose such as raising elk vs. hunting elk; or~~
 - ~~_____ (b) separated by two distinct perimeter fences without a shared alleyway.~~

R58-18-4. License Renewal.

- ~~_____ (1) Each elk farm shall submit a license renewal application and the application fee to the department by April 30 of each year.~~
 - ~~_____ (a) The department shall assess a late fee if the application is received after April 30th.~~
 - ~~_____ (b) The department shall consider an application submitted after July 1st as delinquent and will require the applicant to pay a new license fee.~~
- ~~_____ (2) Before the department renews a license and within 60 days of license renewal, the applicant shall contact the department to schedule an inspection of the elk facility.~~
- ~~_____ (3) The department employee conducting the facility inspection shall verify that the facility meets the fencing and facility requirements listed in this rule and Sections 4-39-201 and 4-39-202.~~
- ~~_____ (4)(a) Before renewal of the license, the department shall reconcile inventory and CWD testing records with the records in the department database to determine if the facility is in compliance with inventory and testing requirements.~~
 - ~~_____ (b) Inventory and testing compliance calculations shall be:~~
 - ~~_____ (i) based on the period starting May 1 of the year before license renewal to April 30 of the year in which the license is renewed; and~~
 - ~~_____ (ii) found in Sections R58-18-6 and R58-18-12.~~
- ~~_____ (5) The department shall provide each facility with a written notice of their inventory and testing reconciliation percentages no later than May 30 to allow the facility to correct any deficiencies in accordance with Section R58-18-15.~~
- ~~_____ (6) The applicant shall quarantine any animals on the elk farm until they acquire a new license or due process of law has occurred.~~
- ~~_____ (7) An elk farm that has had its license expire or had its license revoked shall remove any elk from the facility within 30 calendar days by:~~
 - ~~_____ (a) sending elk to an inspected facility for slaughter; or~~
 - ~~_____ (b) selling elk to another licensed facility.~~
- ~~_____ (8) At the end of 30 days, the department shall sell any elk remaining on the facility during a special sale conducted for that purpose.~~

R58-18-5. Elk Farm Requirements.

- ~~_____ (1) An elk farm may not allow cervids other than domesticated elk to enter and reside on any elk farm in Utah.~~
- ~~_____ (2) The elk farm shall construct perimeter fences and gates to prevent the movement of cervids, both captive and wild, into or out of the facility and shall meet the minimum standards defined in Section 4-39-201.~~
- ~~_____ (3) The elk farm owner shall:~~
 - ~~_____ (a) provide a quarantine holding facility that is adequate to quarantine animals and provide proper feed, water, and other care necessary for the physical wellbeing of the animals for the period of the quarantine; and~~

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- ~~_____ (b) provide ample signage around the facility indicating that it is a domesticated elk facility and notifying the public that the animals are not wild elk.~~
- ~~_____ (4) Each location of a licensed elk farm with internal handling facilities shall:~~
- ~~_____ (a) be capable of humanely restraining an individual animal to apply or read animal identification, take blood or tissue samples, or conduct other required testing;~~
- ~~_____ (b) be capable of properly restraining animals to protect an inspector while handling the animals; and~~
- ~~_____ (c) at a minimum, have a working pen, an alleyway, and a restraining chute.~~
- ~~_____ (5) If a licensed elk farm has separate perimeter fences between locations, it shall have a separate handling facility.~~
- ~~_____ (6) The department may grant an exception to Subsection R58-18-5(5) if the same individual:~~
- ~~_____ (a) owns another licensed elk farm within the state; and~~
- ~~_____ (b) may access the other licensed elk farm in a reasonably short period.~~
- ~~_____ (7) Elk farms shall allow access to the facility and records for an inspection in accordance with Section 4-39-207, Inspection of Facilities.~~

R58-18-6. Records and Inventory.

- ~~_____ (1) A licensed elk farm shall maintain accurate and legible records for each elk on the facility for the life of the elk plus at least two years.~~
- ~~_____ (2) The inventory record of each elk shall include:~~
- ~~_____ (a) name and address of the agent that sold the elk;~~
- ~~_____ (b) Radio Frequency Identification (RFID) tag number;~~
- ~~_____ (c) visual tag number, also known as the "ranch" or "visible dangle tag" number;~~
- ~~_____ (d) date of birth;~~
- ~~_____ (e) sex;~~
- ~~_____ (f) date of purchase and a copy of the brand inspection, if purchased;~~
- ~~_____ (g) date and cause of death or change of ownership, with the name of the new owner and address recorded and retained;~~
- ~~_____ (h) Certificate of Veterinary Inspection, if imported from out of state; and~~
- ~~_____ (i) CWD laboratory results.~~
- ~~_____ (3) A licensed elk farm shall submit the death record of any elk 12 months of age or older that dies, is slaughtered, killed, or destroyed to the department within seven days of the discovery of the death of the animal.~~
- ~~_____ (4) A department employee shall perform a physical inventory of each elk on the premises of each licensed elk farm at least every three years and reconcile that inventory with departmental records. The physical inventory shall consist of:~~
- ~~_____ (a) recording the RFID tag, visual tag, and sex of each elk;~~
- ~~_____ (b) the elk owner restraining each elk in a manner to record the information;~~
- ~~_____ (c) at the department's discretion, using a manual count of the elk; and~~
- ~~_____ (d) any elk not present shall be calculated as missing during reconciliation.~~
- ~~_____ (5)(a) The department shall use the following calculation method to determine compliance with inventory requirements.~~
- ~~_____ (b) Inventory compliance = (current inventory + Moved out + Dead + Slaughtered)/(Missing + current inventory + Moved out + Dead + Slaughtered).~~
- ~~_____ (6) Inventory compliance shall be calculated using data from May 1 to April 30.~~
- ~~_____ (7) The department will not renew the license of an elk farm that is less than 95% inventory compliant for two consecutive years.~~

R58-18-7. Elk Identification.

- ~~_____ (1) Each elk shall have two forms of identification including:~~
- ~~_____ (a) a tamper resistant RFID tag placed in the right ear and applied:~~
- ~~_____ (i) before arrival at the facility;~~
- ~~_____ (ii) when the department performs physical inventory;~~
- ~~_____ (iii) before leaving the facility where the calf was born; or~~
- ~~_____ (iv) before the animal reaches 12 months of age, whichever comes first; and~~
- ~~_____ (b) a visual ear tag applied:~~
- ~~_____ (i) before arrival at the facility;~~
- ~~_____ (ii) when the department performs physical inventory;~~
- ~~_____ (ii) before leaving the premises where the calf was born; or~~
- ~~_____ (iii) before the animal reaches 12 months of age, whichever comes first.~~
- ~~_____ (2) A licensed elk farm shall report to the department any RFID tag number or visual tag number applied to an elk within seven days of applying the tags to the elk.~~

R58-18-8. Brand Inspections.

- ~~_____ (1) Under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, the department shall inspect:~~
- ~~_____ (a) each elk when there is a change of ownership, movement out of state, or before slaughter;~~
- ~~_____ (b) any out of state sourced elk purchased or brought into a facility upon arrival at the licensed facility and before releasing the elk into an area inhabited by other elk; and~~
- ~~_____ (c) elk movement to a premises not owned by the same individual.~~

- ~~_____ (2) The brand inspector shall record the RFID tag and the visual tag numbers on the brand inspection certificate.~~
- ~~_____ (3) Before the department conducts a brand inspection, an elk owner shall:~~
 - ~~_____ (a) arrange at least 48 hours in advance for an inspection with the department's Domesticated Elk Program Manager;~~
 - ~~_____ (b) properly confine elk that the department will inspect in a facility adequate to properly inspect each animal; and~~
- ~~_____ (4) An elk owner shall ensure any elk shipments moving from a Utah elk farm are accompanied by a Utah Brand Inspection Certificate.~~
- ~~_____ (5) The department does not require a brand inspection on the following:~~
 - ~~_____ (a) shed antlers;~~
 - ~~_____ (b) animals moving from one perimeter fence to another within the same facility; and~~
 - ~~_____ (c) elk moving from a licensed facility to another licensed facility owned by the same person within the state although the owner shall report the movement to the department within five days of movement.~~

~~R58-18-9. Health Standards and Requirements.~~

- ~~_____ (1) The state veterinarian may require disease testing or quarantine when there is reason to believe diseases, parasites, or other health concerns are present.~~
- ~~_____ (2) A licensed elk farm shall immediately destroy or remove any elk identified as having red deer genetic factor.~~
- ~~_____ (3) Per Subsection 4-39-303(5), domesticated elk imported from an international herd shall be:~~
 - ~~_____ (a) only male;~~
 - ~~_____ (b) imported to an elk ranch for use in the elk ranch; and~~
 - ~~_____ (c) harvested in the same season in which the domesticated elk enter the state.~~
- ~~_____ (4) The state veterinarian may approve an exception to Subsection R58-18-9(3), which may require quarantine.~~
- ~~_____ (5) The department may not allow elk to be imported from a herd of origin that:~~
 - ~~_____ (a) is a CWD positive, a Trace Back, or a Trace Forward Herd; or~~
 - ~~_____ (b) has any animals infected with or exposed to meningeal worm, Johne's disease (paratuberculosis), CWD, or malignant catarrhal fever.~~
- ~~_____ (6) An elk facility importing live elk, eggs, or semen into Utah shall submit a complete Utah Domesticated Elk and Reindeer Import Application to the department.~~
 - ~~_____ (a) The state or provincial animal health official in the state or province of origin shall sign the application before the application is submitted.~~
 - ~~_____ (b) The state or provincial animal health official in the state or province of origin shall include a statement that accompanies the application that includes:~~
 - ~~_____ (i) the date of enrollment in a CWD herd certification program;~~
 - ~~_____ (ii) declaration that the herd of origin has CWD "certified" status;~~
 - ~~_____ (iii) explanation of any involvement in CWD epidemiologic investigations;~~
 - ~~_____ (iv) statement of CWD certification status of any source herds for herd imports or introductions during the 60 months before the application; and~~
 - ~~_____ (v) for herds originating in a brucellosis Designated Surveillance Area, the application shall include a statement indicating whether the herd participates in the state brucellosis surveillance program.~~
 - ~~_____ (c) The herd of origin shall provide the following documentation from the previous 60 months:~~
 - ~~_____ (i) a list of elk that died, were slaughtered, or hunted, and the CWD test results on those elk;~~
 - ~~_____ (ii) a list of each elk that is imported or introduced, other than natural additions; and~~
 - ~~_____ (iii) a disclosure statement indicating any non-compliance, CWD exposure, epidemiological investigations, escapes, or wildlife ingress.~~
- ~~_____ (d) The department may approve each import application that meets the requirements found in Subsections R58-18-9(3) through R58-18-9(6).~~
- ~~_____ (e) The department shall deny an application if the destination is not a licensed elk facility or official slaughter facility.~~
- ~~_____ (7) After the department approves the import application and before the elk facility imports elk, the owner of the herd of origin shall:~~
 - ~~_____ (a) apply an RFID tag and unique visual tag to each elk;~~
 - ~~_____ (b) treat each elk for internal and external parasites with a product effective against *Parelaphostrongylus tenuis* (meningeal worm) within 60 days before entering Utah;~~
 - ~~_____ (c) complete brucellosis testing within 30 days before entry, if:~~
 - ~~_____ (i) the elk is imported from Canada; or~~
 - ~~_____ (ii) the elk is imported from the brucellosis Designated Surveillance Areas of Idaho, Montana, or Wyoming or from a state not classified as brucellosis free and the herd does not provide proof of participation in the state brucellosis surveillance program; and~~
 - ~~_____ (d) complete tuberculosis testing within 90 days before entry, unless:~~
 - ~~_____ (i) the elk is coming from a US herd that is accredited, qualified, or monitored;~~
 - ~~_____ (ii) the elk is under six months of age and accompanied by a negative testing dam; or~~
 - ~~_____ (iii) the elk is imported directly to an official slaughter facility.~~
- ~~_____ (8) Elk imported from Canada shall originate from a herd that has performed a whole herd tuberculosis test and a whole herd brucellosis test within the previous five years.~~
- ~~_____ (9) After the required testing is completed, the veterinarian inspecting the elk to be imported shall request an import permit from the department.~~

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- _____ (a) The Canadian Food Inspection Agency shall endorse a Certificate of Veterinary Inspection for Canadian elk before the veterinarian requests the import permit.
- _____ (b) The veterinarian requesting the import permit shall submit the following documents to the department:
 - _____ (i) a signed Certificate of Veterinary Inspection that includes the sex, age, visual tag number, and RFID tag number for each elk;
 - _____ (ii) the signed statement "To the best of my knowledge, the elk listed are not infected with Johne's disease (Paratuberculosis), CWD, or Malignant Catarrhal Fever;"
 - _____ (iii) test charts for brucellosis and tuberculosis, if required; and
 - _____ (iv) a statement with the date of deworming and the name of the product used.
- _____ (c) An elk facility may not import elk into Utah until the department approves the import permit.
- _____ (10) A licensed elk facility that imports elk from east of the 100-degree meridian shall:
 - _____ (a) harvest or treat the elk for internal and external parasites no later than 150 days after arrival in the state; and
 - _____ (b) provide documentation of treatment or harvest to the department.
- _____ (11) A licensed elk facility shall hold any elk for harvest until the elk has completed any slaughter withdrawal periods for parasite treatments and other administered products.

R58-18-10. CWD Surveillance and Investigation.

- _____ (1) Any person or laboratory who suspects or diagnoses CWD in a domesticated elk in Utah shall notify the state veterinarian immediately:
 - _____ (2) The state veterinarian shall promptly investigate any domesticated elk reported as CWD positive or CWD suspect by:
 - _____ (a) conducting an epidemiologic investigation of CWD positive, CWD exposed, and CWD suspect herds that includes the designation of suspect domesticated elk and exposed domesticated elk and that identifies animals to be traced;
 - _____ (b) performing tracebacks of CWD positive animals and trace forwards of CWD exposed animals; and
 - _____ (c) reporting any out of state traces to the appropriate state promptly after receipt of notification of a CWD positive animal.
 - _____ (3) Within 30 days of the date that a CWD suspect or CWD positive domesticated elk is reported to the department, the state veterinarian shall provide written notice to an owner of a domesticated elk facility of:
 - _____ (a) the status of the animal disease traceability investigation, including any findings; and
 - _____ (b) the owner's right to appeal.
 - _____ (4) With the approval of the commissioner, the state veterinarian may place an elk facility under quarantine if a domesticated elk at the elk facility, within the previous 60 months:
 - _____ (a) has tested positive for CWD;
 - _____ (b) is a suspect domesticated elk; or
 - _____ (c) has commingled with a CWD positive elk in a quarantined domesticated elk facility.
 - _____ (5) The state veterinarian may not place an elk facility under quarantine for CWD if there is no CWD positive, CWD suspect, or commingled domesticated elk residing at the domesticated elk facility.
 - _____ (6) The state veterinarian shall determine the designation and disposition of CWD exposed, positive, or suspect domesticated elk or herds in Utah.
 - _____ (7)(a) The department requires each licensed elk farm to submit both the obex portion of the brainstem and medial retropharyngeal lymph nodes of any elk over 12 months of age that dies or is slaughtered or destroyed for testing for CWD by an official test at an approved laboratory:
 - _____ (b) The elk farm shall:
 - _____ (i) collect and preserve the brainstem and lymph node samples in formalin within 48 hours following the animals' death;
 - _____ (ii) submit the samples within seven days of collection to a laboratory approved by the state veterinarian; and
 - _____ (iii) be responsible for laboratory fees and expenses incurred for the collection and shipping of samples.
 - _____ (8) The state veterinarian authorized person or an approved laboratory shall collect the samples. An authorized person shall:
 - _____ (a) have training on collecting, storing, handling, shipping, and identifying specimens for submission; and
 - _____ (b) submit 90% testable samples.
 - _____ (c) If a state veterinarian authorized person does not submit 90% testable samples, they may lose their approval to collect samples and may require additional training.
 - _____ (9) The department considers samples designated as "location," "unsuitable," or "insufficient follicles," and missing samples as untestable.
 - _____ (10) The department may deny, revoke, or suspend a domestic elk farm license if a farm fails to submit at least one testable sample for 90% of elk that the elk owner slaughters or harvests, or that dies on the elk farm.
 - _____ (11) To determine compliance with the testing requirement listed in Subsection 4-39-503(1)(a)(ii), the department shall:
 - _____ (a) use the following testing compliance calculation = (Dead Tested + Hunt Killed Tested + Slaughtered Tested) divided by (Missing + Dead + Hunt Killed Tested + Slaughtered);
 - _____ (b) calculate the testing compliance listed in Subsection R58-18-11(11)(a) from May 1 to April 30; and
 - _____ (c) provide each facility with their calculated testing compliance no later than May 30.
 - _____ (12) An elk farm that does not have at least 90% testing compliance may conduct additional testing through slaughter or another protocol approved by the department to meet the testing compliance requirement before license renewal.
 - _____ (13) An elk farm that slaughters an animal shall ensure that:
 - _____ (a) CWD samples are collected and submitted in accordance with Section R58-18-12; and

- _____ (b) the slaughter facility maintains individual elk identification throughout slaughter and processing, and until the laboratory returns the CWD test results.
- _____ (14) A slaughter establishment may collect and submit the CWD samples.

R58-18-11. CWD Herd Certification Program.

- _____ (1) Herds wishing to enroll in the Utah CWD Herd Certification Program shall apply to the department.
- _____ (2) Participating herds shall state annually that they wish to continue enrollment in the Utah CWD Herd Certification Program.
- _____ (3) Participating herds shall meet the requirements of the USDA Chronic Wasting Disease Program Standards, May 2019 edition, which this rule incorporates by reference.
- _____ (4) Participating herds who do not meet the CWD Program Standards for recordkeeping, surveillance, sampling, or herd additions may lose certification status.
- _____ (5) Participation in the Utah CWD Herd Certification Program is voluntary.

R58-18-12. CWD Positive Herd Management.

- _____ (1) Each elk facility with an elk that has tested positive for CWD or commingled with an elk that has tested positive for CWD shall receive a written herd plan developed by the state veterinarian with input from the herd owner, USDA, and other affected parties.
- _____ (2) The herd plan outlines the steps to manage CWD in a CWD-positive herd.
- _____ (3) A herd plan shall require the herd owner to:
 - _____ (a) maintain identification for each animal in the herd;
 - _____ (b) regularly examine animals in the herd for signs of disease;
 - _____ (c) immediately report any signs of central nervous system disease in herd animals to the state veterinarian; and
 - _____ (d) maintain records of the acquisition and disposition of any animals entering or leaving the herd, including:
 - _____ (i) the date of acquisition or removal;
 - _____ (ii) the name and address of the person from whom the animal was acquired or to whom it was disposed; and
 - _____ (iii) the cause of death, if the animal died while in the herd.
- _____ (4) A herd plan may also contain additional requirements to prevent or control the possible spread of CWD, depending on the herd's particular condition and its premises, including:
 - _____ (a) specifying the time for which a premises may not contain cervids after CWD-positive, exposed, or suspect animals are removed from the premises;
 - _____ (b) fencing requirements;
 - _____ (c) requirements related to depopulation or selective culling of animals;
 - _____ (d) restrictions on sharing and movement of possibly contaminated livestock equipment; and
 - _____ (e) cleaning and disinfection requirements, or other biosecurity requirements.
- _____ (5) The state veterinarian shall approve any movement of cervids onto or off the facility and shall restrict movement of cervids until the herd owner meets the requirements of the herd plan.
- _____ (6) An elk owner may move elk from a positive farm to an elk ranch or official slaughter facility and the elk owner shall:
 - _____ (a) ensure movements comply with Section R58-18-10; and
 - _____ (b) ensure that elk moved to an official slaughter facility are tested for CWD.
- _____ (7) The state veterinarian may review and revise a herd plan at any time in response to changes in the herd or premises, or improvements in understanding the nature of CWD epidemiology or techniques to prevent its spread.

R58-18-13. Grounds for Denial, Suspension, or Revocation of Licenses for Domesticated Elk Facilities.

- _____ (1) The department shall deny, suspend, or revoke a license to operate a domesticated elk facility if the licensee or applicant:
 - _____ (a) fails, for two consecutive years, to:
 - _____ (i) meet inventory requirements as required by the department;
 - _____ (ii) submit testable CWD samples for at least 90% of mortalities over 12 months old; or
 - _____ (iii) notify the department that there are wild cervids inside a domesticated elk farm;
 - _____ (b) fails to present animals for identification at the request of the department or allow the department to have access to facility records; or
 - _____ (c) violates the import requirements of Section 4-39-303.
- _____ (2) The department may deny, revoke, or suspend a license to operate a domesticated elk facility if, after delivery of notice and an opportunity to correct, the licensee or applicant:
 - _____ (a) provides:
 - _____ (i) an unfinished application or incorrect application information; or
 - _____ (ii) incorrect records or failure to maintain required records;
 - _____ (b) fails to:
 - _____ (i) notify the department of movement of elk onto or off the facility;
 - _____ (ii) identify elk as required;
 - _____ (iii) notify the department concerning the escape of an animal from a domesticated elk facility;
 - _____ (iv) maintain a perimeter fence that prevents the escape of domesticated elk or ingress of wild cervids into the facility;
 - _____ (v) participate with the department in a cooperative wild cervid removal program;
 - _____ (vi) submit testable CWD samples for at least 90% of mortalities over 12 months old; or

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- ~~(vii) have the minimum proper equipment necessary to safely and humanely handle animals in the facility;~~
- ~~(e) moves imported elk onto a facility without a Certificate of Veterinary Inspection that has an import permit number from the department;~~
- ~~(d) imports animals that the Division of Wildlife Resources prohibits or controls; or~~
- ~~(e) handles animals in a manner that violates acceptable animal husbandry practices.~~
- ~~(3) The department will notify the facility in writing if it does not meet the requirements listed in Subsections R58-18-13(1) and R58-18-13(2), and the facility will have 30 days to correct the deficiencies.~~
- ~~(4) Once the department has notified the owner of a domesticated elk facility of the denial, suspension, or revocation of a license to operate a domesticated elk facility, the owner shall have 15 calendar days to request an appeal with the commissioner.~~
- ~~(5) An operator of a domesticated elk facility that has had its license revoked shall remove any elk from the facility within 30 calendar days by:~~
 - ~~(a) sending any elk to an inspected facility for slaughter; or~~
 - ~~(b) selling elk to another facility.~~
- ~~(6) The department shall sell any elk remaining on the facility at the end of 30 days during a special sale conducted for that purpose.~~

R58-18-14. Liability.

~~In accordance with Sections 63G-7-101 and 63G-7-102, the granting of a domesticated elk facility license or the imposing of a requirement to gain an owner's permission does not attach any liability to the department for any accident, mishap, or injury that occurs on, adjacent to, or in connection with the domesticated elk facility.]~~

R58-18. Licensing, Operating, Health, and Disposal Standards for Domesticated Elk Facilities.

R58-18-1. Authority.

This rule implements Title 4, Chapter 39, the Domesticated Elk Act, under the rulemaking authority granted to the department in Section 4-39-106.

R58-18-2. Purpose.

- (1) This rule establishes administrative procedures and standards to fulfill the department's responsibilities under the Domesticated Elk Act.
- (2) The rule provides specific details for licensing, health standards, and facility operations to prevent disease and ensure compliance with state law, as outlined in Sections 4-39-103 and 4-39-106.

R58-18-3. Definitions.

In addition to the definitions in Section 4-39-102, the following definitions apply to this rule:

- (1) "Approved test" means a diagnostic test for Chronic Wasting Disease (CWD) surveillance that the United States Department of Agriculture (USDA) accepts, and the state veterinarian approves.
- (2) "CWD-exposed animal" means a domesticated elk that commingled with a CWD-positive animal within the previous 60 months.
- (3) "CWD-exposed herd" means a herd in which a CWD-positive animal or a CWD-exposed animal resided for any period within 60 months before that animal's determination as CWD-positive or CWD-exposed.
- (4) "CWD-positive animal" means a domesticated elk that has had a diagnosis of CWD confirmed by an official CWD test.
- (5) "CWD-positive herd" means a herd in which a CWD-positive animal resided within the previous 60 months.
- (6) "CWD-suspect herd" means a herd in which a suspect domesticated elk resides.
- (7) "Dead tested" means an elk that has at least one testable sample for CWD that has died of natural causes, or an elk facility euthanized it.
- (8) "Elk farm" means a facility that raises domesticated elk but does not harvest them via hunting.
- (9) "Harvest" means to kill by hunting or slaughter.
- (10) "Herd of origin" means the herd that an imported animal has resided in, or does reside in, before importation.
- (11) "Hunt killed" means any elk reported as harvested on a harvest permit.
- (12) "Hunt killed tested" means any elk that has at least one testable sample for CWD, reported as harvested on a harvest permit.
- (13) "Missing" means an elk recorded on departmental records that is absent during physical inventory and presumed dead and untested for inventory and testing compliance calculations.
- (14) "Moved out" means any elk sold or sent from an elk facility to another elk facility.
- (15) "Official slaughter facility" means a place where livestock slaughter occurs under state or federal inspection.
- (16) "Raised" means possession of domesticated elk for any purpose other than hunting.
- (17) "Slaughtered" means any elk harvested for meat on an elk farm or at a licensed slaughter establishment and does not include elk harvested through hunting that are documented on a harvest permit.
- (18) "Slaughtered tested" means any slaughtered elk for which at least one sample is testable for CWD.
- (19) "Trace Back Herd" or "Source Herd" means a herd of Cervidae where an animal affected with CWD formerly resided.
- (20) "Trace Forward Herd" means a herd of Cervidae that received exposed animals originating from a CWD-positive herd within five years before the diagnosis of CWD in the positive herd or from the identified date of entry of CWD into the positive herd.
- (21) "Untestable sample" means a sample collected for CWD testing that does not meet the department's criteria for valid testing due to poor collection, preservation, or other factors.

R58-18-4. Licensing.

- (1) An applicant for a new domesticated elk facility license shall submit a completed application on a form provided by the department and the applicable fee as required by Section 4-39-203.
- (2) New licensees shall request an inspection from the department and the Division of Wildlife Resources at least three days before license issuance, and they may not allow elk to enter the facility before a license is issued.
- (3) Per Subsection 4-39-203(5), a licensee shall submit an application for each location that is:
 - (a) maintained for a different purpose, such as raising elk vs. hunting elk; or
 - (b) separated by two distinct perimeter fences without a shared alleyway.
- (4)(a) A licensee shall submit an annual renewal application by April 30th each year to avoid late fees as specified in Subsection 4-39-205(2)(a).
- (b) For renewal, the licensee shall schedule a facility inspection with the department to verify compliance with the facility requirements outlined in Sections 4-39-201 and 4-39-202.
- (c) A domesticated elk facility may not move elk onto the facility until this inspection is complete.
- (5)(a) Before renewing a license, the department shall reconcile inventory and CWD testing records to determine compliance.
- (b) If deficiencies are found, the department shall provide the licensee with written notice and grant the facility 60 days from the date of the notice to correct any deficiencies.
- (6)(a) Section 4-39-503 provides the grounds for license denial, suspension, or revocation.
- (b) A licensee may appeal a decision to the commissioner within 15 calendar days, per Title 63G, Chapter 4 Administrative Procedures Act.
- (7) If the department revokes a license, the licensee shall remove any elk from the facility within 30 calendar days by:
 - (a) transporting any elk to an official slaughter facility; or
 - (b) selling elk to another licensed facility.
- (8) The department may conduct a special sale to sell any elk remaining on the facility 30 days after the license revocation date.

R58-18-5. Facility Requirements.

- (1) A domesticated elk facility licensee shall:
 - (a) construct and maintain all domesticated elk facilities to prevent the escape of domesticated elk and the entry of wild cervids, as detailed in Section 4-39-201;
 - (b) remove any wild cervids on the property before enclosing the facility; and
 - (c) notify the department within 48 hours if the licensee finds wild cervids within the perimeter fences.
- (2) A licensee may not possess any other species of domesticated cervids on the domesticated elk facility.
- (3) A domesticated elk facility shall have internal handling facilities that meet the requirements of Section 4-39-202.
- (4) The department may grant an exception to Subsection R58-18-5(3) if the licensee owns another compliant facility within a reasonable distance.
- (5) In addition to the requirements in this section, an elk ranch shall:
 - (a) be 600 to 5,000 contiguous acres unless the Domesticated Elk Advisory Council provides a written exception for a larger or smaller facility; and
 - (b) contain sufficient trees, rocks, hills, and natural habitat to provide cover for the animals.

R58-18-6. Animal Identification and Records.

- (1) A domesticated elk facility licensee shall apply identification tags to each elk as required by Section 4-39-304:
 - (a) when the elk arrives at the facility;
 - (b) when the department performs a physical inventory;
 - (c) before the elk leaves the premises where it was born; or
 - (d) before the animal reaches 12 months of age, whichever occurs first.
- (2) The licensee shall replace any missing identification tag and report the new tag number to the department within seven days of application.
- (3) Licensees shall maintain current and accurate records for domesticated elk facilities, including:
 - (a) inventory of each domesticated elk at the facility, as required by Section 4-39-206;
 - (b) CWD laboratory results;
 - (c) date and manner of death for each elk that dies from any cause; and
 - (d) sales of any elk.
- (4) A licensed elk facility shall submit the death record of any domesticated elk 12 months of age or older to the department within:
 - (a) seven days after the discovery of the death of an animal on an elk farm; or
 - (b) 30 days after the discovery of the death of an animal on an elk ranch.
- (5) During a physical inventory, the licensee shall humanely restrain each domesticated elk so a department employee can safely:
 - (a) record the RFID tag, visual tag, and sex of each elk; or
 - (b) apply identification tags; and
 - (c) at the department's discretion, manually count the elk.
- (6) For inventory reconciliation, the department shall consider a domesticated elk missing if an elk is not:
 - (a) present at the time of physical inventory; or
 - (b) reported as hunt killed, dead, or recaptured by an elk ranch.

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- (7)(a) The department shall calculate inventory compliance using the data from May 1 to April 30 and the formula:
(i) $\text{inventory compliance} = (\text{Total Documented Elk}) / (\text{Total Documented Elk} + \text{Missing Elk})$.
(b) The formula calculation shall use the following information:
(i) Total Documented Elk includes all elk accounted for through current inventory, elk moved out of the facility, hunt-killed elk, dead elk, including natural causes or euthanized, and slaughtered elk; and
(ii) Missing Elk refers to any elk from departmental records absent during physical inventory and not reported as hunt-killed, dead, slaughtered, or recaptured by an elk facility.
(8) The department may not renew the license of an elk facility with less than 95% inventory compliance for two consecutive years.

R58-18-7. Brand Inspections.

- (1) Licensees shall obtain a brand inspection for domesticated elk before any transfer of ownership, movement, or slaughter, as Section 4-24-307 requires.
(2) A licensee shall contact the Domesticated Elk Program manager to schedule the brand inspection.
(3) A licensee is exempt from the brand inspection requirement when moving elk between facilities under the same ownership but shall report the movement to the department within five days.

R58-18-8. Import Requirements.

- (1) A domesticated elk facility licensee shall obtain department approval and an entry permit from the state veterinarian's office, as required in Subsection 4-39-303(1), before importing live domesticated elk, eggs, or semen by submitting a complete Utah Domesticated Elk and Reindeer Import Application.
(2) The state veterinarian may require additional disease testing or quarantine for any import when there is reason to believe diseases, parasites, or other health concerns are present, and may also deny an import from a herd known to have certain infectious diseases.
(3) The state veterinarian may approve an exception to the international import restrictions found in Section 4-39-303, which may include quarantine.
(4) Except as approved by the state veterinarian, the department may not allow a herd of origin to import elk that:
(a) is a CWD-positive, a Trace Back, or a Trace Forward Herd; or
(b) have any animals infected with or exposed to meningeal worm, Johne's disease (paratuberculosis), CWD, or malignant catarrhal fever.
(5) A domesticated elk facility licensee shall submit a complete import application that includes:
(a) verification of information by the state or provincial animal health official in the state or province of origin;
(b) documentation of herd additions, deaths, and CWD testing from the previous 60 months from the herd of origin;
(c) approval from the department if the import application meets the requirements found in this rule; and
(d) denial by the department if the destination is not a licensed domesticated elk facility or official slaughter facility.
(6) Before importing domesticated elk, the herd of origin owner shall ensure each domesticated elk has official identification, receives parasite treatment, and completes all required brucellosis and tuberculosis testing, as further detailed in Subsection 4-39-303(2), including:
(a) applying an RFID tag and a unique visual tag to each elk;
(b) treating each elk for internal and external parasites with a product effective against *Parelaphostrongylus tenuis* (meningeal worm) within 60 days before entering Utah;
(c) completing brucellosis testing within 30 days before entry, if:
(i) the elk is imported from Canada; or
(ii) the elk is imported from the brucellosis Designated Surveillance Areas of Idaho, Montana, or Wyoming, or from a state not classified as brucellosis-free, and the herd does not provide proof of participation in the state brucellosis surveillance program; and
(d) complete tuberculosis testing within 90 days before entry, unless the elk is:
(i) from an accredited, qualified, or monitored US herd;
(ii) under six months of age and accompanied by a negative testing dam; or
(iii) sent directly to an official slaughter facility.
(6) After completing the required testing and inspection, the veterinarian inspecting the imported elk shall request an import permit from the department by submitting the required documentation.
(7) A domesticated elk facility may not import elk into Utah until the department approves and issues the import permit.
(8) Licensed domesticated elk facilities that import elk from east of the 100th meridian shall report to the department the deworming of the elk or the harvest or death of the animals per this rule and Section 4-39-303.

R58-18-9. Chronic Wasting Disease (CWD) Surveillance.

- (1) Each licensed elk facility shall submit both the obex portion of the brainstem and the medial retropharyngeal lymph nodes of any elk over 12 months of age that dies from any cause for testing for CWD by an official test at an approved laboratory, including:
(a) collecting and preserving the brainstem and lymph node samples in formalin within 48 hours following the animals' death;
(b) submitting the samples within seven days of collection for an elk farm and within 30 days of collection for an elk ranch to a laboratory approved by the state veterinarian; and
(c) paying for laboratory fees and expenses incurred for the collection and shipping of samples.
(2) A person authorized by the state veterinarian or an approved laboratory shall collect the samples. An authorized person shall:
(a) have training on collecting, storing, handling, shipping, and identifying specimens for submission; and
(b) submit 90% testable samples.

- (c) If a state veterinarian authorized person does not submit 90% testable samples, they may lose their approval to collect samples and may require additional training.
- (3) The department considers samples designated as "location," "unsuitable," or "insufficient follicles," and missing samples as untestable.
- (4) To determine compliance with the CWD testing requirement, the department shall use the following formulas:
 - (a) for an elk farm:
 - (i) CWD Testing Compliance = (Dead Tested + Hunt Killed Tested + Slaughtered Tested) divided by (Missing + Total Dead + Total Hunt Killed Tested + Total Slaughtered);
 - (b) for an elk ranch:
 - (i) CWD Testing Compliance = (Dead Tested + Hunt Killed Tested + Slaughtered Tested) / (Missing + Dead + Hunt Killed + Slaughtered).
- (c) calculate the testing compliance using data from May 1 to April 30.
- (5) An elk facility that does not have at least 90% testing compliance may conduct additional testing through slaughter or another protocol approved by the department to meet the testing compliance requirement before license renewal.
- (6) If participating in the voluntary CWD Herd Certification Program, licensees shall:
 - (a) complete an annual application; and
 - (b) adhere to the USDA Chronic Wasting Disease Program Standards 2019 version requirements, which are incorporated by reference.

R58-18-10. Chronic Wasting Disease (CWD) Positive Herds.

- (1) Any person or laboratory that suspects or diagnoses CWD in a domesticated elk in Utah shall notify the state veterinarian immediately.
- (2) The state veterinarian shall promptly investigate any domesticated elk reported as CWD-positive or CWD-suspect by:
 - (a) conducting an epidemiologic investigation that includes the designation of suspect domesticated elk and exposed domesticated elk and that identifies animals to be traced;
 - (b) performing traces to trace back and trace forward herds; and
 - (c) reporting any out-of-state traces to the appropriate state promptly after receipt of notification of a CWD-positive animal.
- (3) Within 30 days of the date that a CWD-suspect or CWD-positive domesticated elk is reported to the department, the state veterinarian shall provide written notice to an owner of a domesticated elk facility of:
 - (a) the status of the animal disease traceability investigation, including any findings; and
 - (b) the owner's right to appeal.
- (4) The state veterinarian shall develop a written herd plan for each elk facility with a CWD-positive animal or CWD-exposed animal, with input from the herd owner and USDA, to outline the steps to manage CWD on that facility.
- (5) A herd plan shall require the herd owner to:
 - (a) immediately report any signs of central nervous system disease in herd animals to the state veterinarian; and
 - (b) maintain records of the acquisition and disposition of any animals entering or leaving the herd, including those that die from any cause.
- (6) A herd plan may also contain additional requirements to prevent or control the spread of CWD, which include:
 - (a) requiring a facility to remain free of cervids for a specified time after removing CWD-positive, exposed, or suspect animals from the premises;
 - (b) requiring depopulation or selective culling of animals;
 - (c) restricting the sharing and movement of equipment; and
 - (d) establishing biosecurity requirements, including cleaning and disinfection.
- (7) An elk owner may move elk from a positive farm to an elk ranch or official slaughter facility, and the elk owner shall ensure that:
 - (a) movements comply with Section R58-18-7; and
 - (b) elk moved to an official slaughter facility undergo CWD testing.
- (8) The state veterinarian may revise a herd plan at any time in consultation with the herd owner in response to changes in the herd or premises, or improvements in understanding the nature of CWD epidemiology or techniques to prevent its spread.

R58-18-11. Dissolution of a Domesticated Elk Facility.

- (1) A domesticated elk owner shall remove all domesticated elk from the premises before dissolving a domesticated elk facility.
- (2) The department or Division of Wildlife Resources shall remove any abandoned elk using lethal means.
- (3) A domesticated elk owner shall dispose of carcasses by disposal in an approved landfill, incineration, or burial, in compliance with Section 4-34-103 and pay any costs associated with removing abandoned elk.

R58-18-12. Domesticated Elk Harvest Permits.

- (1) An elk ranch owner may purchase an elk harvest permit by submitting an order form and payment to the department.
- (2) An elk ranch owner shall issue a permit to each hunter before hunting, who must possess it while hunting.
- (3) Owners must complete the permit at harvest with all identification and the harvest date, and shall provide copies to:
 - (a) the department within 30 days;
 - (b) the hunter at the time of harvest; and
 - (c) retain a copy for ranch records.

NOTICES OF PROPOSED RULES

- (4)(a) Harvest season is August 1 to December 31, with hunting permitted from 1/2 hour before sunrise to 1/2 hour after sunset.
- (b) All US-raised domesticated elk must be harvested or recaptured by December 31 each year.
- (c) Elk imported from international herds must be harvested within the same calendar year.
- (5) After harvest and before the carcass leaves the ranch, the owner shall affix a tag to the carcass and antlers, and the tags shall remain affixed during transportation to a meat processor, taxidermist, or destination.
- (6) For unused permits, an elk ranch owner:
- (a) may exchange a permit for a new one without additional fee by providing the department with all copies of the unused permit;
- (b) may return all copies of the unused permits to the department for a refund; or
- (c) may issue an unused permit for a different hunting season.
- (7)(a) An elk ranch may not sell domesticated elk meat.
- (b) Permitted uses include consumption by the hunter, ranch owner, or their immediate family, employees, or guests, or donation as a charitable food item per Section 4-34-103.

KEY: chronic wasting disease, elk, inspections, domesticated elk ~~[farm]~~ facility, domesticated elk, licensing

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

Notice of Continuation: December 28, 2021

Authorizing, and Implemented or Interpreted Law: 4-39-106; 4-39-303(6)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R58-20

Filing ID: 57425

Agency Information

1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	Taylorsville State Office Building, South Bldg., Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@utah.gov
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R58-20. Domesticated Elk Ranch
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (department) is filing a repeal of this rule to streamline its rules regarding the domesticated elk program.
A recent review found that Rules R58-18 and R58-20 were largely redundant. To eliminate this confusion and duplication, the department is incorporating all necessary requirements for elk ranches into Rule R58-18 and will repeal Rule R58-20. This action consolidates the information into a single, more efficient document that clarifies the requirements for the domesticated elk program.
5. Summary of the new rule or change:
This filing repeals Rule R58-20 in its entirety.
The proposed repeal and reenact of Rule R58-18 includes the requirements for an elk ranch that are not changing.

(EDITOR'S NOTE: The proposed repeal and reenact of Rule R58-18, ID 57422, is in this issue, September 15, 2025, of the Bulletin.)

Fiscal Information

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

A. State budget:

This filing is not changing the requirements of the program and will not impact the states budget.

B. Local governments:

This filing is not changing the requirements of the program and will not impact local governments.

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

This filing is not changing the program requirements and will not impact small businesses.

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

This filing is not changing the program requirements and will not impact 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 filing is not changing the program requirements and will not impact other persons.

F. Compliance costs for affected persons:

This filing is not changing or impacting the compliance costs for the program.

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 4-39-106

Subsection 4-39-303(6)

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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:

08/28/2025

R58. Agriculture and Food, Animal Industry.

~~R58-20. Domesticated Elk Ranch.~~~~R58-20-1. Authority and Purpose.~~

~~_____ (1) Promulgated under the authority of Section 4-39-106 and Subsection 4-39-303(6).~~

~~_____ (2) This rule establishes procedures for the application and renewal of licenses, health requirements, and standards for operating a domesticated elk ranch.~~

~~R58-20-2. Definitions.~~

~~_____ In addition to the definitions found in Sections 4-1-109, 4-7-103, 4-24-102, 4-32-105, 4-39-102, and R58-18-2, the following terms are defined for this rule:~~

~~_____ (1) "Division" means the Division of Animal Industry, in the Utah Department of Agriculture and Food.~~

~~_____ (2) "Elk ranch" means a facility where domesticated elk are harvested through typical hunting methods.~~

~~_____ (3) "Harvest" means to kill by hunting or slaughter. For this rule, "harvest" may include an elk that dies by means other than hunting or slaughter.~~

~~R58-20-3. Application and Licensing Process.~~

~~_____ (1) Each applicant for a license to operate an elk ranch shall submit a signed, complete, accurate, and legible application on a department issued form.~~

~~_____ (2) In addition to the application, an applicant shall submit a general plot plan showing the location of the proposed elk ranch in conjunction with roads, towns, and other points of interest in the immediate area.~~

~~_____ (3) The department shall assign a premises identification number to an elk ranch when the department approves a finished application.~~

~~_____ (4) After the department receives an application, a complete domesticated facility inspection shall be:~~

~~_____ (a) conducted before the issuing of a license or entry of elk to the elk ranch;~~

~~_____ (b) conducted by an approved department employee and a Division of Wildlife Resources (DWR) employee; and~~

~~_____ (c) the responsibility of the applicant to request at least three working days in advance.~~

~~_____ (5) The department shall issue a license upon receipt of an application, inspection of the domesticated elk facility, completion of the facility approval form, and receipt of the license fee.~~

~~_____ (6) Each elk ranch license shall expire on July 1 in the year following the year of issuance.~~

~~_____ (7) The elk owner may only allow elk to enter the domesticated elk facility after the department has issued a license.~~

~~_____ (8) An elk owner shall submit an application to have a license for each location that is:~~

~~_____ (a) maintained for a different purpose such as raising elk vs. hunting elk; or~~

~~_____ (b) separated by two distinct perimeter fences without a shared alleyway.~~

~~R58-20-4. License Renewal.~~

~~_____ (1) Each elk ranch shall submit a license renewal application and the application fee to the department by April 30 of each year.~~

~~_____ (a) The department shall assess a late fee if the application is received after April 30.~~

~~_____ (b) The department shall consider an application submitted after July 1 as delinquent and will require the applicant to pay a new license fee.~~

~~_____ (2) Before the department renews a license and within 60 days of license renewal, the applicant shall contact the department to schedule an inspection of the elk facility.~~

~~_____ (3) The department employee conducting the facility inspection shall verify that the facility meets all the fencing and facility requirements listed in this rule and Sections 4-39-201 and 4-39-202.~~

- _____ (4)(a) Before renewal of the license, the department shall reconcile inventory and Chronic Wasting Disease (CWD) testing records with the records in the department database to determine if the facility is in compliance with inventory and testing requirements.
- _____ (b) Inventory and testing compliance calculations shall be:
 - _____ (i) based on the period May 1 of the year before license renewal to April 30 of the year in which the license is renewed; and
 - _____ (ii) found in Sections R58-20-6 and R58-20-11.
- _____ (5) The department shall provide each facility a written notice of their inventory and testing reconciliation percentages no later than May 30 to allow the facility to correct any deficiencies in accordance with Section R58-20-13.
- _____ (6) The applicant shall quarantine any animals on the elk ranch until a new license is acquired or due process of law has occurred.
- _____ (7) An elk ranch that has had its license expire or had its license revoked shall remove any elk from the facility within 30 calendar days by:
 - _____ (a) sending elk to an inspected facility for slaughter; or
 - _____ (b) selling elk to another licensed facility.
- _____ (8) At the end of 30 days, the department shall sell any elk remaining on the facility during a special sale conducted for that purpose.
- _____ (9) A department employee shall determine if any domesticated elk remains on the elk ranch at the time of inspection.

R58-20-5. Elk Ranch Requirements.

- _____ (1) An elk ranch may not allow cervids other than domesticated elk to enter and reside on the elk ranch.
- _____ (2) The elk ranch shall construct perimeter fences and gates to prevent the movement of cervids, both captive and wild, into or out of the facility and shall meet the minimum standards defined in Section 4-39-201.
- _____ (3) The elk ranch shall contain sufficient trees, rocks, hills, and natural habitat to provide cover for the animals.
- _____ (4) Elk ranches shall be 600 to 5,000 contiguous acres.
- _____ (5) With written approval from the Domesticated Elk Advisory Council, an elk ranch may:
 - _____ (a) be smaller than 600 fenced contiguous acres; or
 - _____ (b) be larger than 5,000 acres.
- _____ (6) The elk ranch owner shall:
 - _____ (a) provide ample signage around the facility indicating that it is a domesticated elk facility and notifying the public that the animals are not wild elk;
 - _____ (b) meet each requirement in Section 4-39-401 concerning the escape of domesticated elk;
 - _____ (c) remove any wild big game animals before enclosing the elk ranch; and
 - _____ (d) notify the department and Division of Wildlife Resources within 48 hours if wild big game animals are found within the elk ranch. The parties involved may design a cooperative removal program to remove the animals.
- _____ (6) Elk ranches shall allow access to the facility and records for an inspection in accordance with Section 4-39-207, Inspection of Facilities.

R58-20-6. Records and Inventory.

- _____ (1) A licensed elk ranch shall maintain accurate and legible records for each elk on the facility for the life of the elk plus at least two years.
- _____ (2) The inventory record of each elk shall include:
 - _____ (a) name and address of the agent that sold the elk;
 - _____ (b) Radio Frequency Identification (RFID) tag number;
 - _____ (c) visual tag number, also known as the "ranch" or "visible dangle tag" number;
 - _____ (d) date of birth;
 - _____ (e) sex;
 - _____ (f) date of purchase and a copy of the brand inspection, if purchased;
 - _____ (g) date and cause of death or change of ownership, with the name of the new owner and address recorded and retained;
 - _____ (h) Certificate of Veterinary Inspection, if imported from out of state; and
 - _____ (i) CWD laboratory results.
- _____ (3) A licensed elk ranch shall submit the death record of any elk 12 months of age or older that dies, is slaughtered, killed, or destroyed to the department within 30 days of the discovery of the death of the animal. A Domesticated Elk Harvest Permit may serve as the death record.
- _____ (4) The department shall use the following calculation method to determine compliance with inventory requirements.
 - _____ (a) $\text{Inventory compliance} = (\text{Dead} + \text{Hunt Killed} + \text{Slaughtered}) / (\text{Missing} + \text{Dead} + \text{Hunt Killed} + \text{Slaughtered})$.
 - _____ (b) Inventory compliance shall be calculated using data from May 1 to April 30.
- _____ (5) The department will not renew the license of an elk ranch that is less than 95% inventory compliant for two consecutive years.

R58-20-7. Elk Identification.

- _____ (1) Each elk shall have two forms of identification that are applied before arriving at the elk ranch, including:
 - _____ (a) a tamper-resistant RFID tag placed in the right ear; and
 - _____ (b) a visual ear tag.
- _____ (2) A licensed elk ranch shall report to the department any RFID tag number or visual tag number applied to an elk within seven days of applying the tags to the elk.

R58-20-8. Brand Inspections.

- ~~_____ (1) Under Title 4, Chapter 24, Utah Livestock Brand and Anti Theft Act, the department shall inspect:~~
 - ~~_____ (a) each elk when there is a change of ownership, movement out of state, or before slaughter;~~
 - ~~_____ (b) any out of state sourced elk purchased or brought into the facility upon arrival at a licensed facility and before releasing the elk into an area inhabited by other elk; and~~
 - ~~_____ (c) elk movements to a premises not owned by the same individual.~~
- ~~_____ (2) The brand inspector shall record the RFID tag and the visual tag numbers on the brand inspection certificate.~~
- ~~_____ (3) Before the department conducts a brand inspection, an elk owner shall:~~
 - ~~_____ (a) arrange at least 48 hours in advance for an inspection with the department's Domesticated Elk Program Manager; and~~
 - ~~_____ (b) properly confine elk that the department will inspect in a facility adequate to properly inspect each animal.~~
- ~~_____ (4) An elk owner shall ensure any elk shipments moving from a Utah elk ranch are accompanied by a Utah Brand Inspection Certificate.~~
- ~~_____ (5) The department does not require a brand inspection on the following:~~
 - ~~_____ (a) shed antlers;~~
 - ~~_____ (b) animals moving from one perimeter fence to another within the same facility; and~~
 - ~~_____ (c) elk moving from a licensed facility to another licensed facility owned by the same person within the state although the owner shall report the movement to the department within five days of movement.~~

R58-20-9. Health Standards and Requirements.

- ~~_____ (1) The state veterinarian may require disease testing or quarantine when there is reason to believe diseases, parasites, or other health concerns are present.~~
- ~~_____ (2) A licensed elk ranch shall immediately destroy or remove any elk identified as having red deer genetic factor.~~
- ~~_____ (3) Per Subsection 4-39-303(5), domesticated elk being imported from an international herd shall be:~~
 - ~~_____ (a) only male;~~
 - ~~_____ (b) imported to an elk ranch for use in the elk ranch; and~~
 - ~~_____ (c) harvested in the same season in which the domesticated elk enters the state.~~
- ~~_____ (4) The state veterinarian may approve an exception to Subsection R58-20-9(3) which may require quarantine.~~
- ~~_____ (5) The department may not allow elk to be imported from a herd of origin that:~~
 - ~~_____ (a) is a CWD positive, a Trace Back, or a Trace Forward Herd; or~~
 - ~~_____ (b) has any animals infected with or exposed to meningeal worm, Johne's disease (paratuberculosis), CWD, or malignant catarrhal fever.~~
- ~~_____ (6) An elk facility importing live elk, eggs, or semen into Utah shall submit a complete Utah Domesticated Elk and Reindeer Import Application to the department.~~
 - ~~_____ (a) The state or provincial animal health official in the state or province of origin shall sign the application before submitting the application.~~
 - ~~_____ (b) The state or provincial animal health official shall include a statement that accompanies the application that includes:~~
 - ~~_____ (i) the date of enrollment in a herd certification program;~~
 - ~~_____ (ii) declaration that the herd of origin has CWD "certified" status;~~
 - ~~_____ (iii) explanation of any involvement in CWD epidemiologic investigations;~~
 - ~~_____ (iv) statement of CWD certification status of any source herds for herd imports or introductions during the 60 months before the application; and~~
 - ~~_____ (v) for herds originating in a brucellosis designated surveillance area, the application shall include a statement that the herd participates in the state brucellosis surveillance program.~~
 - ~~_____ (c) The herd of origin shall provide the following documentation from the previous 60 months in the application:~~
 - ~~_____ (i) a list of elk that died, were slaughtered or were hunted, and the CWD test results on those elk;~~
 - ~~_____ (ii) a list of each elk that is imported or introduced, other than natural additions; and~~
 - ~~_____ (iii) a disclosure statement indicating any non-compliances, CWD exposure, epidemiological investigations, escapes, or wildlife ingresses.~~
 - ~~_____ (d) The department may approve each import application that meets the requirements found in Subsections R58-20-9(3) through R58-20-9(6).~~
 - ~~_____ (e) The department shall deny an application if the destination is not a licensed elk facility or official slaughter facility.~~
- ~~_____ (7) After the department approves the import application and before the elk facility imports elk, the owner of the herd of origin shall:~~
 - ~~_____ (a) apply an RFID tag and a unique visual tag to each elk;~~
 - ~~_____ (b) treat each elk for internal and external parasites with a product effective against *Parelaphostrongylus tenuis* (meningeal worm) within 60 days before entering Utah;~~
 - ~~_____ (c) complete brucellosis testing within 30 days before entry, if:~~
 - ~~_____ (i) the elk is imported from Canada; or~~
 - ~~_____ (ii) the elk is imported from the brucellosis Designated Surveillance Areas of Idaho, Montana, or Wyoming, or from a state not classified as brucellosis free and the herd does not provide proof of participation in the state brucellosis surveillance program; and~~
 - ~~_____ (d) complete tuberculosis testing within 90 days before entry, unless:~~
 - ~~_____ (i) the elk is coming from a US herd that is accredited, qualified, or monitored;~~
 - ~~_____ (ii) the elk is under six months of age and accompanied by a negative testing dam; or~~

- ~~_____ (iii) the elk is imported directly to an official slaughter facility.~~
- ~~_____ (8) Elk imported from Canada shall originate from a herd that has performed a whole herd tuberculosis test and a whole herd brucellosis test within the previous five years.~~
- ~~_____ (9) After the required testing is completed, the veterinarian inspecting the elk to be imported shall request an import permit from the department.~~
- ~~_____ (a) The Canadian Food Inspection Agency shall endorse a Certificate of Veterinary Inspection for Canadian elk before the veterinarian requests the import permit.~~
- ~~_____ (b) The veterinarian requesting the import permit shall submit the following documents to the department:~~
 - ~~_____ (i) a signed Certificate of Veterinary Inspection that includes the sex, age, visual tag number, and RFID tag number for each elk;~~
 - ~~_____ (ii) the signed statement "To the best of my knowledge, the elk listed are not infected with John's disease (Paratuberculosis), CWD, or Malignant Catarrhal Fever;"~~
 - ~~_____ (iii) test charts for brucellosis and tuberculosis, if required; and~~
 - ~~_____ (iv) a statement with the date of deworming and the name of the product used.~~
- ~~_____ (c) An elk facility may not import elk into Utah until the department approves the import permit.~~
- ~~_____ (10) A licensed elk facility that imports elk from east of the 100 degree meridian shall:~~
 - ~~_____ (a) harvest or treat the elk for internal and external parasites no later than 150 days after arrival in the state; and~~
 - ~~_____ (b) provide documentation of treatment or harvest to the department.~~
- ~~_____ (11) A licensed elk ranch shall hold any elk for harvest until the elk has completed any slaughter withdrawal periods for parasite treatments and other administered products.~~

R58-20-10. Domesticated Elk Harvest Permits.

- ~~_____ (1) Per Subsection 4-39-106(1)(e), an elk ranch owner may purchase an elk harvest permit by submitting an order form to the department. The department shall receive payment for harvest permits before issuing any harvest permits.~~
- ~~_____ (2) An elk ranch owner shall harvest elk starting August 1 to December 31 of each year during the hours from 1/2 hour before sunrise to 1/2 hour after sunset.~~
- ~~_____ (3) An elk ranch owner shall issue an elk harvest permit to each hunter on the ranch before they hunt, and the permit shall be in the hunter's possession during hunting times.~~
- ~~_____ (4) The elk ranch owner shall complete an elk harvest permit at the time of harvest and shall provide a copy to each of the following:~~
 - ~~_____ (a) the department within 30 days of harvest;~~
 - ~~_____ (b) the hunter at the time of harvest; and~~
 - ~~_____ (c) the elk ranch for filing.~~
- ~~_____ (5) After an elk is harvested and before the elk carcass leaves the ranch, an elk ranch owner shall attach validated tags to the carcass and the antlers. The tags shall remain affixed during transportation to a meat processor, taxidermist, or the final destination.~~
- ~~_____ (6) An elk ranch owner may exchange a harvest permit issued to a hunter for a new permit without paying an additional fee if the owner provides to the department:~~
 - ~~_____ (a) an affidavit by the owner of the elk ranch stating that the person listed on the permit did not harvest a domesticated elk; and~~
 - ~~_____ (b) all copies of the unused harvest permits.~~
- ~~_____ (7) The department may issue a refund for an unused elk harvest permit to the elk ranch owner after the harvest permit is returned to the department.~~
- ~~_____ (8) An elk ranch may issue a domesticated elk harvest permit during a different hunting season if it was not utilized during the original season it was issued.~~
- ~~_____ (9) An elk ranch may not sell domesticated elk meat. The domesticated elk meat may be:~~
 - ~~_____ (a) consumed by the hunter, ranch owner, or their immediate family members, employees, or guests; or~~
 - ~~_____ (b) donated as a charitable food item in compliance with Section 4-34-103.~~
- ~~_____ (10) The elk ranch owner shall:~~
 - ~~_____ (a) harvest or recapture domesticated elk by December 31 of each year;~~
 - ~~_____ (b) harvest elk imported from international herds within the same season the elk owner imported them; and~~
 - ~~_____ (c) recapture only US-raised elk after December 31.~~

R58-20-11. CWD Surveillance and Investigation.

- ~~_____ (1) Any person or laboratory who suspects or diagnoses CWD in a domesticated elk in Utah shall notify the state veterinarian immediately.~~
- ~~_____ (2) The state veterinarian shall promptly investigate any domesticated elk reported as CWD positive or CWD suspect by:~~
 - ~~_____ (a) conducting an epidemiologic investigation of CWD positive, CWD exposed, and CWD suspect herds that includes the designation of suspect domesticated elk and exposed domesticated elk and that identifies animals to be traced;~~
 - ~~_____ (b) performing tracebacks of CWD positive animals and trace forwards of CWD exposed animals; and~~
 - ~~_____ (c) reporting any out of state traces to the appropriate state promptly after receipt of notification of a CWD positive animal.~~
- ~~_____ (3) Within 30 days of the date that a CWD suspect or CWD positive domesticated elk is reported to the department, the state veterinarian shall provide written notice to an owner of a domesticated elk facility of:~~
 - ~~_____ (a) the status of the animal disease traceability investigation, including any findings; and~~
 - ~~_____ (b) the owner's right to appeal.~~

NOTICES OF PROPOSED RULES

- ~~_____ (4) With the approval of the commissioner, the state veterinarian may place an elk facility under quarantine if a domesticated elk at the elk facility, within the previous 60 months:~~
 - ~~_____ (a) has tested positive for CWD;~~
 - ~~_____ (b) is a suspect domesticated elk; or~~
 - ~~_____ (c) has commingled with a CWD-positive elk in a quarantined domesticated elk facility.~~
- ~~_____ (5) The state veterinarian may not place an elk facility under quarantine for CWD if there is no CWD-positive, CWD-suspect, or commingled domesticated elk residing at the domesticated elk facility.~~
- ~~_____ (6) The state veterinarian shall determine the designation and disposition of CWD-exposed, positive, or suspect domesticated elk or herds in Utah.~~
- ~~_____ (7)(a) The department requires each licensed elk ranch to submit both the obex portion of the brainstem, and medial retropharyngeal lymph nodes of any elk 12 months of age or older that is harvested, dies, or is slaughtered for testing for CWD by an official test at an approved laboratory.~~
 - ~~_____ (b) The elk ranch shall:~~
 - ~~_____ (i) collect and preserve the brainstem and lymph node samples in formalin within 48 hours following the animals' death;~~
 - ~~_____ (ii) submit the samples within 30 days of collection to a laboratory approved by the state veterinarian; and~~
 - ~~_____ (iii) be responsible for laboratory fees and expenses incurred for the collection and shipping of samples.~~
 - ~~_____ (8) The state veterinarian authorized person or an approved laboratory shall collect the samples. An authorized person shall:~~
 - ~~_____ (a) have training on collecting, storing, handling, shipping, and identifying specimens for submission; and~~
 - ~~_____ (b) submit 90% testable samples.~~
 - ~~_____ (c) If a state veterinarian authorized person does not submit 90% testable samples, they may lose their approval to collect samples and may require additional training.~~
 - ~~_____ (9) The department considers samples designated as "location," "unsuitable," or "insufficient follicles," and missing samples as untestable.~~
 - ~~_____ (10) The department may deny, revoke, or suspend a domestic elk ranch license if a ranch fails to submit at least one testable sample for 90% of elk that the elk owner slaughters or harvests, or that dies on the elk ranch.~~
 - ~~_____ (11) To determine compliance with the testing requirement listed in Subsection 4-39-503(1)(a)(ii), the department shall:~~
 - ~~_____ (a) use the following testing compliance calculation = (Dead Tested + Hunt Killed Tested + Slaughtered Tested) / (Missing + Dead + Hunt Killed + Slaughtered);~~
 - ~~_____ (b) calculate the testing compliance listed in Subsection R58-20-11(11)(a) from May 1 to April 30; and~~
 - ~~_____ (c) provide each facility with its calculated testing compliance no later than May 30.~~
 - ~~_____ (12) An elk ranch that does not have at least 90% testing compliance may conduct additional testing through slaughter or another protocol approved by the department to meet the testing compliance requirement before license renewal.~~
 - ~~_____ (13) An elk ranch that sends an animal to a slaughter facility shall ensure:~~
 - ~~_____ (a) CWD samples are collected and submitted in accordance with Section R58-20-11; and~~
 - ~~_____ (b) the slaughter facility maintains individual elk identification throughout slaughter and processing, and until the laboratory returns the CWD test results.~~
 - ~~_____ (14) A slaughter establishment may collect and submit the CWD samples on behalf of the elk ranch.~~

R58-20-12. CWD-Positive Herd Management.

- ~~_____ (1) Each elk ranch with an elk that has tested positive for CWD or commingled with an elk that has tested positive for CWD shall receive a written herd plan developed by the state veterinarian with input from the herd owner, the USDA, and other affected parties.~~
- ~~_____ (2) The herd plan outlines the steps to manage CWD in a CWD-positive herd.~~
- ~~_____ (3) A herd plan shall require the herd owner to:~~
 - ~~_____ (a) maintain identification for each animal in the herd;~~
 - ~~_____ (b) regularly examine animals in the herd for signs of disease;~~
 - ~~_____ (c) immediately report any signs of central nervous system disease in herd animals to the state veterinarian; and~~
 - ~~_____ (d) maintain records of the acquisition and disposition of any animals entering or leaving the herd, including:~~
 - ~~_____ (i) the date of acquisition or removal;~~
 - ~~_____ (ii) name, and address of the person from whom the animal was acquired or to whom it was disposed; and~~
 - ~~_____ (iii) cause of death, if the animal died while in the herd.~~
- ~~_____ (4) A herd plan may also contain additional requirements to prevent or control the possible spread of CWD, depending on the herd's particular condition and its premises, including:~~
 - ~~_____ (a) specifying the time for which premises may not contain cervids after CWD-positive, exposed, or suspect animals are removed from the premises;~~
 - ~~_____ (b) fencing requirements;~~
 - ~~_____ (c) requirements related to depopulation or selective culling of animals;~~
 - ~~_____ (d) restrictions on sharing and movement of possibly contaminated livestock equipment; and~~
 - ~~_____ (e) cleaning and disinfection requirements, or other biosecurity requirements.~~
- ~~_____ (5) The state veterinarian shall approve any movement of cervids onto or off the facility and shall restrict the movement of cervids until the herd owner meets the requirements of the herd plan.~~
- ~~_____ (6) The state veterinarian may review and revise a herd plan at any time in response to changes in the herd or premises or improvements in understanding the nature of CWD epidemiology or techniques to prevent its spread.~~

~~R58-20-13. Grounds for Denial, Suspension, or Revocation of Licenses for Domesticated Elk Facilities.~~

- ~~(1) The department shall deny, suspend, or revoke a license to operate a domesticated elk facility if the licensee or applicant:~~
- ~~(a) fails, for two consecutive years, to:~~
 - ~~(i) meet inventory requirements as required by the department;~~
 - ~~(ii) submit testable CWD samples for at least 90% of mortalities over 12 months old; or~~
 - ~~(iii) notify the department that there are wild cervids inside a domesticated elk facility;~~
 - ~~(b) fails to present animals for identification at the request of the department or allow the department to have access to facility records; or~~
 - ~~(c) violates the import requirements of Section 4-39-303.~~
- ~~(2) The department may deny, revoke, or suspend a license to operate a domesticated elk facility if, after delivery of notice and an opportunity to correct, the licensee or applicant:~~
- ~~(a) provides:~~
 - ~~(i) an unfinished application or incorrect application information; or~~
 - ~~(ii) incorrect records or failure to maintain required records;~~
 - ~~(b) fails to:~~
 - ~~(i) notify the department of movement of elk onto or off the facility;~~
 - ~~(ii) identify elk as required;~~
 - ~~(iii) notify the department concerning the escape of an animal from a domesticated elk facility;~~
 - ~~(iv) maintain a perimeter fence that prevents the escape of domesticated elk or ingress of wild cervids into the facility;~~
 - ~~(v) participate with the department in a cooperative wild cervid removal program;~~
 - ~~(vi) submit testable CWD samples for at least 90% of mortalities over 12 months old; or~~
 - ~~(vii) have the minimum proper equipment necessary to safely and humanely handle animals in the facility;~~
 - ~~(c) moves imported elk onto a facility without a Certificate of Veterinary Inspection that has an import permit number from the department;~~
 - ~~(d) imports animals that the Division of Wildlife Resources prohibits or controls; or~~
 - ~~(e) handles animals in a manner that violates acceptable animal husbandry practices.~~
- ~~(3) The department will provide the facility with a written notice if it does not meet the requirements listed in Subsections R58-20-13(1) and R58-20-13(2) and the facility will have 30 days to correct the deficiencies.~~
- ~~(4) Once the department has notified the owner of a domesticated elk facility of the denial, suspension, or revocation of a license to operate a domesticated elk facility, the owner shall have 15 calendar days to request an appeal with the commissioner.~~
- ~~(5) An operator of a domesticated elk facility that has had its license revoked shall remove any elk from the facility within 30 calendar days by:~~
- ~~(a) sending any elk to an inspected facility for slaughter; or~~
 - ~~(b) selling elk to another facility.~~
- ~~(6) The department shall sell any elk remaining on the facility at the end of 30 days during a special sale conducted for that purpose.~~

~~R58-20-14. Dissolution of an Elk Ranch.~~

- ~~(1) Before an elk ranch owner dissolves an elk ranch, they shall remove any elk from the premises.~~
- ~~(2) The department or Division of Wildlife Resources shall remove any abandoned elk using lethal means.~~
- ~~(a) Elk ranch owners shall dispose of carcasses by disposal in an approved landfill, incineration, or a donation as a charitable food item in compliance with Section 4-34-103.~~
- ~~(b) The elk owner is responsible for any costs associated with removing abandoned elk.~~

~~R58-20-15. Liability.~~

~~In accordance with Sections 63G-7-101 and 63G-7-102, the granting of a domesticated elk facility license or the imposing of a requirement to gain an owner's permission does not attach any liability to the department for any accident, mishap, or injury that occurs on, adjacent to, or in connection with the domesticated elk facility.~~

KEY: elk, hunting permits, , inspections, elk ranches, domesticated elk, elk importation

Date of Last Change: August 23, 2024

Notice of Continuation: October 20, 2023

Authorizing, and Implemented or Interpreted Law: 4-39-106; 4-39-303(6)]

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R66-5

Filing ID: 57403

Agency Information

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 84129	
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:
R66-5. Medical Cannabis Pharmacy
4. Purpose of the new rule or reason for the change:
Changes are needed to remove language from this rule that is redundant or is not aligned with specific rulemaking authority in statute.
5. Summary of the new rule or change:
This filing removes redundant language from multiple sections because it is redundant to information already in statute.
Language has also been moved between sections for clarity.
Additionally, the filing removes redundant definitions.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
These changes do not impact the state budget. Management of the program is not changing.
The Department of Agriculture and Food (department) is just removing language that is already in the statute and is not needed in this rule and moving language to other sections to make this rule clearer.
B. Local governments:
Local governments do not participate in the program and will not be impacted.
C. Small businesses ("small business" means a business employing 1-49 persons):
Small businesses will not be impacted. The department is not increasing compliance requirements, just removing unnecessary language.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses will not be impacted. The department is not increasing compliance requirements, just removing unnecessary language.

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**):

Other persons do not participate in the medical cannabis program and will not be impacted.

F. Compliance costs for affected persons:

Compliance costs for pharmacies will not be impacted because the compliance requirements for a license 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 4-2-103(1)(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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:	08/18/2025
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R66. Agriculture and Food, ~~[Medical Cannabis and Industrial Hemp]~~Specialized Products.

R66-5. Medical Cannabis Pharmacy.

R66-5-1. Authority and Purpose.

- (1) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies and Subsection 4-2-103(1)(i) authorize this rule.
- (2) This rule establishes operating and licensing standards and requirements to be followed by medical cannabis pharmacies and their employees.

R66-5-2. Definitions.

(1) "Cannabis waste" means cannabis product that is damaged, deteriorated, mislabeled, expired, returned, subject to a recall, or enclosed within a container or package that has been opened or breached.

(2) "Card" means any type of medical cannabis card or registration card, whichever applies, authorized under Title 26B, Chapter 4, Part 2 Cannabinoid Research and Medical Cannabis.

(3) "Cardholder area" means the area of a medical cannabis pharmacy where a product is purchased that is restricted to a medical cannabis cardholder, a medical cannabis pharmacy employee, or another individual authorized by the medical cannabis pharmacy to enter the cardholder area.

~~(4) ["Courier agent" means a medical cannabis courier agent.]~~

~~(5) "Department" means the Utah Department of Agriculture and Food.~~

~~(6) "DHHS" means The Utah Department of Health and Human Services.~~

~~(7) "Direct supervision" means that a PMP is physically present at a medical cannabis pharmacy facility and immediately available for in-person face-to-face communication with the pharmacy agent.~~

~~(8) "Educational event" means an organized event:~~

~~(a) at which a medical cannabis pharmacy distributes, orally presents, or displays educational material; and~~

~~(b) that may be held either virtually or in-person.~~

~~(9)(a) "Educational material" means material or content used, displayed, sold, or distributed for an educational purpose by a medical cannabis pharmacy in-person or online in a business or professional capacity.~~

~~(b) Educational material includes:~~

~~(i) live or recorded content of an educational event; or~~

~~(ii) any printed educational material such as a placard, poster, fact sheet, book, pamphlet, flyer, or business card.~~

~~(10)~~(5) "Limited access area" means an area of a medical cannabis pharmacy where medical cannabis and medical cannabis devices shall be stored that is:

(a) a lockable cabinet in a medical cannabis pharmacy facility to which only a pharmacy agent or PMP has access; or

(b) an indoor area or room of a medical cannabis pharmacy facility that is separated from the cardholder and the public areas of the medical cannabis pharmacy by a physical barrier with suitable locks and an electronic barrier to detect entry doors.

~~(11) "Pharmacy agent" means a medical cannabis pharmacy agent.]~~

~~(12)~~6 "PIC" means a pharmacist-in-charge who oversees the operation and generally supervises a medical cannabis pharmacy.

~~(13)~~7 "PMP" means a medical cannabis pharmacy medical provider that meets the criteria defined in Subsection 4-41a-1101(12).

~~(14)~~8 "Public waiting area" means an area of the medical cannabis pharmacy where the public waits for cardholders and cardholders wait for authorization to enter the cardholder area.

~~(15)~~9 "Recreational disposition" means:

(a) slang words or phrasing associated with the recreational use of cannabis;

(b) an image of a celebrity or other person whose target audience is children or minors;

(c) content that encourages, promotes, or otherwise creates an impression that the recreational use of cannabis is legal or acceptable, or that the recreational use of cannabis has potential health or therapeutic benefits;

(d) content that promotes excessive consumption;

(e) content that is obscene or indecent; and

(f) content that a reasonable person knows or should know appeals to children.

~~(16) "Safeguard" means to maintain the confidentiality of the information accessed and not use, release, publish, disclose, or otherwise make available to any other person not authorized to access the information for any purpose other than those specifically authorized or permitted by applicable law.~~

~~(17) "State electronic verification system" means the same as the term is defined in Section 26B-4-202 and Subsection 4-41a-102(44).~~

~~(18) "Targeted marketing" means the same as the term is defined in Subsection 4-41a-102(47).~~

~~(19) "Utah resident" means an individual who has established a domicile in Utah.]~~

R66-5-3. ~~[General Operating Standards]~~Medical Cannabis Pharmacy License.

(1) A medical cannabis pharmacy license allows the licensee to receive cannabis from a licensed cannabis processor or medical cannabis pharmacy.

(2) A medical cannabis pharmacy license allows the licensee to sell medical cannabis or medical cannabis devices to medical cannabis patients.

(3) Each medical cannabis pharmacy license shall expire one calendar year from the date of licensure.~~[In addition to general operating standards established in Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, medical cannabis pharmacies shall comply with the operating standards established in this rule. Medical cannabis pharmacies shall:~~

~~(a) be well lit, well ventilated, clean, and sanitary;~~

- ~~_____ (b) maintain a current list of employees working at the medical cannabis pharmacy that:~~
- ~~_____ (i) includes employee name, department registration license classification and license number, registration expiration date, and work schedule; and~~
- ~~_____ (ii) be readily retrievable for inspection by the department and may be maintained in paper or electronic form;~~
- ~~_____ (c) have a counseling area to allow for confidential patient counseling; and~~
- ~~_____ (d) have current and retrievable editions of the following reference publications, in print or electronic format, readily available and retrievable to medical cannabis pharmacy personnel:~~
 - ~~_____ (i) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;~~
 - ~~_____ (ii) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and~~
 - ~~_____ (iii) applicable administrative rules.~~
- ~~_____ (2) A medical cannabis pharmacy may not distribute medical cannabis products or medical cannabis devices to a medical cannabis cardholder unless an employee who is a PMP is physically present and immediately available in the medical cannabis pharmacy.~~
- ~~_____ (3) A medical cannabis pharmacy location shall be open for a cardholder to buy a medical cannabis product and medical devices for a minimum of 35 hours a week, except as authorized by the department.~~
- ~~_____ (4) A medical cannabis pharmacy that closes during normal hours of operation shall implement procedures to notify cardholders when the medical cannabis pharmacy will resume normal hours of operation. Procedures may include telephone system messages and conspicuously posted signs.~~
- ~~_____ (5)(a) Deliveries from a cannabis processing facility or another medical cannabis pharmacy shall be carried out under the direct supervision of a PMP or pharmacy agent.~~
- ~~_____ (b) A PMP or pharmacy agent shall be present to accept the delivery.~~
- ~~_____ (c) Upon delivery, the medical cannabis product or medical cannabis devices shall immediately be placed in a limited access area of the medical cannabis pharmacy.~~
- ~~_____ (6) A medical cannabis pharmacy shall protect confidential cardholder data and information stored in the Electronic Verification System to ensure that access to and use of the data and information is limited to those individuals and purposes authorized under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis and this rule.~~
- ~~_____ (7) A medical cannabis pharmacy may not dispense expired, damaged, deteriorated, misbranded, adulterated, or opened medical cannabis products or medical cannabis devices.~~
- ~~_____ (8)(a) A medical cannabis pharmacy license may not be assigned or transferred but a licensee may make changes to its ownership or company structure.~~
- ~~_____ (b) Any changes to a pharmacy's ownership or company structure shall be reported to the department no later than ten calendar days before the change is to take place.~~
- ~~_____ (c) When making a change to its ownership, a licensee may not:~~
 - ~~_____ (i) make an ownership change by an interest of 2% or more without notification of the department at least 10 days before the date of the change; and~~
 - ~~_____ (ii) make an ownership change by an interest of 50% or more without applying to the department and receiving department approval and payment of the fee authorized under Subsection 4-41a-1001(3)(c) that the department sets in accordance with Section 63J-1-504.~~
- ~~_____ (9) When applying to the department for approval of an ownership change of more than 50%, the medical cannabis pharmacy shall submit to the department:~~
 - ~~_____ (a) a complete application form;~~
 - ~~_____ (b) payment of an application fee that covers the cost of the application review;~~
 - ~~_____ (c) a description of how the medical cannabis pharmacy maintains its compliance with the minimum standards for licensure and operation of the medical cannabis pharmacy; and~~
 - ~~_____ (d) the results of any formal investigation or adverse action taken against the new owners or individuals with financial or management control who make up the new owners, during the past seven years by any licensing jurisdiction, government agency, law enforcement agency, or court.~~
- ~~_____ (10) A medical cannabis pharmacy shall provide a copy of a certificate of analysis for a medical cannabis product to a medical cannabis cardholder or a recommending medical provider if:~~
 - ~~_____ (a) it is requested in writing; and~~
 - ~~_____ (b) the requestor signs a non-disclosure agreement upon request by the medical cannabis pharmacy.~~
- ~~_____ (11) A medical cannabis pharmacy may be in the same building as a medical clinic that offers medical cannabis evaluations under the following conditions:~~
 - ~~_____ (a) the building owner may not be the medical cannabis pharmacy or an owner, director, board member, employee, or agent of the medical cannabis pharmacy; and~~
 - ~~_____ (b) the two businesses cannot share an outdoor entrance unless the entrance leads to a common area shared by multiple tenants of the building where the two businesses have separate facility entrances to facility reception areas separated by walls and locked doors.]~~

R66-5-4. [Operating Plan] Medical Cannabis Pharmacy Requirements.

- (1) A medical cannabis pharmacy operating plan shall meet the requirements described in Section 4-41a-204 and contain a blueprint of the facility containing the following information:
 - _____ (a) limited access areas;
 - _____ (b) public waiting area;
 - _____ (c) patient counseling area;

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- ~~_____ (d) where cannabis products and cannabis devices are stored;~~
- ~~_____ (e) location of returned cannabis and cannabis waste awaiting destruction;~~
- ~~_____ (f) the location of toilet facilities and hand washing facilities;~~
- ~~_____ (g)(i) the location of a break room and the location of personal belonging lockers; and~~
- ~~_____ (i) the location of the areas to be used for loading and unloading of cannabis and cannabis products.~~
- ~~_____ (2) A medical cannabis pharmacy shall have a counseling area to allow for confidential patient counseling.~~
- ~~_____ (3) A medical cannabis pharmacy shall protect confidential cardholder data and information stored in the Electronic Verification System to ensure that access to and use of the data and information is limited to those individuals and purposes authorized under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and this rule.~~
- ~~_____ (4) A medical cannabis pharmacy shall set hours open for business to give patients the greatest access to medical cannabis possible.~~
- ~~_____ (5) A medical cannabis pharmacy may not dispense expired, damaged, deteriorated, misbranded, adulterated, or opened medical cannabis products or medical cannabis devices.~~
- ~~_____ (6) A medical cannabis pharmacy shall have a written plan to handle potential recall and destruction of cannabis due to contamination.~~
- ~~_____ (7) A medical cannabis pharmacy operating plan shall include a waste disposal plan that complies with Section 4-41a-1101.~~
- ~~_____ (8) Pursuant to Section 4-41a-109, a medical cannabis pharmacy may use signage on the property that includes a logo, as long as the logo does not include a recreational disposition.~~
- ~~_____ (9) A medical cannabis pharmacy shall provide a copy of a certificate of analysis for a medical cannabis product to a medical cannabis cardholder or a recommending medical provider if:~~
 - ~~_____ (a) it is requested in writing; and~~
 - ~~_____ (b) the medical cannabis pharmacy redacts the location of the medical cannabis processor.~~
- ~~_____ (10) A medical cannabis pharmacy shall immediately report any actual or suspected criminal activity to:~~
 - ~~_____ (a) the department; and~~
 - ~~_____ (b) law enforcement with jurisdiction where the criminal acts occurred.~~
- ~~_____ [A medical cannabis pharmacy license application shall include an operating plan that at a minimum, consists of the following:~~
 - ~~_____ (a) the information requested in the application;~~
 - ~~_____ (b) the information listed in Section 4-41a-1004; and~~
 - ~~_____ (c) a plan to comply with applicable operating standards, statutes, and administrative rules, including:~~
 - ~~_____ (i) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;~~
 - ~~_____ (ii) applicable administrative rules; and~~
 - ~~_____ (iii) procedures for a PIC to determine the pharmacy's medical cannabis inventory under Subsection 4-41a-1101(12).~~
- ~~_____ (2)(a) The department may require the applicant for a medical cannabis pharmacy license to make a change to its operating plan before issuing a pharmacy license.~~
- ~~_____ (b) The applicant shall submit a copy of its updated operating plan, with the required change and receive department approval of the plan before the department awards the license.~~
- ~~_____ (3)(a) Once the department issues a license, any change to a medical cannabis pharmacy's operating plan is subject to the approval of the department.~~
- ~~_____ (b) A medical cannabis pharmacy shall submit a notice, in a manner determined by the department at least 14 days before the date that it plans to implement any change to its operating plan.]~~

[R66-5.5. Pharmacist In Charge.

- ~~_____ (1)(a) PICs shall have the responsibility to oversee the medical cannabis pharmacy's operation.~~
- ~~_____ (b) The PIC shall generally supervise the medical cannabis pharmacy, though the PIC is not required to be on-site during business hours.~~
- ~~_____ (2)(a) Each medical cannabis pharmacy shall have a unique email address to be used for official notices, self audits, or alerts initiated by the department.~~
- ~~_____ (b) The medical cannabis pharmacy shall identify the email address in their initial license application and inform the department within seven calendar days if the email address is changed.~~
- ~~_____ (c) The email address may not be used to send any patient information.~~
- ~~_____ (3) The PIC shall:~~
 - ~~_____ (a) ensure that PMPs and pharmacy agents appropriately interpret and distribute a recommendation from a recommending medical provider in a suitable container appropriately labeled for administration or use by a patient;~~
 - ~~_____ (b) determine the medical cannabis pharmacy's inventory of medical cannabis and medical cannabis products;~~
 - ~~_____ (c) ensure that medical cannabis products and medical cannabis devices are distributed safely and accurately with correct dosing guidelines and directions of use as recommended by a recommending medical provider;~~
 - ~~_____ (d) ensure that PMPs and pharmacy agents communicate to a cardholder, at their request, information concerning any medical cannabis product or medical cannabis devices distributed to the cardholder;~~
 - ~~_____ (e) ensure that medical cannabis pharmacy personnel receive necessary education and training;~~
 - ~~_____ (f) establish policies for procurement of medical cannabis products, medical cannabis devices, and educational material sold at the facility;~~
 - ~~_____ (g) distribute and dispose of medical cannabis products and medical cannabis devices from a medical cannabis pharmacy;~~
 - ~~_____ (h) ensure appropriate storage of medical cannabis products and medical cannabis devices;~~

- ~~_____ (i) maintain a complete and accurate record of products and transactions of the medical cannabis pharmacy necessary to maintain accurate control and accountability for materials required by applicable state laws;~~
- ~~_____ (j) establish effective control against theft or diversion of medical cannabis products or medical cannabis devices, and record of the product;~~
- ~~_____ (k) ensure legal operation of the medical cannabis pharmacy, including inspections, and other requirements, of state law;~~
- ~~_____ (l) implement an ongoing quality assurance program that monitors the performance of the personnel at the medical cannabis pharmacy;~~
- ~~_____ (m) ensure that the point of sale is in working order;~~
- ~~_____ (n) ensure that relevant information is submitted to the state's Inventory Control System and Electronic Verification System in a timely manner;~~
- ~~_____ (o) ensure that medical cannabis pharmacy personnel have appropriate licensure and registration;~~
- ~~_____ (p) ensure that no medical cannabis pharmacy operates with a ratio of PMPs to pharmacy agents that results in, or reasonably would be expected to result in, a reasonable risk of harm to public health, safety, and welfare; and~~
- ~~_____ (q) ensure that the PIC assigned to the medical cannabis pharmacy is recorded with the department, and the department is notified of a PIC change within 14 days of the change or within 24 hours of an immediate change in a PIC's employment status in case of sudden resignation, termination, or emergency leave.~~
- ~~_____ (4) A PMP cannot be designated as PIC for more than two medical cannabis pharmacies at one time.]~~

[R66-5-6. Supervision.

- ~~_____ (1) A medical cannabis pharmacy licensee shall ensure that the pharmacy is always under the full and actual charge of the medical cannabis pharmacy's PIC as well as under the direct supervision of at least one supervising PMP, who is physically present when a medical cannabis pharmacy is open to the public.~~
- ~~_____ (2) A medical cannabis pharmacy PIC is not required to be in the medical cannabis pharmacy at all times but shall be available for contact within a reasonable period with the supervising PMP.]~~

R66-5-[7]5. Security Standards.

- ~~_____ (1) A medical cannabis pharmacy shall comply with security standards established in Section 4-41a-1101[and this rule].~~
- ~~_____ (2) A medical cannabis pharmacy shall have a complete video surveillance system that:~~
 - ~~_____ (a) has a minimum camera resolution of 640 x 470 pixels or pixel equivalent for analog;~~
 - ~~_____ (b) allows for the clear and certain identification of any person or activities; and~~
 - ~~_____ (c) sets the date and time stamp embedded on video camera recordings correctly.~~
- ~~_____ (3) Visitors to a medical cannabis pharmacy shall be required to have a properly displayed identification badge issued by the facility while on the premises of the facility.~~
- ~~_____ (4) A Pharmacy Agent or PMP shall escort any medical cannabis pharmacy visitors while in the facility.~~
- ~~_____ (5) A medical cannabis pharmacy shall keep and maintain a visitor log for each visitor that enters the facility showing:~~
 - ~~_____ (a) full name and age;~~
 - ~~_____ (b) badge number issued;~~
 - ~~_____ (c) time of arrival;~~
 - ~~_____ (d) time of departure; and~~
 - ~~_____ (e) purpose of the visit.~~
- ~~_____ (6) The medical cannabis pharmacy shall maintain the visitor log for a minimum of one year.~~
- ~~_____ (7) The medical cannabis pharmacy shall make the visitor log available to the department upon request.[security equipment sufficient to deter and prevent unauthorized entrance into a limited access area of the medical cannabis pharmacy that includes equipment required in this section.~~
- ~~_____ (3) A medical cannabis pharmacy shall have a system to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular or private radio signals, or another mechanical or electronic device.~~
- ~~_____ (4) A medical cannabis pharmacy shall be equipped with a secure lock on any entrance to the medical cannabis pharmacy.~~
- ~~_____ (5) A medical cannabis pharmacy shall have electronic monitoring including:~~
 - ~~_____ (a) at least one 19-inch or greater call up monitor;~~
 - ~~_____ (b) a printer, capable of immediately producing a clear still photo from any video camera image;~~
 - ~~_____ (c) a video camera with a recording resolution of at least 640 x 470, or the equivalent, that provides coverage of entrances to and exits from limited access areas, entrances to and exits from the building, and is capable of identifying any activity occurring in or adjacent to the building;~~
 - ~~_____ (d) a video camera that records continuously, 24 hours a day, 7 days a week or be motion activated;~~
 - ~~_____ (e) a video camera at each point of sale and product destruction or disposal location that will allow for the identification of a medical cannabis cardholder, visitor, or pharmacy employee;~~
 - ~~_____ (f) a method for storing video recordings from the video camera for at least 45 calendar days;~~
 - ~~_____ (i) a surveillance system storage device used for locally stored footage shall be secured in the facility in a lock box, cabinet, closet, or secured in another manner, to protect from employee tampering or criminal theft; and~~
 - ~~_____ (ii) access to footage stored on a remote server shall be restricted to protect from employee tampering;~~
 - ~~_____ (g) a failure notification system that provides an audible and visual notification of failure in the electronic monitoring system;~~
 - ~~_____ (h) sufficient battery backup for a video camera and recording equipment to support of recording in the event of a power outage;~~

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- _____ (i) a date and time stamp embedded on video camera recordings that is set correctly; and
- _____ (j) a panic alarm in the interior of the facility that is a silent security alarm system signal generated by the manual activation of a device intended to signal a robbery in progress.
- _____ (6) Security measures implemented by a medical cannabis pharmacy to deter and prevent unauthorized entrance in areas containing products or theft of products and to ensure the safety of employees and cardholders, shall include measures to:
 - _____ (a) store medical cannabis products and medical cannabis devices in a secure locked limited access area in a manner as to prevent diversion, theft, and loss;
 - _____ (b) keep safes, vaults, and any other equipment or areas used for storage, including before disposal of the product, securely locked and protected during times other than the time required to remove or replace medical cannabis a product or medical cannabis devices;
 - _____ (c) keep locks and security equipment in good working order and test that equipment is functioning properly at least two times per calendar year;
 - _____ (d) prohibit keys from being left in locks, stored, or placed in a location accessible to any person other than specifically authorized personnel;
 - _____ (e) prohibit accessibility of security measures such as combination numbers, passwords, or electronic, or biometric security systems, to any person other than specifically authorized personnel;
 - _____ (f) ensure that the outside perimeter of the building is sufficiently lit to facilitate surveillance;
 - _____ (g) ensure that medical cannabis products and medical cannabis devices are kept out of plain sight and are not visible from a public place;
 - _____ (h) secure each product following any instance of diversion, theft, or loss of product, and conduct an assessment to determine whether additional safeguards are necessary;
 - _____ (i) ensure safe cash handling and cash transportation to prevent theft, loss, and associated risk to the safety of employees, customers, and the general public at any medical cannabis pharmacy where a cash transaction is conducted; and
 - _____ (j) prevent an individual from remaining on the premise of the medical cannabis pharmacy if they are not engaging in activity permitted by Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis or Title 4, Chapter 41a, Medical Cannabis Production Establishments and Pharmacies.
- _____ (7) A medical cannabis pharmacy may display, in a securely locked case, a sample of each product offered:
 - _____ (a) the display case shall be transparent; and
 - _____ (b) an authorized PMP or pharmacy agent may remove an example of medical cannabis or a medical cannabis device from the case and provide it to a cardholder for inspection, provided:
 - _____ (i) the patient does not consume or otherwise use the sample;
 - _____ (ii) the processor label from the original product container or an image showing the processor label is affixed to the sample's container with the unique identifying number that links the medical cannabis product to the ICS; and
 - _____ (iii) the medical cannabis product is destroyed in compliance with applicable laws and the pharmacy's standard operating procedures.
- _____ (8) Inside the medical cannabis pharmacy, medical cannabis product and medical cannabis devices, shall be stored in a limited access area during non business hours.
- _____ (9)(a) While inside the medical cannabis pharmacy, each employee shall wear an identification tag or similar form of identification, to clearly identify them to the public.
- _____ (b) The tag shall list the employees' position at the medical cannabis pharmacy as a PMP or pharmacy agent.
- _____ (c) A medical cannabis PMP shall carry their Pharmacy Medical Provider registration card at all times when:
 - _____ (i) they are on the premises of a medical cannabis pharmacy; and
 - _____ (ii) they are transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between a cannabis production establishment and a medical cannabis pharmacy.
- _____ (10) A medical cannabis pharmacy shall include the following areas:
 - _____ (a) public waiting area;
 - _____ (b) cardholder only area; and
 - _____ (c) limited access area.
- _____ (11) A medical cannabis pharmacy shall allow only a medical cannabis cardholder, PMP, pharmacy agent, authorized vendor, contractor, or visitor, to have access to the cardholder area of the medical cannabis pharmacy.
- _____ (12)(a) An outside vendor, contractor, or a visitor shall obtain a visitor identification badge before entering the cardholder only, or limited access area of a medical cannabis pharmacy.
- _____ (b) The badge shall be worn at all times when on the premise of the medical cannabis pharmacy.
- _____ (c) Each visitor shall be escorted at all times by an employee authorized to enter the medical cannabis pharmacy.
- _____ (d) Each visitor shall log in and out and that log shall be available for inspection by the department.
- _____ (e) Each visitor shall return their badge to the medical cannabis pharmacy upon exit.
- _____ (13) A medical cannabis pharmacy shall keep and maintain a log showing:
 - _____ (a) the full name of each visitor entering the facility;
 - _____ (b) the badge number issued;
 - _____ (c) the date and time of arrival;
 - _____ (d) the date and time of departure; and
 - _____ (e) the purpose of the visit.
- _____ (14) The visitor log shall be maintained by the medical cannabis pharmacy for a minimum of one year.
- _____ (15) The medical cannabis pharmacy shall make visitor log available to the department upon request.

~~(16)(a) A medical cannabis pharmacy shall keep product that is inside the medical cannabis pharmacy in a limited access area, inaccessible to any person other than a PMP, pharmacy agent, state employee, or an individual authorized by the medical cannabis pharmacy's PIC.~~

~~(b) The limited access area under Subsection (13)(a) shall:~~

~~(i) be identified by the posting of a sign that is a minimum of 12" x 12," and~~

~~(ii) states: "Limited Access Area," in lettering no smaller than one inch in height.~~

~~(17) If a cabinet or drawer is used as a limited access area, it is not required to have a "Limited Access Area" sign on it.~~

~~(18) Only a PMP or a pharmacy agent shall have access to the medical cannabis pharmacy when the medical cannabis pharmacy is closed to the public.~~

~~(19)(a) The medical cannabis pharmacy, or parent company, shall maintain a record of not less than five years of the initials or identification codes that identify each PMP or pharmacy agent by name.~~

~~(b) The initial or identification code under Subsection (16)(a):~~

~~(i) shall be unique, to ensure that each PMP or pharmacy agent can be identified; and~~

~~(ii) may not be used for two or more PMPs or pharmacy agents.]~~

R66-5-[8]6. Inventory Control.

~~(1) All cannabis products and cannabis waste shall be entered into the inventory control system. Recorded information shall include:~~

~~(a) unique identification number;~~

~~(b) batch or lot number;~~

~~(c) name of product;~~

~~(d) storage location; and~~

~~(e) date entered in the inventory control system.~~

~~(2) Returned product shall be reactivated and placed into the inventory control system.~~

~~(3) Each cannabis product or cannabis waste shall have a physical tag containing information listed in Subsection R66-5-6(1).~~

~~(4) A receiving medical cannabis pharmacy shall:~~

~~(a) document in the inventory control system any material containing cannabis received, and any difference between the quantity specified in the transport manifest and the quantity received; and~~

~~(b) within one working day, notify the department if the quantity of cannabis received is greater than 10% of the amount recorded on the manifest.[A medical cannabis pharmacy shall inventory and store medical cannabis products and medical cannabis devices:~~

~~(a) in a manner to permit clear identification, separation, and easy retrieval of a product; and~~

~~(b) in an environment necessary to maintain the integrity of product inventory.~~

~~(2) A medical cannabis pharmacy shall use the ICS to establish a record of each transaction, sale, return, and disposal.~~

~~(3) A medical cannabis pharmacy shall input information regarding the purchase of medical cannabis products or medical cannabis devices into the ICS immediately following each transaction.~~

~~(4) A medical cannabis pharmacy shall establish and document daily and weekly inventory controls of medical cannabis product and medical cannabis devices to help the pharmacy detect any diversion, theft, or loss of product in a timely manner.~~

~~(5)(a) A PMP at each medical cannabis pharmacy shall conduct a monthly inventory that includes a reconciliation of each medical cannabis product and medical cannabis device stored at the pharmacy with the pharmacy's inventory record in the ICS.~~

~~(b) Pharmacy agents may assist a PMP with the monthly inventory.~~

~~(c) A monthly inventory shall include:~~

~~(i) the time and date of completing the inventory;~~

~~(ii) a summary of the inventory findings; and~~

~~(iii) the name and signature or initials of the PMP who conducted the inventory.~~

~~(6) If a medical cannabis pharmacy employee identifies a reduction in the number of medical cannabis products or medical cannabis devices in their inventory that is not due to a documented cause, the pharmacy shall immediately:~~

~~(a) determine where the loss occurred and take and document corrective action;~~

~~(b) inform the department of the loss by telephone; and~~

~~(c) provide written notice of the loss and the corrective action taken to the department within two business days after the discovery of the loss.~~

~~(7) If a reduction in the number of medical cannabis products or medical cannabis devices in the inventory is due to actual or suspected criminal activity, the medical cannabis pharmacy shall immediately make a written report identifying the circumstances surrounding the reduction to:~~

~~(a) the department; and~~

~~(b) to law enforcement with jurisdiction where the criminal acts occurred.~~

~~(8) If a medical cannabis pharmacy employee identifies an increase in the amount of medical cannabis products or medical cannabis devices in the inventory not due to documented causes, the medical cannabis pharmacy shall determine where the increase occurred and take and document corrective action.~~

~~(9)(a) The PIC shall conduct and complete an annual comprehensive inventory of products at a medical cannabis pharmacy within 72 hours or three working days of the pharmacy's first annual comprehensive inventory.~~

~~(b) The annual comprehensive inventory shall include:~~

~~(i) the time and date of the inventory;~~

~~(ii) a summary of the inventory findings; and~~

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- ~~_____ (iii) the name and signature or initials of the PIC who conducted the inventory.~~
- ~~_____ (10) The medical cannabis pharmacy shall keep records of each monthly inventory and comprehensive annual inventory for five years.~~
- ~~_____ (11)(a) Inventory records may be electronic or physical.~~
- ~~_____ (b) If physical records are kept, the physical records shall be located at the medical cannabis pharmacy where the medical cannabis products and medical cannabis devices are located.~~
- ~~_____ (c) If a medical cannabis pharmacy intends to maintain records at a location other than the medical cannabis pharmacy, they send a written request to the department that contains:~~
 - ~~_____ (i) the medical cannabis pharmacy name and license number; and~~
 - ~~_____ (ii) the name and address of the alternate location.~~
- ~~_____ (b) The department shall approve or deny the request through written notification.~~
- ~~_____ (c) A copy of the department's approval shall be maintained by the medical cannabis pharmacy.~~
- ~~_____ (d) The alternate location shall be secured and accessible only to authorized medical cannabis pharmacy employees.~~
- ~~_____ (12) Upon request, a medical cannabis pharmacy shall provide any documentation required to be maintained in this rule to the department for review.]~~

[R66-5-9. Transportation.

- ~~_____ (1) Transport of medical cannabis from a medical cannabis pharmacy to another location may occur only when:~~
 - ~~_____ (a) a home delivery medical cannabis pharmacy is delivering shipments of medical cannabis or medical cannabis devices to a cardholder's home address or caregiver facility;~~
 - ~~_____ (b) a medical cannabis pharmacy or cannabis production establishment is transporting medical cannabis or a medical cannabis device from a medical cannabis pharmacy facility to a cannabis production establishment facility or waste disposal location to be disposed of; or~~
 - ~~_____ (c) a product recall is initiated and medical cannabis or a medical cannabis device must be returned from a medical cannabis pharmacy to the cannabis production establishment.~~
- ~~_____ (2) Medical cannabis product and medical cannabis devices to be returned to a cannabis production establishment shall be:~~
 - ~~_____ (a) logged into the ICS;~~
 - ~~_____ (b) stored in a locked container with clear and bold lettering: "Return"; and~~
 - ~~_____ (c) prepared for return in compliance with any guideline and protocol of the cannabis production establishment for collecting, storing, and labeling a returned product.~~
- ~~_____ (3)(a) A printed transport manifest shall accompany each transport of cannabis.~~
- ~~_____ (b) The manifest shall contain the following information:~~
 - ~~_____ (i) the cannabis pharmacy address and license number of the departure location;~~
 - ~~_____ (ii) physical address and license number of the receiving location;~~
 - ~~_____ (iii) strain name, quantities by weight, and unique identification numbers of each cannabis material to be transported;~~
 - ~~_____ (iv) date and time of departure;~~
 - ~~_____ (v) estimated date and time of arrival; and~~
 - ~~_____ (vi) name and signature of each agent accompanying the cannabis.~~
- ~~_____ (4) A PMP or pharmacy agent accepting a shipment of medical cannabis or medical cannabis device at a medical cannabis pharmacy facility from a cannabis production establishment shall:~~
 - ~~_____ (a) be given a copy of the transport manifest from the cannabis production establishment or medical cannabis pharmacy;~~
 - ~~_____ (b) ensure that the cannabis material received is as described in the transport manifest and shall:~~
 - ~~_____ (i) record the amounts received for each strain into the inventory control system; and~~
 - ~~_____ (ii) document any differences between the quantity specified in the transport manifest and the quantities received in the inventory control system and report difference to the department;~~
 - ~~_____ (c) not delete, void, or change information provided on the transport manifest upon arrival at the medical cannabis pharmacy;~~
 - ~~_____ (d) clearly record on the manifest the unique initial or identification code of the medical cannabis pharmacy employee who compares the received inventory with the transport manifest and the actual date and time of receipt of the medical cannabis product or medical cannabis devices;~~
 - ~~_____ (e) if a difference between the quantity specified in the transport manifest and the quantity received occurs, document the difference in the ICS; and~~
 - ~~_____ (f) log in the ICS any change to medical cannabis product or medical cannabis devices, that may have occurred while in transport.~~
- ~~_____ (5) A medical cannabis pharmacy may only receive medical cannabis products in their final packaging.~~
- ~~_____ (6)(a) A medical cannabis pharmacy may write notes on the manifest to document discrepancies.~~
- ~~_____ (b) A medical cannabis pharmacy may reject a shipment from a cannabis processing establishment.]~~

R66-5-[10]7. Minimum Requirements for the Storage and Handling of Cannabis.

- (1) Storage areas shall provide adequate lighting, sanitation, temperature, humidity, space, equipment, and security conditions for the storage of cannabis.
- (2) Stored cannabis shall be at least six inches off the ground.
- (3) Cannabis shall be stored away from[~~other chemicals, lubricants, pesticides, fertilizers, or other~~] potential contaminants.

(4) Cannabis that is outdated, damaged, deteriorated, misbranded, or adulterated shall be stored separately by a physical barrier until it is destroyed.

~~[R66-5-11. Cannabis Disposal and Waste.~~

~~(1) A medical cannabis pharmacy shall dispose of cannabis waste at the medical cannabis pharmacy location or a location of a cannabis production establishment licensed by the department.~~

~~(2) In addition to complying with standards for cannabis disposal and waste established in Subsection 4-41a-1101(11), a medical cannabis pharmacy shall:~~

~~(a) designate a location in the limited access area of the medical cannabis pharmacy where cannabis waste shall be securely locked and stored;~~

~~(b) designate a lockable container or containers that are clearly and boldly labeled with the words "Not for Sale or Use;"~~

~~(c) ensure the medical cannabis product is logged in the ICS at the time of disposal with appropriate information including:~~

~~(i) a description of and reason for the disposal;~~

~~(ii) date of disposal;~~

~~(iii) method of disposal; and~~

~~(iv) name and registration identification number of the agent responsible for the disposal;~~

~~(d) ensure that wastewater generated during the cannabis waste disposal process is disposed of in compliance with applicable state laws and rules; and~~

~~(e) ensure that cannabis waste disposed of is made unusable.~~

~~(3)(a) Cannabis waste generated from the cannabis plant, trim, and leaves is not considered hazardous waste unless it has been treated or contaminated with a solvent or pesticide.~~

~~(b) Cannabis waste that 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.~~

~~(c) Materials used to grind and incorporate with cannabis may be compostable or non-compostable.~~

~~(i) 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.~~

~~(ii) 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.]~~

~~R66-5-12]~~8. Product Recall.

~~(1) A recall may be initiated by a cannabis production establishment, a medical cannabis pharmacy, or the department.~~

~~(2) A medical cannabis pharmacy shall maintain a recall plan that includes, at a minimum:~~

~~(a) a designation of at least one employee who shall serve as the recall coordinator;~~

~~(b) if the recall is initiated by a medical cannabis pharmacy, a requirement that the pharmacy will immediately notify the department and the cannabis production establishment from which it obtained the cannabis product in question;~~

~~(c) a requirement that notification occur within 24 hours of the pharmacy becoming aware of a complaint about the medical cannabis product or medical cannabis device;~~

~~(d) a procedure to identify and isolate recalled products to prevent or minimize distribution to patients;~~

~~(e) a procedure to retrieve and destroy recalled product; and~~

~~(f) a communication plan to notify those affected by the recall.~~

~~(3) The medical cannabis pharmacy shall track the total amount of affected medical cannabis product and the amount of medical cannabis product returned to the medical cannabis pharmacy as part of the recall.~~

~~(4) The medical cannabis pharmacy shall coordinate the destruction of the medical cannabis product with the department and allow the department to oversee the destruction.~~

~~(5) A medical cannabis pharmacy shall notify the department before initiating a voluntary recall.~~

~~[R66-5-13. Partial Filling.~~

~~A PMP or pharmacy agent who partially fills a recommendation for a medical cannabis cardholder shall specify in the ICS the following:~~

~~(1) date of partial fill;~~

~~(2) quantity supplied to the cardholder; and~~

~~(3) quantity remaining of the recommendation partially filled.]~~

R66-5-14[2]. ~~Closing a Pharmacy~~Abandoning or Relinquishing a License.

(1) ~~At least 14 days before the closing of a medical cannabis pharmacy, the PIC~~When a medical cannabis pharmacy determines to cease operations, the licensee shall:

(a) send ~~written~~ notice to the department with the ~~name, address, and department issued license number~~date of closure of the medical cannabis pharmacy;

(b) ~~surrender the license issued to the medical cannabis pharmacy;~~

~~(c) provide a statement to the department attesting~~a written plan to the department for approval, detailing:

(i) ~~a comprehensive inventory was conducted~~when the department may conduct a comprehensive inventory;

(ii) the ~~manner in which the~~expected disposition of any medical cannabis product and medical cannabis devices ~~will be transferred or disposed of~~; and

~~(iii) the anticipated date of closing;~~

~~(iv) the name, address, and department issued license number of the medical cannabis pharmacy or cannabis production establishment acquiring the medical cannabis and medical cannabis devices from the medical cannabis pharmacy that is closing;~~

~~(v) the date when the transfer of the medical cannabis product and medical cannabis devices will occur; and~~

~~(vi) (iii) the name [and address] of the medical cannabis pharmacy to which the orders, including any refill information and patient records, will be transferred; and~~

(c) post a closing notice in a conspicuous place at the public entrance doors to the medical cannabis pharmacy that includes the closing date.

(2) ~~If the PIC cannot provide notification 14 days before closing because the medical cannabis pharmacy is closed suddenly due to fire, destruction, natural disaster, death, property seizure, eviction, bankruptcy, they shall notify the department no later than 24 hours after the closing.~~

~~(3) If the PIC is not available to comply with the requirements of this section, the owner or legal representative shall be responsible for compliance with this section.~~

~~(4) On the date of the closing, the PIC~~licensee shall remove medical cannabis product and medical cannabis devices from the medical cannabis pharmacy according to the department approved plan ~~by one or a combination of the following methods:~~

~~(a) transport them to a cannabis processing facility for credit or disposal; or~~

~~(b) transfer or sell them to a person who is legally entitled to have medical cannabis products and medical cannabis devices, such as another medical cannabis pharmacy in Utah.~~

~~(5) The PIC~~(3) The licensee shall remove signs and notify the landlord of the property that it is unlawful to use the word "medical cannabis pharmacy," or any other words of the same or similar meaning or any graphic representation that would mislead the public that a medical cannabis pharmacy is located at the address.

~~R66-5-15. Abandonment of a License.~~

~~A medical cannabis pharmacy shall be considered to have abandoned their license if they fail to begin operations within one year after the day on which the department issues an intent to award a medical cannabis pharmacy license.]~~

R66-5-1[6]0. Walk- up, Drive-~~Thru~~Through, and Curbside Service.

(1) A medical cannabis cardholder may ~~contact a medical cannabis pharmacy~~make an order for medical cannabis by phone or online ~~before the time of~~and receive the product using a medical cannabis pharmacy's walk-up, drive-~~thru~~through, or curbside service ~~pick-up to make an order~~.

~~(2)(a) A medical cannabis cardholder transaction may take place outside the medical cannabis pharmacy facility, but shall occur within the total property boundary of the licensed entity.~~

~~(b) Walk-up, drive-thru, and curbside service transactions shall occur at a licensed location that is owned, leased, or rented by the licensed entity and may not occur on a public sidewalk or an adjacent parking lot.~~

~~(3)(a) If a product is bought with cash, the cash must be taken into the medical cannabis pharmacy facility after each transaction.~~

~~(b) If a medical cannabis pharmacy obtains approval from the Division of Finance to accept customer payments through an electronic payment provider, a medical cannabis cardholder using walk-up, drive-thru, and curbside pick-up service may make payments using the approved electronic payment provider.~~

~~(4)(a) Medical cannabis products and medical cannabis devices, including those that are awaiting pick-up, shall be securely stored in the medical cannabis pharmacy facility until a medical cannabis cardholder arrives for pick-up.~~

(b) ~~Under no circumstances may a~~A medical cannabis product or medical cannabis device may not be stored outside of a medical cannabis pharmacy facility before a customer arrives to pick-up the product.

~~(5)3(a) A medical cannabis pharmacy's video surveillance shall enable the video recording of each medical cannabis cardholder transaction~~

~~(b) Subsection (a) that includes:~~

(i) video surveillance of a cardholder, cardholder vehicle, medical cannabis pharmacy employee verifying the cardholder's valid form of government issued identification; and

(ii) the transfer and dispensing of an item bought by a cardholder.

~~(e)b~~ Video cameras shall record points of entry and exit of a parking lot and shall be angled to ensure the capture of clear and certain identification of a cardholder and their vehicle's license plate.

~~(6)4(a) The individual receiving the delivery of a product from the medical cannabis pharmacy employee via walk-up, drive-~~thru~~through, or curbside pick-up shall be a cardholder.~~

(b) When drive-~~[thru]~~through service is used, the medical cannabis cardholder verifying their ID to the medical cannabis pharmacy shall be visible to cameras and to the medical cannabis pharmacy employee who is helping them.

~~[(7) Children under age 18 may be present in a vehicle that arrives for drive thru or curbside pick-up service.]~~

~~[(8)]~~(a) When a PMP's consultation with a medical cannabis cardholder is required, the consultation may be provided in-person, over the phone, or with another real-time communications device.

(b) It is the responsibility of the medical cannabis pharmacy to ensure the privacy of these consultations, regardless of where or how the consultations happen.

~~[(9) When a medical cannabis pharmacy employee transports a container of medical cannabis product to a medical cannabis cardholder via walk up, drive thru, or curbside service, the container shall be contained within a box or an opaque bag.]~~

~~[(10) When drive thru service is used, a medical cannabis pharmacy may use a secure drive thru drawer or pneumatic tube to transport medical cannabis product, medical cannabis device, educational materials, valid photo identification, cash, and other documents between a medical cannabis pharmacy employee and a medical cannabis cardholder.]~~

R66-5-1[7]1. Targeted Marketing.

(1) A medical cannabis pharmacy may engage in targeted marketing pursuant to Subsection 4-41a-1104(2)(f).

(2) Targeted marketing may not:

(a) include deceptive, false, or misleading statements;

(b) contain any health-related statement that is untrue or tends to create a misleading impression as to the effects on health of cannabis consumption;

(c) promote excessive consumption;

(d) contain a statement, design, illustration, picture, or representation that:

(i) encourages or represents the recreational use of cannabis;

(ii) displays the use of cannabis, including the consumption, smoking, or vaping of cannabis;

(iii) encourages or promotes cannabis for use as an intoxicant; or

(iv) is obscene or indecent;

(e) include any image designed or likely to appeal to children, such as:

(i) cartoons;

(ii) toys;

(iii) animals;

(iv) children; or

(v) any other likeness to images, characters, or phrases that are popularly used to advertise to children;

(f) contain any language or imagery that is likely to mislead patients to believe that the medical cannabis product has been endorsed, made, or used by the state or any of its representatives, except where specifically authorized; or

(g) display medical cannabis products or images of products where the advertisement is visible to members of the public.

(3) Targeted marketing shall accurately and legibly identify:

(a) the medical cannabis pharmacy responsible for its content; and

(b) a statement that cannabis products are for use by patients only.

(4) Any targeted marketing for medical cannabis products that is related to the benefits, safety, or efficacy of the product, including therapeutic or medical claims, shall:

(a) be supported by substantial, current clinical evidence or data; and

(b) include information on side effects or risks associated with the use of cannabis.

(5) A medical cannabis pharmacy may have a link on its website to allow individuals to sign up to receive targeted marketing electronically.~~[(Targeted marketing that makes a statement relating to side effects, consequences, contraindications, and effectiveness shall present a true statement of the information.)]~~

(3) Targeted marketing is false, lacking fair balance, or otherwise misleading if it:

(a) contains a representation or suggestion that a cannabis strain, brand, or product is better, more effective, useful in a broader range of conditions or patients, or safer than other drugs or treatments including other cannabis strains or products, unless the claim has been demonstrated by substantial evidence or substantial clinical data;

(b) contains favorable information or opinions about a medical cannabis product previously regarded as valid but which have been made invalid by contrary and more credible recent information;

(c) uses a quote or paraphrase out of context or without citing conflicting information from the same source, to convey a false or misleading idea;

(d) uses a study on individuals without a qualifying medical condition without disclosing that the subjects were not suffering from a qualifying medical condition;

(e) uses data favorable to a medical cannabis product derived from patients treated with a different product or dosages different from those legal in Utah; or

(f) contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for the information or conclusions.

(4) Targeted marketing may not include:

(a) unsubstantiated health claims or other claims that are not supported by substantial evidence or substantial clinical data;

(b) claims that cannabis cures any medical condition; or

(c) content that has a recreational disposition.

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- ~~(5) A medical cannabis pharmacy may reference a cannabis strain or a medicinal dosage form in targeted marketing.~~
~~(6) When posting promotional information about a medical cannabis product for sale online, a medical cannabis pharmacy shall list the total amount of each cannabinoid contained in the product, measured in milligrams.]~~

R66-5-1[8]2. Change in Operating Plans.

- (1) A medical cannabis pharmacy shall submit a notice, on a form provided by the department, before making any changes to the pharmacy's operating plan, including:
- (a) ownership or financial backing of the facility;
 - (b) the facility's name;
 - (c) any modification, remodeling, expansion, reduction, or physical, non-cosmetic alteration of a facility;
 - (d) change to the protected areas;~~and~~
 - (e) change in regular hours of operation or hours open for business; and
 - ~~(f) any other information requested by the department.~~
- (2) Pursuant to Subsection 4-41a-201.1(7), a medical cannabis pharmacy may not implement changes to the initial approved operating plan without board approval.
- (3) The department shall specify the reason for the denial of approval for a change to the operation plan.

R66-5-1[9]3. Pharmacy License and Renewal.

- ~~(1) [Each cannabis pharmacy license shall expire one calendar year from the date of licensure.~~
~~(2)(a)] A medical cannabis pharmacy shall submit a notice of intent to renew to the department within 30 days of license expiration. [receiving a notice of expiration from the department.~~
~~(b) If the intent to renew is not submitted to the department, the licensee may not continue to operate.~~
~~(3) If the licensing fee is not paid by the expiration date, the licensee may not continue to operate.]~~
~~[(4)](2) The licensee shall report the information required for renewal under Subsection 4-41a-201.1(10)(b)(iv) to the board.~~
~~(3) If the licensing fee and intent to renew are not submitted by the day of license expiration, the licensee may not continue to operate.~~
~~(4) The board may take into consideration significant violations issued in determining license renewals.~~

[R66-5-20. Criteria and Process for Issuance of Additional Licenses.

- ~~(1) The department may consider the following factors as criteria when determining if additional medical cannabis pharmacy licenses shall be issued pursuant to Subsection 4-41a-1005(1)(d):~~
~~(a) high potential for growth in the number of medical cannabis card holders located in one or more regions of the state;~~
~~(b) access to medical cannabis home delivery service in the state or in certain regions of the state;~~
~~(c) commuting patterns and economic activity in certain regions of the state;~~
~~(d) the driving distance for medical cannabis cardholders or potential medical cannabis cardholders residing in certain regions of the state from their home to the nearest medical cannabis pharmacy location; or~~
~~(e) the inadequate supply, quality, or variety of medical cannabis in the state or certain regions of the state.~~
~~(2) As the department considers one or more factors described in Subsection R66-5-20(1), it shall consult with and consider input from the Utah Department of Health and Human Services, the medical cannabis industry, and the public.~~
~~(3) The department's process of consultation and consideration of input shall include meetings with stakeholders and holding of a public hearing during which it will accept public comment.~~
~~(4) If the department determines that an additional medical cannabis pharmacy license should be issued, the department shall accept applications for the license in accordance with Title 63G, Chapter 6a, Utah Procurement Code.]~~

R66-5-[24]14. Geographic Regions.

- (1) Pursuant to Subsection 4-41a-1005(1), the department shall divide the state into geographic regions based on:
- (a) overall population;
 - (b) patient population; and
 - (c) travel time.
- (2) The department establishes the following geographic regions by county:
- (a) Region 1- Northern Utah:
 - (i) Box Elder;
 - (ii) Cache; and
 - (iii) Rich_
 - (b) Region 2 - Weber Basin
 - (i) Davis;
 - (ii) Morgan; and
 - (iii) Weber;
 - (c) Region 3 - Salt Lake:
 - (i) Salt Lake;
 - (ii) Summit; and
 - (iii) Tooele;
 - (d)_Region 4 - Uintah Basin:

- (i) Daggett;
- (ii) Duchesne; and
- (iii) Uintah;
- (e) Region 5 - West Central:
 - (i) Juab;
 - (ii) Sanpete;
 - (iii) Utah; and
 - (iv) Wasatch;
- (f) Region 6- Central:
 - (i) Carbon;
 - (ii) Emery;
 - (iii) Millard;
 - (iv) Piute;
 - (v) Sevier; and
 - (vi) Wayne;
- (g) Region 7 - Southwest:
 - (i) Beaver;
 - (ii) Garfield;
 - (iii) Iron;
 - (iv) Kane; and
 - (v) Washington; and
- (h) Region 8 - Southeast:
 - (i) Grand; and
 - (ii) San Juan.

~~[R66-5-22. Limited Medical Provider Recommendation Form.~~

- ~~_____ (1) A medical cannabis pharmacy may accept and process a completed "Limited Medical Provider Recommendation for Medical Cannabis" form.~~
- ~~_____ (a) A pharmacy agent or a PMP employed by a medical cannabis pharmacy may perform a form verification.~~
- ~~_____ (b) Only a PMP may make changes or additions to a form after documenting approval of changes or additions that are communicated by an LMP.~~
- ~~_____ (c) An LMP recommendation cannot be entered into the EVS by a PMP or pharmacy agent without a complete DHHS approved form that is hand-delivered, emailed, or faxed to the medical cannabis pharmacy.~~
- ~~_____ (e) When verifying the validity of the form, a medical cannabis pharmacy shall verify:~~
 - ~~_____ (i) the form is complete and no information on the form appears to have been adulterated;~~
 - ~~_____ (ii) the suffix of the state issued professional license number matches specific numbers assigned to the provider's state issued professional license type;~~
 - ~~_____ (iii) there are nine digits in the Drug Enforcement Agency (DEA) license number;~~
 - ~~_____ (iv) the clinic name, email address, mailing address, and telephone number appear to be legitimate; and~~
 - ~~_____ (v) that an LMP at that clinic completed a form for the patient named in the form.~~
- ~~_____ (2)(a) If the form is missing any part of the verification, a PMP shall investigate any missing or incorrect information.~~
- ~~_____ (b) If a PMP cannot receive verification of the form from the clinic, the form cannot be processed and the PMP shall continue to contact the clinic to seek verification of the information on the form.~~
- ~~_____ (3)(a) The pharmacy shall maintain a record of the pharmacy employee having received or not received verification of a valid form from the clinic.~~
- ~~_____ (b) For hand-delivered and electronically delivered forms, the pharmacy shall upload the form to the patient's EVS account.~~
- ~~_____ (c) The verification of the form shall be recorded in the "Medical Cannabis Pharmacy Use Only" at the bottom of the form or in the patient's EVS profile.~~
- ~~_____ (d) If a PMP corrected or added information on the form upon order of the LMP, a note documenting the change shall be recorded.~~
- ~~_____ (4) If the medical cannabis pharmacy believes a form to be fraudulent, the pharmacy shall notify the DHHS via email within 24 hours of the first receipt of the form.]~~

~~R66-5-[23. Agent Duties and Responsibilities]~~15. Cannabis Pharmacy Agents.****

- ~~_____ (1) Medical cannabis pharmacy employees shall be registered as PMP or a medical cannabis pharmacy agent.~~
- ~~_____ (2) A medical cannabis pharmacy is responsible for ensuring that each agent has received any task specific training as outlined in the operating plan submitted to the department.~~
- ~~_____ (3) A medical cannabis pharmacy agent shall have a properly displayed identification badge which has been issued by the department at all times while on the facility premises or while engaged in the transportation of cannabis.~~
- ~~_____ (4) Each medical cannabis pharmacy agent shall have their state issued identification card in their possession to certify that the information on their badge is correct.~~
- ~~_____ (5) A pharmacy agent may perform the following duties:~~
 - ~~_____ (a) assist a prospective cardholder with an application for a medical cannabis card;~~

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(b) assist the cardholder with understanding available products, proper use of a medical device, medical cannabis strains, and methods of consumption or application within the dosing guidelines specified by an RMP or PMP;

(c) verify the status of an individual's medical cannabis card and dosing guidelines in a patient recommendation within the [ICS]Electronic Verification System;

(d) enter and retrieve information from the [ICS]Inventory Control System;

(e) authorize entry of a cardholder into the cardholder counseling area;

(f) take a refill order from an RMP;

(g) provide pricing and product information;

(h) process cardholder payment, including the issuance of receipt, refund, credit, and cash;

(i) prepare labeling for a product;

(j) retrieve medical cannabis and medical cannabis devices from inventory;

(k) accept a new order of medical cannabis or a medical cannabis device, orders left on voicemail for a PMP to review;

(l) verbally offer to a cardholder, the opportunity for counseling with a PMP regarding medical cannabis, or a medical cannabis device;

(m) assist with dispensing of product to a cardholder;

(n) screen calls for a PMP;

(o) prepare an inventory of medical cannabis and medical cannabis device;

(p) transport medical cannabis, or medical cannabis device; and

(q) assist with maintaining a safe, clean, and professional environment.

[3]6 A pharmacy agent may not perform the following duties:

(a) receive dosing guidelines for a patient's recommendation over the phone or in-person;

(b) determine or modify dosing guidelines in a patient's recommendation; or

(c) provide counseling or consultation regarding a patient's medical condition, or medical treatment.

[R66-5-24. Agent Application Procedures.

~~(1) The application procedures established in this section shall govern an application for initial issuance of a pharmacy agent registration card, under Title 4, Chapter, 41a, Cannabis Production Establishments and Pharmacies~~

~~(2) Each pharmacy agent card applicant shall apply using forms available from the department.~~

~~(3) The department may issue a card to an applicant who submits a complete application if the department determines that the applicant meets the card requirements.~~

~~(4) The department shall provide written notice of denial to an applicant who submits a complete application if the department determines that the applicant does not meet the card requirements.~~

~~(5) The department shall notify an applicant who submits an incomplete application that their application is closed unless the applicant corrects the deficiency within the time period specified in the notice and otherwise meets card requirements.~~

~~(6) The written notice of denial or incomplete application shall be sent to the applicant's last email address shown in the EVS database.~~

~~(7)(a) Each applicant shall maintain a current email address with the department.~~

~~(b) Notice sent to the last email address on file with the department constitutes legal notice.~~

R66-5-25. Agent Renewal Application Procedures.

~~(1) Renewal application procedures established in the rule shall apply to applicants applying for renewal of a pharmacy agent registration card, under Title 4, Chapter, 41a, Cannabis Production Establishments and Pharmacies.~~

~~(2) Each card applicant shall apply using renewal application forms available from the department.~~

~~(3) The department shall issue a card to an applicant who submits a complete renewal application if the department determines that the applicant meets the card requirements.~~

~~(4) The department shall deny an applicant who submits a complete renewal application if the department determines that the applicant does not meet the card requirements.~~

~~(5)(a) The department shall notify an applicant who submits an incomplete application.~~

~~(b) The notice shall advise the applicant that the renewal application is incomplete and closed unless the applicant corrects the deficiency within the time specified in the notice and otherwise meets card requirements.~~

~~(6)(a) The department shall send a renewal notice to each cardholder before the expiration date shown on the cardholder's card.~~

~~(b) The notice shall include directions for the cardholder to renew the card via the department's website.~~

~~(7) Renewal notices shall be sent by email to the cardholder's last email shown in the EVS database.~~

~~(8) A renewal notice shall advise each cardholder that a card will automatically expire on the expiration date and will no longer be valid.~~

~~(9)(a) A pharmacy agent shall renew their pharmacy agent registration card with the department within one year of its expiration date.~~

~~(b) If an applicant fails to renew an expired card within one year, they will be required to submit a new online registration form.]~~

[R66-5-26. Continuing Education Requirements.

~~The certification standard for initial or renewal registration of a pharmacy agent card will be successful completion of a continuing education course regarding state medical cannabis law and patient privacy and federal health information privacy laws that is offered or approved by the department.]~~

R66-5-~~27~~16. Violation Categories.

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

- (a) cannabis sold to an unlicensed source;
- (b) cannabis purchased from an unlicensed source;
- (c) refusal to allow inspection;
- (d) failure to comply with ~~[pharmacist in charge]~~ PIC requirements;
- (e) failure to maintain required general operating standards;
- (f) failure to comply with product recall requirements;
- (g) unauthorized personnel on the premises;
- (h) permitting criminal conduct on the premises; or

(i) engaging in or permitting a violation of the Title 4, Chapter 41a, Medical Cannabis Pharmacy Operation and Agents, which 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:

- (a) failure to maintain alarm and security systems;
- (b) failure to keep and maintain records for at least five years;
- (c) failure to maintain traceability;
- (d) failure to follow transportation requirements;
- (e) failure to follow the waste and disposal requirements;
- (f) failure to follow the walk- up, drive-thru, delivery, and curbside service requirements;
- (g) failure to follow targeted marketing requirements;
- (h) failure to follow agent duties and responsibilities requirements; or
- (i) engaging in or permitting a violation of Title 4, Chapter 41a, Medical Cannabis Pharmacy Operation and Agents or this rule which 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 10%;
- (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 41a, Medical Cannabis Pharmacy License which 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.

(5) The department may enhance or reduce the penalty based on the seriousness of the violation.

KEY: medical cannabis, medical cannabis pharmacy,~~[marijuana]~~ targeted marketing, geographic regions, pharmacy cannabinoids, cannabis products

Date of Last Change: 2025~~[July 25, 2024]~~

Authorizing, and Implemented or Interpreted Law: 4-41a-1101(12), 4-41a-1104(4), 4-2-103(1)(i)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R66-7	Filing ID: 57414
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Agency Information		
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1. Title catchline:	Agriculture and Food, Specialized Products	
Building:	TSOB, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT 84129	
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

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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:
R66-7. Educational Event and Educational Material Rules
4. Purpose of the new rule or reason for the change:
<p>The Department of Agriculture and Food (department) is filing an amendment to this rule to remove redundant information found in statute.</p> <p>The amendment also aligns with the Rulewriting Manual for Utah, which includes clarifying the elements and restrictions on educational events cannabis production establishments and medical cannabis pharmacies may hold for the public or medical providers, and provides guidelines for educational material shared at these events.</p>
5. Summary of the new rule or change:
<p>This filing specifically removes redundant statutory references, such as specific subsection citations in Sections R66-7-1 and R66-7-5.</p> <p>The proposed changes enhance clarity which include clarifying the purpose statement in Section R66-7-1 by including a medical cannabis pharmacy, refining the definition of "educational event" in Section R66-7-2, and rephrasing the introductory phrase for the department's evaluation of educational material in Subsection R66-7-3(3) to active voice.</p> <p>Further clarity improvements in Section R66-7-3 involve rephrasing subsections on false or misleading material (R66-7-3(4)) and prohibited content (R66-7-3(5)) for conciseness and to remove outdated or implicit restrictions, such as "recreationally oriented subject."</p> <p>Section R66-7-4 updates language regarding attendees under 21 at pharmacy events and how presenters address questions.</p> <p>Finally, Section R66-7-5 clarifies the department's review process for compliance, including removing specific statutory references and making advertising/marketing language more direct.</p> <p>Throughout the document, updates to statutory references, like changing "Title 26, Chapter 61a" to "Title 26B, Chapter 4, Part 2," ensure alignment with the current Utah Code.</p>

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This filing does not impact the state's budget because it clarifies existing requirements and removes redundant information, which are administrative adjustments.
B. Local governments:
These changes do not directly impact local governments. They clarify state requirements.
C. Small businesses ("small business" means a business employing 1-49 persons):
This filing does not impact small businesses because it clarifies state requirements and removes redundant information.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This filing does not impact non-small businesses because it clarifies state requirements and removes redundant information.

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 filing does not impact other persons because it clarifies state requirements and removes redundant information.

F. Compliance costs for affected persons:

This filing does not impact the compliance costs because the requirements 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-403

Section 4-41a-1104

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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:	09/01/2025
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R66. Agriculture and Food, ~~Medical Cannabis and Industrial Hemp~~ Specialized Products.

R66-7. Educational Event and Educational Material Rules.

R66-7-1. Authority and Purpose.

Pursuant to ~~Subs~~Sections 4-41a-403~~(5)(a) through 4-41a-403(5)(e)~~ and 4-41a-1104, this rule establishes the elements and restrictions on educational events a cannabis production establishment and a medical cannabis pharmacy may hold for the public or medical providers, and provides guidelines for educational material shared at the events.

R66-7-2. Definitions.

(1) "Educational event" means an event held by a cannabis production establishment or presented by a cannabis production establishment agent for providing education about medical cannabis for the benefit of the public or medical providers.

(2) "Educational material" means content distributed by a medical cannabis production establishment, cannabis production establishment agent, medical cannabis pharmacy agent, or qualified medical provider, whether in-person or online. Educational material includes:

- (a) live or recorded content of an educational event;
- (b) printed material such as books, pamphlets, flyers, or business cards; and
- (c) online content.

R66-7-3. Educational Material Standards.

(1) A presenter seeking to dispel false or misleading information about medical cannabis may include the false or misleading information in educational material if they also include a true statement regarding lawful cannabis use in Utah that dispels the false or misleading information.

(2) Educational material that relates to the use of medical cannabis products shall include information relating to side effects, consequences, contraindications, and effectiveness of medical cannabis, and ensure that information relating to effectiveness is not presented in greater scope, depth, or detail than information relating to side effects, consequences, and contraindications.

(3) ~~Educational material standards assessed by the department include~~ The department will evaluate educational materials based on factors such as typography, layout, contrast, headlines, paragraphing, white space, and other techniques used to achieve emphasis.

(4) Educational material is false or otherwise misleading if it:

(a) contains a representation that a cannabis strain, brand, or product is more effective, useful in a broader range of conditions or patients, or safer than another drug or treatment, including other cannabis strains or products, unless the claim has been demonstrated by substantial evidence or substantial clinical data;

(b) uses a quote or paraphrases information out of context or without citing conflicting information from the same source ~~to convey~~ in a manner that conveys a false or misleading idea;

(c) uses a study on individuals without a qualifying medical condition without disclosing that the subjects were not suffering from a qualifying medical condition;

(d) uses data to present a cannabis product favorably that is derived from patients treated with a different product or with dosages different from those legal in Utah;

(e) contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for the information or conclusions;

(f) fails to disclose the source of the material with sufficient detail to enable participants to locate the material independently; or

(g) fails to disclose that a study has not been subject to the peer review process.

(5) Educational material may not include:

(a) ~~an~~ unsubstantiated health claims or claims ~~that is not supported by~~ without substantial evidence or substantial clinical data;

(b) information that encourages ~~the use of~~ cannabis use for a non-qualifying condition ~~other than a qualifying medical condition~~;

(c) unprofessional terms, slang, phrasing, or verbiage associated with ~~the~~ recreational cannabis use, ~~of cannabis~~ unless those terms are necessary to;

(i) clarify or provide information valuable to the educational event participants, such as law enforcement officers~~, in~~;

(ii) identify~~ing~~ and ~~educating~~ educate individuals on common terms used by patients and other individuals to refer to cannabis; and

(iii) ~~are~~ presented ~~these terms~~ in that context;

(d) ~~any~~ images ~~bearing resemblance to a~~ resembling cartoon ~~character~~ or fictional character whose target audience is children or minors;

(e) content, symbols, or imagery that the cannabis production establishment knows or should know appeals to children;

(f) imagery featuring a person using the product in any way;

(g) ~~any~~ statements that encourage[s], promote[s], or otherwise create[s] an impression that use of cannabis is legal or acceptable to use in a manner except as specifically authorized under Title 26B, Chapter ~~61a, Utah Medical Cannabis Act~~ 4, Part 2 Cannabinoid Research and Medical Cannabis Act;

(h) ~~any~~ statements that recreational cannabis use ~~of cannabis~~ has any potential health or therapeutic benefits, or that recreational use or possession is legal in Utah or under federal law;

~~any recreationally oriented subject;~~

(j) ~~any~~ content ~~that might be considered~~ dismissive of medical cannabis ~~as~~ approved to treat a qualifying medical condition;

(k) content ~~that promotes~~ promoting consumption ~~over~~ exceeding the recommended dosage;

(l) content targeting out-of-state customers;

- (~~an~~) [~~any~~] statements that falsely disparage[s] a competitor's product; or
 (~~a~~) [~~an~~] statement, design, or representation, picture or illustration that is obscene or indecent.

R66-7-4. Educational Event Standards.

(1) Any attendee at an educational event held by a cannabis production establishment pursuant to Section 4-41a-403 shall be at least 21 years of age.

(2) Pursuant to Subsection 4-41a-1104(4), a pharmacy may allow an attendee under 21 years of age at an educational event if:

- (a) the attendee is at least 18 years old;
- (b) the attendee is a current Utah Medical Cannabis Card holder; and
- (c) an agent of the pharmacy verifies the attendee's identity and age.

(~~2~~)³ A presenter may address issues or questions posed during an educational event that clarify or provide [educational material] information on the limits of cannabis use under Title 4, Chapter 41a, Cannabis Production Establishments or Title 26B, Chapter ~~61a~~, Utah Medical Cannabis Act⁴, Part2 Cannabinoid Research and Medical Cannabis Act.

R66-7-5. Department Review.

(1) Any educational event that falls under this rule must be disclosed to the department no less than ten business days before the educational event.

(2) A department employee may attend an educational event to verify compliance with state law and this rule.

(3) The department may require that a cannabis production establishment or pharmacy provide copies of any educational material scheduled to be distributed at an educational event to:

(a) verify that documents and materials are in compliance with Sections 4-41a-403 and 4-41a-1104 ~~and do not conflict with Title 26, Chapter 61a, Utah Medical Cannabis Act~~;

(b) confirm the information presented is correct; and

(c) ~~pursuant to Subsection 4-41a-403(1),~~ confirm that advertising or marketing is not included.

(4) The department may require the cannabis production facility or presenter at an educational event to change the presentation and materials to comply with state laws and this rule.

KEY: cannabis, educational event, cannabis establishment production, medical cannabis pharmacy, educational material, standards

Date of Last Change: 2025~~May 13, 2024~~

Authorizing, and Implemented or Interpreted Law: 4-41a-403~~(5)(a) through 4-41a-403(5)(c)~~; 4-41a-1104

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R66-8

Filing ID: 57413

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 84129	
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
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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:

R66-8. Academic Medical Cannabis Research

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

The Department of Agriculture and Food (department) is amending this rule to ensure it aligns with the current state code by removing redundant information and clarifying current requirements by aligning the information with the Rulewriting Manual for Utah.

5. Summary of the new rule or change:

This filing removes definitions redundant to the state code.

It also removes Section R66-8-7, Transportation, because Section 4-41a-404 covers transportation and restricts researchers from transporting cannabis products.

Section R66-8-8 was also revised to remove redundant information, and Subsection R66-8-8(3) was moved to Section R66-8-6, Research Limitations.

Throughout the rest of this rule, sections were renumbered and revised to ensure active voice and alignment 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:**

This filing will not impact the state's budget because the changes only clarify the requirements.

B. Local governments:

This filing will not impact local governments because they don't administer the state's requirements.

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

This filing will not impact small businesses because the changes only clarify the requirements.

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

This filing will not impact non-small businesses because the changes only clarify the requirements.

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 filing will not impact other persons because the changes only clarify the requirements.

F. Compliance costs for affected persons:

The compliance costs 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-901

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:**

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:

09/01/2025

R66. Agriculture and Food, ~~[Medical Cannabis and Industrial Hemp]~~ Specialized Products.**R66-8. Academic Medical Cannabis Research.****R66-8-1. Authority and Purpose.**

Pursuant to Section 4-41a-901, this rule establishes the process by which a research university may obtain, cultivate, process, and possess cannabis for academic medical cannabis research.

R66-8-2. Definitions.

(1) "Applicant" means a person from a research university who applies for a research license from the Utah Department of Agriculture and Food.

~~_____ (2) "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 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 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 the marijuana plant.~~

~~_____ (4) "Cannabis 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;~~

~~_____ (b) any amount of a natural, derivative, or synthetic cannabinoid in its purified state.~~

~~_____ (5) "Cannabis Product" means a product that:~~

~~_____ (a) is intended for human use; and~~

~~_____ (b) contains cannabis or tetrahydrocannabinol.~~

~~_____ (6) "Department" means the Utah Department of Agriculture and Food.~~

NOTICES OF PROPOSED RULES

~~(7) "License" means a license issued by the Utah Department of Agriculture and Food to a research university granting authorization to obtain cannabis from a cannabis production establishment or another research licensee to cultivate, process, and possess cannabis for research purposes.~~

~~(8) "Licensee" means a person authorized by the department to obtain, cultivate, process, and possess cannabis for research.]~~

(9) ~~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.

(10) ~~3~~ "Research" means academic medical cannabis research or the study of cannabis for developing useful processes, information, and products.

(11) ~~4~~ "Research Plan" means a plan stating the objective and purpose of the proposed academic medical cannabis research including each method and procedure for carrying out the research.

(12) ~~5~~ "Research Location" means the area of a research university where academic medical cannabis research takes place.

(13) ~~6~~ "Security Plan" means a plan to control and limit unauthorized access to cannabis and methods used to prevent diversion of cannabis.

~~(14) "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).]~~

R66-8-3. Research License Requirements.

(1) ~~[No]~~ An applicant may not possess any cannabis until the department notifies the applicant ~~[is notified]~~ that their research license has been approved ~~[by the department]~~.

(2) An applicant shall be 21 years of age or older.

(3) A research university shall employ an applicant ~~[shall be employed by a research university]~~.

~~(4) The department may not issue a license to an applicant if they have been convicted of a drug-related felony within the last ten years.]~~

(5) ~~4~~ An applicant shall submit to the department:

(a) the name, email address, and telephone number of the principal investigator responsible for the:

(i) procurement of cannabis;

(ii) use and secure storage of the cannabis; and

(iii) the management of the research;

(b) the institution's name and address;

(c) the name of each individual with access to cannabis material;

(d) a research plan;

(e) the research location;

(f) the name and address of each cannabis production establishment or licensee from which the applicant intends to obtain cannabis;

and

(g) a security plan.

(6) ~~5~~ Each applicant for a license shall submit to the department, at the time of application, from each individual who will handle cannabis as part of the research, a nationwide criminal history from the FBI completed within three months of the application.

(7) ~~6~~ An applicant shall submit a research license fee as approved by the Legislature in the fee schedule.

(8) ~~7~~ Before issuing a license, the department shall inspect the proposed research location to determine if the applicant complies with state law and this rule.

(9) ~~8~~ The department will reject and not consider ~~[A]~~ an incomplete or incorrect application ~~[will be rejected and not considered by the department]~~.

R66-8-4. Research Plan Requirements.

(1) An applicant is responsible for ensuring that no information is included in a research plan that may compromise the applicant's ability to secure patent, trade secret, or other intellectual property protection.

(2) A person who as the legal authority to represent the research university shall submit ~~[E]~~ each research plan ~~[shall be submitted by a person who has the legal authority to represent the research university]~~.

~~(3) Each research plan shall be submitted~~ to the department in a legible PDF format.

(4) ~~3~~ Each individual involved in research shall be considered an agent of the licensee.

(5) ~~4~~ A research plan is limited to 12 pages, not including references or citations, and should include the following information, in addition to the requirements of Section R66-8-3:

(a) the purpose and goal of the proposed research;

(b) each key milestone and timeline for the research;

(c) background and preliminary studies, if applicable;

(d) the amount and type of cannabis to be obtained for the research project, including the justification with respect to each milestone task;

~~(e) the anticipated cost of the proposed research project and funding source;]~~

(f) personnel that will be involved in the project, including each name and role;

- (g) facilities, equipment, and other resources required and available for conducting the proposed research project;
 - (h) letters of support, limited to two pages each, confirming the commitment of time and resources from external personnel or organizations if external personnel or organizations will participate in research activities under an approved research project; and
 - (i) any additional information requested by the department.
- ~~[(6) Each license will be issued by the Cannabis Production Establishment Licensing Board.]~~

R66-8-5. Inventory and Recordkeeping Requirements.

- (1) A licensee shall maintain an organized filing system so cannabis records can be easily obtained when requested by the department.
- (2) ~~The licensee shall maintain [E]each record related to research [shall be maintained by the licensee]~~ and be available for inspection by the department, for a minimum of two years following the completion of the project.
- (3) The licensee shall maintain a current inventory and record of the disposition of materials for cannabis, cannabis plant product, cannabis concentrate, and cannabis product on hand.
- (4) A licensee shall take necessary measures to avoid the diversion of cannabis, cannabis concentrate, or cannabis product.

R66-8-6. Research Limitations.

- (1) A licensee ~~[is restricted to]~~ shall only conduct research specified in an approved research plan.
- (2) ~~[A licensee]~~ To amend ~~[ment to]~~ an approved research plan, the department requires the resubmission and approval of the documents listed in Section R66-8-4 and the reason for the amendment.
- (3) Cultivation or processing based research that does not involve testing on any human or animal subject is not subject to the testing requirements of Section R66-3-3.

~~R66-8-7. Transportation.~~

- ~~(1) A printed transport manifest shall accompany each transport of cannabis.~~
- ~~(2) The manifest shall contain the following information:~~
 - ~~(a) the licensee's address and license number of the departure location;~~
 - ~~(b) the physical address and license number of the receiving location;~~
 - ~~(c) the strain name, quantity by weight, and unique identification number from the inventory control system of cannabis to be transported;~~
 - ~~(d) the date and time of departure;~~
 - ~~(e) the estimated date and time of arrival; and~~
 - ~~(f) the name and signature of each licensee or agent accompanying the cannabis.~~
- ~~(3) The transport manifest may not be voided or changed after departure.~~
- ~~(4) A copy of the transport manifest shall be given to the receiving location.~~
- ~~(5) The receiving location shall ensure that the cannabis received is as described in the transport manifest and shall record the amount received for each strain.~~
- ~~(6) The receiving location shall document at time of receipt any difference between the quantity specified in the transport manifest and the quantity received and recorded. Any difference shall be immediately reported to the department.~~
- ~~(7) During transportation, cannabis shall be:~~
 - ~~(a) shielded from the public view;~~
 - ~~(b) secured; and~~
 - ~~(c) temperature controlled if perishable.~~
- ~~(8) A licensee shall contact the department within 24 hours if a vehicle transporting cannabis is involved in an accident that involves product loss.~~
- ~~(9) A licensee or an agent of a licensee shall occupy each transporting vehicle. No other individual may occupy a transporting vehicle.~~

~~R66-8-8. Inspection and Testing.~~

- ~~(1) A licensee shall provide the department with written consent allowing a representative of the department or local law enforcement to enter any premises where a licensee possesses or stores cannabis for:~~
 - ~~(a) conducting a physical inspection; or~~
 - ~~(b) ensuring compliance with the requirements of state law and this rule.~~
- ~~(2) Cultivation or processing based research that does not involve testing on any human or animal subject, is not subject to the testing requirements of Section R66-8-3.]~~

R66-8-9[7]. Minimum Storage and Handling Requirements.

- (1) A licensee shall maintain [E]each storage area ~~[shall be maintained]~~ in a clean and orderly condition.
- (2) A licensee shall store cannabis, cannabis concentrate, or cannabis product in a manner ~~[so as]~~ to prevent diversion, theft, or loss.
- (3) A licensee shall make cannabis, cannabis concentrate, and cannabis product accessible only to the minimum number of specifically authorized agents of the licensee essential for efficient operation and shall return the cannabis, cannabis concentrate, or cannabis product to its secure location immediately after completion of the process or at the end of the scheduled business day.
- (4) If a research process cannot be completed at the end of a working day, a licensee shall securely lock the processing area or tanks, vessels, bins, or bulk containers containing cannabis inside an area or room that affords adequate security.

NOTICES OF PROPOSED RULES

R66-8-~~10~~8. Cannabis Waste Disposal.

- (1) A licensee shall dispose of cannabis, cannabis concentrate, or cannabis product if research is discontinued for any reason.
- (2) ~~A licensee shall store, manage, and dispose of~~ [S] solid and liquid waste generated during research ~~[shall be stored, managed, and disposed of]~~ in accordance with applicable state law and rules under Title R66.
- (3) ~~A licensee shall dispose of~~ [W] wastewater ~~[shall be disposed of]~~ in compliance with applicable state law and rules ~~[under Title R66]~~.
- (4) Cannabis waste shall be made unusable before leaving the research location.
- (5) Cannabis waste, that 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]~~ includes cannabis waste mixed with the following for disposal ~~[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]~~ includes cannabis waste mixed with the following for disposal ~~[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.

R66-8-~~14~~9. Security Plan.

- (1) A licensee's security plan shall include effective controls and procedures to: ~~[conform to the following requirements:]~~
 - ~~[(1)]~~ a ~~[A licensee shall provide effective controls and procedures to]~~ guard against theft and diversion of cannabis ~~[and]~~
 - ~~[(2)]~~ b ~~[A licensee shall ensure the]~~ store storage of cannabis ~~[is]~~ is a securely locked, substantially constructed cabinet.
 - ~~[(3)]~~ 2 ~~[a]~~ A licensee may not employ, as an agent or employee who has access to cannabis, any person who:
 - ~~_____~~ (a) has been convicted of a drug-related felony in the last 10 years; or
 - ~~_____~~ (b) is not at least 21 years of age.
- ~~[(4)]~~ 3 A licensee shall notify the department of any theft or significant loss of any cannabis within 24 hours from the discovery of the loss or theft.

R66-8-1~~2~~0. Renewal.

- (1) A licensee shall resubmit each document required in Sections R66-8-3 and R66-8-4, with updated information, before December 31st of each year, including a report detailing the progress of the research.
- (2) The department may deny a renewal for incomplete documentation.
- (3) The department may deny renewal for any licensee that has violated any portion of this rule or state law.

R66-8-1~~3~~1. Violations.

- (1) It is a violation for a licensee to store or process cannabis, cannabis concentrate, or cannabis product on a site not approved by the department as part of the license.
- (2) It is a violation for a licensee to process cannabis, cannabis concentrate, or cannabis product from a source that is not licensed by the department.
- (3) A licensee's research for the U.S. Drug Enforcement Administration (DEA) or another law enforcement agency is exempt from Subsections R66-8-13(1) and R66-8-13(2).
- (4) A licensee shall maintain each requirement of their security plan and may not allow unsupervised public access to an area where cannabis, cannabis concentrate, or cannabis product is stored or processed.
- (5) A licensee may not deny an official of the department access for sampling or inspection purposes.
- (6) It is a violation of this rule to handle or possess cannabis without a license from the department.
- (7) It is a violation for a licensee to employ a person under the age of 21 in the processing or handling of cannabis or a cannabis product.
- (8) It is a violation to fail to keep a record required by this rule.
- (9) It is a violation to allow an employee ~~[that]~~ who has been convicted of a drug-related felony in the last ten years access to cannabis or a cannabis product.
- (10) It is a violation to operate outside of the scope of the research project approved under the license.
- (11) It is a violation to make changes to a research plan or research location without prior approval from the department.

R66-8-1~~4~~2. Violation Categories.

- (1) Public Safety Violations: The department fines ~~[E]~~ each person ~~[is fined]~~ \$3,000- \$5,000 per violation. This category is for violations that present a direct threat to public health or safety, including:

(a) cannabis sold to an unlicensed source;
 (b) cannabis purchased from an unlicensed source;
 (c) refusal to allow inspection;
 (d) unauthorized personnel on the premises;
 (e) permitting criminal conduct on the premises; or
 (f) 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: The department fines [E] each person [is fined] \$1,000-\$5,000 per violation. This category is for violations involving this rule and other applicable state rules under Title R66, including:

(a) failure to follow the approved security plan;
 (b) failure to keep and maintain records;
 (c) failure to follow transportation requirements;
 (d) failure to follow the waste and disposal requirements; or
 (e) engaging in or permitting a violation of Title 4, Chapter 41a, Cannabis Production Establishments[-], this rule, or other applicable state rules under Title R66, that amounts to a regulatory violation as described in this subsection.

(3) Licensing Violations: The department fines [E] each person [is fined] \$500 - \$5,000 per violation. This category is for violations involving research license requirements, including:

(a) an unauthorized change to the research plan;
 (b) failure to notify the department of changes to the research plan;
 (c) engaging in or permitting a violation of this rule or Title 4, Chapter 41a, Cannabis Production Establishments that amounts to a licensing violation as described in this subsection; or
 (d) failure to respond to a violation.

(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 incident giving rise to the violation.

KEY: cannabis, research

Date of Last Change: 2025[June 25, 2024]

Authorizing, and Implemented or Interpreted Law: 4-41a-901

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R156-90

Filing ID: 57436

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	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Larry Marx	801-530-6254	lmarx@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R156-90. Health Care Services Platforms 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:	SB 228 (2025 General Session)

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

This new proposed rule will enable the Division of Professional Licensing (division) to administer the new registration program for health care services platforms in accordance with new Title 58, Chapter 90, Health Care Services Platforms, that was enacted by SB 228 in the 2025 General Session.

5. Summary of the new rule or change:

Section R156-90-101 names the rule and references the statutory authority that permits rulewriting.

Section R156-90-102 references the definitions that will be used to administer the statute.

Section R156-90-301 outlines the qualifications for registration in accordance with Section 58-90-101, to include requiring each registration be associated with a single, specific website domain name, and for the applicant to provide satisfactory documentation of registration with the Division of Corporations and Commercial Code.

Section R156-90-302 establishes the registration renewal procedures and sets December 31 as the annual renewal date.

Section R156-90-303 provides that a registered health care services platform must notify the division on a division form within 10 days after any of the following changes to its registration information: 1) website domain name; 2) contact person; or 3) business legal name, including changes to its DBAs or form of entity. This section also provides that a health care services platform is not required to notify the division or submit a new registration because of a change in ownership.

Section R156-90-401 references the statutes under which the division may deny or discipline a registration.

Section R156-90-501 defines "unprofessional conduct" for health care services platforms to include the definitions in Section 58-1-501, and further includes: 1) failing to notify the division with respect to any matter for which notification is required under Division rule or Title 58; and 2) failing to provide the division within 30 days of its written request or administrative subpoena an interview, documents, or other requested information to determine compliance with Title 58, Chapter 90, Health Care Services Platforms, or Title 58, Chapter 1, Division of Professional Licensing Act.

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

The division does not anticipate any cost or savings to the state budget from this new proposed rule beyond the fiscal impacts already captured in the fiscal note to SB 228 (2025), as this rule will simply enable the division to administer Title 58, Chapter 90, Health Care Services Platforms, in accordance with SB 228 (2025) and does not create any additional requirements for the division.

B. Local governments:

The division does not anticipate any cost or savings to local governments from this new proposed rule because local governments are not required to comply with or enforce this rule.

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

The division does not anticipate any cost or savings to small businesses from this new proposed rule because this rule will simply enable the division to administer Title 58, Chapter 90, Health Care Services Platforms, in accordance with SB 228 (2025) and does not create new obligations for small business or increase the costs associated with any existing obligation.

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

The division does not anticipate any cost or savings to non-small businesses from this new proposed rule because this rule will simply enable the division to administer Title 58, Chapter 90, Health Care Services Platforms, in accordance with SB 228 (2025) and does not create new obligations for non-small businesses or increase the costs associated with any existing obligation.

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 division does not anticipate any cost or savings to persons other than small businesses, non-small businesses, state, or local government entities from this new proposed rule because this rule will simply enable the division to administer Title 58, Chapter 90, Health Care Services Platforms, in accordance with SB 228 (2025) and does not create new obligations for other persons or increase the costs associated with any existing obligation for other persons.

F. Compliance costs for affected persons:

As described in Box 6, an impacted entity will not experience costs from this proposed new rule beyond the costs already captured in the fiscal note for SB 228 (2025).

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 Commerce, Margaret W. Busse, 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 58-1-106(1)(a)	Section 58-90-101	
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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:		10/15/2025
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):
10/02/2025	9:15 AM	Physical/Anchor Meeting: Heber M. Wells Building 160 E. 300 S., 4th Floor, Room 475 Salt Lake City UT Google Meet joining info: Video call link: https://meet.google.com/pgz-kaiv-ocs

Or dial: 669-241-7583 PIN: 997 396 609#
 More phone numbers: <https://tel.meet/pgz-kaiv-ocs?pin=9863364587177>

10. This rule change MAY become effective on:

10/22/2025

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:

Deborah Blackburn, Assistant Director

Date:

08/29/2025

R156. Commerce, Professional Licensing.

R156-90. Health Care Services Platforms Rule.

R156-90-101. Title -- Authority -- Relationship to Rule R156-1.

- (1) This rule is known as the "Health Care Services Platforms Rule."
- (2) This rule is adopted by the Division under the authority of Subsections 58-1-106(1)(a) and 58-90-101(5) to enable the Division to administer Title 58, Chapter 90, Health Care Services Platforms.
- (3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-90-102. Definitions.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 90, Health Care Services Platforms.

R156-90-301. Qualifications for Registration.

- (1) Under Subsection 58-90-101(5)(a)(iii), each health care services platform registration under Title 58, Chapter 90, Health Care Services Platforms shall be associated with a single, specific website domain name.
- (2) To register a health care services platform, an owner or responsible manager of the health care services platform shall:
 - (a) submit a complete application for registration in a form approved by the Division; and
 - (b) provide satisfactory documentation of registration with the Division of Corporations and Commercial Code.

R156-90-302. Term of Registration -- Expiration -- Renewal.

- (1) The annual renewal date for registration under Subsection 58-90-101(5)(a) is established as December 31.
- (2) Registration renewal procedures shall be in accordance with Subsections 58-1-308(2) through (4), and Sections R156-1-308c through R156-1-308l, except that a registration issued to an applicant during the last six months of a calendar year renewal cycle shall be issued for the rest of the calendar year renewal cycle plus the next full calendar year renewal cycle.
- (3) When renewing, a registered health care services platform shall:
 - (a) complete and submit an application for renewal in a form approved by the Division; and
 - (b) provide satisfactory documentation of registration with the Division of Corporations and Commercial Code.

R156-90-303. Required Notifications to Division.

- (1) A registered health care services platform shall notify the Division in writing, in a form approved by the Division, within ten business days after any of the following changes to the health care services platform's registration information:
 - (a) website domain name;
 - (b) contact person for the registration; or
 - (c) legal business name, including any change in "doing business as" (DBA) name or entity type.
- (2) A health care services platform is not required to notify the Division or submit a new application for registration because of a change in ownership of the health care services platform.

R156-90-401. Registration Denial and Discipline.

The Division's grounds for denying a registration, refusing to renew a registration, revoking, suspending, restricting, or placing on probation a registration, issuing a public or private reprimand, or issuing a cease and desist order are under Section 58-1-401 and Subsection 58-90-101(5)(b).

R156-90-501. Unprofessional Conduct.

- Under Subsection 58-90-101(5)(a)(iii), "unprofessional conduct" is further defined in Section 58-1-501, and includes:
 - (1) failing to notify the Division with respect to any matter for which notification is required under Division rule or Title 58, Occupations and Professions; or
 - (2) failing to provide the Division, within 30 days of the Division's written request or administrative subpoena, an interview, documents, or other requested information to determine compliance with Title 58, Chapter 90, Health Care Services Platforms, or Title 58, Chapter 1, Division of Professional Licensing Act.

KEY: registration, health care services platforms**Date of Last Change: 2025****Authorizing, and Implemented or Interpreted Law: 58-90-101; 58-1-106(1)(a)****NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Rule or section number:****R392-102****Filing ID: 57411****Agency Information**

1. Title catchline:	Health and Human Services, Population Health, Environmental Health	
Building:	Cannon Health Building	
Street address:	288 N 1450 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:
Karl Hartman	801-538-6191	khartman@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 or section catchline:	
R392-102. Mobile Food Business Sanitation	
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 134 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>This proposed rule amendment has been completed in direct response to the statutory amendment that came as a result of HB 134 from the 2025 General Session. In the bill, the definition of "food cart" was amended in Section 11-56-102 to include a cart that is pulled by an electric assisted bicycle.</p> <p>Section 26B-7-402 directs the Department of Health and Human Services (department) to establish and enforce or provide for the enforcement of minimum rules of sanitation necessary to protect the public health, including rules necessary for the design, construction, operation, maintenance, or expansion of numerous places of business including any restaurant or place where food or drink is handled, sold, or served to the public.</p>	
5. Summary of the new rule or change:	
<p>The definition of "food cart" is amended in this filing to align with statutory requirements and to address an emerging business model that includes a vendor standing inside the frame of the food cart to prepare, sell, or serve food or beverages for immediate human consumption.</p> <p>This filing also removes superfluous statutory citations for subsections already included in cited sections.</p> <p>Additionally, it makes style and formatting changes to comply with the Rulewriting Manual for Utah.</p>	

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

A. State budget:

Enacting these changes to Rule R392-102 is not anticipated to result in a cost or benefit to the state budget because it does not require a change to state operations or programs and it does not include requirements for the payment of fines or fees to the state.

B. Local governments:

Enacting these changes to Rule R392-102 is not anticipated to result in a direct cost or benefit to a local health jurisdiction because this rule does not require or specify the payment of fees for regulatory services such as plan reviews, inspections, and permits.

As a result of this amendment, a local health department may see an increase in permit applications for food carts due to the updated definition, which could result in an inestimable indirect cost to the local health department, but nothing in this filing or rule would prevent a local health department from charging a fee to offset any increased costs to regulate the food carts.

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

Enacting these changes to Rule R392-102 could result in an inestimable fiscal benefit due to a reduction in the regulatory burden for small businesses that operate as a food cart in which the operator stands within the frame to prepare, sell, or serve food or beverages for immediate human consumption because that business would be exempt from certain rule requirements that apply to food trucks, as defined.

The fiscal benefit is inestimable because the department cannot predict the number of applicable food carts that will open after the enactment of this rule.

Specific inestimable fiscal benefits that may apply include that a food truck must have an onboard potable water storage tank that can hold a minimum of 30 gallons along with a wastewater holding tank that can hold a minimum of 35 gallons. However, a food cart is only required to have an onboard potable water storage tank that can hold a minimum of 10 gallons along with a wastewater holding tank that can hold a minimum of 12 gallons. In addition, a food cart is exempt from the requirement to:

- 1) construct exterior walls and the roof of a food truck with weather-resistant materials and effectively protect the food truck interior from the entry of dust, debris, stormwater, insects, rodents, and other animals;
- 2) permanently display the business name on the exterior of the food truck in printed letters of at least four inches in height;
- 3) protect outer openings of a food truck against the entry of insects and rodents;
- 4) provide specified light intensity within the interior of the food truck; and
- 5) have a 3-compartment sink installed with hot and cold water under pressure for manually washing, rinsing, and sanitizing equipment and utensils.

The specific fiscal benefit to small business is inestimable because each food cart is custom built to serve the needs of the vendor according to the menu, operational procedures, location, and number of meals served per day.

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

Enacting these changes to Rule R392-102 is not anticipated to result in a cost or benefit to non-small businesses because there are no applicable food cart businesses in the state with more than 50 employees.

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**):

Enacting these changes to Rule R392-102 is not anticipated to result in a cost or benefit to other persons, as this rule does not apply to other persons.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as a result of this rule, as this rule is not anticipated to result in any fiscal impact to the department at the state level, any of the 13 local health departments, or any of the applicable small businesses already operating. In fact, this rule amendment is anticipated to reduce compliance costs for certain small businesses.

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 Health and Human Services, Tracy S. Gruber, 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 26B-1-202	Section 26B-7-113	Section 26B-7-402
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/22/2025
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R392. Health and Human Services, Population Health, Environmental Health.

R392-102. Mobile Food Business Sanitation.

R392-102-1. Authority and Purpose.

(1) This rule is authorized under Sections 26B-1-202, 26B-7-113, and 26B-7-402~~[-and Subsections 26B-1-202(25) and 26B-1-202(26)-].~~

(2) This rule requires a mobile food business operator to adhere to uniform statewide standards for constructing, operating, and maintaining a mobile food business in a manner that safeguards public health~~[-]~~ including risk factors contributing to injury, sickness, death, and disability~~[-]~~ and ensures that food is safe, unadulterated, and honestly presented when offered to the consumer.

(3) This rule establishes uniform standards for the regulation of a mobile food business, including the permitting process, plan reviews, inspections, construction, sanitary operations, and equipment requirements, which provide for the prevention and control of health hazards associated with mobile food businesses that are likely to affect public health.

R392-102-2. Definitions.

(1) "Catering operation" means a mobile food business that contracts with a client for food service to be provided to the client or the client's guests or customers at a private event on private property. A catering operation does not include services routinely provided at the same location, or meals that are purchased individually by guests or customers.

(2) "Commissary" means a food service establishment permitted by a local health department according to Rule R392-100 to which a mobile food business operator may return regularly to perform functions necessary for sanitary operations including:

- (a) food preparation and boarding onto the mobile food business;
- (b) hot and cold holding of TCS foods;
- (c) storing and stocking of food, utensils, and equipment;
- (d) disposal of solid and liquid wastes;
- (e) equipment and utensil cleaning and sanitizing;
- (f) vehicle cleaning;
- (g) refilling of water tanks with potable water; and
- (h) utilizing electrical power sources.

(3) "Drinking ~~[Water]~~water" means water that is fit for human consumption and meets the primary drinking water standards of Rule R309-200. Common usage of terms such as culinary water, potable water or finished water are synonymous with drinking water.

(4) "FDA Food Code" or "Food Code" means the FDA Model Food Code as incorporated by reference in Section R392-100-4. When FDA Food Code is referenced in this rule, the term 'establishment' or 'food establishment' used in the FDA Food Code shall be synonymous with 'food truck' or 'food cart' as defined in this rule.

(5)(a) "Food cart" ~~[has]~~means the same ~~[meaning]~~ as ~~[provided]~~defined in Section 11-56-102, except that a food cart also includes a cart that a vendor, standing within the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption if that food cart has a single axle.

(b) A food cart includes a cart that is pulled by an electric assisted bicycle, as that term is defined in Section 41-6a-102.

(c) A food cart does not include an enclosed mobile business, a food truck, or an ice cream truck.

(6) "Food processing plant" means a commercial operation inspected by a regulatory authority, such as the United States Department of Agriculture (USDA), ~~[U.S.]~~US Food and Drug Administration (FDA), or the Utah Department of Agriculture and Food, that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments. A food processing plant does not include a food establishment.

(7) "Food service establishment" means an operation that:

(a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; and

(b) relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(8) "Food truck" has the same meaning as provided in Section 11-56-102.

(9) "HACCP Plan" means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(10) "Ice cream truck" has the same meaning as provided in Section 11-56-102.

(11) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury.

(12) "Local health department" has the same meaning as provided in Subsection 26A-1-102(5).

(13) "Local health officer" means the director of the jurisdictional local health department or a designated representative.

(14)(a) "Mobile food business" means a food truck or food cart as defined in this rule.

(b) A mobile food business does not include an ice cream truck or a shaved ice establishment.

(15) "Mobile food business operator" or "operator" means a person who owns, manages, or controls, or who has the duty to manage or control, the operation of a mobile food business.

(16) "Mobile food business employee" means a person working with unpackaged food, food equipment or utensils, or food-contact surfaces in a mobile food business.

(17) "Permit" means a document that a local health department issues to authorize a person to operate a food truck or food cart within the jurisdiction of the local health department.

(18) "Person in charge" means the individual present at a mobile food business who is responsible for its operation ~~[at the time of]~~during the inspection.

(19) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(20) "Potentially hazardous food" has the same meaning as "Time/temperature control for safety food (TCS)."

(21) "Sanitized" means the application of cumulative heat or chemicals on cleaned food, ice, or potable water contact surfaces that, when evaluated for efficacy, is sufficient to yield a ~~[reduction of]5[-]-log[s]~~reduction, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(22) "Shaved ice establishment" means a facility that would normally be classified as a mobile food business as defined in this rule that serves only shaved ice with flavored syrups and other toppings approved by the local health officer, and is operating from a fixed, single location without moving offsite throughout the entire operating season.

(23) "Small producer" has the same meaning as provided in Subsection 4-4-103(10).

(24) "Time/temperature control for safety food" or "TCS" has the same meaning as "Time or temperature control food" provided in Section 26B-7-401, which also has the same meaning as "potentially hazardous food[²]."

R392-102-3. Commissary Requirements.

- (1) No food or equipment may be stored at a home residence, storage unit, garage, or other unapproved structure.
- (2) Except for Subsection R392-102-3(3), a mobile food business operator shall use a commissary unless exempted by the local health officer having jurisdiction where the mobile food business operates.
- (3) A local health officer may not require a mobile food business operator to use a commissary if the mobile food business:
 - (a) is designated as a tier one mobile food business by the permitting local health department;
 - (b) does not use temperature controlled products;
 - (c) does not store prepared food products from one operating day to the next;
 - (d) conducts ~~all~~ food service operations only on the food truck or food cart, including cleaning and sanitizing;
 - (e) can refill its potable water tanks at a location and in a manner approved by the local health officer; and
 - (f) can dispose of ~~all~~ wastewater, used cooking oil, and other refuse at a location and in a manner approved by the local health officer.
- (4) If a mobile food business commissary is required by the local health officer having jurisdiction:
 - (a) the mobile food business operator shall use a commissary located within a local health jurisdiction approved by the local health officer;
 - (b) the mobile food business operator shall obtain a written, signed commissary agreement from the commissary operator, which shall be renewed annually, and any changes to the agreement shall be submitted to the local health officer before the changes being implemented;
 - (c) the mobile food business operator shall return the mobile food business to the commissary at a regular frequency, as determined and approved by the local health officer;
 - (d) the mobile food business operator shall park the mobile food business at a location approved by the local health officer at the end of daily operations;
 - (e) the mobile food business operator shall document presence at the commissary on a log according to the frequency determined and approved by the local health officer, and as follows:
 - (i) the mobile food business operator shall record the date, time in, time out, and initials; and
 - (ii) the mobile food business operator shall ~~retain~~ keep commissary records for one year, and shall make the records available for inspection by a local health officer upon request;
 - (f) the mobile food business operator shall have access to, and the ability to utilize:
 - (i) a 3-compartment sink provided with hot and cold water under pressure, or other warewashing equipment approved by the local health officer;
 - (ii) adequate hot and cold holding equipment as necessary for proper food storage;
 - (iii) a service sink with hot and cold water under pressure;
 - (iv) at least one handsink with pressurized hot and cold water that is conveniently located and used exclusively for hand washing;
 - (v) a conveniently located toilet room; and
 - (vi) approved methods and equipment to clean and sanitize food and nonfood-contact surfaces within the mobile food business;
 - (g) the mobile food business operator shall use a commissary that provides adequate space for the sanitary storage of food, equipment, utensils, linens, and single-service, or single-use articles;
 - (h) the mobile food business operator shall use a commissary that has an electrical outlet available for mobile food business use, if needed, when parked at the commissary;
 - (i) an electrical installation intended for mobile food business use at a commissary shall comply with applicable codes and ordinances including the state electrical code; and
 - (j) not more than one mobile food business shall be served by one electrical outlet at a time.
 - (5) If a local health officer revokes or suspends a commissary's operating permit as authorized in Subsection R392-102-4(10), each associated mobile food business permit shall be invalidated until a local health officer reinstates the operating permit or the mobile food business operator obtains a new commissary agreement at an approved location, at which point the mobile food business permit shall be reinstated with the original expiration date.

R392-102-4. Mobile Food Business Permit Requirements.

- (1) A person ~~shall~~ may not operate a mobile food business without a valid permit to operate issued by a local health department.
- (2) A mobile food business operator shall only operate a mobile food business after:
 - (a) obtaining a temporary food establishment permit from a local health department when only operating at a fixed location for no more than 14 consecutive days; or
 - (b) obtaining an annual permit from the local health department wherein the majority of the mobile food business's operations will take place.
- (3) To obtain a permit, a mobile food business operator shall:
 - (a) provide the following information to the local health department issuing the permit:
 - (i) name, title, contact information, and signature;
 - (ii) evidence of food safety manager certification as required in Subsection R392-102-4(13);
 - (iii) ownership status of the mobile food business such as individual, partnership, or corporation;
 - (iv) name of the mobile food business or "dba";

NOTICES OF PROPOSED RULES

- (v) food truck license plate number;
- (vi) a complete list of menu items if there has been a menu change or if it was not previously submitted with plans as required in Section R392-102-5;
- (vii) a means whereby the local health department can determine the mobile food business's vending location or route as well as days and hours of mobile food business operation;
- (viii) a copy of the written commissary agreement as described in Subsection R392-102-3(4)(b), unless exempted by the local health officer; and
- (ix) documentation of an approved servicing area if the commissary is not properly equipped to provide potable water or electricity to, or to receive wastewater from a mobile food business; ~~and shall~~
- (b) pay a permit fee;
- (c) submit plans for review as described in Section R392-102-5;
- (d) complete necessary changes resulting from the review of plans, as required; and
- (e) complete a pre-operational inspection, as described in Subsection R392-102-18(9).
- (4) An issued permit shall include the following information:
 - (a) name of the issuing local health department;
 - (b) name of the permitted mobile food business, as provided on the application;
 - (c) license plate of the associated food truck;
 - (d) expiration date; and
 - (e) permit tier designation as described in Subsection R392-102-4(5)(b).
- (5)(a) Permit fees shall be uniform statewide and may only be in an amount that reimburses the local health department for the cost of administering the mobile food business sanitation program.
- (b) The local health department shall use a two-tier risk-based assessment to determine an appropriate permit fee as follows:
 - (i) a permit shall be designated as "tier one" when the mobile food business operator's menu includes fewer than three TCS foods, and when raw animal products are not included as a menu ingredient;
 - (ii) a permit shall be designated as "tier two" when the mobile food business operator's menu includes three or more TCS foods, or when raw animal products are included as a menu ingredient; and
 - (iii) the amount of a tier one permit fee shall be reduced, as compared to a tier two permit fee, to account for the lower regulatory burden.
- (6) If an application for a permit is denied, the mobile food business operator may request information from a local health officer that includes:
 - (a) the specific reasons and rule citations for permit denial; and
 - (b) any actions the applicant must take to qualify for a permit.
- (7) A local health department shall recognize as valid a mobile food business permit that has been issued by another local health department within the state.
- (8)(a) A mobile food business operator shall comply with permitting requirements as stated in Subsection R392-102-4(3) when renewing a permit.
- (b) If a mobile food business operator elects to renew a permit, it shall be the duty of the operator to renew within 30 calendar days before the expiration date of the current permit.
- (9)(a) A permit applied for or issued pursuant to this rule may be denied, suspended, or revoked by the local health officer for any of the following reasons:
 - (i) failure of the application or plans to show that the mobile food business will be operated or maintained in accordance with the requirements of this rule;
 - (ii) submission of incorrect or false information in the application or plans;
 - (iii) failure to operate or maintain the mobile food business in accordance with the application, plans, and specifications approved by the local health department;
 - (iv) failure of the mobile food business operator to allow the local health officer to conduct inspections as necessary to determine compliance with this rule;
 - (v) failure of the mobile food business operator to make the mobile food business available for inspection or to obtain an inspection according the frequency requirements detailed in Subsection R392-102-18(10);
 - (vi) operation of the mobile food business in a way that causes or creates an imminent health hazard;
 - (vii) violation of any condition upon which the permit was issued; or
 - (viii) failure to pay a permit fee or inspection fee.
- (b) If a local health officer suspends a permit, the local health officer shall notify other applicable local health departments regarding the enforcement actions taken.
- (c) In the event of an imminent health hazard, a local health officer may suspend a permit issued by another local health jurisdiction. Except as coordinated and approved by the impacted local health officers, the local health jurisdiction that suspends a permit shall be the same organization that reinstates a suspended permit when the issues of noncompliance have been adequately addressed.
- (10) To reinstate a suspended permit, a mobile food business operator shall:
 - (a) complete a pre-operational inspection with the local health department that suspended the permit, as described in Subsection R392-102-18(9), which shows that the mobile food business is back in compliance with this rule; and
 - (b) pay an inspection fee.
- (11)(a) A food truck operator shall post:

(i) the issued permit in a conspicuous location inside the food truck; and
 (ii) the included permit decal, ~~{}~~or sticker~~}~~, on the outside rear of the food truck.
 (b) A food cart operator shall post the issued permit and the included permit decal, ~~{}~~or sticker~~}~~, in a conspicuous location on the food cart.

(12) A mobile food business permit may not be transferred from one mobile food business operator to another, from one mobile food business to another, or from one type of operation to another if the change affects the tier designation as specified in Subsection R392-102-4(5)(b) and the local health department that issued the permit has not approved the change.

(13) At least one mobile food business employee shall:

(a) be certified in food safety management according to the requirements of Rule R392-101, unless exempted by a local health officer according to the criteria listed in Section R392-101-8 and Section 26B-7-411; and

(b) maintain proof of certification available for review by the local health officer upon request.

(14)(a) Each mobile food business employee shall be trained in food safety as required by Rule R392-103, and shall hold a valid food handler's permit issued by a local health department.

(b) The mobile food business operator shall maintain proof of food handler permit certification of employees and shall provide it to the local health officer upon request.

R392-102-5. Plan Review Requirements.

(1) A mobile food business operator shall submit to the local health department properly prepared plans and specifications for review and approval before:

(a) the construction of a mobile food business;

(b) the conversion of an existing vehicle or trailer to a mobile food business; or

(c) the remodeling of a mobile food business or a change of mobile food business type or change in foods served or food service operations that would require a change in risk assessment as described in Subsection R392-102-4(5)(b).

(2) When applying for a permit for the first time, the operator of a newly constructed mobile food business, or mobile food business in pre-construction shall submit plans to the local health department, which include at least the following:

(a) a complete list of intended menu items;

(b) anticipated volume of food to be stored, prepared, and sold or served;

(c) equipment cut sheets;

(d) plumbing schedule;

(e) mechanical schedule;

(f) dimensional floor plan;

(g) finish schedule for floors, walls, and ceilings, if applicable;

(h) an equipment layout; and

(i) any additional information required by the local health officer.

(3) When applying for a permit for the first time, the operator of a retrofitted or existing mobile food business shall submit plans to the local health department, which may include the following:

(a) dimensional floor plan;

(b) an equipment layout, including the location of hand wash and food preparation sinks; and

(c) any additional information required by the local health officer.

(4)(a) Except when the mobile food business has undergone renovation or a change in ownership since the time of permit issuance, an additional plan review is not required before renewing a permit.

(b) When the mobile food business has undergone renovation or a change in ownership since the time of permit issuance, the mobile food business operator shall comply with Subsection R392-102-5(3).

R392-102-6. Construction and Maintenance Requirements.

(1) Materials for indoor floor, wall, and ceiling surfaces of a food truck shall be:

(a) smooth, durable, and easily cleanable for areas where food is stored, prepared, held under temperature control, or served; and

(b) nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, servicing areas, and areas subject to flushing or spray cleaning methods.

(2) Nonfood-contact surfaces of a mobile food business shall be free of unnecessary ledges, projections, and crevices, and be designed and constructed to allow easy cleaning and to facilitate maintenance.

(3) Exterior walls and roofs of a food truck shall be constructed of weather-resistant materials, and shall effectively protect the food truck interior from the entry of dust, debris, stormwater, insects, rodents, and other animals.

(4)(a) A food truck operator shall permanently display the business name on the exterior of the food truck in printed letters of at least four inches in height.

(b) The business name printed on the exterior of the food truck shall be the same as the business name or "dba" provided on the application required by Subsection R392-102-4(3)(a)(iv).

(5) Mats and duckboards used inside a food truck shall be designed to be removable and easily cleanable.

(6) Physical facilities shall be maintained in good repair.

(7)(a) Physical facilities shall be cleaned as often as necessary to keep them clean.

(b) Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of food is exposed such as after closing.

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(8) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under Section R392-102-8.

(9) Except as specified in Subsection R392-102-6(10), a food truck operator shall protect outer openings of a food truck against the entry of insects and rodents by:

- (a) tight-fitting windows; and
- (b) closed, solid, tight-fitting doors.

(10) If the windows or doors of a food truck are kept open for ventilation or food service, the openings shall be protected against the entry of insects and rodents by:

- (a) 16 mesh to one inch screens; or
- (b) other effective means approved by the local health officer.

(11)(a) Light intensity within the interior of the food truck shall be:

- (i) at least 540 lux (50 foot candles) at any surface where a food truck employee works with food or utensils;
- (ii) at least 215 lux (20 foot candles):

(A) in a toilet room; and

(B) inside equipment such as reach-in and under-counter refrigerators; and

(iii) at least 108 lux (10 foot candles) at a distance of 30 inches (75 cm) above the floor in walk-in refrigeration units and dry food storage areas.

(b) Light bulbs located in the food truck shall be shielded, coated, or otherwise shatter-resistant.

(12) Living quarters and shower or bathing facilities are prohibited on a mobile food business.

(13)(a) A mobile food business shall have at least one handwashing sink provided with hot and cold running water.

(b) A local health department issuing a permit may require the installation of one or more handwashing sinks as necessary for their convenient use by employees in the following areas:

- (i) food preparation, food dispensing, and warewashing areas; and
- (ii) in a toilet room, if applicable.

(14)(a) A food truck shall have a 3-compartment sink installed with hot and cold water under pressure for manually washing, rinsing, and sanitizing equipment and utensils unless exempted by the local health department issuing a permit.

(b) Unless exempted, a 3-compartment sink shall meet the following requirements:

(i) the food truck shall have sufficient onboard water storage capacity to fill ~~all~~ every sink ~~[compartments]~~ compartment simultaneously without depleting water storage needed for food truck operations such as handwashing; and

(ii) sink compartments shall be large enough to accommodate immersion of in-use utensils.

(c) A food cart operator is exempted from the requirements of Subsection R392-102-6(14)(a) unless specifically required by the local health officer.

R392-102-7. Water and Wastewater Requirements.

(1)(a) A food truck operator shall ensure that potable water is available to a food truck during ~~all~~ the hours of operation through:

- (i) an onboard potable water storage tank that shall hold a minimum of 30 gallons as measured down from the inlet; or
- (ii) piping, tubing, or hoses connected to an adjacent potable water source under pressure as approved by the local health officer.

The water supply type described in Subsection (1)(a)(ii) is allowed only when the food truck is concurrently connected to a public sanitary sewer system in a manner approved by the local health officer.

(b) A food cart operator shall ensure that potable water is available to a food cart during ~~all~~ the hours of operation through:

- (i) an onboard potable water storage tank that shall hold a minimum of ~~10~~ ten gallons as measured down from the inlet; or
- (ii) piping, tubing, or hoses connected to an adjacent potable water source under pressure as approved by the local health officer.

The water supply type described in Subsection (1)(b)(i) is allowed only when the food cart is concurrently connected to a public sanitary sewer system in a manner approved by the local health officer.

(2)(a) The water source and system shall be of sufficient capacity to meet the peak water demands of the mobile food business.

(b) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the mobile food business.

(3) Materials that are used in the construction of a mobile water tank, mobile food business onboard water tank, and appurtenances shall be:

- (a) safe;
- (b) durable, corrosion-resistant, and nonabsorbent;
- (c) finished to have a smooth, easily cleanable surface; and
- (d) designed and intended only for use with potable water.

(4) An onboard water tank shall be:

- (a) enclosed from the filling inlet to the discharge outlet;
- (b) sloped to an outlet that allows complete drainage of the tank; and
- (c) used for conveying potable water and for no other purpose.

(5) If an onboard water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and be:

- (a) flanged upward at least one-half inch; and
- (b) equipped with a port cover assembly that is:
 - (i) provided with a gasket and a device for securing the cover in place; and

- (ii) flanged to overlap the opening and sloped to drain.
- (6) A fitting with "V" type threads on an onboard water tank inlet or outlet shall be allowed only when a hose is permanently attached.
- (7) If provided, an onboard water tank vent shall terminate in a downward direction and shall be covered with:
 - (a) 16 mesh to 25.4 mm (16 mesh to one inch) screen or equivalent when the vent is in a protected area; or
 - (b) a protective filter when the vent is in an area that is not protected from windblown dirt and debris.
- (8)(a) A water tank and its inlet and outlet shall be sloped to drain.
- (b) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.
- (9)(a) A hose, pipe, or tube used for conveying potable water from a water tank shall be:
 - (i) safe;
 - (ii) durable, corrosion-resistant, and nonabsorbent;
 - (iii) resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
 - (iv) finished with a smooth interior surface;
 - (v) clearly and durably identified as to its use if not permanently attached; and
 - (vi) prohibited from use in any other service such as conveying wastewater or toxic chemicals.
- (b) A mobile food business operator shall only use a hose designed and intended to convey potable water when filling an onboard water tank as described in Subsection (1).
- (10) A mobile food business operator shall install and maintain a filter that does not pass oil or oil vapors in the air supply line between the compressor and potable water supply system when compressed air is used to pressurize the water tank system.
- (11)(a) A cap and keeper chain, closed cabinet, closed storage tube, or other protective cover or device approved by the local health officer shall be provided for a water inlet, outlet, and hose.
- (b) The protective cover or device shall be used when the water tank or hose inlet and outlet fitting is not in use.
- (12) A mobile food business's onboard water tank inlet shall be:
 - (a) three-fourths inch in inner diameter or less; and
 - (b) provided with a hose connection of a size or type that will prevent its use for any other service.
- (13) The mobile food business operator shall flush and sanitize any water tank, pump, and hoses before placing into service after initial purchase, construction, repair, modification, and periods of nonuse of 30 days or more, and as often as necessary to maintain the equipment in clean and sanitary condition.
- (14) A mobile food business operator shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.
- (15)(a) A wastewater holding tank in a mobile food business shall be:
 - (i) sized 15% larger in capacity than the water supply tank; and
 - (ii) sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve.
- (b) Subsection (15)(a)(i) does not apply to a potable water tank that is used only for beverage service on a mobile food business and is not connected to a wastewater holding tank.
- (16) Wastewater shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of wastewater transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to:
 - (a) Plumbing Code;
 - (b) the Utah Department of Environmental Quality under Title R317, Water Quality;
 - (c) local health department and municipal regulations; and
 - (d) the local sewer district having jurisdiction.
- (17)(a) Wastewater and other liquid wastes shall be removed from a mobile food business at an approved commissary or a waste servicing area approved by the local health officer or by a wastewater transport vehicle in such a way that a public health hazard or nuisance is not created.
- (b) A mobile food business operator shall thoroughly flush and drain a tank for liquid waste retention in a sanitary manner during the servicing operation.
- (18) Wastewater or liquid waste conveyance lines that are not shielded to intercept drips shall be installed or located under food and food-contact surfaces.
- (19) The mobile food business operator shall store potable water pipes, hoses, and tubes separately from wastewater pipes, hoses, and tubes in a manner that prevents cross contamination.

R392-102-8. Equipment Requirements.

- (1) Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be:
 - (a) safe;
 - (b) durable, corrosion-resistant, and nonabsorbent;
 - (c) sufficient in weight and thickness to withstand repeated washing;
 - (d) finished to have a smooth, easily cleanable surface; and
 - (e) resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.
- (2)(a) Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

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(b) Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

(3) Copper and copper alloys such as brass may not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(4) Hot oil filtering equipment shall be readily accessible for filter replacement and cleaning of the filter and meet the requirements of Subsection R392-102-8(1).

(5) Galvanized metal may not be used for utensils and food-contact surfaces of equipment that are used in contact with acidic food.

(6) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(7)(a) Except as specified in Subsections (b), (c), and (d) of this section, wood and wood wicker may not be used as a food-contact surface.

(b) Hard maple or an equivalently hard, close-grained wood may be used for:

(i) cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and

(ii) wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110 degrees C (230 degrees F) or above.

(c) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

(d) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

(i) untreated wood containers; or

(ii) treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800

Preservatives for wood.

(8) Multiuse food-contact surfaces shall be:

(a) smooth;

(b) free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;

(c) free of sharp internal angles, corners, and crevices;

(d) finished to have smooth welds and joints; and

(e) accessible for cleaning and inspection.

(9)(a) Equipment that is fixed in place because it is not easily movable shall be installed so that it is:

(i) spaced to allow access for cleaning along the sides, behind, and above the equipment;

(ii) spaced from adjoining equipment, walls, and ceilings a distance of not more than one millimeter or one thirty-second inch; or

(iii) sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

(b) Counter-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

(i) sealed; or

(ii) elevated on legs to provide not less than four inches of clearance.

(10) Floor-mounted equipment that is not easily movable, if used in a food truck, shall be sealed to the floor or elevated on legs that provide at least a six inch (15 centimeter) clearance between the floor and the equipment.

(11) Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

(12) Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(13)(a) Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided in a food truck for necessary utensil holding before cleaning and after sanitizing.

(b) Sufficient space shall be provided for storage of soiled and cleaned items that may accumulate during hours of operation, such as on drainboards, utensil racks, or tables.

(c) Soiled and clean items shall be stored separately and in a manner that protects clean items from contamination.

(14) A plumbing fixture such as a handwashing sink or toilet shall be easily cleanable.

(15)(a) Equipment for cooling and heating food, and holding cold and hot food, shall be:

(i) sufficient in number and capacity; and

(ii) capable of consistently maintaining food temperatures as specified under Section R392-102-12.

(b) The mobile food business operator shall maintain an accurate and operational food temperature measuring device in each mechanically refrigerated unit.

(c) In a mechanically refrigerated or hot food storage unit, the sensor or thermometer shall be located to measure the ambient temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

(16) A mobile food business operator with a menu offering any TCS foods shall equip the mobile food business with at least one readily accessible and properly calibrated food temperature measuring device that is easily readable and may not have a sensor or stem constructed of glass unless the thermometer with a glass sensor or stem is encased in a shatterproof coating such a candy thermometer.

(17)(a) When manual warewashing of utensils or food-contact equipment is done on a food truck or food cart, the mobile food business operator shall provide a test kit or other device that accurately measures the concentration in mg/L of chemical sanitizing solutions.

(b) If hot water is used for sanitization in manual warewashing operations in a mobile food business, the sanitizing compartment of the sink shall be:

- (i) designed with an integral heating device that is capable of maintaining water at a temperature not less than 171 degrees F; and
- (ii) provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.
- (18)(a) Receptacles and waste handling units for refuse and recyclables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.
- (b) Receptacles and waste handling units for refuse and recyclables used with materials containing food residue and used outside the mobile food business shall be:
 - (i) designed and constructed to have tight-fitting lids, doors, or covers; and
 - (ii) maintained in good repair.
- (c) Refuse and recyclables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.
- (d) Receptacles and waste handling units for refuse and recyclables shall be kept covered inside a food truck:
 - (i) if the receptacles and units contain food residue and are not in continuous use; or
 - (ii) after they are filled.
- (19) Refuse and recyclables shall be removed from the mobile food business premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.
- (20) Except when exempted by a local health officer, a mobile food business operator shall furnish or equip a mobile food business with adequate electrical power to ensure uninterrupted service.

R392-102-9. Requirements for Cleaning Equipment and Utensils.

- (1) Equipment food-contact surfaces and utensils shall be clean to sight and touch.
- (2) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.
- (3) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.
- (4)(a) Equipment food-contact surfaces and utensils shall be cleaned and sanitized:
 - (i) before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
 - (ii) each time there is a change from working with raw foods to working with ready-to-eat foods;
 - (iii) between uses with raw fruits and vegetables and with TCS food;
 - (iv) before using or storing a food temperature measuring device; and
 - (v) at any time during the operation when contamination may have occurred.
- (b) Equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four hours if used with TCS food.
- (c) Utensils and equipment contacting food that is not TCS shall be cleaned:
 - (i) at any time when contamination may have occurred;
 - (ii) at least every 24 hours;
 - (iii) before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and
 - (iv) in equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:
 - (A) at a frequency specified by the manufacturer; or
 - (B) at a frequency necessary to preclude accumulation of soil or mold.
- (5) Except for hot oil cooking and filtering equipment, the food-contact surfaces of cooking and baking equipment shall be cleaned at least every 24 hours.
- (6) The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.
- (7) Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.
- (8) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.
- (9) The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.
- (10) Washed utensils and equipment shall be rinsed, after cleaning and before sanitizing, so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using a distinct, separate water rinse after washing and before sanitizing if using:
 - (a) a 3-compartment sink; or
 - (b) alternative manual warewashing equipment equivalent to a 3-compartment sink as approved by the local health department issuing the permit.
- (11) Equipment food-contact surfaces and utensils shall be sanitized before use after cleaning. Sanitizers and sanitizing operations shall meet the requirements in Section R392-102-10.
- (12) After cleaning and sanitizing, equipment and utensils shall be air-dried or used after adequate draining.
- (13) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.
- (14)(a) Cloths in[-]use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:
 - (i) maintained dry; and
 - (ii) used for no other purpose.

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- (b) Cloths in[-]use for wiping counters and other equipment surfaces shall be:
 - (i) held between uses in a container of chemical sanitizer solution at a concentration specified under Subpart 4-501.114 of the FDA Food Code; and
 - (ii) laundered daily.
- (c) Cloths in[-]use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.
- (d) Dry wiping cloths and the chemical sanitizing solutions specified in Subsection (14) in which wet wiping cloths are held between uses shall be free of food debris and visible soil.
- (e) Containers of chemical sanitizing solutions specified in Subsection (14)(b)(i) in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.
- (f) Single-use disposable sanitizer wipes shall be used in accordance with EPA-approved manufacturer's label use instructions.
- (15) Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.
- (16) Cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles shall be stored:
 - (a) in a clean, dry location;
 - (b) where they are not exposed to splash, dust, or other contamination; and
 - (c) at least six inches above the floor.
- (17) Clean and sanitized equipment and utensils shall be stored as specified under Subsection R392-102-8(13) and shall be stored:
 - (a) in a self-draining position that allows air drying; and
 - (b) covered or inverted.
- (18) The wash, rinse, and sanitize solutions shall be maintained clean.
- (19) Single-service and single-use articles may not be reused.
- (20) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form.

R392-102-10. Requirements for Sanitizing Equipment and Utensils.

- (1) Chemical sanitizers, including chemical sanitizing solutions generated on-site, and other chemical antimicrobials applied to food-contact surfaces shall:
 - (a) meet requirements specified in 40 CFR 180.940 and 40 CFR 180.2020; and
 - (b) be used in accordance with the EPA-registered label use instructions.
- (2) Chlorine sanitizer solutions shall have a minimum concentration and temperature of:
 - (a) 25 to 49 mg/L at 120 degrees F, with an associated contact time of 10 seconds;
 - (b) 50 to 99 mg/L at 100 degrees F, pH of 10 or less, or 75 degrees F, pH or 8 or less, with an associated contact time of 7 seconds;or
 - (c) 100 mg/L at 55 degrees F, with an associated contact time of 10 seconds.
- (3) Iodine sanitizing solutions shall have a:
 - (a) minimum temperature of 68 degrees F;
 - (b) pH of 5.0 or less of a pH no higher than the level for which the manufacturer specifies the solution is effective;
 - (c) concentration between 12.5 mg/L and 25 mg/L; and
 - (d) contact time of at least 30 seconds.
- (4) Quaternary ammonium compound solutions shall:
 - (a) have a minimum temperature of 75 degrees F;
 - (b) have a concentration as stated by the manufacturer's use directions included in the labeling;
 - (c) be used only in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions; and
 - (d) have a contact time of at least 30 seconds.
- (5) Hot water sanitization, without the use of chemicals, shall be accomplished by:
 - (a) manual immersion for at least 30 seconds in water held at a minimum temperature of 171 degrees F or higher; or
 - (b) being cycled through equipment which:
 - (i) the temperature of the sanitizing rinse as it enters the manifold may not be more than 194 degrees F or less than 165 degrees F for stationary racks or 180 degrees F for ~~all~~any other ~~machines~~machine; and
 - (ii) achieves a utensil surface temperature of 160 degrees F as measured by an irreversible registering temperature indicator.

R392-102-11. Food Safety Requirements.

- (1)(a) Food shall be safe, unadulterated, and honestly presented.
- (b) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.
- (c) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.
- (2) Food shall be obtained from sources that comply with Rule R392-100.
- (3) Food prepared in a private home or any structure or dwelling designed, constructed, or intended for human occupancy ~~shall~~may not be used in a mobile food business or offered from a mobile food business for human consumption.

(4) Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(5) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(6)(a) Shell eggs that have not been specifically treated to destroy ~~all~~ any viable Salmonellae shall be labeled to include safe handling instructions as specified in 21 CFR 101.17(h).

(b)(i) Shell eggs shall be received in a clean and sound condition.

(ii) Except for shell eggs that are purchased from a small producer, shell eggs may not exceed the restricted egg tolerances for ~~U.S.~~US Consumer Grade B as specified Rule R70-410, Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes.

(iii) Shell eggs may not be addled or moldy, and may not contain:

(A) black spot;

(B) black rot;

(C) white rot;

(D) blood ring;

(E) adherent yolk; or

(F) a bloody or green albumen.

(c) Egg products shall be obtained pasteurized.

(d) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not cooked.

(i) Raw, unpasteurized shell eggs may be used in recipes that will not be cooked if the mobile food business has obtained a variance from the permit issuer, which variance is based on a commissary HACCP plan; and

(ii) The local health officer may revoke or suspend a permit and variance if the commissary HACCP plan is not being followed.

(7) Fluid milk and milk products shall be obtained from sources that comply with grade A standards as specified in Rule R70-310.

(8)(a) Fish and molluscan shellfish that are received for sale or service shall be commercially and legally caught or harvested.

(b) Molluscan shellfish that are recreationally caught may not be received for sale or service.

(c) Molluscan shellfish, shucked shellfish and shellstock shall comply with Subparts 3-202.17, 3-202.18, 3-203.11, and 3-203.12 of the FDA Food Code.

(d) When received by a mobile food business, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock, or those with badly broken shells, shall be discarded.

(9) Mushroom species picked in the wild ~~shall~~ may not be offered for sale or service by a mobile food business.

(10) If game animals are received for sale or service they shall meet the requirements of Subpart 3-201.17 of the FDA Food Code.

(11) Ice for use as a food or a cooling medium shall be made from drinking water.

(12) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(13) Ice may not be used as food after use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment.

(14)(a) Food shall only contact surfaces of equipment and utensils that are cleaned and sanitized as specified in Sections R392-102-9 and R392-102-10 or single-service and single-use articles.

(b) Linens, such as cloth napkins, ~~shall~~ may not be used in contact with food.

(15)(a) Except as specified in Subsections (b) and (c) of this subsection, food shall be protected from contamination by storing the food:

(i) in a clean, dry location;

(ii) where it is not exposed to splash, dust, or other contamination; and

(iii) at least six inches (15 cm) above the floor.

(b) Pressurized beverage containers and cased food in waterproof containers such as bottles or cans may be stored on a floor that is clean and not exposed to floor moisture.

(c) Food in packages and working containers may be stored less than six inches above the floor on case lot handling equipment, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods.

(16) Food may not be stored:

(a) in toilet rooms;

(b) under sewer lines;

(c) under open stairwell;

(d) under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed; or

(e) under other sources of contamination.

(17) Food shall be protected from cross contamination by:

(a) separating raw animal foods during storage, preparation, holding, and display from:

(i) raw ready-to-eat food; and

(ii) cooked ready-to-eat food;

(b) except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:

(i) using separate equipment for each type; or

(~~ii~~)ii(A) arranging each type of food in equipment so that cross contamination of one type with another is prevented; and

NOTICES OF PROPOSED RULES

- (~~[(11)]~~B) preparing each type of food at different times or in separate areas;
- (c) cleaning hermetically sealed containers of food of visible soil before opening;
- (d) protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
- (e) storing and segregating damaged, spoiled, or recalled food in designated areas within the mobile food business that are separated from food, equipment, utensils, linens, and single-service and single-use articles; and
- (f) separating fruits and vegetables before they are washed from ready-to-eat food.
- (18) Food shall be protected from contamination that may result from a factor or source not specified in this section.
- (19) Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the mobile food business, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food.
- (20) Food shall be protected from contamination that may result from the addition of:
 - (a) unsafe or unapproved food or color additives; and
 - (b) unsafe or unapproved levels of approved food and color additives.
- (21) A mobile food business operator ~~[shall]~~may not:
 - (a) apply sulfating agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or
 - (b) except for grapes, serve or sell food specified under Subsection (21)(a) that is treated with sulfating agents before receipt by the mobile food business.
- (22)(a) A mobile food business operator may not prepare food on a mobile food business using "specialized processing methods" as described in the FDA Food Code. A mobile food business operator may not obtain a variance from the Department of Health and Human Services or an exemption from a local health officer to use specialized processing methods on a mobile food business.
- (b) A mobile food business operator shall remove TCS food from reduced oxygen packaging before holding or storing the food in a temperature controlled environment on a mobile food business.
- (23) Food shall be protected from contamination that may result from a factor or source not specified elsewhere in this rule.

R392-102-12. Food Temperature Requirements.

- (1)(a) Refrigerated, TCS food shall be at a temperature of 5 degrees C (41 degrees F) or below when received at the mobile food business from a commissary or other approved source.
- (b) Raw eggs shall be received at the mobile food business from a commissary or other approved source in refrigerated equipment that maintains an ambient air temperature of 7 degrees C (45 degrees F) or less.
- (c) TCS food that is cooked to a temperature and for a time specified under Subparts 3-401.11 to 3-401.13 of the FDA Food Code and received hot at the mobile food business from a commissary or other approved source shall be at a temperature of 57 degrees C (135 degrees F) or above.
- (d) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen at the mobile food business from a commissary or other approved source.
- (e) Upon receipt at the mobile food business from a commissary or other approved source, TCS food shall be free of evidence of previous temperature abuse.
- (2) Any food requiring cooking, freezing, or reheating before service shall be cooked, frozen, or reheated as required in Part 3-4 of the FDA Food Code.
- (3)(a) Stored frozen foods shall be maintained frozen.
- (b) Commercially processed foods that are labeled to be kept frozen shall be kept frozen until cooked or served.
- (c) Commercially processed foods labeled to be kept frozen may be thawed under refrigeration at 41 degrees F or below in accordance with Subsection (4) if:
 - (i) records are kept or date marking used indicating when the food entered refrigeration; and
 - (ii) discarded seven days after entering the refrigerator.
- (4) Any food requiring thawing shall be thawed as required in Subpart 3-501.13 of the FDA Food Code.
- (5) Any food requiring cooling shall be cooled in the commissary as required in Subparts 3-501.14 and 3-501.15 of the FDA Food Code. The mobile food business operator ~~[shall]~~may not cool cooked TCS food on the food truck or food cart unless exempted by the local health officer issuing the permit.
- (6) Except during preparation, cooking, or cooling, TCS foods shall be maintained:
 - (a) at 57 degrees C (135 degrees F) or above; or
 - (b) at 5 degrees C (41 degrees F) or less.
- (7)(a) Ready-to-eat, TCS food prepared and held for more than 24 hours at a temperature of 5 degrees C (41 degrees F) or less in a mobile food business shall be clearly marked to show the date or day by which the food shall be consumed, sold, or discarded, which date shall be a maximum of seven days from the date of preparation, with the day of preparation being counted as day 1.
- (b) Ready-to-eat, TCS food prepared and packaged by a food processing plant and opened and held for more than 24 hours at a temperature of 5 degrees C (41 degrees F) or less in a mobile food business, shall be clearly marked when the original container is opened in a mobile food business to show the date or day by which the food shall be consumed, sold, or discarded, with the day the original container is opened being counted as day 1, and the day or date marked by the mobile food business operator may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

- (8) A refrigerated, ready-to-eat TCS food ingredient or a portion of a refrigerated, ready-to-eat, TCS food that is subsequently combined with additional ingredients or portions of food shall keep the date marking of the earliest-prepared or first-prepared ingredient.
- (9) A food specified in Subsection (7) shall be discarded if it:
 - (a) exceeds the temperature and time combination specified in Subsection (7), except time that the product is frozen;
 - (b) is in a container or package that does not bear a date or day; or
 - (c) is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Subsection (7).

R392-102-13. Poisonous or Toxic Materials.

- (1) Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.
- (2) Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.
- (3) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:
 - (a) separating the poisonous or toxic materials by spacing or partitioning; and
 - (b) locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.
- (4) Only those poisonous or toxic materials that are required for the operation and maintenance of a mobile food business, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a mobile food business.
- (5) Poisonous or toxic materials shall be:
 - (a) used according to:
 - (i) Rule R392-100 and local health department regulations;
 - (ii) manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment;
 - (iii) the conditions of certification for use of the pest control materials; and
 - (iv) additional conditions that may be established by the local health officer; and
 - (b) applied so that:
 - (i) a hazard to employees or other persons is not constituted; and
 - (ii) contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented by:
 - (A) removing the items;
 - (B) covering the items with impermeable covers; or
 - (C) ~~(I)~~ taking other appropriate preventive actions; and
 - (D) ~~(I)~~ cleaning and sanitizing equipment and utensils after the application.
- (6) A mobile food business shall be maintained free of rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence inside a food truck by:
 - (a) routinely inspecting incoming shipments of food and supplies;
 - (b) routinely inspecting the food truck for evidence of pests; and
 - (c) using pest management methods, if pests are found, such as trapping devices, eliminating harborage, or other means of pest control.
- (7) Restricted use pesticides ~~shall~~ may not be used in a mobile food business.
- (8) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.
- (9) Rodent bait shall be contained in a covered, tamper-resistant bait station.
- (10) Tracking powder may not be used inside a food truck unless the powder is non-toxic, such as flour or talcum powder, and is used in such a manner that it cannot contaminate food, equipment, utensils, linens, and single-service or single-use articles.

R392-102-14. Personal Cleanliness and Protection from Contamination.

- (1) Mobile food business employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- (2) Mobile food business employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- (3) If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
- (4) Mobile food business employees shall keep their hands and exposed portions of their arms clean using the cleaning procedure specified in Subpart 2-301.12 of the FDA Food Code immediately before engaging in handling of food or clean equipment and utensils and:
 - (a) after touching bare human body parts other than clean hands and clean, exposed portions of arms;
 - (b) after using the toilet room;
 - (c) after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
 - (d) after handling soiled equipment or utensils;
 - (e) during food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
 - (f) when switching between working with raw food and working with ready-to-eat food;
 - (g) before donning gloves to initiate a task that involves working with food; and
 - (h) after engaging in other activities that contaminate the hands.

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- (5) The mobile food business operator shall supply each handwashing sink with:
 - (a) a supply of hand cleaning liquid, powder, or bar soap; and
 - (b)(i) individual, disposable towels and an associated waste receptacle;
 - (c)(ii) a continuous towel system that supplies the user with a clean towel;
 - (d)(iii) a heated air hand drying device; or
 - (e)(iv) a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperature.
- (6) Near each handwashing sink in a conspicuous location, the mobile food business operator shall place a sign or poster that notifies mobile food business employees to wash their hands.
- (7) Mobile food business employees shall clean their hands in a handwashing sink and may not clean their hands in a sink used for food preparation or warewashing.
- (8)(a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:
 - (i) be applied only to hands that are cleaned as specified in Subsection (4); and
 - (ii) comply with the requirements of Subpart 2-301.16 of the FDA Food Code.
- (b) Except as temporarily allowed by the local health officer, the use of a hand antiseptic ~~shall~~ may not replace the requirement for hand washing in Subsection (4).
- (9) Mobile food business employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (10) Unless wearing intact gloves in good repair, a mobile food business employee may not wear fingernail polish or artificial fingernails when working with exposed food.
- (11) Except for a plain ring such as a wedding band, mobile food business employees may not wear jewelry including medical information jewelry on their arms and hands.
- (12) Mobile food business employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.
- (13) Mobile food business employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.
- (14) Mobile food business employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- (15) A mobile food business employee may not use a utensil more than once to taste food that is to be sold or served.
- (16)(a) A toilet room that is installed on a food truck, shall:
 - (i) include a toilet that is discharged to a dedicated wastewater holding tank that is separate from the holding tank described in Subsection R392-102-7(15)(a), with a capacity as specified by the local health officer before permit issuance;
 - (ii) have a supply of toilet tissue available at each toilet;
 - (iii) be conveniently located and accessible to food truck employees during ~~all~~ the hours of operation;
 - (iv) be provided with a covered waste receptacle; and
 - (v) be completely enclosed and provided with a tight-fitting door.
- (b) Except during cleaning and maintenance operations, toilet room doors shall be kept closed.

R392-102-15. Supervision, Employee Health, and Contamination Events.

- (1) The mobile food business operator shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the mobile food business during ~~all~~ the hours of operation.
- (2) Based on the risks inherent to the mobile food business operation, during inspections and upon request, the person in charge shall demonstrate to the local health officer knowledge of foodborne disease prevention and the requirements of this rule. The person in charge shall demonstrate this knowledge by:
 - (a) complying with the requirements of this rule;
 - (b) being certified in food safety management according to the requirements of Rule R392-101; or
 - (c) responding correctly to the inspector's questions as they relate to the specific mobile food business operations.
- (3) The person in charge shall ensure that:
 - (a) mobile food business operations are not conducted in a private home or in a room used as living or sleeping quarters;
 - (b) persons unnecessary to a food truck operation are not allowed in the food truck;
 - (c) employees and other persons entering a food truck comply with this rule;
 - (d) employees are effectively cleaning their hands;
 - (e) employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the proper temperatures, protected from contamination, unadulterated, and accurately presented, and are placing foods into appropriate storage locations;
 - (f) employees are properly cooking TCS food;
 - (g) employees are using proper methods to rapidly cool TCS food;
 - (h) consumers who order raw or partially cooked TCS food of animal origin are informed that the food is not cooked sufficiently to ensure its safety;
 - (i) employees are properly sanitizing cleaned equipment and utensils;
 - (j) employees are preventing cross contamination of ready-to-eat food with bare hands by properly using suitable utensils;
 - (k) employees are properly trained in food safety, including food allergy awareness;

(l) employees are informed in a verifiable manner of their responsibility to report, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under Subsection (4); and

(m) written procedures and plans, where required in this rule or by the local health officer, are maintained and implemented as required.

(4) The mobile food business operator, person in charge, and employees shall abide by Subpart 2-201 of the FDA Food Code in reporting of diseases, symptoms, and the exclusion or restriction of those working in the mobile food business.

(5) A mobile food business shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food truck or on the food cart. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

R392-102-16. Inspections, Corrective Actions, and Prevention of Foodborne Disease.

(1) Each mobile food business shall meet the requirements of this rule. Food trucks and food carts are exempt from the requirements of Rule R392-100, Food Service Sanitation, unless otherwise stated in this rule.

(2) Upon presenting proper identification and providing notice of the intent to conduct an inspection, the mobile food business operator shall allow the local health officer to determine if the mobile food business is in compliance with this rule by allowing access to the mobile food business, allowing inspection, and providing information and records specified in this rule during the mobile food business's hours of operation and other reasonable times.

(3) If a mobile food business operator denies access to the local health officer, the local health officer shall:

(a) inform the mobile food business operator that:

(i) the operator shall allow access to the local health officer as specified under Subsection (2);

(ii) access is a condition of the acceptance and retention of a permit to operate as specified under Section R392-102-4; and

(iii) if access is denied, an order issued by an appropriate authority allowing access may be obtained;

(b) make a final request for access; and

(c) if access continues to be refused, the local health officer shall provide details of the denial of access on an inspection report form.

(4) The local health officer shall document on an inspection report form:

(a) administrative information about the mobile food business's legal identity, street and mailing addresses, permit tier designation as specified under Section R392-102-4, inspection date, and other information including the type of water supply, sewage disposal, status of the permit, and personnel certificates of food safety management and training; and

(b) specific factual observations of noncompliant conditions or other deviations from this rule that require correction by the mobile food business operator including:

(i) failure of the operator to demonstrate the knowledge of foodborne illness prevention; and

(ii) failure of employees and the operator to report a disease or medical condition; and

(c) time frame for correction of violations.

(5) At the conclusion of the inspection the local health officer shall:

(a) provide a copy of the completed inspection report and the notice to correct violations to the mobile food business operator or to the person in charge;

(b) request a signed acknowledgment of receipt; and

(c) inform a person who declines to sign an acknowledgment of receipt of inspectional findings that:

(i) an acknowledgment of receipt is not an agreement with findings;

(ii) refusal to sign an acknowledgment of receipt will not affect the mobile food business operator's obligation to correct the violations noted in the inspection report within the time frames listed; and

(iii) a refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the historical record for the mobile food business; and

(d) make a final request that the person in charge sign an acknowledgment of receipt of inspectional findings.

(6) The local health officer shall treat the inspection report as a public document and shall make it available for disclosure.

(7)(a) A mobile food business operator shall immediately discontinue operations and notify the local health department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstances that may endanger public health.

(b) If operations are discontinued as required by the local health officer or in response to an imminent health hazard as specified in Subsection (7)(a), the mobile food business operator shall obtain approval from the local health officer before resuming operations.

(8) For each mobile food business that fails a health inspection, a local health department may charge and collect a fee from the associated mobile food business for that health inspection.

(9) A local health department issuing the permit, or reinstating a suspended permit, may conduct one or more pre-operational inspections to verify that the mobile food business is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and is in compliance with this rule.

(10)(a) A local health officer may periodically conduct operational on-site inspections of a mobile food business to determine continued compliance with this rule.

(b) For each year that a permit is issued to a mobile food business operator, the local health department that issued the permit shall conduct a minimum of one inspection of a mobile food business with a permit, regardless of tier designation as described in Subsection R392-102-4(5)(b).

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(c) The local health department shall periodically inspect throughout its permit period a mobile food business operating only with a temporary food establishment permit that prepares, sells, or serves unpackaged TCS food and that has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, potable water supply, waste retention and disposal, and insect and rodent control.

(11) A local health officer may conduct follow-up inspections, as needed, to ensure the timely resolution of inspection findings.

(12) The local health officer shall make the mobile food business operator aware of inspectional findings both during, and at the conclusion of, the inspection as well as strategies for achieving compliance. Repeat violations may prompt further compliance and enforcement actions.

R392-102-17. Severability.

If a provision of this rule, or its application to any person or circumstance is declared invalid, the application of such provisions to other persons or circumstances, and the ~~remainder~~ rest of this rule shall be given effect without the invalidated provision or application.

KEY: food trucks, mobile foods, sanitation, food carts

Date of Last Change: ~~July 17, 2023~~ 2025

Notice of Continuation: May 4, 2023

Authorizing, and Implemented or Interpreted Law: 26B-1-202; 26B-7-113; 26B-7-402[; ~~26B-1-202(25); 26B-1-202(26)~~]

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R414-140

Filing ID: 57410

Agency Information

1. Title catchline:	Health and Human Services, Integrated Healthcare	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 143325	
City, state and zip:	Salt Lake City, UT 84114-3325	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@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 or section catchline:
R414-140. Choice of Health Care Delivery Program
4. Purpose of the new rule or reason for the change:
Based on internal review, the purpose of this change is to update and clarify current Medicaid policy in relation to the Choice of Healthcare Delivery Program (CHCDP).
5. Summary of the new rule or change:
This amendment updates and clarifies definitions, health plan requirements, enrollment restrictions, service coverage, provider qualifications, and reimbursement methodology within CHCDP.
It also makes other style and formatting changes in accordance with the Rulewriting Manual for Utah and for consistency with other Department of Health and Human Services rules.

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

There is no anticipated fiscal impact on the state budget, as this change clarifies current policy and neither affects member services nor provider reimbursement.

This change does not add, remove, or modify existing requirements or restrictions for any state agency.

B. Local governments:

There is no anticipated fiscal impact on local governments, as they neither fund nor provide services under the Medicaid program.

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

There is no anticipated fiscal impact on small businesses, as this change clarifies current policy and neither affects member services nor provider reimbursement.

This change does not add, remove, or modify existing requirements or restrictions for any small business.

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

There is no anticipated fiscal impact on non-small businesses, as this change clarifies current policy and neither affects member services nor provider reimbursement.

This change does not add, remove, or modify existing requirements or restrictions for any non-small business.

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 fiscal impact on other persons, as this change clarifies current policy and neither affects member services nor provider reimbursement.

This change does not add, remove, or modify existing requirements or restrictions for other persons.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons, as this change clarifies current policy and neither affects member services nor provider reimbursement.

This change does not add, remove, or modify existing requirements or restrictions.

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

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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 Health and Human Services, Tracy S. Gruber, 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 26B-1-213	Section 26B-3-108	
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/22/2025
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R414. Health and Human Services, Integrated Healthcare ~~[Health Care Financing, Coverage and Reimbursement Policy]~~.

R414-140. Choice of Health Care Delivery Program.

R414-140-1. ~~[Introduction and]~~ Authority and Purpose.

(1) Subsection 26B-3-108(2)(a) authorizes this rule.

(2) This rule outlines the Choice of Health Care Delivery Program that operates under a freedom-of-choice waiver program authorized under 42 USC 1396n(b). ~~[-]This program provides access to quality and cost-effective health care. [-]This rule is required by Utah Code Subsection 26-18-3(2)(a).[-]~~

R414-140-2. Definitions.

~~[The definitions]~~ Terms used in this rule are defined in Rule R414-1. ~~[apply to this rule. In addition]~~ Additionally:

(1) ~~[The]~~ "Choice of Health Care Delivery Program," ~~[("CHCDP," or "program")]~~ ~~is a~~ means the freedom-of-choice waiver program that allows the ~~[D]~~ department to require certain groups of Medicaid ~~[clients]~~ members living in Box Elder, Cache, Davis, Iron, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Washington, and Weber counties to select a physical health plan that provides services in accordance with the program's waiver. ~~[-]The waiver limits freedom of choice in choosing a health care provider.~~

~~[-] (2) An "Enrollee" in the CHCDP is a Medicaid client who lives in an urban county and is enrolled in a health plan.]~~

(2) "Department" means the Department of Health and Human Services.

(3) ~~[A-]~~ "Health ~~[P]~~ plan" ~~[in the CHCDP]~~ means ~~a~~ ~~is a~~ a federally defined prepaid inpatient health plan, a federally defined primary care case management system or a federally defined managed care organization under contract with the ~~[Utah D]~~ department ~~[of Health]~~ to provide health care services to members ~~[enrollees]~~.

(4) ~~[A-]~~ "Managed ~~[C]~~ care ~~[O]~~ organization" or ~~[("MCO")]~~ means ~~[is]~~ an entity that has, or is seeking to qualify for, a comprehensive risk contract with the ~~[D]~~ department to make the services it provides to its Medicaid members ~~[enrollees]~~ as accessible, ~~[("in terms of [timeliness, amount, duration, and] scope, and timeliness")]~~, as those services are to other Medicaid ~~[clients]~~ members within the area served by the entity. ~~[-]The CHCDP requires MCOs to provide or arrange for services described in the CHCDP.~~

(5) "Mandatory enrollment county" means a county in which a member is required to enroll in a health plan.

(6) "Member" means an individual enrolled in Medicaid who lives in a mandatory enrollment county and is enrolled in a health plan.

~~[-] (5) "Prepaid Inpatient Health Plan" (PIHP) is an entity that contracts with the Department under a non-risk arrangement to provide services described in the CHCDP to Medicaid enrollees.~~

~~[-] (6) "Primary Care Case Management" (PCCM) is a system under which a physician or other provider contracts with the State to furnish case management services and to provide access to services described in the CHCDP.]~~

(7) "Section 1931" means Section 1931 ~~[is the section]~~ of the Social Security Act, which ~~[that]~~ raises the income limits for Medicaid eligibility.

~~_____ (8) "Urban county" means a county with a population greater than 175,000.~~

~~_____ (9) "1115 Demonstration for the Primary Care Network of Utah" is a statewide demonstration waiver that expands Medicaid coverage to adults ages 19 and older who would not otherwise qualify for Medicaid. The two groups of individuals covered under the 1115 Demonstration are Primary Care Network individuals and Non Traditional Medicaid individuals. Primary Care Network individuals are those who meet certain income requirements who would not otherwise qualify for Medicaid. Non Traditional Medicaid individuals are those who are ages 19 and older and are not elderly, disabled or pregnant.]~~

R414-140-3. Requirement to Select a Health Plan.

~~_____ (1)–~~The following Medicaid ~~[clients]~~members living in ~~[urban]~~a mandatory enrollment count~~[ies]~~y are required to select a health plan:

- ~~_____ (a)~~(1) blind or disabled children and adults;
- ~~_____ (2) foster care children;~~
- ~~_____ (3) individuals 65 years or older;~~
- ~~_____ (4) individuals who qualify for Medicaid under adult expansion, except for adult expansion members who are required under Utah's Medicaid Reform 1115 Demonstration to select a Utah Medicaid Integrated Care (UMIC) plan;~~
- ~~_____ (5) pregnant women; and~~
- ~~_____ (6) Section 1931 children and adults, [under the age of 19;]~~
- ~~_____ (b) pregnant women;~~
- ~~_____ (c) blind or disabled children and adults;~~
- ~~_____ (d) aged populations;~~
- ~~_____ (e) foster care children; and~~
- ~~_____ (f) Non Traditional Medicaid enrollees covered under the 1115 Demonstration for the Primary Care Network of Utah.]~~

R414-140-4. Restrictions on Changes in Enrollment.

- ~~_____ (1)(a)~~ The ~~[D]~~department ~~[must]~~shall give Medicaid ~~[clients]~~members a choice of at least two health plans.
- ~~_____ (b)~~ Each new applicant for Medicaid in a ~~[the urban]~~mandatory enrollment count~~[ies]~~y ~~[is]~~shall be offered an orientation about Medicaid and the ~~[Choice of Health Care Delivery Program]~~CHCDP.
- ~~_____ (i)~~ A health program representative employed by the ~~[D]~~department shall conduct~~[s]~~ the orientation and ~~[also]~~enroll[s] Medicaid ~~[clients]~~members in a health plan.
- ~~_____ (ii)~~ During the orientation, ~~[the clients]~~each member ~~[are]~~shall be presented with health plan options.
- ~~_____ (2)~~ The ~~[D]~~department restricts the disenrollment rights of ~~[members]~~enrollees who are required to enroll with a health plan in accordance with ~~[the regulations at]~~42 CFR 438.56. ~~[-]~~Disenrollment rights are restricted for a period of up to 12 months, [with the following exceptions:
- ~~_____ (a)–]~~except during the first three months of the member's [enrollee's] initial enrollment with a health plan, [the enrollee may select a different health plan without cause;
- ~~_____ (i)–]~~if:
 - ~~_____ (a)~~ the member chooses a different health plan during the department's annual open enrollment period;
 - ~~_____ (b)~~ the member~~[enrollee]~~ moves out of the health plan's service area; or
- ~~_____ (ii)–]~~if (c) the member[enrollee] requests to select a different health plan for good cause and the [D]department approves the request. [;
- ~~_____ (iii)–]~~if the enrollee chooses a different health plan during the Department's annual disenrollment period.]

R414-140-5. Service Coverage.

~~_____ (1)– H]~~A health plan~~[s]~~ shall provide ~~[all]~~each medically necessary service~~[s]~~ covered under the ~~[State]~~Utah Medicaid State Plan, except:

- ~~_____ (1)~~apnea monitors;
- ~~_____ (2)~~applied behavioral analysis services;
- ~~_____ (3)~~care in a nursing facility, intermediate care facility, or long-term acute care hospital for longer than 30 days;
- ~~_____ (4)~~chiropractic services;
- ~~_____ (5)~~dental services;
- ~~_____ (6)~~early intervention services;
- ~~_____ (7)~~mental health evaluations and psychological testing performed for physical health purposes;
- ~~_____ (8)~~methadone maintenance treatment services;
- ~~_____ (9)~~psychological evaluations and testing;
- ~~_____ (10)~~school-based skills development program services;
- ~~_____ (11)~~services performed at the Utah State Developmental Center;
- ~~_____ (12)~~services performed at the Utah State Hospital;
- ~~_____ (13)~~services provided by an Indian health services facility, tribal facility, or urban Indian organization facility;
- ~~_____ (14)~~specialized mental health services;
- ~~_____ (15)~~specific classes of drugs, including for mental health and substance use disorder treatment;
- ~~_____ (16)~~substance use disorder services;
- ~~_____ (17)~~targeted case management;

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~~(18) transportation services;~~
~~(19) ultra high-cost drugs; and~~
~~(20) waiver services. [(a) dental services;~~
~~(b) chiropractic services;~~
~~(c) long term care services in skilled nursing facilities longer than 30 days with the exception of clients enrolled in the Medicaid Long Term Care Managed Care Program;~~
~~(d) psychological services;~~
~~(e) services covered under the Prepaid Mental Health Plan;~~
~~(f) substance abuse treatment services; and~~
~~(g) transportation services;~~
~~(2) Medicaid enrollees who are covered under the Non-Traditional Medicaid Plan are limited to the scope of services as defined in the 1115 Demonstration for the Primary Care Network of Utah.]~~

R414-140-6. Qualified Providers.

The [D]department shall select[s] health plans~~[managed care organizations, prepaid inpatient health plans or primary care case management systems]~~ through an open cooperative procurement process in which any qualifying MCO~~[, PIHP or PCCM system]~~ may request to contract with the [D]department to provide services covered under the CHCDP.

R414-140-7. Reimbursement Methodology.

The department shall pay each applicable MCO a monthly capitation rate for each member, regardless of whether the member receives a covered service during that month.~~[The PIHPs are paid under a non-risk arrangement as described in 42 CFR 447.362. The Department's payments to the health plans may not exceed what the Department would have paid on a fee for service basis for services furnished to health plan enrollees plus the net savings of administrative costs the Department achieves by contracting with the health plans instead of purchasing the services on a fee for service basis. The PCCM providers are paid under a fee for service arrangement. In addition, a fee is paid to cover the provision of case management services.]~~

KEY: Medicaid, enrollee, PIHP, PCCM

Date of Last Change: [September 16, 2004]2025

Notice of Continuation: June 4, 2024

Authorizing, and Implemented or Interpreted Law: 26B-1-[5]213; 26B-[18]3-3108

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R432-270

Filing ID: 57412

Agency Information

1. Title catchline:	Health and Human Services, Health Care Facility Licensing	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@utah.gov
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R432-270. Assisted Living Facilities

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

Based on an internal review of this rule, the Department of Health and Human Services (department) determined that the required timeframe for records retention for assisted living facilities should be aligned with investigation timeline requirements in Subsection 26B-2-709(3)(b).

5. Summary of the new rule or change:

This filing changes the required timeframe for records retention from three years to four years for assisted living facilities.

Additionally, this amendment makes formatting changes in compliance 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:**

There is no anticipated fiscal impact to the state budget, as this filing does not change the existing process for licensure and relicensure inspections.

This filing updates the records retention requirement for assisted living facilities to align with investigation timeline requirements in Subsection 26B-2-709(3)(b).

B. Local governments:

There is no anticipated fiscal impact to local governments because health care facilities are regulated by the department and not local governments.

There will be no change in local business licensing or any other processes with which local government is involved as a result of this filing.

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

There is no anticipated fiscal impact to small businesses, as this filing does not change the existing process for licensure and relicensure inspections.

This filing updates the records retention requirement for assisted living facilities to align with investigation timeline requirements in Subsection 26B-2-709(3)(b).

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

There is no anticipated fiscal impact to non-small businesses, as this filing does not change the existing process for licensure and re-licensure inspections.

This filing updates the records retention requirement for assisted living facilities to align with investigation timeline requirements in Subsection 26B-2-709(3)(b).

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 fiscal impact to persons other than small businesses, non-small businesses, state or local government entities, as this filing does not change the existing process for licensure and re-licensure inspections.

This filing updates the records retention requirement for assisted living facilities to align with investigation timeline requirements in Subsection 26B-2-709(3)(b).

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons, as this filing does not change the existing process for licensure and re-licensure inspections.

This filing updates the records retention requirement for assisted living facilities to align with investigation timeline requirements in Subsection 26B-2-709(3)(b).

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 Health and Human Services, Tracy S. Gruber, 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 26B-2-202

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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:	Tracy S. Gruber, Executive Director	Date:	08/22/2025
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R432. Health and Human Services, Health Care Facility Licensing.

R432-270. Assisted Living Facilities.

R432-270-1. Authority and Purpose.

(1) Section 26B-2-202 authorizes this rule.

(2) This rule establishes the licensing and operational standards for assisted living facilities. Assisted living is intended to enable an individual experiencing functional impairments to receive 24-hour personal and health-related services in a place of residence with enough structure to meet the care needs in a safe manner.

R432-270-2. Compliance and Responsibility.

The licensee shall comply with each applicable section of Rules R380-600, R432-6, R432-35, and R432-270.

R432-270-3. Definitions.

Terms used in this rule are defined in Rules R380-600, R432-1, and R432-6. Additionally:

- (1)(a) "Activities of daily living" or "ADLs" means those personal functional activities required for a resident for continued well-being, including:
- (i) administration of medication;
 - (ii) bathing;
 - (iii) dressing;
 - (iv) eating and nutrition;
 - (v) personal grooming, including oral hygiene and denture care;
 - (vi) toileting and bathing; and
 - (vii) transferring, ambulation, and mobility.
- (b) ADLs are divided into the following levels:
- (i) "Assistance" means the resident can perform some part of an ADL, but cannot do it entirely alone;
 - (ii) "Dependent" means the resident cannot perform any part of an ADL and it is done entirely by someone else; and
 - (iii) "Independent" means the resident can perform the ADL without help.
- (2) "Adult day care" means the care and support to three or more functionally impaired adults through a comprehensive program that provides a variety of social, recreational, and related support services in a licensed health care setting.
- (3) "Assessment" means documentation of each resident's ability or current condition in the following areas:
- (a) ability to communicate effectively with others;
 - (b) assistive devices;
 - (c) continence;
 - (d) leisure patterns and interests;
 - (e) medical diagnoses that have a relationship to current ADL status, behavior status, medical treatments, or risk of death;
 - (f) medication use and the ability to self-medicate;
 - (g) memory and daily decision-making ability;
 - (h) mood and behavior patterns;
 - (i) physical functioning and ability to perform ADLs;
 - (j) prosthetics;
 - (k) special treatments and procedures; and
 - (l) weight loss.
- (4) "Certification in cardiopulmonary resuscitation" or "CPR" means a certification issued after completion of an in-person course, to include skills testing, and evaluation on-site with a licensed instructor.
- (5) "Core competencies" mean:
- (a) communication;
 - (b) community living skills and supports;
 - (c) crisis prevention and intervention;
 - (d) cultural competency and community inclusion;
 - (e) dementia care competencies;
 - (f) empowerment and advocacy;
 - (g) health and wellness;
 - (h) observation;
 - (i) person-centered care principles and practices;
 - (j) professionalism and ethics;
 - (k) safety; and
 - (l) training and self-development.
- (6) "Facility" means the same as defined in Rule R432-1, and for this rule, includes the definition listed in Section 26B-2-236.
- (7)(a) "Home-like" means a place of residence that creates an atmosphere supportive of the resident's preferred lifestyle.
- (b) Home-like is also supported by the use of residential building materials and furnishings.
- (8) "Hospice patient" means an individual who is admitted to a hospice program or agency.
- (9) "Legal representative" means the same as defined in Section 26B-2-236.
- (10) "Licensed health care professional" means a registered nurse, physician assistant, advanced practice registered nurse, or physician licensed by the Utah Department of Commerce who has education and experience to assess and evaluate the health care needs of the resident.
- (11) "Monitoring device" means the same as defined in Section 26B-2-236.
- (12) "OL" means the Office of Licensing in the Division of Licensing and Background Checks, under the Department of Health and Human Services.
- (13) "Responsible person" means the same as defined in Rule R432-1.
- (14) "Self-direct medication administration" means the resident can:
- (a) recognize medications offered by color or shape; and

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- (b) identify and report differences in the usual routine of medications.
- (15) "Service plan" means a written plan of care for services that meets the requirements of Section R432-270-13.
- (16) "Services" means activities that help each resident develop skills to increase or maintain their level of psycho-social and physical functioning, or that assists them in ADLs.
- (17) "Significant assistance" means the resident cannot perform any part of an ADL and depends on staff or others to accomplish the ADL.
- (18) "Significant change" means a major change in a resident's status that is self-limiting or impacts on more than one area of the resident's health status.
- (19) "Social care" means:
 - (a) providing opportunities for social interaction in the facility or in the community; or
 - (b) providing services to promote independence or a sense of self-direction.
- (20) "Type I assisted living" means the same as "Assisted Living Facility Type I," as defined in Rule R432-6.
- (21) "Type II assisted living" means the same as "Assisted Living Facility Type II," as defined in Rule R432-6.
- (22) "Unit" means the same as "resident living unit," as defined in Rule R432-6.
- (23) "Vulnerable adult" means the same as defined in Subsection 26B-6-201(30).

R432-270-4. Licensing.

- (1) A person or entity who offers or provides care to two or more unrelated individuals in a residential facility shall become licensed as an assisted living facility if:
 - (a) the individuals stay in the facility for more than 24 hours; and
 - (b) the person or entity provides or arranges for assistance with one or more ADLs for the individuals.
- (2) The person or entity shall ensure an assisted living facility is licensed as a type I assisted living facility if each resident can exit the facility without the assistance of another person.
- (3) A person or entity shall ensure an assisted living facility is licensed as a type II assisted living facility if each resident can exit the facility only with the limited assistance of one person.
- (4) A type I assisted living facility licensee shall provide social care to each resident.
- (5) A type II assisted living facility licensee shall provide care in a home-like setting that provides an array of coordinated supportive personal and health care services that are available 24 hours a day to each resident who needs any of these services.
- (6)(a) Type I and II assisted living facility licensees shall provide each resident with a choice of an individual resident living unit or shared resident living unit unless the resident and responsible person have been informed through the signed admission agreement regarding the facility policy regarding mandatory placement in a shared unit.
- (b) The licensee shall ensure each resident living unit provides accommodation for each resident to conduct or receive assistance with ADLs privately and in a way that preserves their dignity.
- (c) The licensee shall ensure each resident in a shared resident living unit has access to a bathroom and additional living space as defined in Rule R432-6.
- (7) A resident may continue to remain in an assisted living facility if:
 - (a) the facility construction meets the resident's needs;
 - (b) the resident's physical and mental needs are appropriate to the assisted living criteria; and
 - (c) the licensee provides enough staff to meet the resident's needs.
- (8) The licensee shall ensure each assisted living facility is licensed as one of the following:
 - (a) a large assisted living facility housing 17 or more residents;
 - (b) a small assisted living facility housing six to 16 residents; or
 - (c) a limited capacity assisted living facility housing two to five residents.

R432-270-5. Licensee.

- (1) The licensee shall:
 - (a) assume responsibility for the overall organization, management, operation, and control of the facility;
 - (b) ensure compliance with each federal, state, and local law;
 - (c) establish policies and procedures for resident welfare, protection of resident rights, and the general operation of the facility; and
 - (d) implement and follow a policy that ensures the licensee may not discriminate on the basis of race, color, sex, or religion.
- (2)(a) The licensee shall implement a quality assurance program to include a quality assurance committee.
- (b) The quality assurance committee shall:
 - (i) consist of at least the administrator and a health care professional; and
 - (ii) meet at least quarterly to identify and act on quality issues.
- (3) If the licensee is a corporation or an association, it shall maintain an active and functioning governing body to fulfill licensee duties and to ensure accountability.

R432-270-6. Administrator Qualifications.

- (1) The administrator shall:
 - (a) be 21 years of age or older;
 - (b) complete an OL-approved national certification program within six months of hire for a type II facility;
 - (c) be able to deliver, or direct the delivery of, appropriate care to each resident;

- (d) know applicable laws and rules; and
- (e) successfully complete the criminal background screening process in Rule R432-35.
- (2) The administrator of a type I assisted living facility shall have an associate degree or two years of experience in a health care facility.
- (3) The administrator of a type II small or limited capacity assisted living facility shall have any of the following:
 - (a) an associate degree in a health care field;
 - (b) one year of experience in a health care field as a licensed health care professional; or
 - (c) two years or more of management experience in a health care field.
- (4) The administrator of a type II large assisted living facility shall have any of the following:
 - (a) an associate degree and four years or more of management experience in a health care field;
 - (b) a bachelor's degree in a health care field that includes management training, or one or more years of management experience;
 - (c) a bachelor's degree in any field that includes management training, or one or more years of management experience and one year or more experience in a health care field; or
 - (d) a health facility administrator license issued in Utah.

R432-270-7. Administrator Duties.

- (1) The administrator shall:
 - (a) admit and only keep a resident who meets admissions criteria and whose needs can be met by the facility;
 - (b) be on-site enough hours in the business day, and at other times as necessary, to manage and oversee the facility;
 - (c) complete, submit, and file records and reports required by OL;
 - (d) conduct and document regular inspections of the facility to ensure it is safe from potential hazards;
 - (e) designate, in-writing, a competent employee, 21 years of age or older, to serve as an acting administrator only for when the administrator is unavailable for immediate contact, and ensure an acting administrator does not replace designated administrator in the day-to-day functioning of the facility;
 - (f) maintain a log indicating any significant change in a resident's condition and the facility's action or response;
 - (g) maintain facility staffing records for the preceding 12 months;
 - (h) notify the resident's responsible person within 24 hours of significant changes or deterioration of the resident's health, and ensure the resident's transfer to an appropriate health care facility if the resident requires services beyond the scope of the facility's license;
 - (i) participate in a quality assurance program;
 - (j) recruit, hire, maintain, and train the number of licensed and unlicensed staff needed to provide services;
 - (k) report any suspected abuse, neglect, or exploitation in accordance with Section 26B-6-205, and document appropriate action if the alleged violation is verified;
 - (l) review, at least quarterly, every injury, accident, and incident to a resident or employee and document appropriate corrective action;
 - (m) secure and update contracts for required professional and other services not provided directly by the facility;
 - (n) verify required licenses and permits of staff and consultants upon hire, or before the effective date of contract;
- (2) The licensee shall maintain the administrator's responsibilities in a written and signed job description on file in the facility.

R432-270-8. Personnel.

- (1) The licensee shall ensure that qualified direct-care personnel are on-site 24 hours a day to meet each resident's needs as determined by the resident's assessment and service plans.
- (2) The licensee shall hire and keep additional staff as necessary to perform:
 - (a) cooking;
 - (b) general maintenance;
 - (c) housekeeping;
 - (d) laundering; and
 - (e) office work.
- (3) The licensee shall ensure qualified staff perform services in accordance with the resident's written service plan.
- (4) The licensee shall ensure that any personnel who provide personal care to any resident in a type I and type II assisted living facility:
 - (a) are at least 18 years of age; or
 - (b) is a certified nurse aide in accordance with Section 58-31b-3, with related experience or on-the-job training for the job assigned;
- (5) The licensee shall ensure that personnel are licensed, certified, or registered in accordance with applicable laws governing their professional licensure in Utah.
- (6) The administrator shall maintain written job descriptions for each position, including each position's:
 - (a) qualifications;
 - (b) required skills;
 - (c) responsibilities; and
 - (d) title.
- (7) The licensee shall make facility policies and procedures available to personnel.
- (8)(a) The licensee shall provide and document each employee's orientation to the facility for their hired position.
- (b) The licensee shall provide orientation to each employee within 30 days of hire that includes:

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- (i) an explanation of ethics, confidentiality, and resident rights;
 - (ii) an OL-approved core competency training;
 - (iii) each relevant job description;
 - (iv) employee responsibility for reporting abuse, neglect, and exploitation;
 - (v) the facility fire and disaster plan; and
 - (vi) the facility policy and procedures.
- (9)(a) The licensee shall provide each direct-care employee with:
- (i) a demonstration of core competency skills;
 - (ii) a facility orientation;
 - (iii) 16 hours of one-on-one training with a direct-care employee who has at least three months experience and has completed the facility orientation.
- (b) The licensee shall ensure training is not transferred to another facility, and includes:
- (i) ADLs; and
 - (ii) transfer assistance and safety.
- (c) The licensee shall ensure:
- (i) a direct-care employee hired from a staffing agency is a certified nurse aide; and
 - (ii) each certified nurse aide is exempt from the 16 hours of one-on-one job training.
- (10)(a) The licensee shall ensure each employee receives documented in-service training.
- (b) The licensee shall ensure the in-service and annual trainings include the following subjects relevant to the employee's job responsibilities:
- (i) abuse and neglect reporting requirements;
 - (ii) accident prevention, including safe bath and shower temperatures;
 - (iii) communication skills that enhance resident dignity;
 - (iv) dementia and Alzheimer's-specific training;
 - (v) first aid;
 - (vi) principles of good housekeeping;
 - (vii) principles of good nutrition, menu planning, food preparation and food storage;
 - (viii) principles of providing personal and social care;
 - (ix) proper procedures in assisting a resident with medication;
 - (x) recognizing early signs of illness and determining when there is a need for professional assistance;
 - (xi) resident rights; and
 - (xii) review of core competency training.
- (11) The administrator shall annually complete a minimum of four hours of core competency training that includes dementia and Alzheimer's-specific training.
- (12) In addition to core competency training, the administrator shall:
- (a) complete a minimum of six hours of approved continuing professional education (CPE) annually that include a minimum of:
 - (i) five hours in-person;
 - (ii) one additional hour either in-person or online; and
 - (iii) calculate 50 minutes of CPE as one hour;
 - (b) ensure CPE courses under this subsection are approved by:
 - (i) Utah Assisted Living Association;
 - (ii) Utah Health Care Association;
 - (iii) Beehive Homes; or
 - (c) an entity listed in this subsection if the course is offered by another entity or organization.
- (13) The licensee shall ensure employees who report suspected abuse, neglect, or exploitation are not subject to retaliation, disciplinary action, or termination by the licensee for that reason alone.
- (14) The licensee shall ensure a personnel health program is established through written personnel health policies and procedures that protect the health and safety of personnel, residents, and the public.
- (15) The licensee shall:
- (a) ensure an employee health inventory is completed when an employee is hired;
 - (b) use an OL-approved form for the health inventory evaluation or their own form if it includes at least the employee's history of:
 - (i) conditions that may predispose the employee to acquiring or transmitting infectious diseases; and
 - (ii) conditions that may prevent the employee from performing certain assigned duties satisfactorily;
 - (c) develop an employee health screening and immunization components of for its personnel health program;
 - (d) ensure employee skin testing:
 - (i) uses the Mantoux Method or other Food and Drug Administration, (FDA) approved in vitro serologic test; and
 - (ii) perform follow-up procedures for tuberculosis in accordance with Rule R388-804, Special Measures for the Control of Tuberculosis;
 - (e) ensure employees are skin-tested for tuberculosis within two weeks of:
 - (i) initial hiring;
 - (ii) suspected exposure to a person with active tuberculosis; and
 - (iii) development of symptoms of tuberculosis;

(f) report any infections and communicable diseases reportable by law to the local health department in accordance with Section R386-702-3; and

(g) allow employees with known positive reactions to skin tests to be exempt from skin testing.

(16) The licensee shall develop and implement policies and procedures governing an infection control program that include task-related employee infection control procedures and practices that protect residents, family members, and personnel from infection.

(17) The licensee shall ensure compliance with 29 CFR 1910.1030 (2001), the Occupational Safety and Health Administration's Bloodborne Pathogen Standard.

R432-270-9. Resident Rights.

(1) Assisted living facility licensees shall develop a written resident rights statement based on this section.

(2) The licensee shall ensure the administrator or designee gives each resident a written description of the resident's legal rights upon admission, that includes:

(a) a description of the manner of protecting personal funds; and

(b) a statement that the resident may file a complaint with the long-term care ombudsman and any other advocacy group concerning resident abuse, neglect, or misappropriation of resident property in the facility.

(3) The licensee shall ensure the administrator or designee notifies the resident or the resident's responsible person in a language and manner the resident or resident's responsible person can understand, in-writing, upon admission, of the resident's rights and rules governing resident conduct and responsibilities during the stay in the facility.

(4) The licensee shall ensure the administrator or designee promptly notifies in-writing the resident or the resident's responsible person when there is a change in resident rights under state law.

(5) The licensee shall ensure resident rights include the right to:

(a) be treated with respect, consideration, fairness, and full recognition of personal dignity and individuality;

(b) be transferred, discharged, or evicted by the facility only in accordance with the terms of the signed admission agreement;

(c) be free of mental and physical abuse, and chemical and physical restraints;

(d) refuse to perform work for the facility;

(e) perform work for the facility if the facility consents and if:

(i) the facility has documented the resident's need or desire for work in the service plan;

(ii) the resident agrees to the work arrangement described in the service plan;

(iii) the service plan specifies the nature of the work performed and whether the services are voluntary or paid; and

(iv) compensation for paid services is at or above the prevailing rate for similar work in the surrounding community;

(f) privacy during visits with family, friends, clergy, social workers, ombudsmen, resident groups, and advocacy representatives;

(g) share a resident living unit with a spouse if:

(i) both spouses consent;

(ii) both spouses are facility residents; and

(iii) the unit meets the construction requirements of Rule R432-6 for a shared or semi-private resident living unit;

(h) privacy when receiving personal care or services;

(i) keep personal possessions and clothing as space permits;

(j) participate in religious and social activities of the resident's choice;

(k) interact with members of the community both inside and outside the facility;

(l) send and receive mail unopened;

(m) have access to telephones to make and receive private calls;

(n) arrange for medical and personal care;

(o) have a family member or responsible person informed by the facility of significant changes in the resident's cognitive, medical, physical, or social condition or needs;

(p) leave the facility at any time and not be locked into any room, building, or on-site at the facility during the day or night, except:

(i) a type II assisted living resident is assessed to require a secure environment may be housed in a secure unit, if the secure unit is approved by the fire authority having jurisdiction; and

(ii) the right does not prohibit the locking of facility entrance doors if egress is maintained;

(q) be informed of complaint or grievance procedures and to voice grievances and recommend changes in policies and services to facility staff or outside representatives without restraint, discrimination, or reprisal;

(r) be encouraged and assisted throughout the period of a stay to exercise these rights as a resident and as a citizen;

(s) manage and control personal funds, or to be given an accounting of personal funds entrusted to the facility, as provided in Section R432-270-19 concerning management of resident funds;

(t) upon oral or written request, to access within 24 hours records pertaining to the resident, including clinical records;

(u) two working days after the day of the resident's oral or written request, to purchase at a cost not to exceed the community standard photocopies of the resident's records or any portion thereof;

(v) personal privacy and confidentiality of personal and clinical records;

(w) be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect the resident's well-being; and

(x) be fully informed in a language and in a manner the resident understands of the resident's health status and health rights, including the following:

(i) medical condition;

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- (ii) the right to refuse treatment;
- (iii) the right to formulate an advance directive in accordance with Title 75, Chapter 2a, Advance Health Care Directive Act; and
- (iv) the right to refuse to participate in experimental research.
- (6) The licensee shall ensure the following items are posted in a public area of the facility that is easily accessible and visible by each resident and the public:
 - (a) the long-term care ombudsmen's notification poster;
 - (b) information on Utah protection and advocacy systems; and
 - (c) a copy of the resident rights.
- (7) The licensee shall post the link to the facility search section of the OL website at <https://dlbc.utah.gov/find-health-providers/> in a public area of the facility with an explanation that they may find compliance history and inspection results by searching for the facility's name on that link.
- (8)(a) A resident may organize and participate in resident groups in the facility, and a resident's family may meet in the facility with the families of other residents.
- (b) The licensee shall provide private space for resident groups or family groups.
- (c) Facility personnel or visitors may attend resident group or family group meetings only at the group's invitation.
- (d) The administrator shall designate an employee to assist with and respond to written requests that result from group meetings.

R432-270-10. Admissions.

- (1) The licensee shall have written admission, retention, and transfer policies that are available to the public upon request.
- (2) Before accepting a resident, the licensee must ensure enough information is obtained about the person's ability to function in the facility through the following:
 - (a) an interview with the resident and the resident's responsible person; and
 - (b) the completion of the resident assessment.
- (3) If the OL determines during inspection or interview that the facility knowingly and willfully admits or keeps a resident who does not meet admission criteria, OL may, for a time period specified, require that resident assessments be conducted by an individual who is independent from the facility.
- (4) A type I assisted living licensee may accept and keep a resident who:
 - (a) does not require total assistance from another person with more than three ADLs;
 - (b) has stable health;
 - (c) is ambulatory or mobile and can take life-saving action in an emergency without the assistance of another person;
 - (d) is cognitively impaired or physically disabled, but can evacuate from the facility without the assistance of another person;
 - (e) requires and received intermittent care of treatment in the facility from a licensed health care professional, either through contract or by the licensee, if permitted in policy; or
 - (f) requires no assistance, or only limited assistance with ADLs.
- (5) A type II assisted living facility licensee may accept and keep a resident who:
 - (a) is cognitively impaired or physically disabled, but can evacuate from the facility with the limited assistance of one person;
 - (b) is physically disabled, but can direct their own care; or
 - (c) requires total assistance from another person in more than three ADLs if:
 - (i) the resident can evacuate the facility with the limited assistance of one person; and
 - (ii) the staffing level and coordinate supportive health and social services meet the needs of the resident.
- (6) A type I and type II assisted living licensee may not admit or keep a person who:
 - (a) has active tuberculosis or other chronic communicable diseases that cannot be treated in the facility or on an outpatient basis, or may be transmitted to other residents or guests through the normal course of activities;
 - (b) manifests behavior that is:
 - (i) assaultive;
 - (ii) poses a danger to self or others;
 - (iii) sexually or socially inappropriate; or
 - (iv) suicidal; and
 - (c) requires inpatient hospital, long-term nursing care or 24-hour continual nursing care that will last longer than 15 calendar days after the day that the nursing care begins.
- (7) In accordance with Section 26B-2-236, a type I or type II assisted living licensee may not:
 - (a) deny an individual admission to the facility for the sole reason that the individual or the individual's legal representative requests to install or operate a monitoring device in the individual's room; and
 - (b) permit any employee, as outlined in the policy, to deactivate, reposition, or otherwise interfere with the operation of a monitoring device in a resident's room.
- (8)(a) The licensee shall ensure the prospective resident or the prospective resident's responsible person signs a written admission agreement before admission.
- (b) The licensee shall maintain the admission agreement on file.
- (c) The licensee shall ensure the admission agreement specifies:
 - (i) a notification that OL has the authority to examine resident records to determine compliance with licensing requirements;
 - (ii) an outline of each condition that may end the agreement;
 - (iii) any reason for mandatory placement in a shared resident living unit;

- (iv) any refund procedures for:
 - (A) a thirty-day notice provided by the licensee to the resident for a transfer or discharge;
 - (B) a transfer or discharge without notice;
 - ~~(B)~~(C) an emergency transfer or discharge; and
 - ~~(C)~~(D) the death of a resident;
- (v) any room and board charge including any charge for any basic and optional service;
- (vi) the facility's admission, retention, transfer, discharge, and eviction policies; and
- (vii) the provision for a 30-day notice before any change in any established charge.
- (9)(a) A type I assisted living licensee may accept and retain resident who is admitted to a hospice program if:
 - (i) the licensee keeps a copy of the physician's diagnosis and orders for care; and
 - (ii) the licensee makes the hospice services part of the resident's service plan that explains who is responsible to meet the resident's needs.
- (b) A type I assisted living licensee may keep a hospice patient resident who cannot exit the facility without assistance if:
 - (i) a worker or individual is assigned to each specific hospice patient resident and is on-site to assist the resident in emergency evacuation 24 hours a day, seven days a week;
 - (ii) the assigned worker or individual is physically able to provide emergency evacuation assistance to the particular hospice patient resident;
 - (iii) the assigned worker or individual is trained to specifically assist in the emergency evacuation of the assigned hospice patient resident; and
 - (iv) the hospice patient residents who cannot evacuate without assistance does not comprise more than 25% of the facility resident census.
- (10) A type II assisted living licensee may accept and keep a hospice patient resident under the following conditions:
 - (a) if the hospice patient resident cannot evacuate the facility without significant assistance, the licensee shall:
 - (i) develop an emergency plan to evacuate the hospice patient resident in the event of an emergency; and
 - (ii) integrate the emergency plan into the hospice patient resident's service plan;
 - (b) the licensee keeps a copy of the physician's diagnosis and orders for care; and
 - (c) the licensee makes the hospice services part of the hospice patient resident's service plan that explains who is responsible to meet the hospice patient resident's needs.

R432-270-11. Transfer or Discharge Requirements.

- (1) The licensee may discharge, transfer, or evict a resident for any of the following reasons:
 - (a) the facility ceases to operate;
 - (b) the resident fails to comply with written policies or rules of the facility;
 - (c) the resident fails to pay for services as required by the admission agreement;
 - (d) the resident wishes to transfer; or
 - (e) the resident's needs cannot be met because the resident poses a threat to the health or safety of self or others, or the resident's required medical treatment cannot be provided.
- (2) Before a resident transfer or discharge is initiated, the licensee shall ensure a transfer or discharge notice is served to the resident and the resident's responsible person.
- (3) Before a resident transfer or discharge is initiated, the licensee shall:
 - (a) ensure the notice is delivered either by hand or by certified mail; and
 - (b) ensure the notice is served at least 30 days before the day of planned resident transfer or discharge, unless notice for a shorter period is necessary:
 - (i) if the resident's urgent medical needs require an immediate transfer or discharge;
 - (ii) if the resident has not resided in the facility for at least 30 days;
 - (iii) to protect the health of the individuals in the facility from endangerment due to the medical or behavioral status of the resident;
- or
 - (iv) to protect the safety of the individuals in the facility from endangerment due to the resident's continued residency.
- (4) The licensee shall ensure that the notice of transfer or discharge:
 - (a) contains the name, mailing address, email address, and telephone number of Utah's long-term care ombudsman;
 - (b) contains, for a developmentally disabled resident, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals established under Developmental Disabilities Assistance and Bill of Rights Act of 2000, Pub. L. No. 106-402;
 - (c) contains, for a mentally ill resident, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals established under Protection and Advocacy for Mentally Ill Individuals Act of 1986, Pub. L. No. 99-319;
 - (d) is in writing with a copy placed in the resident file;
 - (e) is phrased in a manner and language that can be understood by the resident and the resident's responsible person;
 - (f) states the effective date of transfer or discharge;
 - (g) states the location where the resident will be transferred or discharged to if known;
 - (h) states the reasons for transfer or discharge; and
 - (i) states that the resident may request a conference within five calendar days of receipt of the notice to discuss the transfer or discharge.

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(5) The licensee shall:

(a) provide the notice described in this section to the resident and the resident's responsible person at least 30-days before the day that the resident is transferred or discharged, unless notice of a shorter period is necessary to protect the health or safety of individuals in the facility due to the medical or behavioral status of the resident;

(b) send a copy of the notice described in this section to Utah's long-term care ombudsman on the same day that the licensee delivers the notice to the resident and resident's responsible person;

(c) update the transfer or discharge notice as soon as practicable before the transfer or discharge, if information in the notice changes before the transfer or discharge; and

(d) verbally explain to the resident, the services available through the ombudsman and the contact information for the ombudsman.

(6) The licensee shall ensure the transfer or discharge notice is prepared, discussed, provided, and documented to ensure a safe and orderly transfer or discharge from the facility.

(7)(a) The resident or the resident's responsible person may contest a transfer or discharge.

(b) If the transfer or discharge is contested, the licensee shall provide an informal conference, except where undue delay might jeopardize the health, safety, or well-being of the resident or others.

(c) The resident, or the resident's responsible person, shall request the conference within five calendar days of the day of receipt of notice of discharge to determine if a satisfactory resolution can be reached.

(d) Participants in the conference shall include:

(i) the facility representatives;

(ii) the resident, or the resident's responsible person; and

(iii) any others requested by the resident, or the resident's responsible person.

(8) If the facility closes, the licensee shall provide written notification of the closure to:

(i) Utah's long-term care ombudsman;

(ii) each resident of the facility; and

(iii) each resident's responsible person.

(9) The licensee may not discharge a resident for the sole reason that the resident or the resident's legal representative requests to install or operate a monitoring device in the resident's room in accordance with Section 26B-2-236.

R432-270-12. Resident Assessment.

(1) The licensee must ensure a signed and dated resident assessment is completed for each resident before admission and at least every six months thereafter.

(2) In each type I and type II assisted living facility, a licensed health care professional shall complete and sign the initial and six-month resident assessment.

(3) The licensee shall ensure that the resident assessment:

(a) accurately reflects the resident's status when assessed; and

(b) includes a statement signed by the licensed health care professional completing the resident assessment that the resident meets the admission and level of assistance criteria for the facility.

(4) The licensee shall ensure the resident assessment form is approved by the OL for documenting resident assessments.

(5)(a) The licensee shall ensure each resident's assessment is revised and updated when there is a significant change in the resident's:

(i) cognitive condition;

(ii) medical condition;

(iii) physical condition; or

(iv) social condition.

(b) The licensee shall update the resident's service plan to reflect any change in condition.

R432-270-13. Service Plan.

(1)(a) The licensee shall ensure that each resident has an individualized service plan that is consistent with the resident's unique cognitive, medical, physical, and social needs.

(b) The licensee shall ensure the service plan is developed within seven calendar days of the day the facility admits the resident.

(c) The licensee shall ensure the service plan is periodically revised as needed.

(2) The licensee shall ensure the resident assessment is used to develop, review, and revise the service plan for each resident.

(3) The licensee shall ensure that the service plan includes a written description of the services to be provided and:

(a) how services are provided;

(b) each change to services and reason for each change;

(c) the frequency of services; and

(d) who will provide the services, including the resident's significant others who may participate in the delivery of services.

R432-270-14. Nursing Services.

(1) The licensee shall ensure written policies and procedures are developed defining the level of nursing services provided by the licensee.

(2) A type I assisted living licensee shall hire or contract with a registered nurse to provide or delegate medication administration for any resident who cannot self-medicate or self-direct medication management.

(3) A type II assisted living licensee shall hire or contract with a registered nurse to provide or supervise nursing services to include:

- (a) a nursing assessment on each resident;
 - (b) general health monitoring on each resident; and
 - (c) routine nursing tasks, including those that may be delegated to unlicensed assistive personnel per Section R156-31B-701.
- (4) A type I assisted living licensee may provide nursing care per facility policy. If a type I assisted living licensee chooses to provide nursing services, the nursing services shall be provided per Subsections R432-270-14(3)(a) through (c).
- (5)(a) Type I and type II assisted living licensees may not provide skilled nursing care, but shall assist the resident in obtaining required services.
- (b) A nursing service is considered skilled nursing when:
 - (i) the complexity or specialized nature of the prescribed services can be safely or effectively performed only by, or under the close supervision of, a licensed health care professional personnel; or
 - (ii) care is needed to prevent, to the extent possible, deterioration of a condition or to sustain the current capacities of a resident.
 - (6) At least one certified nurse aide shall be on-duty in a type II assisted living facility 24 hours a day.

R432-270-15. Secure Units.

- (1) A type II assisted living licensee with approved secure units may admit a resident with a diagnosis of Alzheimer's or dementia if the resident can exit the facility with limited assistance from one person.
- (2) The licensee shall ensure that each resident admitted to a secure unit has an admission agreement that is signed by the resident or their legal representative that acknowledges understanding and consent to reside in a facility where egress is controlled. The licensee shall ensure the secure admission agreement:
 - (a) documents that a wander risk management agreement has been negotiated with the resident or resident's responsible person; and
 - (b) identifies discharge criteria that would initiate a transfer of the resident to a higher level of care than the assisted living facility can provide.
- (3) In addition to completing the facility orientation and demonstrating core competency skills, the licensee shall ensure each direct-care employee in the secure unit is provided a minimum of four hours of the 16 required hours of documented one-on-one job training in the secure unit.
- (4) The licensee shall ensure that there is at least one direct-care staff in the secure unit continuously.
- (5) The licensee shall provide an emergency evacuation plan on each secure unit that addresses the ability of the secure unit staff to evacuate each resident in an emergency.
- (6) The licensee shall ensure a secure unit is constructed in accordance with Section 15A-3-105 and no more than 30 residents may reside in an area enclosed for smoke and fire and with controlled egress.

R432-270-16. Arrangements for Medical or Dental Care.

- (1) The licensee shall ensure each resident is assisted in arranging access for any required ancillary services for medically related care including a:
 - (a) dentist;
 - (b) home health provider;
 - (c) hospice provider;
 - (d) pharmacist;
 - (e) physician;
 - (f) podiatrist;
 - (g) therapist; and
 - (h) provider of any other services necessary to support the resident.
- (2) The licensee shall ensure care through one or more of the following methods is arranged:
 - (a) notifying the resident's responsible person;
 - (b) arranging for transportation to and from the practitioner's office; or
 - (c) arrange for a home visit by a health care professional.
- (3) The licensee shall notify a physician or other health care professional when the resident requires immediate medical attention.

R432-270-17. Activity Program.

- (1) The licensee shall ensure each resident is encouraged to maintain and develop their fullest potential for independent living through participation in activity and recreational programs.
- (2) The licensee shall ensure opportunities for the following are provided:
 - (a) community activities to promote resident participation in activities away from the facility;
 - (b) independent living activities to foster and maintain independent functioning;
 - (c) physical activities; and
 - (d) socialization activities.
- (3) The administrator shall designate an activity coordinator to direct the facility's activity program. The activity coordinator's duties include:
 - (a) coordinating recreational activities, including volunteer and auxiliary activities;
 - (b) developing and posting monthly activity calendars, including information on community activities based on resident needs and interests; and
 - (c) planning, organizing, and conducting the resident activity program with resident participation.

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(4) The licensee shall provide enough equipment, supplies, and indoor and outdoor space to meet the recreational needs and interests of the residents.

(5) The licensee shall ensure storage for recreational equipment and supplies is provided. The licensee shall ensure locked storage is provided for potentially dangerous items such as scissors, knives, and toxic materials.

R432-270-18. Medication Administration.

(1) A licensed health care professional shall assess each resident to determine what level and type of assistance is required for medication administration. The health care professional shall document the level and type of assistance the health care professional provides in each resident's assessment.

(2) The licensee shall ensure each resident's medication program is administered by one of the methods described Subsections R432-270-18(3) through (9).

(3) A resident assessed to be able to self-administer medication may keep prescription medications in their room.

(4) If more than one resident resides in a resident living unit, the licensee shall ensure each person's ability is assessed to safely have medications in the resident living unit. If safety is a factor, the licensee shall ensure a resident stores their medication in a locked container in the resident living unit.

(5)(a) A resident may be assessed to be able to self-direct medication administration.

(b) Facility staff may assist a resident assessed to self-direct medication by:

(i) opening medication containers;

(ii) reminding the resident or the resident's responsible person when the prescription needs to be refilled; and

(iii) reminding the resident to take the medication.

(6)(a) A resident may be assessed to allow family members or a designated responsible person to administer medications.

(b) If a family member or designated responsible person assists with medication administration, the licensee shall ensure they sign a waiver indicating that they agree to assume the responsibility to fill prescriptions, administer medication, and document that the medication has been administered.

(c) Facility staff may not serve as the designated responsible person.

(7)(a) A resident may be assessed as unable to self-administer or self-direct medications.

(b) Facility staff may administer medications only after delegation by a licensed health care professional under the scope of their practice.

(c) If a licensed health care professional delegates the task of medication administration to unlicensed assistive personnel, the licensee shall ensure the delegation is in accordance with Title 58, Chapter 31b, Nurse Practice Act and Section R156-31B-701.

(d) The licensee shall ensure medications are administered according to the prescribing order.

(e) The delegating authority shall provide and document supervision, evaluation, and training of unlicensed assistive personnel assisting with medication administration.

(f) The delegating authority or another registered nurse shall be readily available either in-person or by telecommunication.

(8) A resident may independently administer their own personal injections if they have been assessed to be independent in that process. This may be done in conjunction with the administration of medication in methods Subsections R432-270-18(6) through (7).

(9) Home health or hospice agency staff may provide medication administration to a facility resident exclusively, or in accordance with Subsections R432-270-18(2) through (9).

(10) The licensee shall ensure a licensed health care professional or licensed pharmacist reviews resident medications at least every six months.

(11) The licensee shall ensure that medication records include the:

(a) medication name, including prescribed dosage;

(b) method of administration;

(c) name of the prescribing practitioner;

(d) review date;

(e) resident's name;

(f) signatures of personnel administering the medication; and

(g) time, dose, and dates administered.

(12)(a) The licensee shall ensure that a licensed health care professional or licensed pharmacist documents any change in the dosage or schedule of medication in the medication record.

(b) When the facility staff documents medication changes, the licensed health care professional must co-sign within 72 hours.

(c) The licensee shall ensure that the licensed health care professional notifies unlicensed assistive personnel who administer medications of the medication change.

(13) The licensee shall have access to a reference for possible reactions and precautions for prescribed medications in the facility.

(14) The licensee shall ensure the licensed health care professional is notified when medication errors occur.

(15) The licensee shall ensure that medication error incident reports are completed if a medication error occurs or is identified.

(16) The licensee shall incorporate medication errors into the facility quality improvement process.

(17) The licensee shall ensure that medications stored in a central storage area are:

(a) available for the resident to have timely access to the medication; and

(b) locked to prevent unauthorized access.

(18) The licensee shall ensure medications that require refrigeration are stored separately from food items and at temperatures between 36 - 46 degrees Fahrenheit.

(19) The licensee shall ensure policies governing the following are developed and implemented:

(a) destruction and disposal of unused, outdated, or recalled medications; and

(b) security and disposal of controlled substances by the licensee or facility staff that are consistent with the Code of Federal Regulations, Title 21, Chapter II, Part 1317 (2014).

(20) The licensee shall ensure the return of resident's medication to the resident or to the resident's responsible person is documented upon discharge.

R432-270-19. Management of Resident Funds.

(1)(a) Each resident has the right to manage and control their financial affairs.

(b) The licensee may not require a resident to deposit their personal funds or valuables with the facility.

(2) The licensee is not required to handle a resident's cash resources or valuables. However, upon written authorization by the resident or the resident's responsible person, the facility may hold, safeguard, manage, and account for the resident's personal funds or valuables deposited with the facility, in accordance with this section.

(3) The licensee shall establish and maintain, on the resident's behalf, a system that ensures a full, complete, and separate accounting according to generally accepted accounting principles of each resident's personal funds entrusted to the facility. The system shall:

(a) for records of a resident's funds that are maintained as a drawing account, include a control account for receipts and expenditures and an account for each resident and supporting receipts filed in chronological order;

(b) include a copy of the receipt that it furnished to the resident for funds received and other valuables entrusted to the licensee for safekeeping;

(c) preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident, and preclude facility personnel from using a resident's funds or valuables as their own;

(d) maintains a separate account for resident funds for each facility and does not commingle such funds with resident funds from another facility;

(e) separate a resident's funds and valuables intact and free from any liability that the licensee incurs in the use of its own or the facility's funds and valuables; and

(f) keep each account with columns for debits, credits, and balance.

(4) The licensee shall ensure individual financial records are made available on request through quarterly statements to the resident or the resident's legal representative.

(5) The licensee shall purchase a surety bond or otherwise provide assurance satisfactory to OL that resident personal funds deposited with the facility are secure.

(6) The licensee shall ensure:

(a) each resident's share, including interest, has separate accounting in pooled accounts;

(b) interest earned on a resident's bank account is credited to the resident's account;

(c) resident funds over \$150 are deposited within five days of receipt in an interest-bearing bank account at a local financial institution separate from any of the facility's operating accounts; and

(d) resident personal funds that do not exceed \$150 are kept in either a non-interest-bearing account, an interest-bearing account, or a petty cash fund.

(7) Upon discharge of a resident with funds or valuables deposited with the facility, the licensee shall ensure the resident's funds are conveyed the same day, and a final accounting of those funds provided to the resident or the resident's legal representative.

(8) Upon discharge of a resident with funds or valuables kept in an interest-bearing account, the licensee shall ensure the funds or valuables are accounted for and made available to the resident or resident's legal representative within three working days.

(9) Within 30 days following the death of a resident, except in a medical examiner case, the licensee shall ensure the resident's valuables and funds entrusted to the facility are conveyed, and a final accounting of those funds, to the individual administering the resident's estate.

R432-270-20. Records.

(1) The licensee shall ensure accurate and complete records are maintained. The licensee shall safely file and store records and ensure they remain easily accessible to staff and OL.

(2) The licensee shall ensure records are protected against access by unauthorized individuals.

(3) The licensee shall ensure personnel records are maintained for each employee and are retained for at least ~~three~~ four years following termination of employment. The licensee shall ensure personnel records include:

(a) a health inventory;

(b) a TB skin test documentation;

(c) documentation of CPR and first aid training;

(d) documentation of core competency initial and annual training;

(e) documentation of criminal background screening;

(f) food handlers permits;

(g) the date of employment;

(h) the employee application;

(i) the reason for leaving; and

(j) the termination date.

(4) The licensee shall ensure a separate record for each resident is maintained at the facility that includes:

NOTICES OF PROPOSED RULES

- (a) the admission agreement;
- (b) the name, address, and telephone number of:
 - (i) the individual to be notified if there is an accident or death; and
 - (ii) the person who administers and obtains medications if this person is not facility staff;
- (c) the resident assessment;
- (d) the resident service plan; and
- (e) the resident's name, date of birth, and last address.
- (5) The licensee shall keep resident records for at least ~~three~~ four years following discharge.
- (6)(a) The licensee shall ensure compliance with Rule R380-600.
- (b) For incident reporting, this subsection supersedes Rule R380-600, and the licensee shall ensure any written incident and injury report is maintained for at least ~~three~~ four years and documents any:
 - (i) elopement;
 - (ii) fight or physical confrontation;
 - (iii) injury;
 - (iv) resident death;
 - (v) situation that require the use of passive physical restraint;
 - (vi) suspected abuse or neglect; and
 - (vii) other situation or circumstance affecting the health, safety, or well-being of any resident.

R432-270-21. Food Services.

- (1) The licensee shall ensure:
 - (a) a one-week supply of nonperishable food and a three-day supply of perishable food is maintained, as required to prepare the planned menus;
 - (b) each resident is provided three meals a day, seven days a week, plus snacks;
 - (c) food service complies with the following:
 - (i) food is of good quality and is prepared by methods that keep nutritive value, flavor, and appearance;
 - (ii) food is palatable, attractively served, and delivered to the resident at the appropriate temperature; and
 - (iii) powdered milk may only be used as a beverage upon the resident's request but may be used in cooking and baking;
 - (d) no more than a 14-hour interval occurs between the evening meal and breakfast, unless a nutritious snack is available in the evening.
- (2) The licensee shall ensure adaptive eating equipment and utensils are provided for a resident as needed.
- (3) The licensee shall ensure a different menu is planned and followed for each day of the week and that:
 - (a) a certified dietitian approves and signs any menu;
 - (b) a cycle menu covers a minimum of three weeks;
 - (c) any substitution to the menu that is served to a resident is recorded and retained for three months for review by OL; and
 - (d) the current week's menu is posted for resident viewing.
- (4) The licensee shall ensure meals are served in a designated dining area suitable for that purpose or in resident rooms upon request by the resident.
- (5) The licensee shall ensure each resident is encouraged to eat their meals in the dining room with other residents.
- (6) The licensee shall ensure any inspection report by the local health department is maintained at the facility for review by OL.
- (7) If a resident is admitted requiring a therapeutic or special diet, the licensee shall ensure there is an approved dietary manual for reference when preparing meals. The licensee shall ensure dietitian consultation is provided at least quarterly and documented for any resident requiring a therapeutic diet.
- (8)(a) The licensee shall ensure food service personnel are employed to meet the needs of each resident.
- (b) While on-duty in food service, the cook and other kitchen staff may not be assigned concurrent duties outside the food service area.
- (c) The licensee shall ensure personnel who prepare or serve food have a current food handler's permit.
- (9) The licensee shall ensure compliance with Rule R392-100, Food Service Sanitation.
- (10) If food service personnel also work in housekeeping or provide direct resident care, the licensee shall ensure employee hygiene and infection control measures are developed and implemented to maintain a safe, sanitary food service.

R432-270-22. Housekeeping Services.

- (1) The licensee shall hire and keep housekeeping staff to maintain both the exterior and interior of the facility.
- (2) The licensee shall designate a person to direct housekeeping services who shall:
 - (a) ensure furniture, bedding, linens, and equipment are clean before use by another resident; and
 - (b) post routine laundry, maintenance, and cleaning schedules for housekeeping staff.
- (3) The licensee shall ensure control odors by maintaining cleanliness.
- (4) The licensee shall provide a trash container in every occupied room.
- (5) The licensee shall ensure cleaning agents, bleaches, insecticides, or poisonous, dangerous, or flammable materials are stored in a locked area to prevent unauthorized access.
- (6) The licensee shall ensure housekeeping personnel are trained regarding:
 - (a) cleaning procedures;

- (b) preparing and using cleaning solutions;
- (c) procedures for disposal of waste;
- (d) proper handling of clean and soiled linen; and
- (e) proper use of equipment.
- (7) The licensee shall ensure bathtubs, shower stalls, or sinks are not used as storage places.
- (8) The licensee may not use throw or scatter rugs that present a tripping hazard to a resident.

R432-270-23. Laundry Services.

- (1) The licensee shall ensure:
 - (a) at least one washing machine and one clothes dryer are available for resident use;
 - (b) laundry services are provided to meet the need of each resident, including an adequate supply of linens; and
 - (c) the resident or resident's responsible person is informed in-writing of the facility's laundry policy for the resident's personal clothing.
- (2) The licensee shall ensure food is not stored, prepared, or served in any laundry area.

R432-270-24. Maintenance Services.

- (1) The licensee shall ensure maintenance, including preventive maintenance, is conducted according to a written schedule to ensure that the facility equipment, buildings, fixtures, spaces, and grounds are safe, clean, operable, in good repair, and in compliance with Rule R432-6.
- (2) The licensee shall ensure:
 - (a) an air filter installed in a heating, ventilation, or air conditioning system is inspected, cleaned, or replaced in accordance with manufacturer specifications;
 - (b) each electrical system, including appliances, cords, equipment call lights, and switches are maintained to guarantee safe functioning;
 - (c) each entrance, exit, step, and outside walkway is maintained in a safe condition and free of ice, snow, and other hazards; and
 - (d) fire-rated construction and assemblies are maintained in accordance with Rule R710-3.
- (3) The licensee shall ensure that a pest control program is conducted in the facility buildings and on the grounds by a licensed pest control contractor or a qualified employee, certified in Utah, to ensure the absence of vermin and rodents.
- (4) The licensee shall document any maintenance work or pest control that is performed.
- (5)(a) The licensee shall ensure that hot water temperature controls automatically regulate temperatures of hot water delivered to any plumbing fixture used by a resident.
- (b) The licensee shall ensure hot water delivered to public and resident care areas is maintained at temperatures between 105 and 120 degrees Fahrenheit.

R432-270-25. Disaster and Emergency Preparedness.

- (1) The licensee is responsible for the safety and well-being of each resident during an emergency or disaster.
- (2)(a) The licensee and the administrator are responsible for developing an emergency and disaster response plan to respond to potential emergencies and disasters.
- (b) The emergency and disaster response plan shall outline the protection or evacuation plan for each resident, including arrangements for staff response, or providing additional staff, to ensure the safety of any resident with a physical or mental limitation.
- (3) The licensee shall ensure that the facility's emergency and disaster response plan is in-writing and distributed or made available to facility staff and each resident to ensure prompt and efficient implementation.
- (4) An emergency and disaster includes:
 - (a) a bomb threat;
 - (b) a fire;
 - (c) a missing resident;
 - (d) a mass casualty;
 - (e) an earthquake;
 - (f) a windstorm;
 - (g) an epidemic;
 - (h) an explosion;
 - (i) an interruption of public utilities;
 - (j) severe weather; and
 - (k) the death of a resident.
- (5) The licensee and the administrator shall review and update the plan as necessary to conform with local emergency plans. The licensee shall ensure the plan is available for review by OL.
- (6) The licensee shall ensure the emergency and disaster response plan addresses the following:
 - (a) assignment of personnel to specific tasks during an emergency;
 - (b) delivery of essential care and services if additional persons are housed in the facility during an emergency;
 - (c) delivery of essential care and services to facility occupants by alternate means;
 - (d) delivery of essential care and services to facility occupants if personnel are reduced by an emergency;
 - (e) instructions on how to contain a fire and how to use the facility alarm systems;

NOTICES OF PROPOSED RULES

- (f) instructions on how to recruit additional help, supplies, and equipment to meet each resident's needs after an emergency or disaster;
 - (g) the procedure to evacuate and transport each resident and staff to a safe place within the facility or to other prearranged locations;
 - (h) the names and telephone numbers of emergency medical personnel, fire department, paramedics, ambulance service, police, and other appropriate agencies;
 - (i) the names of the person in charge and persons with decision-making authority; and
 - (j) the names of persons who shall be notified in an emergency in order of priority.
- (7)(a) The licensee shall maintain safe ambient air temperatures within the facility.
- (b) The person in charge shall take immediate action in the best interests of each resident to mitigate imminent danger to resident health and safety when the ambient air temperatures reach 58 degrees Fahrenheit or below.
- (c) The licensee shall have, and be able to implement, any contingency plan regarding excessively high ambient air temperatures within the facility that may exacerbate the medical condition of a resident.
- (8)(a) The licensee shall provide each personnel and resident with instruction and training per the plans regarding how to respond appropriately in an emergency.
- (b) The licensee shall:
- (i) annually review the procedures with each existing staff and resident and carry out unannounced drills using those procedures;
 - (ii) hold simulated disaster drills semi-annually;
 - (iii) hold simulated fire drills quarterly on each shift for each staff and resident in accordance with Rule R710-3; and
 - (iv) document drills, including:
 - (A) the date;
 - (B) a list of participants;
 - (C) any problems encountered; and
 - (D) the ability of each resident to evacuate.
- (9)(a) The licensee shall ensure that the administrator is in charge during an emergency.
- (b) If the administrator is not on-site, the administrator shall make every effort to report to the facility, relieve subordinates, and take charge.
- (10) The licensee shall provide in-house equipment and supplies required in an emergency that includes:
- (a) a first aid kit;
 - (b) an emergency radio;
 - (c) emergency lighting;
 - (d) extra blankets;
 - (e) food;
 - (f) heating equipment; and
 - (g) potable water.
- (11) The licensee shall ensure the following information is posted in public locations throughout the facility:
- (a) evacuation routes, location of fire alarm boxes, and fire extinguishers; and
 - (b) the name of the person in charge and names and telephone numbers of emergency medical personnel, agencies, and appropriate communication and emergency transport systems.

R432-270-26. First Aid.

- (1) The licensee shall ensure that there is always one staff person on-duty who has:
 - (a) CPR;
 - (b) training in basic first aid;
 - (c) training in emergency procedures to ensure each resident receives prompt first aid as needed; and
 - (d) training in the Heimlich maneuver.
- (2) The licensee shall ensure there is a:
 - (a) current edition of a basic first aid manual approved by the American Red Cross, the American Medical Association, or a state or federal health agency;
 - (b) clean-up kit for bloodborne pathogens; and
 - (c) first aid kit available at a specified location in the facility.

R432-270-27. Pets.

- (1) The licensee may allow a resident to keep household pets such as dogs, cats, birds, fish, and hamsters if permitted by local ordinance and by facility policy.
- (2) The licensee shall ensure any pet is kept clean and disease-free.
- (3) The licensee shall ensure any pet's environment is kept clean.
- (4) The licensee shall ensure any small pet, such as a bird or hamster, is kept in an appropriate enclosure.
- (5) The licensee may not permit a pet that displays aggressive behavior in the facility.
- (6) The licensee shall ensure that any pet that is kept at the facility or is a frequent visitor has current vaccinations.
- (7) Upon approval of the administrator, a family member may bring a resident's pets to visit.
- (8) Each licensee that permits birds shall have procedures that prevent the transmission of psittacosis. The licensee shall ensure that procedures involve the minimum handling and placing of droppings into a closed plastic bag for disposal.

(9) The licensee may not permit pets in central food preparation, storage, or dining areas, or in any area where their presence would create a significant health or safety risk to others.

R432-270-28. Respite Services.

- (1) Assisted living licensees may offer respite services and are not required to obtain any additional license from the OL.
- (2) The purpose of respite is to provide intermittent, time-limited care to give primary caretakers relief from the demands of caring for a person. Respite services may also be provided for emergency shelter placement of vulnerable adults requiring protection by Adult Protective Services.
- (3) The licensee may provide respite services at an hourly rate or daily rate, but may not exceed 14 days for any single respite stay. Stays that exceed 14 days shall be considered a non-respite assisted living facility admission.
- (4) The licensee shall coordinate the delivery of respite services with the recipient of services, case manager, if one exists, and the family member or primary caretaker.
- (5) The licensee shall ensure the person's response to the respite placement is documented and coordinated with each provider agency to ensure an uninterrupted service delivery program.
- (6) The licensee shall ensure a service agreement is completed to serve as the plan of care. The licensee shall ensure the service agreement identifies the prescribed medications, physician treatment orders, need for assistance for ADLs and diet orders.
- (7)(a) The licensee must ensure written policies and procedures are approved by OL before providing respite care.
- (b) The licensee shall make policies and procedures available to staff regarding resident respite care that include:
 - (i) behavior management interventions;
 - (ii) handling personal funds;
 - (iii) medication administration;
 - (iv) notification of responsible person during an emergency;
 - (v) philosophy of respite services;
 - (vi) post-service summary;
 - (vii) service agreement and admission criteria; and
 - (viii) training requirements for employees.
- (8) The licensee shall provide a copy of the resident rights document upon admission to a person receiving respite services.
- (9) The licensee shall ensure a record for each person receiving respite services is maintained that includes any:
 - (a) accident and injury reports;
 - (b) a post-service summary;
 - (c) a service agreement;
 - (d) demographic information and resident identification data;
 - (e) nursing notes;
 - (f) physician treatment orders; and
 - (g) records made by staff regarding daily care of the person receiving the respite service.
- (10) If a person has an advanced directive, the licensee shall ensure a copy is maintained in the respite record and inform staff of the advanced directive.

R432-270-29. Adult Day Care Services.

- (1)(a) An assisted living facility licensee may offer adult day care services and are not required to obtain a separate license from OL.
- (b) If the licensee provides adult day care services, the licensee shall submit policies and procedures for OL approval.
- (2) The licensee shall ensure that a qualified director is designated by the governing board to be responsible for the day-to-day program operation.
- (3)(a) The licensee shall ensure that the director has written records on-site for each resident and staff person that include demographic information and an emergency contact, including a name, address, and telephone number.
- (b) The licensee shall ensure resident health records, include a:
 - (i) current health assessment signed by a licensed practitioner;
 - (ii) level of care assessment;
 - (iii) record of medication, including dosage and administration; and
 - (iv) signed resident agreement and service plan.
- (c) The licensee shall ensure the employment file for each staff person includes a:
 - (i) background check consent and release form;
 - (ii) description of health history;
 - (iii) verification of orientation completion; and
 - (iv) verification of training requirements.
- (4) The licensee shall ensure there is a written eligibility, admission, and discharge policy to include the:
 - (a) intake process;
 - (b) notification of responsible person;
 - (c) reasons for admission refusal that includes a written, signed statement;
 - (d) reasons for discharge or dismissal; and
 - (e) resident rights notification.

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(5) The licensee shall ensure a written assessment is completed before a resident is admitted to evaluate the resident's current health and medical history, immunization status, legal status, and any social and psychological factors.

(6) The licensee shall ensure that the director or designee, resident, and resident's responsible person develop, complete, and sign a written resident agreement that includes the:

(a) arrangements regarding:

- (i) absenteeism;
- (ii) gifts;
- (iii) mail;
- (iv) telephone calls;
- (v) vacations; and
- (vi) visitation.

(b) rules of the program; and

(c) services to be provided and cost of each service, including refund policy.

(7)(a) The director, or designee, shall develop, implement, and review the individual resident service plan.

(b) The licensee shall ensure the resident service plan:

- (i) includes the specification of daily activities and services;
- (ii) is developed within three working days of admission; and
- (iii) is evaluated semi-annually.

(8) The licensee shall ensure that the director and responsible person reviews each injury report and ensures that each report is kept on file.

(9) The licensee shall ensure a daily activity schedule is provided, posted, and implemented as designed.

(10) The licensee shall ensure each resident is always directly supervised and encouraged to participate in activities.

(11)(a) The licensee shall ensure a minimum of 50 square feet of indoor floor space is provided per resident designated for adult day care during program operational hours.

(b) The licensee may not include any hallway, office, storage, kitchen, or bathroom in the 50 square foot floor space calculation.

(c) The licensee shall ensure indoor and outdoor areas are maintained in a clean, secure, and safe condition.

(d) The licensee shall ensure at least one bathroom designated for resident use is provided during business hours.

(e) The licensee serving more than ten residents shall ensure there are separate male and female bathrooms designated for resident use.

(12) The licensee shall ensure;

(a) a ratio of one staff for every six residents is maintained when one-half or more of the residents are diagnosed by a physician's assessment with Alzheimer's, or related dementia;

(b) a staff to resident ratio of one staff for every eight residents is maintained; and

(c) continual staff supervision is provided when a resident is present.

R432-270-30. Penalties.

Any person who violates this rule may be subject to the penalties in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.

KEY: health care facilities

Date of Last Change: ~~July 29,~~ 2025

Notice of Continuation: February 7, 2024

Authorizing, and Implemented or Interpreted Law: 26B-2-202

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R451-3

Filing ID: 57415

Agency Information

1. Title catchline:	Cultural and Community Engagement, Arts and Museums	
Mailing address:	3760 S Highland Drive	
City, state and zip:	Salt Lake City, UT 84106	
Contact persons:		
Name:	Phone:	Email:
Heidi Tak	801-698-5567	hjtak@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R451-3. Public Art Installation Initiative Application Process

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 144 (2024 General Session)

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

The purpose of this filing is to establish an application process for the Public Art Installation Initiative.

5. Summary of the new rule or change:

This new rule creates a process for the Division of Arts and Museums (division) to conduct an application process to judge public art proposals for award.

Fiscal Information

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

Estimated cost is \$50,000 per application cycle for staff time, grant management software, and process development.

These costs are to be absorbed by the agency.

B. Local governments:

No fiscal impact. Grant applicants are already filling out these types of applications.

This formalized process is a change in process, but not a new process that will increase or decrease costs.

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

No fiscal impact. This statute, rule, and process does not apply to small businesses.

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

No fiscal impact. This statute, rule, and process does not apply to 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**):

No fiscal impact. Grant applicants are already filling out these types of applications.

This formalized process is a change in process, but not a new process that will increase or decrease costs.

F. Compliance costs for affected persons:

No fiscal impact. There are no compliance costs that would affect applicants to this 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

NOTICES OF PROPOSED RULES

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 Cultural and Community Engagement, Donna Law, 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 9-6-410	Subsection 9-6-410(5)	
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Donna Law, Executive Director	Date:	09/04/2025
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R451. Cultural and Community Engagement, Arts and Museums.
R451-3. Public Art Installation Initiative Application Process.
R451-3-1. Purpose.

The purpose of this rule is to establish an application process for the Public Art Installation Initiative consistent with Section 9-6-410.

R451-3-2. Authority.

The authority for this rule is Section 9-6-410, effective May 1, 2024.

R451-3-3. Definitions.

Terms used in this rule are defined in Sections 9-6-102, 9-6-301, 9-6-403, and 9-6-410.

R451-3-4. Application Process.

1. The division shall create eligibility guidelines and an application form to be open to applicants during a designated timeframe.
2. Applicants shall include as part of the application form:
 - a. a budget;
 - b. required information as defined in Subsection 9-6-410(4);
 - c. a written agreement from the owner of the public space where the proposed public art installation is to be installed; and
 - d. a maintenance plan with 10-year and 30-year activity and cost projections.
3. Applications must be received by the due date established by the division.
4. Eligible applications will be reviewed by a panel organized by the division.
5. Panel members will use a scoring rubric to evaluate applications based on eligibility, submission date, and application form completion. In the event of limited funding, panel members will also consider the quality of the written grant application and demonstrated project excellence in determining award recommendations.

6. Panel award recommendations will be approved by the board.

7. Upon board approval, applicants will be notified of award.

KEY: art in public places, art financing

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 9-6-410

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R623-4

Filing ID: 57428

Agency Information

1. Title catchline:		Lieutenant Governor, Elections	
Building:		Utah State Capitol	
Street address:		350 State Street, Suite 220	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 142220	
City, state and zip:		Salt Lake City, UT 84114-2220	
Contact persons:			
Name:	Phone:	Email:	
Ryan Cowley	801-538-1041	elections@utah.gov	
Kenna Stringam	801-538-1041	elections@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:	
R623-4. Processing Partisan Candidate Nomination Petitions	
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 164 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of this amendment is to align the existing rule with the provisions of SB 164 passed in the 2025 General Session, and the recommendations outlined in the 2024 Audit: A Performance Audit of the Signature Verification Process: Improving Controls and Transparency.	
The changes clarify and update procedures related to the submission, processing, signature verification, and withdrawal of candidate nomination petitions, as authorized and recommended by both the legislation and the audit.	
5. Summary of the new rule or change:	
This rule change outlines procedures for the transparent and timely submission, verification, and certification of nomination petition signatures. It establishes methods for complying with and verifying compliance with the candidate nominating process, including signature comparison audits and chain of custody requirements.	
Additionally, this amendment makes style and formatting changes to align 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 Office of the Lieutenant Governor may incur costs related to both the development and delivery of training for auditors and other election officials on the new requirements for nomination petition packets.

These costs may include additional personnel hours and resources needed to create and conduct the trainings. However, the exact cost is currently unknown, as training needs may vary depending on the county and election official.

B. Local governments:

County clerk's offices may incur some additional costs due to the employee time that it will take to complete the additional signature audits that are now required.

The Office of the Lieutenant Governor is unable to determine a specific cost, as the needs of each local government vary.

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

Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.

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

Non-small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to 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**):

Other persons are not anticipated to incur any fiscal impact, as this rule does not apply to other persons.

F. Compliance costs for affected persons:

Affected persons are not anticipated to incur any fiscal impact, as this rule does not apply to 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 Director of Elections, Ryan Cowley, 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:

Utah Constitution, Article VII, Section 1	Utah Constitution, Article VII, Section 14	Title 20A, Chapter 9
---	--	----------------------

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:**

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:**

Ryan Cowley, Director of Elections

Date:

08/28/2025

R623. Lieutenant Governor, Elections.**R623-4. Processing Partisan Candidate Nomination Petitions.****R623-4-1. Purpose.**

~~[A-](1)~~ Pursuant to Subsection 20A-9-403(3)(f), this rule provides for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

~~[B-](2)~~ Pursuant to Section 20A-9-410, this rule provides procedures for complying with, and verifying compliance with, the candidate nominating process described in that part.

(3) Pursuant to Subsection 20A-3a-106(4), this rule establishes procedures to perform signature comparison audits described in Subsection 20A-9-408(9)(e) and to fulfill the chain of custody requirements described in Section 20A-9-408.3.

R623-4-2. Authority.

This rule is required by ~~[Chapter 9 of]~~ Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures~~[-and]~~ and Subsection 20A-3a-106(4). Rulemaking authority relating to conducting an election is enacted under the authority of the Utah Constitution ~~[Art]~~ Act. VII, Sections 1 and 14, and ~~[Chapter 3 of]~~ Title 63G, the Chapter 3, Utah Administrative Rulemaking Act.

R623-4-3. Definitions.

~~[A-]~~ "Filing Officer" for the purposes of this section means:

~~1. The Lieutenant~~ (1) "Candidate" means a valid candidate who has filed for office within the current calendar year, or an individual who is submitting nomination packets on behalf of the candidate, such as a volunteer or contractor.

(2) "Conflicted race" means a race where:

(a) the current Governor ~~[will serve as the filing]~~ is seeking reelection;

(b) the lieutenant governor is the reviewing officer ~~[for federal, state]~~ and ~~[multicounty legislative races]~~ the race is for an office that the lieutenant governor is seeking; or

~~2. The~~ (c) the County Clerk ~~[will serve as]~~ is the ~~[filing]~~ reviewing officer ~~[for single county legislative races]~~ and the race is for an office that the County Clerk is seeking.

~~[B-](3)~~ "Qualification ~~[Threshold]~~ threshold" means:

~~1. The~~ the number of signatures required for a given office as set forth in Subsections 20A-9-403(3)~~-(c)]~~ (a)(ii) and 20A-9-408(8)(b).

(4) "Reasonably consistent" means the same thing as substantially similar for the purposes of this rule.

(5) "Reviewing officer" for the purposes of this rule means:

(a) the lieutenant governor for federal, state, and multicounty legislative and state school board races;

(b) a County Clerk with whom the lieutenant governor has contracted to provide nomination petition signature verification services;

or

(c) the County Clerk for single county legislative and state school board races within the County Clerk's county.

(6) "Substantially similar" means that two or more signatures share significant characteristics and resemble each other to a considerable extent, but are not necessarily identical.

(7) "Verification criteria" for signatures means the same thing as it is defined in Section R623-11-3.

R623-4-4. Uniform Nomination Petition Processing Standards.

~~[A-]~~ Nomination Petition Packet Submission Procedure.

~~1. Any]~~ (1) A nomination submission packet shall be submitted in the following manner:

(a) A candidate who submits a nomination petition for verification shall submit ~~[their]~~ the nomination petition packets, personally or by a designated agent, to the ~~[filing]~~ reviewing officer before the deadlines established in Sections 20A-9-403 and 20A-9-408.

~~2-](b)~~ A candidate's initial submission of nomination petition signatures ~~[must]~~ shall contain sufficient signatures to meet or exceed the qualification threshold.

~~3. At the time of]~~ (c) When submitting any nomination petition, a candidate or designated agent ~~[must provide the following, on a form provided by]~~ shall comply with and supply the ~~[filing officer]~~:

a. The candidate's contact information.

b. The estimated number of nomination petition packets in the submission.

c. The estimated number of signatures in the submission.

NOTICES OF PROPOSED RULES

~~_____~~ d. For a candidate's initial submission of petition signatures, a signed statement that the initial submission contains the amount of signatures [documents] required [to meet the qualification threshold.] under Subsections 20A-9-408.3(1) through (3).

~~_____~~ [4-](2) The [filing]reviewing officer shall provide the candidate with a [receipt]copy of the submission documents that includes the following:

~~_____~~ [a. The] (a) the signature of the person making the submission;

~~_____~~ (b) the signature of the person authorized to receive the submission;

~~_____~~ (c) the date and time of submission[time.]; and

~~_____~~ [b. A copy](d) a list of any packet numbers included in the [form required by Subsection (A)(3)].

~~_____~~ 5. The filing officer shall reject a submission[if].

~~_____~~ [a. the candidate fails to provide the form required in Subsection (A)(3);

~~_____~~ b. for a candidate's initial submission of petition signatures, the submission does not contain the amount of signatures required to meet or exceed the qualification threshold;

~~_____~~ c. the candidate did not meet the submission deadline established in Sections 20A-9-403 and 20A-9-408; or

~~_____~~ d. the candidate has already met the qualification threshold.

~~_____~~ 6-] (3) If the [filing]reviewing officer rejects a submission[~~in accordance with Subsection (A)(5), the filing~~];

~~_____~~ (a) the reviewing officer shall provide the candidate with a written explanation [of]for the rejection[-]; and

~~_____~~ [B. Supplementing Nomination Petition Packets.

~~_____~~ 1. Candidates-] (b) the rejected submission is not returned to the candidate.

~~_____~~ (4) A candidate may [submit-]supplement a nomination petition packet by submitting an unlimited number of supplemental nomination petition packets following [their]the initial submission until the [filing officer notifies the candidate that they have met the qualification threshold in accordance with Subsection (E)(1) or until the deadlines]applicable deadline established in Sections 20A-9-403 and 20A-9-408[, whichever comes first].

~~_____~~ [2-](a) The intake of supplemental nomination petition packets shall comply with [Subsection (A)(1) and]Subsections [(A)(3)]R623-4-4(1) through [(A)(6)]3).

~~_____~~ [3-](b) The processing of supplemental nomination petition packets shall comply with Subsection [(C)(1) through (E)(1).]R623-4-4(5) and Section R623-4-5.

~~_____~~ [C. Order of Nomination Petition Packet Verification.

~~_____~~ 1. The filing officer shall verify nomination petition submissions in] (5) When completing the order [received.

~~_____~~ 2. The filing[of nomination petition packet verification, the reviewing officer shall ensure that nomination petition packets for different candidates [for]within the same [office]race:

~~_____~~ (a) are verified in the order of submission; and

~~_____~~ (b) may not be verified simultaneously.

~~_____~~ [D. Verifying]

R623-4-5. Procedure for Verification of Nomination Petition Packets.

~~_____~~ [1-] The [filing]reviewing officer shall verify nomination petition packets in accordance with Section 20A-[7-206.3]1-1002, Subsection 20A-9-403(3), and Rule R623-11.

~~_____~~ [2-] If an individual signed two candidate nomination petitions for the same office, the signature on the first submitted nomination petition that meets the requirements of Section 20A-1-1002, Subsection [(A)(2) shall be]20A-9-403(3), and Rule R623-11, is valid in accordance with Section 20A-9-411.

~~_____~~ [3-] The [filing]reviewing officer shall [verify-]review and certify each signature [of]submitted for a [nomination petition until the] candidate [has sufficient signatures to meet the qualification threshold.]in accordance with Subsection 20A-9-408(9)(f).

~~_____~~ [4-] The [filing]reviewing officer may discontinue the verification of a nomination petition if[the-], in writing, a candidate [officially] withdraws[their-];

~~_____~~ (a) candidacy; or[withdraws their]

~~_____~~ (b) the notice of intent to gather signatures.

~~_____~~ [E. Communication of Results to the Candidate.

~~_____~~ 1. Within] (5) The reviewing officer shall review each signature in an individual packet once review of that packet has begun.

~~_____~~ (6) The reviewing officer shall:

~~_____~~ (a) communicate results to a candidate within one business day after [verifying each-]the signature audit described in [a candidate's submission, the filing officer shall]Section R623-12-5 is conducted; and

~~_____~~ (b) notify [the]a candidate [of the total number of valid signatures-]in [the submission and whether]writing that the candidate has met the qualification threshold.

~~_____~~ [2. Within one business day after the candidate meets or exceeds the qualification threshold, the filing officer shall notify the candidate that the candidate has met the qualification threshold.]

R623-4-[5]6. Withdrawal of Petition Packets and Petition Signatures.

~~_____~~ [A-](1) A candidate may not withdraw or take possession of a nomination petition packet once it is [submitted in accordance with Subsection R623-4-4(A)-]presented to the election officer, regardless of whether it has been accepted or rejected.

~~_____~~ [B-](2) A voter who has signed a candidate's nomination petition may have the voter's signature removed from the petition by submitting to the [filing]reviewing officer a statement [requesting that the voter's signature be removed.]in accordance with Subsection 20A-9-408(9)(d).

- [~~C. The statement shall include:~~
- ~~1. the name of the voter;~~
 - ~~2. the name of the candidate;~~
 - ~~3. the resident address at which the voter is registered to vote;~~
 - ~~4. the signature of the voter; and~~
 - ~~5. the date of the signature described in Subsection R623-4-5(C)(4).~~
- ~~D. To increase the likelihood of a voter's signature being identified and removed, the statement may include the voter's birth date or age.~~
- ~~E. A voter may not submit a statement by email or other electronic means.~~
- ~~F. In order for the signature to be removed, the statement must be received before the candidate submits any petition signatures for verification in accordance with Subsection R623-4-4(A).~~
-]

KEY: candidate petitions, election law, elections

Date of Last Change: ~~December 8, 2020~~ 2025

Notice of Continuation: December 8, 2020

Authorizing, and Implemented or Interpreted Law: Art. VII, Secs. 1 and 14; 20A-9

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R623-6

Filing ID: 57429

Agency Information

1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R623-6. Verification of Requests to Withhold Voter Registration Information
4. Purpose of the new rule or reason for the change:
This amendment is part of a routine review and update to ensure administrative rules are still relevant.
These changes are being made by the Office of the Lieutenant Governor to clarify and update existing language and to update procedures for records retention and storage of materials for protected voters.
5. Summary of the new rule or change:
This amendment strengthens and clarifies withholding procedures by adding clearer standards on processing withholding requests and instructions regarding the retention of voter registration documents.
Additionally, this amendment makes style and formatting changes to align 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 state budget is not anticipated to incur any fiscal impact, as this rule change does not include any processes that involve state procedures.

B. Local governments:

Local governments, including city and county election offices, may incur a cost if they need to obtain additional storage spaces to retain voter documents.

A potential cost may include purchasing a storage space or entering a contract with a vendor to help with document storage.

The Office of the Lieutenant Governor is unable to determine a specific cost, as the needs of each local government vary.

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

Small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to small businesses.

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

Non-small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to 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**):

Other persons are not anticipated to incur any fiscal impact, as this rule change does not apply to other persons.

F. Compliance costs for affected persons:

There are no direct compliance costs, though the cost of additional storage may be a secondary cost 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 Director of Elections, Ryan Cowley, 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 20A-2-104		
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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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:

Ryan Cowley, Director of Elections	Date:	08/28/2025
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R623. Lieutenant Governor, Elections.**R623-6. Verification of Requests to Withhold Voter Registration Information.****R623-6-1. Purpose and Authority.**

(1) This administrative rule establishes verification requirements for individuals who submit a request to withhold the individual's voter registration information to the lieutenant governor or the county clerk.

(2) This administrative rule is authorized by Section 20A-2-104.

R623-6-2. Verification Requirements for Requests to Withhold Voter Registration Information.

(1) An individual who submits a request to withhold voter registration information ~~[must]~~ shall provide verification described in ~~[subsection (2)]~~ Subsection (3) if the individual indicates on the request that the individual is, or resides with an individual who is:

- (a) ~~[A]~~ a law enforcement officer;
- (b) ~~[A]~~ a member of the armed forces, as defined in Section 20A-1-513;
- (c) ~~[A]~~ a public figure, as defined in Section 20A-1-102; or
- (d) protected by a protective order or protection order.

(2) An individual shall provide verification by submitting a written statement with the request that explains why the individual is eligible to withhold voter information.

(3) If an individual does not submit the verification required by ~~[subsection]~~ Subsection (2) or the lieutenant governor or county clerk reasonably believes that the individual is not an eligible individual listed in ~~[subsection]~~ Subsection (1), the lieutenant governor or county clerk may require the individual to submit additional documentation to verify eligibility.

(a) For an individual who indicates that the individual is a law enforcement officer, additional documentation may include:

- (i) employee identification card;
- (ii) copy of the individual's Peace Officer Standards and Training Certification;
- (iii) law enforcement badge if it includes identifying information;
- (iv) letter from the individual's employer verifying the individual's position as a law enforcement officer; or
- (v) other documents, at the lieutenant governor's or county clerk's discretion, that verify the individual's position as ~~[-]~~ a law enforcement officer.

(b) For an individual who indicates that the individual is a member of the armed forces, additional documentation may include:

- (i) military identification card;
- (ii) copy of military orders;
- (iii) letter from the individual's employer verifying the individual's membership in the armed forces; or
- (iv) other documents, at the lieutenant governor's or county clerk's discretion, that verify the individual's membership in the armed forces.

(c) For an individual who indicates that the individual is a public figure, additional documentation may include:

- (i) documents that ~~[indicate]~~ show the individual is being considered for, currently holding, or held a position of prominence in a public or private capacity or holds celebrity status;
- (ii) documents or information that ~~[indicate]~~ show the individual has an increased risk of safety due to their position or status; or
- (iii) other documents, at the lieutenant governor's or county clerk's discretion, that verify the individual is a public figure as defined in Section 20A-1-102.

(d) For an individual who indicates that the individual is protected by a protective order or protection order, additional documentation may include:

- (i) a copy of the protective or protection order; or
- (ii) other documents, at the lieutenant governor's or county clerk's discretion, that verify the individual is protected by a protective order or protection order.

NOTICES OF PROPOSED RULES

(e) For an individual who resides with an individual described in ~~[subsections]~~ Subsection (3)(a), (3)(b), (3)(c), or (3)(d), additional documentation may include documents, at the lieutenant governor's or county clerk's discretion, that ~~[indicate]~~ show that the individual lives with the individual described in ~~[subsections]~~ Subsection (3)(a), (3)(b), (3)(c), or (3)(d).

(4) Withholding requests shall be processed within seven days of receipt.

(a) County Clerks shall notify voters within 30 days if their withholding request has been approved or denied.

(b) If the withholding request is denied, the clerk shall provide a written explanation for the denial.

(5) Documents provided to the county clerks under this rule shall be retained in a separate storage file by the county clerk who maintains the individual's voter registration.

(6)(a) Documents retained under this rule shall:

(i) contain a reference number that correlates the documents in the storage file with a dated note in the voter's record which also contains the county where the documents were submitted;

(ii) contain the voter identification number;

(iii) be kept in a storage file that is separate from the voter registration system; and

(iv) be retained during the time in which the voter is eligible for withheld status.

(b) Documents may be transferred to a different county clerk when the voter moves and the new county clerk requests the documentation in writing.

KEY: voter registration, record classification, privacy

Date of Last Change: ~~August 1, 2020~~ 2025

Notice of Continuation: July 18, 2025

Authorizing, and Implemented or Interpreted Law: 20A-2-104

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R623-7

Filing ID: 57430

Agency Information

1. Title catchline:		Lieutenant Governor, Elections	
Building:		Utah State Capitol	
Street address:		350 State Street, Suite 220	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 142220	
City, state and zip:		Salt Lake City, UT 84114-2220	
Contact persons:			
Name:		Phone:	Email:
Ryan Cowley		801-538-1041	elections@utah.gov
Kenna Stringam		801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R623-7. Vote Tabulation Software Validation Rule
4. Purpose of the new rule or reason for the change:
This amendment is part of a routine review and update to ensure administrative rules are still relevant.
5. Summary of the new rule or change:
This amendment is part of a routine review and update to ensure the rule remains clear, accurate, and aligned with current practices, standards, and administrative needs.
This amendment aligns the rule text with other rules under Title R623, as well as standards and guidelines set in 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 Office of the Lieutenant Governor and the State of Utah will likely not incur additional costs or savings based on the changes made in this rule because the changes to this rule do not alter the substance or application of this rule.

B. Local governments:

Local governments are not anticipated to incur additional costs or savings based on the changes made in this rule because the changes to this rule do not alter the substance or application of this rule.

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

Small businesses are not anticipated to incur any fiscal impact based on the changes made in this rule because the changes to this rule do not alter the substance or application of this rule.

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

Non-small businesses are not anticipated to incur any fiscal impact because the changes to this rule do not alter the substance or application of this rule.

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**):

Other persons are not anticipated to incur any fiscal impact because this amendment does not alter any existing procedures, obligations, or agreements.

F. Compliance costs for affected persons:

Affected persons are not anticipated to incur any fiscal impact because the changes to this rule do not alter the substance or application of this rule.

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 Director of Elections, Ryan Cowley, 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 20A-5-905

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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:

Ryan Cowley, Director of Elections

Date:

08/28/2025

R623. Lieutenant Governor, Elections.

R623-7. Vote Tabulation Software Validation Rule.

R623-7-1. Purpose.

Section 20A-5-905 requires the director of elections within the Office of the Lieutenant Governor to make rules establishing software validation procedures that an election officer shall comply with to verify that voting system files have not been tampered.

R623-7-2. Authority.

This rule is authorized by Subsection 20A-5-905(1) and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-7-3. Definitions.

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

(1) "Designee" means a full-time employee of the election officer or a full-time employee of the political subdivision of the election officer given authority by the election officer to perform software validations.

(2) "Election ~~Officer~~ officer" means the county clerk or municipal clerk responsible for maintaining the system where the software is in use~~;~~ or will be~~;~~ installed.

(3) "Installation" means installing vote tabulation software, updating vote tabulation software, or overwriting existing vote tabulation software.

(4) "Software" means a computer program that is used to tabulate votes, otherwise generally known as an election management system (EMS), with the exception of software used in reference to ~~Section~~ Title 20A~~[-]~~, Chapter 4~~[-]~~, Part 6, Municipal Alternate Voting Methods Pilot Project.

(5) "Validation" means obtaining the hash validation of installed software and comparing it against the trusted build hash validation from the US Election Assistance Commission (EAC) using instructions approved by the ~~Lieutenant governor~~ Office of the Lieutenant Governor.

(6) "Voting ~~Equipment~~ equipment" means equipment that is maintained and used by the election officer to scan, tabulate, or mark ballots; otherwise generally known as ballot marking devices and direct-recording electronic (DRE) voting machines.

R623-7-4. General.

(1) Software ~~[must]~~ shall be validated, with no errors or ~~unknown~~ warnings, in accordance with this rule and Section 20A-5-802 ~~at the time of installation~~ when installing and at least once every two years thereafter.

(2) The election officer shall validate software against the trusted build hash validation from the EAC using instructions approved by the ~~Lieutenant governor~~ Office of the Lieutenant Governor.

(3) Validation ~~[must]~~ shall be performed by the election officer, ~~their~~ a designee, or someone authorized to perform the validation by the ~~Lieutenant governor~~ Office of the Lieutenant Governor.

(4) Before using any voting equipment, and before each election, the election officer shall verify that the firmware version on any voting equipment matches the firmware version that is certified by the EAC.

(5) The election officer shall make and ~~retain~~ keep a signed record of each software validation and voting equipment verification that is performed for 24 months after the software or voting equipment is no longer in use.

(6)(a) The ~~Lieutenant governor~~ Office of the Lieutenant Governor shall select at least five jurisdictions each year and supervise the performance of software validations and voting equipment verifications for those jurisdictions.

(b) These validations may be in addition to any other validation performed by the election officer.

(7) Nothing in this rule prevents an election officer from performing more validations than are required by this rule, but each validation ~~[must]~~ shall follow the procedures outlined in this rule.

R623-7-5. Software Certification.

- (1) Software shall be certified in accordance with Subsection 20A-5-802(2)(a)(iii).
- (2) Hash validation files are obtained by the Office of the Lieutenant Governor or the county clerk from:
 - (a) the EAC;
 - (b) or a certifying lab described in Subsections 20A-5-802(2)(a)(iii)(A) and (B).

R623-7-6. Software Installation.

- (1) Election officers must obtain written permission from the lieutenant governor before the installation of any software.
- (2) The election officer, or ~~their~~a designee, ~~[must be]~~shall always ~~be~~ present during software installation.
- (3) Before deploying the installation, the election officer, or ~~their~~a designee, must verify that they have a full backup of each election conducted within the last 22 months.

R623-7-7. Software Validation.

- (1)(a) The election officer shall be responsible for ensuring that each computer with software on it is validated ~~[at the time of installation]~~when installing.
- (b) If the hash values do not match then the software may not be used~~[-and the]~~. The election officer shall notify the lieutenant governor within one business day of the identification of the mismatch.
- (2) Systems must pass validation with no errors or unknown warnings ~~[at the time of]~~during installation, or during any validation review, or they may not be used in an election until the system has been successfully validated.
- (3) The election officer, or ~~their~~a designee, ~~[must be]~~shall always ~~be~~ present during the validation.
- (4) The election officer, or ~~their~~a designee~~[-must]~~, shall perform the validation, unless written permission is obtained from the Office of the Lieutenant Governor before the validation is performed.

R623-7-8. Records.

- (1) A record of any vote tabulation software installations shall be made on a form provided by the lieutenant governor and shall be signed by the election officer, their designee if used, and the representative of the vendor who performed the installation, if used.
- (2) The signed record of any software installations shall be retained by the election officer for 24 months after the software is no longer in use.
- (3) At each canvass, the election officer shall certify that the software and voting equipment ~~[has]~~have been properly maintained in accordance with this rule and that a record of any installation performed on each piece of equipment has been kept in accordance with Subsection 20A-5-902(2).

KEY: elections, lieutenant governor, software, validation, voting, equipment, hash**Date of Last Change: ~~[January 24, 2023]~~2025****Authorizing, and Implemented or Interpreted Law: 20A-5-905~~(4)~~****NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Rule or section number:****R623-8****Filing ID: 57431****Agency Information**

1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R623-8. Ballot Chain of Custody

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

The Office of the Lieutenant Governor is submitting this amendment to align ballot chain of custody requirements with state law, as recommended in Recommendation 3.2 of the 2024 Audit Report (A Performance Audit of Utah's Election System).

5. Summary of the new rule or change:

This amendment enhances ballot processing security by clarifying previously ambiguous language related to monitoring ballot processing centers and by updating chain of custody requirements to align with current statutory monitoring standards.

Additionally, this amendment makes style and formatting changes to align 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 state budget is not anticipated to incur any fiscal impact, as this rule change does not affect state procedures.

B. Local governments:

Local governments, including city and county election offices, may incur a cost if they need to purchase monitoring equipment for ballot boxes.

A potential cost may include purchasing and setting up the additional monitoring equipment for ballot boxes.

The Office of the Lieutenant Governor is unable to determine a specific cost, as the needs of each local government vary.

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

Small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to small businesses.

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

Non-small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to 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**):

Other persons are not anticipated to incur any fiscal impact, as this rule change does not apply to other persons.

F. Compliance costs for affected persons:

There are no direct compliance costs, though the cost of additional monitoring equipment may be a secondary cost 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 Director of Elections, Ryan Cowley, 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 20A-3a-401.1(9)	Subsection 20A-3a-404(1)	Subsection 20A-3a-106(4)
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director of Elections	Date:	08/28/2025
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R623. Lieutenant Governor, Elections.**R623-8. Ballot Chain of Custody.****R623-8-1. Purpose.**

This rule establishes requirements and guidelines for an election official regarding ballot security, including the custody, documentation of custody, handling, processing, disposition, and tabulation of ballots.

R623-8-2. Authority.

This rule is authorized by ~~[Section]~~ Subsections 20A-3a-106(4), 20A-3a-401.1(9), and 20A-3a-404(1) and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-8-3. Definitions.

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

(1) "Active ballot" means a ballot that is being processed for a current election.

(2) "Chain of ~~Custody~~ custody" means the sequence of custody, control, and transfer of materials.

R623-8-4. General Duties.

An election official shall be accompanied by at least one additional election official when active ballots are handled, collected, delivered to ballot processing centers, or processed.

R623-8-5. Ballot Collection.

(1) An election official shall document the following information each time active ballots are collected:

(a) ~~[names]~~ the name of any election official collecting ballots;

(b) the name of the collection site, for example, drop box or post office;

(c) date and time of the ballot collection;

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(d) the seal number used to secure the ballots; and
(e) any damage to ballots, ballot box, and concerns, including unusual situations or irregularities.
(2) An election official shall document the following information each time an active [ballots are] ballot is received by the ballot processing center:

- (a) the time and date an active [ballots are] ballot is returned to the ballot processing center;
- (b) seal numbers when received at the ballot processing center; and
- (c) the recorded number of active ballots received at the ballot processing center.

(3) An election official shall be identifiable as an election official through the use of a badge, uniform, or other markings when engaging in ballot collection.

R623-8-6. Ballot Processing.

(1) ~~[Active ballots]~~ Any active ballot shall be processed in a secure location where access is controlled by an election official.

(2) An election official shall ensure that any active [ballots] ballot in a processing center ~~[are secured or]~~ is monitored[-] in accordance with Subsection 20A-3a-401.1(5)(g).

(3) An election official shall ensure that active ballots are:

- (a) divided into batches and separated from other active ballots through each step of the process; and
- (b) clearly identified as to which stage of the process ~~[they]~~ the active ballots are in.

(4) On each day that tabulation is performed, any tabulated active ballots shall be reconciled by an election official at least once a day against:

- (a) the statewide voter registration database; and
- (b) the number of processed active ballots for that processing session.

(5) An election official shall ensure that each batch of active ballots is documented, noting the completion of each step according to Section R623-8-10.

(6) An election official shall ensure that the name of each watcher is documented~~[-, potentially via a sign in and out]~~ with the date and time.

(7) An election official shall provide clear and consistent instructions to watchers when checking in in accordance with Section 20A-3a-801.

(8) An election official shall ensure that counted and uncounted active ballots are clearly marked as such and are segregated from each other.

(9) An election official shall ensure that each replicated active ballot is documented in accordance with Subsection 20A-4-104(3).

(10) An election official shall document the following when adjudicating an active [ballots] ballot:

- (a) the names of each election official adjudicating the active ballot; and
- (b) a record of which active ballots the official adjudicated.

(11) ~~[Ballot]~~ An election official shall ensure that a ballot processing [centers may be] center is monitored [by cameras; if so, a retention policy shall be developed and implemented regarding the storage of camera footage.] in accordance with Subsection 20A-3a.401.1(5)(g).

~~[- (12) Ballot processing centers shall be viewable to the public, but accessible only to authorized personnel.]~~

R623-8-7. Polling Place Ballots.

(1) An election official shall ensure that the number of voters checked in at a polling place shall be reconciled with the number of voted active ballots received at the polling place.

(2) At the polling place, an election official shall ensure that the following information is documented:

- (a) the name of each election official receiving and delivering active ballots; and
- (b) how many active ballots were received at the ballot processing center.

R623-8-8. Equipment.

(1) The county clerk, or a designee, shall document each election official that has access to each piece of equipment and the level of access maintained by each election official.

(2) An election official shall ensure the following:

- (a) each piece of election equipment has a barcode or control number on an access point that can be tracked; and
- (b) each barcode or control number is documented.

(3) An election official shall ensure that any election equipment maintenance is documented in accordance with Subsection 20A-5-902(2).

(4) An election official shall be present for any equipment maintenance.

R623-8-9. Certificate of Compliance.

~~[A.]~~ The election officer shall ensure that a certificate of compliance [shall be] is included with any election return in accordance with Subsection 20A-3a-404(2).

R623-8-10. Election Return Archiving.

(1) An election official shall ensure that archived material, including every ballot after an election, is stored and sealed in a receptacle and clearly labeled with the following information:

- (a) a description of the contents;
- (b) the name and date of the election; and
- (c) the destruction date.
- (2) Archived material shall include:
 - (a) any electronic or physical ballot images and back-ups; and
 - (b) any external storage medium used to collect ballot images or back-ups.
- (3) Archived material containers shall be sealed and seal numbers, if used, shall be documented.
- (4) Any access to archived material containers shall be documented.
- (5) The storage area shall be secure and accessible only to authorized ~~[County Clerk]~~ county clerk staff and personnel.
- (6) Chain of custody documentation shall be retained in accordance with Section 20A-4-202.

R623-8-11. Physical Areas.

The county clerk or ~~[designees]~~ a designee shall ensure that any party who accesses the ballot processing center or server rooms shall be properly authorized to enter.

R623-8-12. Documenting Problems.

Any documentation required in this rule shall include ~~[any]~~ reporting any problems or irregularities, and, if applicable, shall include:

- (1) details of any observed ~~[issues]~~ issue or ~~[problems]~~ problem;
- (2) the date and time of when ~~[issues]~~ any issue or ~~[problems]~~ problem occurred;
- (3) any action taken in response to ~~[issues]~~ any issue or ~~[problems]~~ problem; and
- (4) any resolution to ~~[issues]~~ any issue or ~~[problems]~~ problem.

KEY: elections, custody, ~~[Lieutenant Governor]~~ lieutenant governor, ballots

Date of Last Change: ~~[February 21, 2023]~~ 2025

Authorizing, and Implemented or Interpreted Law: 20A-3a-~~401.1~~ (9); 20A-3a-~~404~~ (1); 20A-3a-~~106~~ (4)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R623-9	Filing ID: 57433
Agency Information		
1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		
General Information		
2. Rule or section catchline:		
R623-9. Ballot Printing, Handling, and Envelope Standards		
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 300 (2025 General Session)	
4. Purpose of the new rule or reason for the change:		
HB 300, passed in the 2025 General Session, introduced changes to ballot envelope requirements and updated mailing regulations.		

1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

2. Rule or section catchline:	
R623-9. Ballot Printing, Handling, and Envelope Standards	
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 300 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
HB 300, passed in the 2025 General Session, introduced changes to ballot envelope requirements and updated mailing regulations.	

The Office of the Lieutenant Governor updated this rule's contents to reflect and implement those changes.

5. Summary of the new rule or change:

This amendment strengthens election security by clarifying the definition of personally identifiable information and ensuring that it is not visible on the outside of a ballot envelope.

Additionally, this amendment makes style and formatting changes to align 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 state budget is not anticipated to incur any fiscal impact, as this rule change does not affect state processes.

B. Local governments:

Counties could incur some costs related to ordering and redesigning ballot envelopes; however, the Office of the Lieutenant Governor is unable to determine a specific cost, as ballot printing costs in each local government varies. It is possible that these new envelopes may be ordered during a period when a new order was already scheduled, which could help minimize costs.

These costs were noted in the fiscal note of HB 300 (2025), available to view at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0300S04.fn.pdf>.

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

Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.

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

Non-small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to 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**):

Other persons are not anticipated to incur any fiscal impact, as this rule does not apply to other persons.

F. Compliance costs for affected persons:

Compliance costs for affected persons were accounted for in HB 300 (2025).

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 Director of Elections, Ryan Cowley, 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 20A-6-108	Section 20A-3a-106	
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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: 10/15/2025

10. This rule change MAY become effective on: 10/22/2025

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:	Ryan Cowley, Director of Elections	Date:	08/28/2025
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R623. Lieutenant Governor, Elections.**R623-9. Ballot Printing, Handling, and Envelope Standards.****R623-9-1. Purpose.**

This rule establishes minimum requirements a vendor must meet and follow to be eligible to print ballots to be used in an election in Utah. This rule establishes standards for what is printed on ballot envelopes.

R623-9-2. Authority.

This rule is authorized by Sections 20A-6-108 and 20A-3a-106, and is enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-9-3. Definitions.

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

(1) "Chain of custody" means the sequence of custody, control, and transfer of materials.
 (2) "Intelligent mail barcode services" or "IMb" means using a barcode that complies with USPS standards for IMb which provides tracking data for ballots through the postal system.

(3) "Personally identifiable information" or "PII" means information that can be used to identify, or infer the identity of the person to which the information belongs, and for the purposes of this rule includes, email, telephone number, social security number, driver license number, and state identification number.

~~_____ (4) "Vendor" means a company that prints, handles, sorts, or mails ballots on behalf of an election officer.~~

~~_____ (5) _____ (4) "Subcontractor" means a business or person that carries out any portion of the work described in this rule that is not performed by the vendor.~~

(5) "Vendor" means a company that prints, handles, sorts, or mails ballots on behalf of an election officer.

R623-9-4. Vendor Requirements.

- (1) A vendor shall have:
- (a) a secure facility that[?] includes:
 - (i) processing areas where public access is restricted through badge access with logging of the date, time, and operator of each ballot process;
 - (ii) 24-hour facility security through on-site security staffing, alarm system, or video surveillance; or
 - (iii) another method of similar security with logging of the date, time, and operator of each ballot process.
 - (b) documented continuity of operations plan that includes:
 - (i) secure data transfer, storage, backups, and redundancy;

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- (ii) printer and equipment redundancy; and
- (iii) documented disaster recovery plan; and
- (c) a documented chain of custody plan describing how ballots will be printed and delivered to a postal facility for mailing.
- (2) A vendor may not subcontract any portion of the ballot printing processes described in this section without obtaining written consent from the contracting county.
- (3) A vendor shall:
 - (a) disclose to the election officer any subcontractors, including freight handlers along with their primary point of contact;
 - (b) maintain the ability to track ballots through each process while ballots are in the custody of a subcontractor;
 - (c) disclose the following:
 - (i) how blank ballot stock and printed ballot stock are securely stored;
 - (ii) the process for securely destroying spoiled ballots;
 - (iii) the policy on conducting any employee background checks; and
 - (iv) how they encrypt and protect the data stated in Subsection R623-9-4(3)(d);
 - (d) encrypt and protect any sensitive data or PII of voters; and
 - (e) provide full access to the ballot processing facility and full access to any of the records described in this rule to the lieutenant governor, legislative auditors, and any county clerk for which they provide ballot printing services while contracted work is being performed including access to facilities and records of subcontractors.
- (4) A vendor subcontractor shall maintain the ability to provide to the vendor and election officer a log that shows the date, time, and quantity of ballots each time ballots are transferred between the vendor and a subcontractor.

R623-9-5. Ballots.

- (1) A vendor shall ensure that the initial mailing of ballots for an election is mailed from a location [~~within Utah~~] in accordance with Section 20A-6-108.
- (2) A vendor shall ensure that transportation to and within Utah is secure and trackable with the capability of regular updates or real-time location information provided to the election officer.
- (3) A vendor shall provide IMb services for the mailing of ballots and adhere to industry standards for election mail.
- (4) A vendor shall create a postal record for the mailing of each county's ballots. A vendor shall ensure that ballots are never [~~commingled~~]commingled with other non-election mail or ballots from another country.
- (5) Subsections R623-9-5(1) and R623-9-5(2) do not apply to ballots subject to Federal UOCAVA requirements.

R623-9-6. Envelopes.

The county clerk shall ensure that envelopes used to mail out and return ballots meet the requirements of this section. The provisions in this section take effect by the sooner of [~~the 2024 General Election~~]January 1, 2026 or the next time ballot envelopes are ordered.

- (1) Return and ballot envelopes [~~must~~]shall meet USPS Official Election Mail[~~—~~]-Graphic Guidelines and Logos standards, Publication 631, incorporated by reference in this rule.
- (2) Return ballot envelopes [~~must~~]shall comply with Subsection 20A-3a-202(4).
- (3) Return envelopes [~~must~~]shall contain the address of the election office or county clerk where the ballots are to be returned as both the addressee and the return address.
- (4) [~~The addresses described in Subsection (3), or any envelope used to deliver or return ballots, may contain the position title of the election officer, but not the name of any candidate running for political office.~~
- (5) ~~Each envelope~~ [~~must~~]shall contain markings that show the election to which the envelope belongs. If the affidavit is removed from the envelope, both the envelope and the affidavit [~~must~~]shall contain the date of the election.
- (5) Each PII provided by the voter for ballot verification shall not be visible on the outside of the envelope once sealed.
- (6) Each return envelope [~~must~~]shall contain the unique identifying number [~~which~~]that corresponds to a ballot record issued to a voter in the voter registration system. If the affidavit is removed from the envelope, both the envelope and the affidavit [~~must~~]shall contain the unique identifying number.
- (7) Return ballot envelopes [~~must~~]shall contain cross-hatching unless other measures are taken to ensure that a ballot cannot be read through the envelope.

KEY: ballot, ballot envelope, ballot printing

Date of Last Change: [~~November 10, 2023~~]2025

Authorizing, and Implemented or Interpreted Law: 20A-6-108, 20A-3a-106

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R623-10	Filing ID: 57434

Agency Information

1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R623-10. Voter Registration Database Security and Voter List Maintenance Rule
4. Purpose of the new rule or reason for the change:
These changes are part of a routine update and review of this rule by the Office of the Lieutenant Governor.
5. Summary of the new rule or change:
This amendment is part of a routine review and update to ensure this rule remains clear, accurate, and aligned with current practices, standards, and administrative needs.
This amendment aligns this rule text with other rules under Title R623, as well as standards and guidelines set in 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 state budget is not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to state functions but instead rewrites existing requirements to align formatting with the Rulewriting Manual for Utah.
B. Local governments:
Local governments are not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to local government functions but instead rewrites existing requirements to align formatting with the Rulewriting Manual for Utah.
C. Small businesses ("small business" means a business employing 1-49 persons):
Small businesses are not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses are not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to 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**):

Other persons are not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to other persons.

F. Compliance costs for affected persons:

There are no direct compliance costs, though the cost of additional monitoring equipment may be a secondary cost 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 Director of Elections, Ryan Cowley, 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 20A-2-507

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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:	Ryan Cowley, Director of Elections	Date:	08/28/2025
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R623. Lieutenant Governor, Elections.**R623-10. Voter Registration Database Security and Voter List Maintenance Rule.****R623-10-1. Purpose.**

Section 20A-2-507 requires the director of elections within the Office of the Lieutenant Governor to:

- (1) make rules regulating the use, security, maintenance, data entry, and updates to the voter registration system; and
- (2) make rules to establish requirements to maintain the registration system by identifying tools and utilities for county clerks to run as well as documenting and reporting compliance.

R623-10-2. Authority.

This rule is authorized by Section 20A-2-507, and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-10-3. Definitions.

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

- (1) "[~~Registration system~~]NCOA" means the [~~voter registration database described in Subsection 20A-2-502(1)(a).~~]National Change of Address data set maintained by the United States Postal Service.
- (2) "Registration form" means a form described in Section 20A-2-104 or 20A-2-206 that is submitted to an election official for registering to vote.
- (3) "[~~NCOA~~]Registration system" means the [~~National Change of Address data set maintained by the United States Postal Service.~~]voter registration database described in Subsection 20A-2-502(1)(a).
- (4) "Voter verification utility" means the functionality within the registration system that verifies the information of the voter in the registration system with information from the Driver License Division.

R623-10-4. County Registration System Users.

- (1) Before receiving access to the county registration system, county registration system users shall:
 - (a) be employed by the county clerk with job duties that are directly related to elections and require access to the registration system;
 - (b) be authorized by the county clerk and approved by the [~~Lieutenant Governor~~]lieutenant governor; and
 - (c) complete security training [~~is required and~~]provided by the [~~Lieutenant Governor~~]lieutenant governor before using the registration system.
- (2) A county clerk shall:
 - (a) ensure county users have completed the training [~~before the user performs an election process~~]for which an online training module has been developed under Section 20A-1-107[;] before the user performs a process covered by the training.
 - (b) agree to abide by a disclosure agreement provided by the [~~Lieutenant Governor~~]lieutenant governor that outlines how data from within the registration system is protected, including:
 - (i) only using voter registration data for election related purposes as outlined and in accordance with Utah law;
 - (ii) only sharing registration data with those [~~that~~]who are authorized under Utah law; and
 - (iii) never using voter registration data for personal use;
- [~~—(e)~~](c) the clerk shall keep a copy of the form described in Subsection (2)(b) for a period no less than 1 year after access to the registration system has been removed.
- [~~(d)~~](i) immediately disable any user account that is no longer active or authorized to have access;
- (ii) complete a monthly review of the list of authorized users in their county;
- (iii) certify monthly reviews and disabled accounts with the [~~Lieutenant Governor~~]lieutenant governor no later than the 5th day of the following month;
- [~~(d)~~](e) conduct an annual review of county users by the last business day in December as directed by the [~~Lieutenant Governor~~]lieutenant governor that includes:
 - (i) verification that each active user meets the criteria of a county user as outlined in this section;
 - (ii) the job title of each county user;
 - (iii) a brief description of the election related duties of each county user; and
 - (iv) removal of users [~~that~~]who have not accessed the system within the calendar year of the annual review.
- (3) A county clerk's failure to complete the annual review under Subsection (2)[~~(d)~~](iv) will result in the revocation of access to the registration system for that county until the necessary review has been completed.

R623-10-5. State Registration System Users.

- (1) Before receiving access to the state registration system, state registration system users shall:
 - (a) be employed by the [~~Lieutenant Governor~~]lieutenant governor with job duties that are directly related to elections and require access to the registration system;
 - (b) complete security training [~~required and~~]provided by the [~~Lieutenant Governor~~]lieutenant governor before using the registration system;
 - (c) agree to abide by a disclosure agreement provided by the [~~Lieutenant Governor~~]lieutenant governor that outlines how data in the registration system is protected including:
 - (i) using voter registration data for election related purposes as outlined and in accordance with Utah law;
 - (ii) only sharing registration data with those that are authorized under Utah law; and

NOTICES OF PROPOSED RULES

(iii) never using voter registration data for personal use.

(d) keep a copy of the disclosure agreement described in Subsection (1)(c) for a period no less than 1 year after access to the registration system has been removed.

(2) The ~~[Lieutenant Governor]~~ lieutenant governor shall:

(a) ensure state registration system users have completed training ~~[before the user performs an election process]~~ for which an online training module has been developed under Section 20A-1-107 before the user performs a process covered by the training; and

(b) immediately disable access for users ~~[that]~~ who no longer meet the requirements of Subsection (1).

(3) Each month, the ~~[Lieutenant Governor]~~ lieutenant governor shall review the list of authorized state registration system users and remove any user account that does not meet the requirements of Subsection (1).

R623-10-6. Other System Users.

(1) If a request for access is received by the ~~[Lieutenant Governor]~~ lieutenant governor for someone ~~[that]~~ who is not a county or state user, the ~~[Lieutenant Governor]~~ lieutenant governor will review that request and determine whether to grant access.

(2) If the ~~[Lieutenant Governor]~~ lieutenant governor grants access under Subsection (1), the user ~~[must]~~ shall follow the security procedures outlined for a state user in Section R623-10-5.

R623-10-7. Registration System Hosting and Maintenance.

Hosting and maintenance of the registration system ~~[must]~~ shall follow the rules and policies, incorporated by reference in this rule, set forth by the Division of Technology Services (DTS) governing the hosting, maintenance, security requirements, development, and usage of the registration system and its components, including storage and transmission of any related data policy:

(1) DTS POLICY 4000-0001 - Enterprise Application and Database Deployment Policy, ~~[Last Revised]~~ last revised October 2015;

(2) DTS POLICY 4000-0002 - Enterprise User Authentication Standards Policy, ~~[Last Revised]~~ last revised November 2021; and

(3) DTS POLICY 5000-0002 - Information Security Policy, ~~[Last Revised]~~ last revised June 2023.

R623-10-8. Voter List Maintenance Tools and Utilities.

(1) A county clerk shall maintain the registration system by using the following utilities:

(a) process each voter registration form within 7 days of receiving the form and certify to the ~~[Lieutenant Governor]~~ lieutenant governor that each registration form received within 7 days of the end of the month has been processed, unless the registration was received during the period from the voter registration deadline described in Section 20A-2-102.5 through the canvass as outlined in Section 20A-4-301;

(b) run the voter verification utility each time a clerk receives a voter registration form;

(c) process and remove a deceased voter from the voter rolls in accordance with Section 20A-2-504;

(d) perform a duplicate voter check in accordance with Subsection 20A-2-503(4); and

(e) perform the annual maintenance utility in accordance with Subsection 20A-2-503(4)(a).

(2) 90 days before each election, a county clerk shall certify to the ~~[Lieutenant Governor]~~ lieutenant governor that the county clerk has performed, or will perform, an NCOA check before mailing the county's main ballot extract.

(3)(a) A county clerk shall certify monthly to the ~~[Lieutenant Governor]~~ lieutenant governor that they have properly run each utility listed in Subsection (1).

(b) Certification shall be made to the ~~[Lieutenant Governor]~~ lieutenant governor no later than the 5th day of the following month.

(4) The ~~[Lieutenant Governor]~~ lieutenant governor shall maintain a record of the certifications made by the county clerks on the ~~[Lieutenant Governor's]~~ lieutenant governor's website in accordance with Subsection 20A-2-502([4]5).

KEY: voter registration, election, voter list maintenance

Date of Last Change: ~~[October 30, 2023]~~ 2025

Authorizing, and Implemented or Interpreted Law: 20A-2-507

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R623-11

Filing ID: 57435

Agency Information

1. Title catchline:	Lieutenant Governor, Elections
Building:	Utah State Capitol
Street address:	350 State Street, Suite 220
City, state:	Salt Lake City, UT
Mailing address:	PO Box 142220
City, state and zip:	Salt Lake City, UT 84114-2220

Contact persons:

Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

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

R623-11. Signature Verification Standards

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

The Office of the Lieutenant Governor is submitting this amendment to clarify signature verification standards, as recommended in Recommendation 4.1 the 2024-20 - A Performance Audit of Utah's Election System: Strengthening Election Integrity and Audit 2024-16 - A Performance Audit of the Signature Verification Process: Improving Controls and Transparency recommendation 1.3.

5. Summary of the new rule or change:

This amendment enhances the minimum standards for county clerks in verifying signatures on ballot envelopes and candidate nomination petitions and introduces criteria to assist local officials in determining signature validity.

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

The state budget is not anticipated to incur any fiscal impact, as this rule change does not affect state procedures.

B. Local governments:

This rule change is procedural in nature, adding additional criteria for clerks to consider; however, it is not expected to require extra man-hours or equipment, and, as such, local governments are not anticipated to incur any fiscal impact.

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

Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.

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

Non-small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to 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**):

Other persons are not anticipated to incur any fiscal impact, as this rule change does not apply to other persons.

F. Compliance costs for affected persons:

Affected persons are not anticipated to incur any fiscal impact, as this rule change does not apply to 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

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 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 Director of Elections, Ryan Cowley, 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 20A-31-401(13)	Subsection 20A-3a-106(3)	

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:	10/15/2025
10. This rule change MAY become effective on:	10/22/2025
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:	Ryan Cowley, Director of Elections	Date:	08/28/2025
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R623. Lieutenant Governor, Elections.
R623-11. Signature Verification Standards.
R623-11-1. Purpose.

This rule establishes minimum standards for county clerks to verify signatures on ballot envelopes and to comply with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. [Sees]Sec. 12131.

R623-11-2. Authority.

This rule is authorized by Subsection 20A-3a-[401(9)]401(13) and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-11-3. Definitions.

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

- (1) "ADA box" means the information required under Subsection 20A-3a-401([§]7)(d).
- (2) "Cured ballot" means a ballot for which the notice described in Subsection 20A-3a-401(6) has been returned and is eligible to be counted.
- (3) "Verification criteria" for signatures means:
 - (a) general agreement in style and appearance;
 - (b) consistency in terms of size and proportion of individual letters; and
 - (c) similarity in flow, slant, and spacing.
- (4) "Considerations" for signatures means:
 - (a) accounting for change in signature due to age, disability, accident, or other factors that may impact the quality or consistency of a signature; and

(b) no threshold of minor discrepancies should outweigh the general character of two signatures that appear so similar that they must have been written by the same hand.

(5) "Substantially similar" means that two or more signatures share significant characteristics and resemble each other to a considerable extent, but are not necessarily identical.

(6) "Reasonably consistent" means the same thing as substantially similar for the purposes of this rule.

R623-11-4. Signature Verification Standards for Ballots.

(1) The election officer shall ensure that each signature on the affidavit of each ballot is reviewed ~~[and that it is reasonably consistent with any signature found in the voter's registration record]~~ in accordance with the verification criteria and considerations. If the signature demonstrates significant conformity to the verification criteria, it should be accepted.

(2) The election officer shall ensure that each election worker reviewing ballot affidavit signatures has completed the training required under Subsection 20A-3a-401~~(9)~~(13) before reviewing the signatures on any ballot affidavit.

R623-11-5. Signature Verification Standards for Candidate Nomination Petitions.

(1) In accordance with Subsection 20A-9-401(1), verification of candidate nomination petition signatures should be construed liberally. Election staff should operate under the assumption that the signature is that of the voter.

(2) The election officer shall ensure that each signature is reviewed in accordance with the verification criteria and considerations. If the signature is more likely than not to be that of the voter, it should be accepted.

(3) The election officer shall ensure that each election worker reviewing candidate nomination petition signatures has completed the training required under Subsection 20A-3a-401(13) before reviewing any signatures.

R623-11-6. Alternative Verification for Voters with a Qualifying Disability.

(1) Each rejected ballot affidavit required under Subsection 20A-3a-401~~(5)~~(7)(d) shall include an ADA box.

(2) The election officer shall contact a voter ~~[that]~~ who has a cured ballot where the ADA box was marked and mutually agree upon a method to affirmatively know that the voter themselves has cast their ballot.

(3) The election officer shall mark in the voter's record that they are a voter with a disability and maintain a list of voters that meet the qualifications of Subsection 20A-3a-401~~(5)~~(7)(d)(v). The election officer shall ensure that a voter who marks the ADA box and has complied with this section does not receive the notice described in Subsection 20A-3a-401~~(6)~~(7)(a).

KEY: Elections, Lieutenant Governor, signature, verification, ADA, disability, voting

Date of Last Change: ~~April 4, 2024~~2025

Authorizing, and Implemented or Interpreted Law: 20A-3a-401~~(9)~~(13); 20A-3a-106(3)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R623-12

Filing ID: 57427

Agency Information

1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R623-12. Audits

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 164 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
SB 164, passed in the 2025 General Session, authorizes the director of elections within the Office of the Lieutenant Governor to make rules overseeing the auditing process for state elections, including establishing the requirements and procedures for an election officer to perform signature comparison audits and fulfill chain of custody requirements.	
The 2024 Audit Report (A Performance Audit of Utah's Election System) also recommended the establishment of requirements and procedures regarding post-election audits.	
5. Summary of the new rule or change:	
This rule establishes processes to ensure that, before election returns are certified as official, automatic tabulating equipment undergoes a post-election audit to verify accurate ballot tabulation.	
It also sets procedures for auditing signature comparisons between envelope signatures and voter records, as well as for auditing signatures on candidate nomination petitions.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Office of the Lieutenant Governor may incur a cost in extra personnel hours for preparing training materials and training election officials on the new requirements in this rule.
The Office of the Lieutenant Governor is unable to determine what this cost may be, as the training needs for each election official may be different.
The bulk of the costs come from the legislation, not the processes outlined in this rule. Costs captured in SB 164 (2025) are available to view in the fiscal note for that bill at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/SB0164S03.fn.pdf .
B. Local governments:
County clerk's offices may incur a cost in hiring new personnel or in additional current personnel hours to perform the required audits.
The Office of the Lieutenant Governor is unable to determine a specific cost, as the needs of each local government vary.
The main driver for costs is the legislatively mandated audits and not the procedures created by this rule. Costs captured in SB 164 (2025) are available to view in the fiscal note for that bill at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/SB0164S03.fn.pdf .
C. Small businesses ("small business" means a business employing 1-49 persons):
Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to 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):
Other persons are not anticipated to incur any fiscal impact, as this rule does not apply to other persons.
F. Compliance costs for affected persons:
Affected persons are not anticipated to incur any fiscal impact, as this rule does not apply to 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 Director of Elections, Ryan Cowley, 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 20A-3a-106	Section 20A-1-108	
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director of Elections	Date:	08/28/2025
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R623. Lieutenant Governor, Elections.

R623-12. Audits.

R623-12-1. Purpose.

(1) Pursuant to Subsection 20A-4-104(1)(f), this rule outlines processes to ensure that before each election return is approved as official, the automatic tabulating equipment passes a post election audit to ensure that each ballot was tabulated accurately.

(2) Pursuant to Section 20A-3a-402.5, this rule outlines procedures for an audit of signature comparisons made between signatures on envelopes and voter signatures maintained by the election officer.

(3) Pursuant to Subsection 20A-9-408(9), this rule outlines procedures for audits of signatures reviewed for candidate nomination petitions.

R623-12-2. Definitions.

"Conflicted race" means a race where:

(1) the governor is seeking reelection;

(2) the reviewing officer is seeking reelection; or

- (3) the reviewing officer is the reviewing officer and the race is for an office that the reviewing officer is seeking.

R623-12-3. General Requirements of Election Audits.

- (1) An Auditor shall conduct each audit in the view of the public.
(2) An auditor shall only audit a different auditors work.
(3) The same auditor may not perform the entirety of an audit.
(4) The election officer shall document that each auditor has completed each required training for the process that auditor is auditing as required under Section 20A-1-107 within the current calendar year.
(5) Each auditor shall take a current oath of office under Utah Constitution Article IV, Section 10.
(a) An oath of office taken by a current officeholder is sufficient.
(b) An election officer may create an office policy to help determine whether an oath of office is current.
(6) Each auditor shall be free from other duties, responsibilities, and distractions during the time they are conducting an audit.
(7) The election officer shall provide additional training or make staff reassignments, as needed, based on the results of audits conducted under this rule. Additional training should be documented and included with the audit findings.
(8) The election officer shall create and sign documentation for each audit that records:
(a) the full name of the auditor who performed the audit;
(b) the date and time of the audit;
(c) a summary of what was audited;
(d) results of the audit, including any discrepancies or adverse findings;
(e) any remedial action taken as a result of findings of an audit conducted under this rule, which may include further review of work being audited, additional training, or the removal of the worker from the task where discrepancies or adverse findings are present;
(f) an acknowledgement that each auditor took the oath of office in accordance with Subsection (5); and
(g) an acknowledgement that each auditor completed any required training for the process being audited as required under Subsection (2)(4).
(9) Each auditor shall sign an affidavit created by the election officer that:
(a) contains an acknowledgment of having a current oath of office;
(b) contains an acknowledgment of having taken any required training for the process being audited under Section 20A-1-107;
(c) identifies what was audited.
(d) lists any exceptions that were found; and
(e) in the case of a common affidavit, is signed by any auditors who worked together on an audit.
(10) The results and documentation for audits conducted under this rule are a public record and, unless otherwise specified by law, shall be retained for 22 months from the date of the audit.
(11) Except for Subsection R 623-12-6(2), the Office of the Lieutenant Governor shall establish a written audit policy that provides direction on election audits conducted under this rule.
(12) The Office of the Lieutenant Governor shall provide clarification and resolve any question that is raised about the audit rule or audit policy created by the Office of the Lieutenant Governor.

R623-12-4. Post Election Audits.

- (1) The purpose of a post election audit is to ensure that the tabulation equipment has properly scanned and tabulated ballots cast.
(2) The Office of the Lieutenant Governor shall establish a post election audit policy that, in addition to the requirements of Section R623-12-3, shall:
(a) be completed after election day and before the local canvass;
(b) be noticed as a class A notice at least 48 hours before the audit;
(c) establish standards for when audit materials shall be sent to the Office of the Lieutenant Governor;
(d)(i) consist of at least 1% of any ballots in batches up to 1,000 ballots.
(ii) At least one batch from each scanner that was used shall also be included in the audit;
(e) require counties to audit a minimum of 50 ballots;
(f) require that complete batches be audited;
(g) create a uniform audit summary form for use by the county clerks; and
(h) require the county clerk to submit a signed audit summary form that was also presented to the county clerk's board of canvassers with the canvass documents sent to the Office of the Lieutenant Governor.

R623-12-5. Ballot Envelope Signature Audit.

- (1) The purpose of the signature verification audit is to ensure that election workers perform signature verification by properly passing or challenging ballots before tabulation.
(2)(a) The Office of the Lieutenant Governor shall establish a signature audit policy that, in addition to the requirements of Section R623-12-3, shall:
(i) be performed on 1% of ballot envelopes before any passed ballots in that group are separated from that ballot's envelope;
(ii) be performed on 1% of every challenged ballot before notification is sent to voters; and
(iii) require election officials to create a written policy for determining the 1% selection of ballot envelopes the election official will audit.
(b) The written policy established in Subsection (2)(a)(iii) shall:

- (i) state that it is ideal to select random samples that check signatures in multiple batches and involve multiple election workers;
- (ii) allow for variation in procedures based on county-specific processes and equipment; and
- (iii) be provided to the Office of the Lieutenant Governor and made available to anyone who requests a copy.
- (c)(i) Each auditor shall compare the signature on the envelope to the signature on file in VISTA to determine if the correct decision was made to count or challenge the ballot.
- (ii) If the auditor finds a discrepancy, that auditor should note the issue and audit a larger sample of the individual who performed the initial work that is being audited.
- (d) require an audit summary report to be signed by the County Clerk, presented to the board of canvass, and then transmitted with other canvass materials to the Office of the Lieutenant Governor, as required by Subsection 20A-3a-402.5(4).

R623-12-6. Candidate Nomination Petition Signature Audit.

- (1)(a) The lieutenant governor shall establish a written audit policy for candidate nomination petitions establishing procedures to comply with Subsection 20A-9-408(9) where the lieutenant governor is the reviewing officer.
- (b) The contracted county clerk may not perform the audit unless it is for a conflicted race, or unless authorized by the Director of Elections in the Office of the Lieutenant Governor.
- (2)(a) Each county clerk shall develop a written audit policy establishing procedures to comply with Subsection 20A-9-408(9) for nomination petitions where the county clerk is the reviewing officer.
- (b) The policy shall include the designation of another elected official to conduct audits of a conflicted race.
- (3) The audit policies established by the lieutenant governor or a county clerk shall meet the following minimum standards in addition to the requirements of Section R623-12-3:
 - (a) the audit is conducted on 1% of each reviewed signature, including a sampling of valid and rejected signatures;
 - (b) the audit may not be performed until after the required threshold has been met;
 - (c) the audit shall be completed no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate in accordance with Subsection 20A-9-408(9)(c); and
 - (d) the audit shall be performed on a random selection of signatures, not packets.
- (4) A county clerk shall ensure that an audit contains a review verifying:
 - (a) that each selected signature is assigned to the correct packet and candidate by ensuring the number on the physical packet matches the packet number associated with the signature and the correct candidate in the petition verification system;
 - (b) that, for a signature that is rejected, the reason was properly marked in the packet and logged in the petition verification system; and
 - (c) for a signature that is accepted as valid:
 - (i) the determination of the reviewing officer;
 - (ii) if the signer resides in the same district as the candidate;
 - (iii) if the signer belongs to a political party eligible to sign the nomination petition;
 - (iv) the signatures were properly marked as valid in the packet and logged into the petition verification system; and
 - (v) if the reviewer was sworn in and properly trained.

KEY: Elections, Election Audits, Post Election Audits, Ballot Envelope Signature Audit, Candidate Nomination Petition Signature Audits

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 20A-3a-106; 20A-1-108

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-1-1

Filing ID: 57409

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 or section catchline:**

R649-1-1. Definitions

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

This is an administrative change to remove unused definitions and amend two definitions that included phrasing that is no longer applicable to the program.

5. Summary of the new rule or change:

This rule change removes "Central Disposal Facility", "Commercial Disposal Facility", and "Disposal Pit".

This change also amends the definitions for "Disposal Facility" and "Produced Water" to remove references to facilities that are now under the jurisdiction of another agency.

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, that will be associated with this rule change.

There is no estimated fiscal impact as these changes are purely administrative.

B. Local governments:

This rule does not impact local governments, so there will be no fiscal impact.

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

There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no estimated fiscal impact to operators as these changes are purely administrative.

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

There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no estimated fiscal impact to operators as these changes are purely administrative.

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

This rule change will not affect other persons as this rule change is purely administrative.

F. Compliance costs for affected persons:

This rule change will not result in compliance costs as it is 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:**

Sections 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:**

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:	08/15/2025
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**R649-1. Oil and Gas Definitions.****R649-1-1. Definitions.**

"Adjudicative proceeding" means an agency action or proceeding that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including any agency actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and judicial review of any of such actions.

"Agency" means the Board of Oil, Gas and Mining and the Division of Oil, Gas and Mining including the director or division employees acting on behalf of or under the authority of the director or board.

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

"Application for Permit to Drill, Deepen or Plug Back" or "APD" means the Form 3 submission required under Section R649-3-4 with the division.

"Aquifer" means a geological formation including a group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Authorized Agent" means a representative of the director as authorized by the board.

"Authority for Expenditure" or "AFE" is a detailed written statement made in good faith by an operator memorializing the total estimated costs to be incurred in the drilling, testing, completion and equipping of a well for oil and gas operations.

"Barrel" means 42 gallons at 60 degrees Fahrenheit at atmospheric pressure.

"Board" means the Board of Oil, Gas and Mining.

"Carrier, Transporter or Taker" means any person moving or transporting oil or gas away from a well or lease or from any pool.

"Casing Pressure" means the pressure within the casing or between the casing and tubing at the wellhead.

NOTICES OF PROPOSED RULES

~~["Central Disposal Facility" means a facility that is used by one or more producers for disposal of exempt E and P wastes and that the operator of the facility receives no monetary remuneration, other than operating cost sharing.]~~

"Class II Injection Well" means a well that is used for:

1. the disposal of fluids that are brought to the surface in connection with conventional oil or natural gas production and that may be commingled with wastewater produced from the operation of a gas plant that is an integral part of production operations, unless that wastewater is classified as a hazardous waste at the time of injection;

2. enhanced recovery of oil or gas; or

3. storage of hydrocarbons that are liquids at standard temperature and pressure conditions.

"Closed System" means the use of a combination of solids control equipment including a shale shaker, flowline cleaner, desanders, desilters, mud cleaners, centrifuges, agitators, and any necessary pumps and piping incorporated in a series on the rig's steel mud tanks, or a self contained unit that eliminates the use of a reserve pit to dump and dilute drilling fluids for the removal of entrained drill solids. A closed system for Title R649 rules may with division approval include the use of a small pit to receive cuttings, but does not include the use of trenches for the collection of fluids of any kind.

"Coalbed Methane" means natural gas that is produced, or may be produced, from a coalbed and rock strata associated with the coalbed.

~~["Commercial Disposal Facility" means a disposal well, pit or treatment facility whose owner or operator receives compensation from others for the temporary storage, treatment, and disposal of produced water, drilling fluids, drill cuttings, completion fluids, and any other exempt E and P wastes, and whose primary business objective is to provide these services.]~~

"Completion of a Well" means that the well has been adequately worked to be capable of producing oil or gas or that well testing as required by the division has been concluded.

"Confining Strata" refers to a body of material that is relatively impervious to the passage of liquid or gas and that occurs either below, above, or lateral to a more permeable material in such a way that it confines or limits the movement of liquids or gases that may be present.

"Correlative Rights" means the opportunity of each owner in a pool to produce a just and equitable share of the oil and gas in the pool without waste.

"Cubic Foot" of gas means the volume of gas contained in one cubic foot of space at a standard pressure base of 14.73 psia and a standard temperature base of 60 degrees Fahrenheit.

"Day" means a period of 24 consecutive hours.

"Development Wells" means any oil and gas producing wells other than wildcat wells.

"Director" means the executive and administrative head of the division.

~~["Disposal Facility" means a facility that uses an injection well to dispose of produced water [an injection well, pit, treatment facility or combination thereof that receives E and P Wastes for the purpose of disposal]. This includes both commercial and noncommercial facilities.]~~

~~["Disposal Pit" means a lined or unlined pit approved for the disposal or storage of E and P Wastes.]~~

"Division" means the Division of Oil, Gas and Mining.

"Drilling Fluid" means a circulating fluid usually called mud, that is introduced in a drill hole to lubricate the action of the rotary bit, remove the drilling cuttings, and control formation pressures.

"E and P Products" means Exploration and Production Products, and is defined as produced water, drilling fluids and other materials associated with the exploration, development and production of crude oil and natural gas, which are recyclable.

"E and P Recycling Facility" means Exploration and Production Recycling Facility, and is defined as any facility or site constructed or used for the primary purpose to recycle E and P products, making them available for reuse.

"E and P Waste" means Exploration and Production Waste, and is defined as waste resulting from the drilling of and production from an oil and gas well as determined by the Environmental Protection Agency (EPA), before January 1, 1992, to be exempt from Subtitle C of the Resource Conservation and Recovery Act (RCRA).

"Emergency Pit" means a pit used for containing any fluid at an operating well during an actual emergency or for a temporary period.

"Enhanced Recovery" means the process of introducing fluid or energy into a pool for the purpose of increasing the recovery of hydrocarbons from the pool.

"Enhanced Recovery Project" means the injection of liquids or hydrocarbon or non-hydrocarbon gases directly into a reservoir for the purpose of augmenting reservoir energy, modifying the properties of the fluids or gases in the reservoir, or changing the reservoir conditions to increase the recoverable oil, gas, or oil and gas through the joint use of two or more well bores.

"Entity" means a well or a group of wells that have identical division of interest, have the same operator, produce from the same formation, have product sales from a common tank, LACT meter, gas meter, or are in the same participating area of a properly designated unit. Entity number assignments are made by the division in cooperation with other state government agencies.

"Field" means the general area underlain by one or more pools.

"Gas" means natural gas or natural gas liquids or other gas or any mixture thereof defined as follows:

1. "Natural Gas" means those hydrocarbons, other than oil and other than natural gas liquids separated from natural gas, that occur naturally in the gaseous phase in the reservoir and are produced and recovered at the wellhead in gaseous form. Natural gas includes coalbed methane.

2. "Natural Gas Liquids" means those hydrocarbons initially in reservoir natural gas, regardless of gravity, that are separated in gas processing plants from the natural gas as liquids at the surface through the process of condensation, absorption, adsorption, or other methods.

3. "Other Gas" means hydrogen sulfide (H₂S), carbon dioxide (CO₂), helium (He), nitrogen (N), and other nonhydrocarbon gases that occur naturally in the gaseous phase in the reservoir or are injected into the reservoir in connection with pressure maintenance, gas cycling, or other secondary or enhanced recovery projects.

"Gas-Oil Ratio" means the ratio of the number of cubic feet of natural gas produced to the number of barrels of oil concurrently produced during any stated period. The term GOR is synonymous with gas-oil ratio.

"Gas Processing Plant" means a facility in which liquefiable hydrocarbons are removed from natural gas, including wet gas or casinghead gas, and the remaining residue gas is conditioned for delivery for sale, recycling or other use.

"Gas Well" means any well capable of producing gas in substantial quantities that is not an oil well.

"Ground Water" means water in a zone of saturation below the ground surface.

"Hearing" means any matter heard before the board or its designated hearing examiner.

"Horizontal Well" means a well bore drilled laterally at an angle of at least 80 degrees to the vertical or with a horizontal projection exceeding one hundred feet measured from the initial point of penetration into the productive formation through the terminus of the lateral in the same common source of supply.

"Illegal Oil or Illegal Gas" means oil or gas that has been produced from any well within the state in violation of Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, or any rule or order of the board.

"Illegal Product" means any product derived in whole or in part from illegal oil or illegal gas.

"Incremental Production" means that part of production that is achieved from an enhanced recovery project that would not have economically occurred under the reservoir conditions existing before the project and that has been approved by the division as incremental production.

"Injection or Disposal Well" means any Class II Injection Well used for the injection of air, gas, water or other substance into any underground stratum.

"Interest Owner" means a person owning an interest, which may include working interest, royalty interest, payment out of production, or any other interest, in oil or gas, or in the proceeds thereof.

"Joint Operating Agreement" or "JOA" is an agreement for the exploration, development, and production for oil, gas or other minerals between parties entitled to participate pursuant to the ownership of said minerals or leaseholds covering said minerals, which are subject to the contract area, which may be inclusive of a drilling unit, described therein.

"Large Capacity Storage Tank" means a tank that is designed to be disassembled and reassembled for temporary set up and take down with volume above 500 barrels.

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

"Load Oil" means any oil or liquid hydrocarbon that is used in any remedial operation in an oil or gas well.

"Log or Well Log" means the written record progressively describing the strata, water, oil or gas encountered in drilling a well with such additional information as is usually recorded in the normal procedure of drilling including electrical, radioactivity, or other similar conventional logs, a lithologic description of samples and drill stem test information.

"Long Term Produced Water Recycling Pond Facility" means a facility that contains ponds that are designed, maintained and operated for the reuse of produced water in oil and gas operations, and not designed primarily for evaporation.

"Major Modification" means any structural or operational change at an E and P Recycling Facility that significantly alters the volume of E and P products managed or changes the processes used to recycle and make these products available for reuse.

"Multiple Zone Completion" means a well completion in which two or more separate zones, mechanically segregated one from the other, are produced simultaneously from the same well.

"Notice of Opportunity to Participate" means the written notice of opportunity to participate in a well for oil and gas operations required under Subsections 40-6-2(4) and (12) to be provided to an owner and which includes an offer to lease if the owner is an unleased owner, and an offer for the owner to directly participate financially, in proportion to the owner's interest in the drilling, testing, completion, equipping and operation of the subject well and which includes:

1. the approximate surface and, bottom hole location of the subject well by county, township, range, section, quarter-quarter section or substantially equivalent lot, and footages from directional section lines;
2. the proposed well name;
3. the proposed total distance from the surface of the ground to the terminus measured along the vertical and lateral components if the well is a horizontal well;
4. the proposed total depth;
5. the objective productive zone and the approximate depth and locations of producing intervals in the borehole;
6. the approximate date upon which the subject well was or will be spud;
7. a joint operating agreement proposed in good faith by the operator for operation of the drilling unit upon which the subject well is to be drilled;
8. an AFE for the subject well;
9. a statement that a refusal to agree to either lease or participate in the subject well may result in the imposition of the statutory risk compensation award allowed under Subsection 40-6-6.5(4)(d)(i)(D) of between 150% and 400% as determined by the board; and
10. a statement that any initial compulsory pooling order may apply to subsequent wells within the drilling unit including any statutory risk compensation award imposed under Utah law pursuant to Subsection 40-6-6.5(12).

"Oil" means crude oil or condensate or any mixture thereof, defined as follows:

1. "Crude Oil" means those hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and occur naturally in the liquid phase in the reservoir or are produced through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).
2. "Condensate" means those hydrocarbons, regardless of gravity, that occur naturally in the gaseous phase in the reservoir that are separated from the natural gas as liquids through the process of condensation either in the reservoir, in the well bore or at the surface in field separators.

NOTICES OF PROPOSED RULES

3. "Oil and Gas" may not include gaseous or liquid substances derived from coal, oil shale, tar sands or other hydrocarbons classified as synthetic fuel, except tar sands produced at the wellhead in liquid form through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).

"Oil and Gas Field" means a geographical area overlying an oil and gas pool.

"Oil Well" means any well capable of producing oil in substantial quantities.

"Operator" means the person who has been designated by the owners or the board to operate a well or unit.

"Operatorship" means the exclusive right, privilege and obligation of exercising any rights granted by the owners or the board to act as operator of a well or drilling unit which rights are necessary and effective for prospecting for, producing, storing, allocating and distributing oil and gas extracted from a well or a drilling unit.

"Owner" means the person who has the right to drill into and produce from a reservoir and to appropriate the oil and gas that they produce, either for themselves and others.

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

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

"Pit" means an earthen surface impoundment constructed to retain fluids and oil field wastes.

"Pollution" means such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, or the discharge of any liquid, gaseous or solid substance into any waters of the state in such manner as will create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

"Pool" means an underground reservoir containing a common accumulation of oil or gas or both. Each zone of a general structure that is completely separated from any other zone in the structure is a separate pool. "Common source of supply" and "reservoir" are synonymous with "pool."

"Preparation for Drilling" means:

1. mobilization of drilling equipment; or
2. erecting a drilling rig; or
3. diligently engaging in other work necessary to prepare the well site, including commencement of access road and pad construction.

"Presiding Officer" means an agency head, or an individual or body of individuals designated by the agency head, by the agency's rules, or by statute to conduct an adjudicative proceeding. The board, or its appointed hearing examiner, may be considered the presiding officer of any appeals or informal adjudicative proceedings that is commenced before the division as well as any adjudicative proceeding that is commenced before the board. The director or their designated agent may be considered a presiding officer for any informal adjudicative proceedings that is commenced before the division. If fairness to the parties is not compromised, an agency may substitute one presiding officer for another during any proceeding.

"Pressure Maintenance" means the injection of gas, water or other fluids into a reservoir, either to increase or maintain the existing pressure in such reservoir or to retard the natural decline in the reservoir pressure.

"Produced Water" means water that is:

(1) extracted below the earth's surface by means of an oil and gas producing well, or separated from hydrocarbons after extraction; and

(2) Required to be managed~~disposed of~~ pursuant to board rules for waste management and disposal made pursuant to Subsection 40-6-5(3) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking act.

"Producer" means the owner or operator of a well capable of producing oil or gas.

"Producing Well" means a well capable of producing oil or gas.

"Product" means any commodity made from oil and gas.

"Production Facilities" means any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells or injection wells, before any processing plant or refinery.

"Purchaser or Transporter" means any person who, acting alone or jointly with any other person, by means of their own, an affiliated, or designated carrier, transporter or taker, shall directly or indirectly purchase, take or transport by any means, or who shall otherwise remove from any well or lease, oil or gas produced from any pool, excepting royalty portions of oil or gas taken in kind by an interest owner who is not the operator.

"Recompletion" means any completion in a new perforated interval or pool within an established wellbore and approved as a recompletion by the division.

"Recycling" means to take action to recover E and P products from solid waste generated by oil and gas operations for the purposes of use or reuse, conversion into raw materials, or use in the production of new products.

"Refinery" means a facility, other than a gas processing plant, where controlled operations are performed by which the physical and chemical characteristics of petroleum or petroleum products are changed.

"Reserve Pit" means a pit used to retain fluid during the drilling, completion, and testing of a well.

"Resource Detriment" means: damage, harm or detriment to the mineral estate or oil and gas formation; pollution or surface damages as specified in Section R649-3-15; damage, harm or detriment to the surface estate or Surface Land as defined in Subsection 40-6-2(25); damage to a Surface land owner's property as defined in Subsection 40-6-2(27); or damage, harm or detriment to livestock or wildlife.

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

"Seismic Operator" means a person who conducts seismic exploration for oil or gas, whether for themselves or as a contractor for others.

"Shut-in Well" means a well that is completed, is shown to be capable of production in paying quantities, and is not presently being operated.

"Spud In" means the first boring of a hole in the drilling of a well by any type of rig.

"State" means the State of Utah.

"Stratigraphic Test or Core Hole" means any hole drilled for the sole purpose of obtaining geological information. The general rules applicable to the drilling of a well will apply to the drilling of a stratigraphic test or core hole.

"Temporarily Abandoned Well" means a well that is completed, is shown not capable of production in paying quantities, and is not presently being operated.

"Temporary Produced Water Recycling Tank Facility" means a facility that contains a large capacity storage tank set on or near drill sites that is used for nearby well completion activities.

"Temporary Spacing Unit" means a specified area of land designated by the board for purposes of determining well density and location. A temporary spacing unit may not be a drilling unit as provided for in Section 40-6-6, Drilling Units, and does not provide a basis for pooling the interest therein as does a drilling unit.

"Underground Source of Drinking Water" (USDW) means a fresh water aquifer or a portion thereof that supplies drinking water for human consumption or that contains less than 10,000 mg/1 total dissolved solids and that is not an exempted aquifer under Section R649-5-4.

"Waste" means:

1. The inefficient, excessive or improper use or the unnecessary dissipation of oil or gas or reservoir energy.
2. The inefficient storing of oil or gas.
3. The locating, drilling, equipping, operating, or producing of any oil or gas well in a manner that causes reduction in the quantity of oil or gas ultimately recoverable from a reservoir under prudent and economical operations, or that causes unnecessary wells to be drilled, or that causes the loss or destruction of oil or gas either at the surface or subsurface.

4. The production of oil or gas in excess of:

4.1. Transportation or storage facilities.

4.2. The amount reasonably required to be produced in the proper drilling, completing, testing, or operating of a well or otherwise utilized on the lease from which it is produced.

5. Underground or above ground waste in the production or storage of oil or gas.

"Waste Crude Oil Treatment Facility" means any facility or site constructed or used for the purpose of wholly or partially reclaiming, treating, processing, cleaning, purifying or in any manner making non-merchantable waste crude oil marketable.

"Well" means an oil or gas well, injection or disposal well, or a hole drilled for producing oil or gas or both. The definition of well may not include water wells, seismic, stratigraphic test, core hole, or other exploratory holes drilled for the purpose of obtaining geological information only.

"Well Site" means the areas that are directly disturbed during the drilling and subsequent use of, or affected by production facilities directly associated with any oil well, gas well or injection well.

"Wildcat Wells" means oil and gas producing wells that are drilled and completed in a pool in which a well has not been previously completed as a well capable of producing in commercial quantities.

"Willful Violation" means any action or inaction done with conscious objective or desire to engage in the action or inaction that a reasonably prudent person would know is likely to cause a violation.

"Working Interest Owner" means the owner of an interest in oil or gas burdened with a share of the expenses of developing and operating the property.

"Workover" means any operation designed to sustain, to restore, or to increase the production rate, the ultimate recovery, or the reservoir pressure system of a well or group of wells and approved as a workover, a secondary recovery, a tertiary recovery, or a pressure maintenance project by the division. The definition may not include operations that are conducted principally as routine maintenance or the replacement of worn or damaged equipment.

KEY: oil and gas law

Date of Last Change: ~~February 26,~~ 2025

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-10-1

Filing ID: 57408

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

NOTICES OF PROPOSED RULES

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:
R649-10-1. Designation of Informal Adjudicative Proceedings
4. Purpose of the new rule or reason for the change:
This is an administrative change to update the title of rules that have recently been changed.
5. Summary of the new rule or change:
This rule change updates the title of Rule R649-6 to Gas Processing Plants and Rule R649-9 to Exploration and Production Recycling Facilities in Section R649-10-1.

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, that will be associated with this rule change.
There is no estimated fiscal impact as these changes are purely administrative.
B. Local governments:
This rule does not impact local governments, so there will be no fiscal impact.
C. Small businesses ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There is no estimated fiscal impact to operators as these changes are purely administrative.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There is no estimated fiscal impact to operators as these changes are purely administrative.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change will not affect other persons as this rule change is purely administrative.
F. Compliance costs for affected persons:
This rule change will not result in compliance costs, as it is 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:		
Sections 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:	10/15/2025
10. This rule change MAY become effective on:	10/22/2025
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:	08/15/2025
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**R649-10. Administrative Procedures.****R649-10-1. Designation of Informal Adjudicative Proceedings.**

1. Adjudicative proceedings that shall be conducted informally before the division in accordance with this rule are any actions prescribed by the Title R649 as being specifically under the division's authority and jurisdiction including: Rules R649-2 General Rules; R649-3 Drilling and Operating Practices; R649-5 Underground Injection Control of Recovery Operations and Class II Injection Wells; R649-6 Gas Processing Plants ~~and Waste Crude Oil Treatment~~; R649-8 Reporting and Report Forms; R649-9 Exploration and Production Recycling Facilities ~~Disposal of Produced Water~~; R649-11 Administrative Penalties.

2. Prior to the issuance of a final order in any adjudicative proceeding, the presiding officer may convert an informal proceeding to a formal adjudicative proceeding if:

- 2.1. Conversion of the proceeding is in the public interest.
- 2.2. Conversion of the proceeding does not unfairly prejudice the rights of any party.
3. Informal adjudicative proceedings shall be commenced and conducted in accordance with this rule.

NOTICES OF PROPOSED RULES

KEY: oil and gas law

Date of Last Change: ~~2025~~~~May 27, 2024~~

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.; 63G-4

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R657-5

Filing ID: 57448

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-5. Taking Big Game
4. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to tagging requirements.
5. Summary of the new rule or change:
The proposed amendments to this rule remove tagging requirements and places them in Rule R657-73, Tagging Requirements. (EDITOR'S NOTE: The proposed new Rule R657-73, ID 57458, is in this issue, September 15, 2025, of the Bulletin.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendments to Rule R657-5 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B. Local governments:
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that receive hunting permits in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adjusts the tagging requirements from one rule to another, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information**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 23A-2-304	Section 23A-2-305	Section 23A-4-709
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/02/2025
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R657. Natural Resources, Wildlife Resources.**R657-5. Taking Big Game.****R657-5-1. Purpose and Authority.**

(1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established:

- (a) this rule for taking deer, elk, pronghorn, moose, bison, bighorn sheep, and Rocky Mountain goat.
- (b) appropriate weapons or devices to take big game and restrictions to weapons or devices to take big game.

(2) Specific dates, areas, methods of take, requirements, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking big game.

R657-5-17. Tagging.

~~[(1)]~~ The carcass of any species of big game must be tagged in accordance with Sections 23A-4-709~~[-]~~ and R657-73-3.

~~[(2)]~~ A person may not hunt or pursue big game after any of the notches have been removed from the tag or the tag has been detached from the permit.

~~[(3)]~~ The tag must remain with the largest portion of the meat until the animal is entirely consumed.

R657-5-18. Transporting Big Game Within Utah.

(1) A person may transport big game within Utah only as follows:

- (a) the head or sex organs must remain attached to the largest portion of the carcass;
- (b) the antlers attached to the skull plate must be transported with the carcass of an elk taken in a spike bull unit; and
- (c) the person who harvested the big game animal must accompany the carcass and must possess a valid permit corresponding to the tag attached to the carcass, except as provided in Subsection (2).

~~[(d)]~~ if electronic tagging, a photo of the sex organs taken within the app will fulfill the requirements of Subsection (1)(a) in accordance with Rule R657-73.

(2) A person who did not take the big game animal may transport it only after obtaining a shipping permit or disposal receipt from the division or a donation slip as provided in Section 23A-1-205.

KEY: wildlife, game laws, big game seasons

Date of Last Change: ~~July 8,~~ 2025

Notice of Continuation: August 11, 2025

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305; 23A-11-201; 23A-11-202

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R657-6

Filing ID: 57449

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R657-6. Taking Upland Game

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to tagging requirements.

5. Summary of the new rule or change:

The proposed amendments to this rule remove tagging requirements and places them in Rule R657-73, Tagging Requirements.

(EDITOR'S NOTE: The proposed new Rule R657-73, ID 57458, is in this issue, September 15, 2025, of the Bulletin.)

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

The amendments to Rule R657-6 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that receive hunting permits in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adjusts the tagging requirements from one rule to another, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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 23A-2-304	Section 23A-2-305	Section 23A-4-709
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/02/2025
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R657. Natural Resources, Wildlife Resources.
R657-6. Taking Upland Game.
R657-6-1. Purpose and Authority.

(1) Under authority of Sections 23A-2-304 and 23A-2-305 and in accordance with 50 CFR 20, 2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking upland game.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

R657-6-14. Tagging Requirements.

~~[(1)]~~ A person that takes a greater sage-grouse or a sharp-tailed grouse must tag the carcass, as provided in Sections 23A-4-709 and R657-73-4, immediately upon taking possession of the carcass.

~~[(2)] To tag a carcass, a person shall:~~

- ~~_____ (a) completely detach the tag from the license or permit;~~
- ~~_____ (b) completely remove the appropriate notches to correspond with the date the animal was taken; and~~
- ~~_____ (c) attach the tag to the carcass so that the tag remains securely fastened and visible.~~

~~[(3)] A person may not:~~

- ~~_____ (a) remove more than one notch indicating the date; or~~
- ~~_____ (b) tag more than one carcass using the same tag;~~
- ~~_____ (4) A person may not hunt or pursue greater sage grouse or sharp tailed grouse after:~~
 - ~~_____ (a) shooting and retrieving birds equal to the number of unused permits in possession, or daily bag limit;~~
 - ~~_____ (b) the tag is detached from the permit; or~~
 - ~~_____ (c) any of the notches have been removed from the tag.]~~

KEY: wildlife, birds, rabbits, game laws

Date of Last Change: [March 11,]2025

Notice of Continuation: April 1, 2025

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R657-9****Filing ID: 57450****Agency Information**

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

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

R657-9. Taking Migratory Game Birds - Waterfowl, Snipe, Coot, American Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and Sandhill Crane

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to tagging requirements.

5. Summary of the new rule or change:

The proposed amendments to this rule remove tagging requirements and places them in Rule R657-73, Tagging Requirements.

(EDITOR'S NOTE: The proposed new Rule R657-73, ID 57458, is in this issue, September 15, 2025, of the Bulletin.)

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

The amendments to Rule R657-9 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that receive hunting permits in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adjusts the tagging requirements from one rule to another, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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 23A-2-304	Section 23A-2-305	Section 23A-4-709
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/02/2025
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R657. Natural Resources, Wildlife Resources.**R657-9. Taking Migratory Game Birds - Waterfowl, Snipe, Coot, American Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and Sandhill Crane.****R657-9-1. Purpose and Authority.**

(1) Under authority of Sections 23A-2-304 and 23A-2-305, and in accordance with 50 CFR 20, 50 CFR 32.64 and 50 CFR 27.21, 2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking certain migratory game birds.

(2) Specific dates, areas, limits, requirements and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking certain migratory game birds.

R657-9-6. Tagging Tundra Swans and Sandhill Cranes.

~~[(1)(a)—]A person that takes a tundra swan or sandhill crane must tag the carcass, as provided in Section 23A-4-709[immediately upon taking possession of the carcass and reaching a location listed in Subsections (i) through (iii), that is closest to the place where the carcass was first retrieved by the hunter, another person, or a dog;] and Section R657-73-5.~~

~~[(i) the blind or fixed location in the field where the person taking the tundra swan was set up and from where they shot at the tundra swan;~~

~~_____ (ii) a vessel available to the person; or~~

~~_____ (iii) the first area of land free from standing water.~~

~~_____ (b) "Vessel" means, for the purposes of this subsection, any type of watercraft used or capable of being used as a means of transportation on water.~~

~~_____ (2) To tag a tundra swan and sandhill crane carcass, a person shall:~~

~~_____ (a) completely detach the tag from the license or permit;~~

~~_____ (b) completely remove the appropriate notches to correspond with the date the tundra swan or sandhill crane was taken; and~~

~~_____ (c) attach the tag to the tundra swan carcass so that the tag remains securely fastened and visible.~~

~~_____ (3) A person may not:~~

~~_____ (a) remove more than one notch indicating the date; or~~

~~_____ (b) tag more than one tundra swan or sandhill crane carcass using the same tag.~~

~~_____ (4) A person may not hunt or pursue a tundra swan or sandhill crane after:~~

~~_____ (a) shooting and retrieving the tundra swan or sandhill crane;~~

~~_____ (b) the tag is detached from the permit; or~~

~~_____ (c) any of the notches have been removed from the tag.~~

~~]~~

KEY: wildlife, birds, migratory birds, waterfowl

Date of Last Change: [August 7,]2025

Notice of Continuation: July 2, 2021

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305; 50 CFR part 20

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R657-11	Filing ID: 57451
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Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources
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Building:	DNR Complex
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Street address:	1594 W North Temple
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City, state:	Salt Lake City, UT 84416
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Mailing address:	PO Box 146301
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City, state and zip:	Salt Lake City, UT 84414-6301
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Contact persons:		
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Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R657-11. Taking Furbearers and Trapping

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to tagging requirements.

5. Summary of the new rule or change:

The proposed amendments to this rule remove tagging requirements and places them in Rule R657-73, Tagging Requirements.

(EDITOR'S NOTE: The proposed new Rule R657-73, ID 57458, is in this issue, September 15, 2025, of the Bulletin.)

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

The amendments to Rule R657-11 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that receive hunting permits in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adjusts the tagging requirements from one rule to another, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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 23A-2-304	Section 23A-2-305	Section 23A-4-709
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/02/2025
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R657. Natural Resources, Wildlife Resources.**R657-11. Taking Furbearers and Trapping.****R657-11-1. Purpose and Authority.**

(1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established this rule for taking furbearers and trapping.

(2) Specific dates, areas, number of permits, limits, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking furbearers.

(3) Take of coyotes and raccoons is regulated by the Department of Agriculture and Food pursuant to Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act. The division, through the Wildlife Board, is charged in Sections 23A-2-201 and 23A-2-305 to conserve protected wildlife and establish rules considered necessary to accomplish that directive, including regulating the means by which protected wildlife may be taken. The trapping device use regulations in this rule concerning coyotes and raccoons are intended solely to minimize take of nontargeted protected wildlife, maximize potential for successful release of nontargeted protected wildlife, detect illegal trap sets targeting protected wildlife, and protect compliant trappers from criminal liability otherwise applicable to taking nontargeted protected wildlife in a trapping device.

R657-11-5. Tagging Bobcats.

~~[(1)(a) Only a person who possesses a valid bobcat tag issued in their name and who is present upon discovery of a bobcat in their marked trapping device or the device of another under Subsection R657-11-9(6) may kill the animal.~~

~~_____ (b) The person who kills a bobcat caught in a trapping device is required to attach their bobcat tag to the carcass, as provided in subsections (2) through (5).~~

~~_____ (2)]The pelt or unskinned carcass of any bobcat must be tagged in accordance with Sections 23A-4-709 and R657-73-6.~~

~~_____ (3) The tag must remain with the pelt or unskinned carcass until a permanent tag has been affixed.~~

~~_____ (4) Possession of an untagged green pelt or unskinned carcass is prima facie evidence of unlawful taking and possession.~~

~~_____ (5) The lower jaw of each bobcat taken must be removed and tagged with the numbered jaw tag corresponding to the number of the temporary possession tag affixed to the hide.]~~

NOTICES OF PROPOSED RULES

KEY: wildlife, furbearers, game laws, wildlife law

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

Notice of Continuation: April 29, 2025

Authorizing, and Implemented or Interpreted Law: 23A-1-204; 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R657-33

Filing ID: 57452

Agency Information

1. Title catchline:		Natural Resources, Wildlife Resources
Building:		DNR Complex
Street address:		1594 W North Temple
City, state:		Salt Lake City, UT 84416
Mailing address:		PO Box 146301
City, state and zip:		Salt Lake City, UT 84414-6301
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-33. Taking Bear
4. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to tagging requirements.
5. Summary of the new rule or change:
The proposed amendments to this rule removes tagging requirements and places them in Rule R657-73, Tagging Requirements. (EDITOR'S NOTE: The proposed new Rule R657-73, ID 57458, is in this issue, September 15, 2025, of the Bulletin.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendments to Rule R657-33 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B. Local governments:
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that receive hunting permits in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adjusts the tagging requirements from one rule to another, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information**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 23A-2-304	Section 23A-2-305	Section 23A-4-709
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/02/2025
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R657. Natural Resources, Wildlife Resources.**R657-33. Taking Bear.****R657-33-1. Purpose and Authority.**

- (1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established this rule for taking and pursuing bear.
- (2) Specific dates, areas, number of permits, limits and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking and pursuing bear.

R657-33-15. Tagging Requirements.

- ~~[(1)]~~ The carcass of a bear must be tagged in accordance with Sections 23A-4-709 and R657-73-7.
- ~~[(2)]~~ The carcass of a bear must be tagged with a temporary possession tag before the carcass is moved from or the hunter leaves the site of kill.
- ~~[(3)]~~ A person may not hunt or pursue bear after the notches have been removed from the tag or the tag has been detached from the permit.
- ~~[(4)]~~ The temporary possession tag:
- ~~[(a)]~~ must remain attached to the pelt or unskinned carcass until the permanent possession tag is attached; and
- ~~[(b)]~~ is only valid for 48 hours after the date of kill.
- ~~[(5)]~~ A person may not possess a bear pelt or unskinned carcass without a valid permanent possession tag affixed to the pelt or unskinned carcass. This provision does not apply to a person in possession of a properly tagged carcass or pelt within 48 hours after the kill, provided the person was issued and is in possession of a valid permit.]

R657-33-16. Evidence of Sex and Age.

- ~~[(1)]~~(a) Evidence of sex must remain attached to the carcass or pelt of each bear until a permanent tag has been attached by the division.
- (b) if electronic tagging, a photo of the sex organs taken within the app will fulfill the requirements of (1)(a) in accordance with Rule R657-73.
- (2) The pelt and skull must be presented to the division in an unfrozen condition to allow the division to gather management data.
- (3) The division may seize any pelt not accompanied by its skull.

KEY: wildlife, bear, game laws**Date of Last Change:** ~~August 7~~, 2025**Notice of Continuation:** October 31, 2022**Authorizing, and Implemented or Interpreted Law:** 23A-1-101; 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R657-41	Filing ID: 57453
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Agency Information

Agency Information:		
1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

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

R657-41. Conservation and Sportsman Permits

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to Conservation and Sportsman Permits.

5. Summary of the new rule or change:

The proposed amendments to this rule set the criteria for adjusting hunt start dates for the years the opening dates fall on a Sunday.

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

The amendments to Rule R657-41 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that receive hunting permits in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adjusts a hunt starting date for the years the date falls on a Sunday, thus causing no additional cost or savings.

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

NOTICES OF PROPOSED RULES

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information**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 23A-2-304

Section 23A-2-305

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:**

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:	Riley Peck, Director	Date:	08/26/2025
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R657. Natural Resources, Wildlife Resources.**R657-41. Conservation and Sportsman Permits.****R657-41-1. Purpose and Authority.**

(1) Under the authority of Sections 23A-2-304 and 23A-2-305, this rule provides the standards and procedures for issuing:

(a) conservation permits to conservation organizations for auction to the highest bidder at fundraising events;

(b) sportsman permits;

(c) Special Antelope Island State Park Conservation Permits to a conservation organization for auction to the highest bidder at the annual wildlife exposition held pursuant to Rule R657-55; and

(d) Special Antelope Island State Park Limited Entry Permits to successful applicants through a general drawing conducted by the division.

(2) The division and conservation organizations shall use all revenue derived from conservation permits under Subsections R657-41-9(4) and R657-41-9(5)(b) for the benefit of species for which conservation permits are issued, unless the division and conservation organization mutually agree in writing that there is a higher priority use for other species of protected wildlife.

R657-41-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Area Conservation Permit" means a permit issued for a specific unit, subunit or hunt area for a conservation permit species, and may include an extended season, or legal weapon choice, or both, beyond the season.

(b) "Conservation Organization" means a nonprofit chartered institution, foundation, or association founded and operated for promoting the protection, preservation, and recreational hunting of one or more conservation permit species and has established tax exempt status under 26 U.S.C. Section 501(c)(3), as amended.

(c) "Conservation Permit" means any harvest permit authorized by the Wildlife Board and issued by the division for purposes identified in Section R657-41-1.

(d) "Conservation Permit Species" means the species for which conservation permits may be issued and includes deer, elk, pronghorn, moose, bison, mountain goat, Rocky Mountain bighorn sheep, desert bighorn sheep, wild turkey, and black bear.

(e) "Retained Revenue" means 60% of the revenue raised by a conservation organization from auctioning conservation permits that the organization retains for eligible projects, including interest earned thereon less standard banking fees assessed on the account.

(f) "Special Antelope Island State Park Conservation Permit" means a permit authorized by the Wildlife Board to hunt bighorn sheep or mule deer on Antelope Island State Park which is issued pursuant to Section R657-41-12.

(g) "Special Antelope Island State Park Limited Entry Permit" means a permit authorized by the Wildlife Board to hunt bighorn sheep or mule deer on Antelope Island State Park which is issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(h) "Sportsman Permit" means a permit which allows a permittee to hunt during the applicable season dates specified in Subsection (i), and which is authorized by the Wildlife Board and issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(i) "Statewide Conservation Permit" means a permit issued for a conservation permit species that allows a permittee to hunt:

(i) big game species on any open unit with archery equipment during the general archery season published in the big game guidebooks for the unit beginning before September 1;

(ii) big game species on any open unit during the following dates:

(A) bison from August 1 through January 31;

(B) pronghorn and moose from September 1 through November 15;

(C) bighorn sheep and mountain goats from September 1 through December 31; and

(D) deer and elk from September 1 through January 15;

(iii) two turkeys on any open unit from April 1 through May 31;

(iv) bear on any open unit during the season authorized by the Wildlife Board for that unit.

[—(v)] (v) Hunts that would open on a Sunday in a given year will adhere to the following adjusted dates:

(A) April 1 adjusted to March 31;

(B) Aug 1 adjusted to Aug 2;

(C) Sept 1 adjusted to Aug 31.

(j) "Permit voucher" or "voucher" means an authorization issued by the division that entitles the designated holder to purchase the hunting permit specified in the authorization.

KEY: wildlife, wildlife permits

Date of Last Change: 2025[August 7, 2025]

Notice of Continuation: September 8, 2020

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R657-42

Filing ID: 57454

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents.

5. Summary of the new rule or change:

The proposed amendments to this rule:

- 1) allow a person to surrender a permit that has season dates that start less than 30 days from the post date of an application and qualifies them for the refund minus \$25 on limited-entry and once-in-a-lifetime permits. This will align this exception with the current surrender rule;
- 2) require all medical paperwork to surrender a permit be submitted to the division within 30 days of the end of the season, currently the rule allows 90 days;
- 3) add refund language for medical surrenders to align with Section 23a-4-207;
- 4) require variance applications to be submitted 30 days from the end of the season instead of 120 days as currently allowed;
- 5) add court ordered subpoenas as a qualifying event for variance approvals; and
- 6) remove COVID-19-related personal health concerns imposed by federal, state or local government as a qualifying event for which a variance or refund can be approved.

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

The amendments to Rule R657-42 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do have the potential to impact a small number of persons that request refunds for hunting permits in Utah.

Historically, 80% of the refunds requested by permit holders are submitted within 30 days of the hunt ending date or within 30 days of the qualifying event and would not be impacted by this rule amendment.

It is possible for the remaining 20% to be denied a refund for filing outside of the 30-day window.

DWR will notify all permit holders of the rule change through the DWR application site prior to completing an application for a permit.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adjusts existing deadlines to request refunds, as well as amends qualifying events.

The fees associated with a refund remain the same, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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 23A-4-201	Section 23A-4-207	Section 23A-4-301
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	08/26/2025
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R657. Natural Resources, Wildlife Resources.

R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents.

R657-42-1. Purpose and Authority.

(1) Under the authority of Sections 23A-4-201 and 23A-4-207 the division may issue wildlife documents in accordance with the rules of the Wildlife Board.

(2) This rule provides the standards and procedures for the:

(a) exchange of permits;

(b) surrender of wildlife documents;

NOTICES OF PROPOSED RULES

- (c) refund of wildlife documents;
- (d) reallocation of permits; and
- (e) assessment of late fees.

R657-42-5. Refunds.

- (1) The refund of a license, certificate of registration or permit shall be made in accordance with:
 - (a) Section 23A-4-207 and Rule R657-50;
 - (b) Section 23A-4-301 and Subsection (3); or
 - (c) Section 23A-4-207 and this section.
- (2)(a) An application for a refund may be obtained from any division office.
- (b) All refunds must be processed through the Salt Lake Division office.
- (c) Except for an individual applying for a refund under Subsection (3), an individual may apply for a refund up to ~~[90]~~30 days after the expiration of the wildlife document.
- (d) The division may reject an application for a refund that is incomplete.
- (3) A person may receive a refund for a wildlife document if that person was deployed or mobilized on or after September 11, 2001, in the interest of national defense or national emergency and is thereby completely precluded from participating in the hunting or fishing activity authorized by the wildlife document, provided:
 - (a) the refund request is made to the division within one year of the end of the hunting or fishing season authorized by the wildlife document;
 - (b) the person surrenders the wildlife document to the division, or signs an affidavit stating the wildlife document is no longer in the person's possession; and
 - (c) the person verifies that the deployment or mobilization completely precluded them from participating in the activity authorized by the wildlife document; and
 - (d) the person provides military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating:
 - (i) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which they were deployed or mobilized; and
 - (ii) the nature and length of their duty while deployed or mobilized.
- (4) The division may issue a refund for a wildlife document if the person to whom it was issued dies before participating in the hunting or fishing activity authorized by the wildlife document, provided the person legally entitled to administer the decedent's estate provides the division with:
 - (a) picture identification;
 - (b) letters testamentary, letters of administration, or such other evidence establishing the person is legally entitled to administer the affairs of the decedent's estate;
 - (c) a photocopy of the decedent's certified death certificate; and
 - (d) the wildlife document for which a refund is requested.
- (5)(a)(i) A person may receive a refund minus a processing fee for a once-in-a-lifetime or limited-entry permit provided the permit is surrendered to the division ~~[no less than]~~30 days or more before the season opening date identified on the permit.
- ~~[-] (ii) A person surrendering a once-in-a-lifetime or limited-entry permit less than 30 days before the season opening date, may receive a refund minus a processing fee, provided the drawing results are posted less than 30 days before the hunt start date.~~
- (iii) A person may receive a refund for a general season permit that must be surrendered to accept a reallocated limited-entry permit for the same species.
- ~~[(b)]~~iv) The established ~~[wildlife document]~~refund processing fee will not be assessed on general season permits surrendered under Subsection (5)(a)(~~[(i)]~~iii).
- (6) ~~[The division-]A person may [issue a]receive full~~ refund for ~~[a wildlife document]once-in-a-lifetime, limited-entry or general season permits if surrendering for medical reasons provided:~~
 - ~~(i) the person to whom [(i)]the license, certificate, or permit is issued becomes ill or suffers an injury that precludes the person from using the license, certificate, or permit;~~
 - ~~(ii) the person furnishes verification of illness or injury with a written physician statement;~~
 - ~~(iii) the person does not use the license, certificate, or permit; and~~
 - ~~(iv) the license, certificate, or permit is surrendered before the end of the season for which the permit was issued.[-was precluded from participating in the activity authorized by the wildlife document due to COVID-19 related personal health concerns or general public health restrictions imposed by the federal government, a state, or a local government.]~~
- (7) The director may determine that a person did not have the opportunity to participate in an activity authorized by the wildlife document.
- (8) Notwithstanding any other provision ~~[is]~~of this rule, the division may reinstate a bonus point or preference point, whichever applies, and waive waiting periods, if applicable, when issuing a refund in accordance with this section.

KEY: wildlife, permits

Date of Last Change: ~~2025~~**August 21, 2024**

Notice of Continuation: March 15, 2023

Authorizing, and Implemented or Interpreted Law: 23A-4-201; 23A-4-207; 23A-4-301

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R657-54a****Filing ID: 57455****Agency Information**

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R657-54a. Taking Wild Turkey
4. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to tagging requirements.
5. Summary of the new rule or change:
The proposed amendments to this rule remove tagging requirements and places them in Rule R657-73, Tagging Requirements. (EDITOR'S NOTE: The proposed new Rule R657-73, ID 57458, is in this issue, September 15, 2025, of the Bulletin.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendments to Rule R657-54a are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B. Local governments:
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule amendments will not directly impact small businesses because a service is not required of them.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that receive hunting permits in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adjusts the tagging requirements from one rule to another, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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 23A-2-304	Section 23A-2-305	Section 23A-4-709
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/02/2025
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R657. Natural Resources, Wildlife Resources.**R657-54a. Taking Wild Turkey.****R657-54a-1. Purpose and Authority.**

(1) Under authority of Sections 23A-2-304 and 23A-2-305 and in accordance with 50 CFR 20, 2003 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking wild turkey.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

R657-54a-11. Tagging Requirements.

~~[(1)]~~ A person that takes a wild turkey must tag the carcass, as provided in Sections 23A-5-309 and R657-73-8, immediately upon taking possession of the carcass.

~~[(2) To tag a carcass, a person shall:~~

~~_____ (a) completely detach the tag from the license or permit;~~

~~_____ (b) completely remove the appropriate notches to correspond with:~~

~~_____ (i) the date the wild turkey was taken;~~

~~_____ (ii) the sex of the wild turkey; and~~

~~_____ (c) attach the tag to the carcass so that the tag remains securely fastened and visible.~~

~~_____ (3) A person may not:~~

~~_____ (a) remove more than one notch indicating date or sex; or~~

~~_____ (b) tag more than one carcass using the same tag.~~

~~_____ (4) A person may not hunt or pursue a wild turkey after:~~

~~_____ (a) shooting and retrieving the bird;~~

~~_____ (b) the tag is detached from the permit;~~

~~_____ (c) any of the notches have been removed from the tag.]~~

R657-54a-12. Identification of Species and Sex.

~~(1)(a)~~ The head and beard must remain attached to the carcass of a wild turkey while being transported.

~~(b)~~ if electronic tagging, a photo of the sex organs taken within the app will fulfill the requirements of (1)(a) in accordance with Rule R657-73.

KEY: wildlife, wild turkey, game laws

Date of Last Change: 2025~~October 8, 2024~~

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R657-57	Filing ID: 57456
Agency Information		
1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		
General Information		
2. Rule or section catchline:		
R657-57. Division Variance Rule		

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents.

5. Summary of the new rule or change:

The proposed amendments to this rule:

- 1) add court ordered subpoenas as a qualifying event for variance approvals;
- 2) remove COVID-19-related personal health concerns imposed by federal, state or local government as a qualifying event for which a variance or refund can be approved; and
- 3) make technical corrections as needed.

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

The amendments to Rule R657-57 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that hunt big game in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply amends qualifying events.

The fees associated with a refund remain the same, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information**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 23A-2-304

Section 23A-2-305

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:**

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:	Riley Peck, Director	Date:	08262025
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R657. Natural Resources, Wildlife Resources.**R657-57. Division Variance Rule.****R657-57-1. Purpose and Authority.**

~~[(4)]~~ Under authority of Sections 23A-2-304 and 23A-2-305 this rule is established to provide authority, standards and procedures for granting remedial relief to persons precluded from obtaining or using a wildlife document because of an event or condition beyond their control.

R657-57-2. Definitions.

(1) The terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "CWMU" means cooperative wildlife management unit, as defined in Section 23A-7-102;

(b) "Event or condition" means a circumstance in a person's life beyond their control that precludes or substantially limits their ability to obtain or use a wildlife document;

(c) "Harvesting" means, for purposes of this rule, killing an animal;

(d) "Hunt day" means spending any time in the field hunting the permitted animal species in a single day, during lawful hunting hours, and within the prescribed season;

(e) "Immediate family member" means a person's spouse, child, stepchild, grandchild, brother, sister, parent, stepparent, grandparent, mother-in-law, or father-in-law;

(f)(i) "Limited entry hunt" means any hunt identified in the proclamations and guidebooks of the Wildlife Board as:

(A) a premium limited entry or limited entry hunt; and

(B) that awards a bonus point to unsuccessful permit applicants pursuant to Section R657-62-8.

NOTICES OF PROPOSED RULES

(ii) "Limited entry hunt" further includes antlerless moose hunts and CWMU hunts available to the public through a Division administered drawing.

(g) "Once-in-a-lifetime hunt" means any hunt for which a wildlife document is issued to take a bull moose, bighorn sheep, bison, or mountain goat.

(h) "Substantially precluded" means participating in no more than one hunt day during the prescribed hunting season because of a qualifying event or condition set forth in Section R657-57-6.

(i) "Variance" means remedial relief granted by the Division or Wildlife Board to restore a person's opportunity to obtain or use a wildlife document which is completely lost or substantially impaired because of an intervening event or condition; and

(j) "Wildlife document" means any license, permit, tag, certificate of registration, or wildlife permit voucher issued by the Division.

R657-57-4. Division Variance Authority Scope.

(1)(a) The Division may grant a season extension variance extending the hunting season on an applicant's wildlife document to the same or substantially similar hunt in the following year, provided:

(i) the variance request involves a wildlife document for a:

(A) once-in-a-lifetime hunt under Rule R657-5;

(B) conservation permit hunt under Rule R657-41;

(C) limited entry landowner permit hunt under Rule R657-43;

(D) poaching-reported reward permit hunt under Rule R657-5;

(E) CWMU hunt obtained through the operator or landowner under Section R657-37-9; or

(F) a wildlife exposition permit under Rule R657-55;

(ii) the applicant was substantially precluded during the prescribed hunting season from using a wildlife document because of a qualifying event or condition set forth in Section R657-57-6;

(A) the qualifying event or condition was not the result of the applicant's willful misconduct or gross negligent acts or omissions; and

(B) the applicant was unsuccessful in harvesting an animal for which the wildlife document was issued;

(iii) the season extension occurs the following year and is restricted to the same species, gender, unit, weapon type, and season as the original wildlife document;

(iv) any changes in unit descriptions and season dates in the extension year are applied; and

(v) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(b) Any waiting period associated with a wildlife document for which a season extension variance is granted begins on the date the original wildlife document is obtained.

~~[(c) Notwithstanding the limitations in Subsection (1)(a) on wildlife documents eligible for season extension variance relief, the division may grant a season extension variance for a limited entry hunt, provided:~~

~~— (i) the applicant possessing the limited entry permit was substantially precluded from participating in the hunt for COVID-19 related personal health concerns or general public health restrictions imposed by the federal government, a state, or a local government;~~

~~— (ii) the season for the limited entry hunt began on or after March 1, 2020 and ended on or before July 1, 2020; and~~

~~— (iii) the variance relief sought and extended is otherwise in compliance with the provisions of this rule.~~

](2)(a) The Division may grant a variance by restoring forfeited bonus points and waiving an incurred waiting period, provided:

(i) the variance request involves a wildlife document for a:

(A) limited entry hunt or once-in-a-lifetime hunt; or

(B) any other hunt that triggers a waiting period to participate in a Division administered drawing;

(ii) the applicant was substantially precluded during the prescribed hunting season from using a wildlife document because of a qualifying event or condition set forth in Section R657-57-6; and

(A) the qualifying event or condition was not the result of the applicant's willful misconduct or gross negligent acts or omissions; and

(B) the applicant was unsuccessful in harvesting an animal for which the wildlife document was issued;

(iii) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(b) The Division may not restore a bonus point on a wildlife document that did not cause a bonus point forfeiture.

(3)(a) The Division may grant a variance by restoring forfeited preference points, provided:

(i) the variance request involves a wildlife document obtained through a Division administered drawing and for which preference points are awarded to unsuccessful applicants and forfeited by successful applicants;

(ii) the applicant was substantially precluded during the prescribed hunting season from using a wildlife document because of a qualifying event or condition set forth in Section R657-57-6; and

(A) the qualifying event or condition was not the result of the applicant's willful misconduct or gross negligent acts or omissions; and

(B) the applicant was unsuccessful in harvesting an animal for which the wildlife document was issued;

(iii) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(4)(a) The Division may grant a variance by awarding a bonus or preference point to a person who filed an untimely wildlife document application in a Division administered drawing, provided:

- (i) the variance request involves a wildlife document for any hunt identified in Subsection ~~[s]~~ (2)(a)(i) or (3)(a)(i);
- (ii) the applicant was significantly impaired from filing a timely application in a Division administered drawing because of a qualifying event or condition set forth in Section R657-57-6;
- (iii) the untimely application was rejected and a bonus or preference point was not awarded for the selected species;
- (iv) the applicant would have been eligible to receive the bonus or preference point had the application been timely filed; and
- (v) the variance is otherwise requested and issued in compliance with the standards, requirements and procedures set forth in this rule.

(5)(a) An individual applying for a variance on a permit awarded through a Division administered drawing may only apply for and receive one season extension variance for each permit received.

(b) An individual applying for a variance on a Conservation permit, CWMU permit redeemed from a private voucher, or a Limited Entry Landowner Permit, may apply for and receive a maximum of two season extension variances for each permit received.

(c) An individual who has already been provided the maximum number of season extensions for their relevant permit, but who is still unable to hunt, is limited to restoration of preference or bonus points, a refund, or both, so long as they otherwise qualify.

(d) An individual receiving a variance for a CWMU permit or Limited Entry Landowner permit redeemed from a private voucher must receive permission from the CWMU Operator or respective landowner to hunt during the variance period.

(6)(a) A Division administered drawing for purposes of Subsections (2) and (5) does not include a drawing conducted at a wildlife exposition pursuant to Rule R657-55.

(b) Permits distributed through a wildlife exposition pursuant to Rule R657-55 are eligible for the same variance relief and are subject to the same variance restrictions as permits distributed via a Division administered drawing.

(7) The Division may not refund wildlife document fees, except as authorized in Sections 23A-4-207, 23A-4-301 and R657-42-5.

R657-57-5. Group Applications.

(1) Except as provided in Subsection (2), all members of a group successful in obtaining a wildlife document pursuant to Section R657-62-7 are eligible to receive the same variance relief granted by the Division to any single member of the group under Subsection R657-57-4(2) or (3).

(2) Group members are not eligible to receive a refund of the wildlife document fee unless otherwise authorized by Sections 23A-4-207, 23A-4-301, and R657-42-5.

R657-57-6. Qualifying Events and Conditions.

(1) The Division's authority to grant a variance consistent with the requirements of this rule is limited to persons that are completely or substantially precluded during the prescribed season from participating in the hunting activity authorized by an eligible wildlife document, or precluded or substantially impaired from filing a timely wildlife document application in a Division administered drawing because of:

- (a) personal illness or injury;
- (b) the death, or significant injury or illness of an immediate family member;
- (c) mobilization or deployment under orders of the United States Armed ~~[f]~~ Forces, a public health organization, or public safety organization in the interest of national defense or a national emergency; or
- ~~[(d) COVID-19 related personal health concerns or general public health restrictions imposed by the federal government, a state, or a local government.]~~
- (d) a court ordered subpoena.

R657-57-7. Variance Application.

(1) A person may request a variance pursuant to the requirements of this rule by filing an application with the Division within 120 days of the:

- (a) last day of the hunting season for which a season extension variance is requested; or
- (b) drawing application deadline for which a bonus or preference point variance is sought.

(2) The Division may not grant a variance under this rule when the application is received beyond the ~~[420]~~30 days limitation period set forth in Subsection (1).

(3) An application for a season extension variance under Subsection R657-57-4(1), a bonus point restoration and waiting period waiver variance under Subsection R657-57-4(2), or a preference point restoration variance under Subsection R657-57-4(3) shall contain the following information and documentation:

- (a) name, address and telephone number of the applicant;
- (b) a brief statement of the variance relief sought;
- (c) the original wildlife document for which a season extension variance is sought with an undetached and unnotched tag;
- (d) a statement verifying the applicant was substantially precluded from participating in a qualified hunt because of:
 - (i) personal illness or injury;
 - (ii) the death, or significant injury or illness of an immediate family member;
 - (iii) mobilization or deployment under orders of the United States Armed Forces, or a public health or public safety organization in the interest of national defense or a national emergency; or
 - ~~[(iv) COVID-19 related personal health concerns or general public health restrictions imposed by the federal government, a state, or a local government; and]~~
 - (iv) a court ordered subpoena; and
- (e) corroborating documentation of the qualifying event or condition listed in Subsection (3)(d), in the form of:

NOTICES OF PROPOSED RULES

- (i) a physician's written statement describing and confirming the qualifying injury or illness of the applicant or an immediate family member;
- (ii) a photocopy of the deceased immediate family member's certified death certificate;
- (iii) a photocopy of the military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating;

(A) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which the applicant is deployed or mobilized; and

(B) the nature and length of duty while deployed or mobilized; or

~~[(iv)(A) a physician's written statement explaining and verifying that underlying health conditions place the applicant at risk of life-threatening COVID-19 complications, if contracted, and that participation in the permitted activity will significantly increase the applicant's risk of contracting COVID-19; or~~

~~(B) a photocopy of the COVID-19 related federal, state, and local laws, orders, or directives substantially precluding the applicant from participating in the permitted activity.~~

(iv) a photocopy of the court ordered subpoena.

(4) An application for a bonus or preference point variance under Subsection R657-57-4(4) shall contain the following information and documentation:

(a) name, address and telephone number of the applicant;

(b) a brief statement of the variance relief sought;

(c) a description of the wildlife document application and permit type for which a bonus or preference point variance is sought, including the wildlife species and sex, season dates, and weapon type;

(d) a statement verifying the applicant was precluded or substantially impaired from submitting a wildlife document application because of:

(i) personal illness or injury;

(ii) the death, or significant injury or illness of an immediate family member; or

(iii) mobilization or deployment under orders of the United States Armed Forces, or a public health or public safety organization in the interest of national defense or a national emergency[-];

(iv) a court ordered subpoena.

(e) corroborating documentation of the qualifying event or condition listed in Subsection (3)(d), in the form of:

(i) a physician's written statement describing and confirming the qualifying injury or illness of the applicant or an immediate family member;

(ii) a photocopy of the deceased immediate family member's certified death certificate; or

(iii) a photocopy of the military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating:

(A) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which the applicant is deployed or mobilized; and

(B) the nature and length of their duty while deployed or mobilized.

(iv) a photocopy of the court ordered subpoena.

(5) The Division may reject an application that is incomplete or that contains false or misleading information.

(6) The Division may require the applicant to provide additional information, documentation, or clarification in conjunction with an application to determine eligibility for a variance.

(7) The Division should make its written decision within 30 days of receiving an application for variance and mail a copy of the decision to the applicant.

R657-57-10. Wildlife Board Appeals.

(1) A person may appeal the Division's decision on a variance application to the Wildlife Board pursuant to the requirements of this rule. The appeal request must be in writing and received by the Division within 30 calendar days of the issuance date on the Division's decision.

(2) The appeal shall contain the following information and documentation:

(a) name, address and telephone number of the petitioner;

(b) a statement of the variance relief sought and justification for the relief;

(c) a description of the wildlife document application for which the variance is sought, including the document number, species and sex, season dates, and weapon type;

(d) the original wildlife document for which the variance is sought;

(e) a statement describing the degree of lost opportunity because of an event or condition; and

(f) corroborating documentation of the event or condition listed in Subsections R657-57-7(3)(d) and (4)(d), which may include:

(i) a physician's written statement;

(ii) a certified death certificate photocopy;

(iii) a photocopy of the military orders;

(iv) a letter from an employment supervisor on official letterhead;

(v) court documentation; or

(vi) a photocopy of ~~[relevant COVID-19 laws, orders, or directives]~~ the court ordered subpoena.

(3) The Wildlife Board may reject a variance appeal that is incomplete or that contains false or misleading information.

(4) The Wildlife Board may require the petitioner to provide additional information, documentation, or clarification in conjunction with the variance appeal.

(5) The Wildlife Board may set a time and date for a hearing on the variance appeal where the petitioner may be given an opportunity to address the Wildlife Board concerning the appeal.

(a) The Wildlife Board will provide the petitioner notice of the date, time, and location of the hearing.

(b) Failure to participate in the hearing may result in dismissal of the variance appeal.

(6) The Wildlife Board may sustain, overturn, or modify the Division's decision which is the subject of the variance appeal, provided the relief granted is consistent with the standards, limitations, requirements, and procedures in Sections R657-57-11 through R657-57-13.

(7) The Wildlife Board will prepare a written decision on the variance appeal and mail a copy to the petitioner.

R657-57-11. Wildlife Board Variance Authority.

(1) Except as provided otherwise in this rule, the Wildlife Board may grant a variance to any regulation promulgated in Title R657 of the Administrative Code or in proclamation concerning the acquisition or use of a wildlife document, provided the event or condition justifying the variance:

(a) is not the result of the applicant's willful misconduct or gross negligent acts or omissions;

(b) substantially precludes the applicant from participating in the activity authorized by the wildlife document; or

(c) completely or significantly impairs the applicant from filing a timely application in a Division administered drawing; and

(d) is of a nature that it deprives opportunity from the applicant in a substantially more severe manner than other similarly situated individuals.

(2) The Wildlife Board is limited to considering only those variance applications on which the Division has issued a letter indicating the variance relief sought is beyond its legal authority to grant.

(3) The Wildlife Board shall consider the Division's recommendation on a variance request.

(4) The Wildlife Board may grant a variance that extends a wildlife document season no more than one year into the future.

(5) The Wildlife Board may award a bonus or preference point pursuant to a variance request only when the applicant would have received such a point had the event or condition not intervened.

(6) The Wildlife Board may not grant a variance:

(a) where the request is filed with the Division beyond the ~~[420]~~30 day deadline established in Subsection R657-57-7(1);

(b) where the applicant is not substantially precluded from participating in the prescribed wildlife activity;

(c) for a season extension on any hunt not identified in Subsection R657-57-4(1)(a)(i) as eligible for a season extension;

(d) where the applicant was successful in harvesting an animal for which the wildlife document was issued; or

(e) in direct conflict with any provision of the Wildlife Code or elsewhere in statute.

(7) The Wildlife Board may not refund wildlife document fees, except as authorized in Sections 23A-4-207 and 23A-4-301.

KEY: wildlife, permits

Date of Last Change: ~~2025~~October 2, 2023

Notice of Continuation: July 5, 2023

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R657-62

Filing ID: 57457

Agency Information

1. Title catchline:		Natural Resources, Wildlife Resources	
Building:		DNR Complex	
Street address:		1594 W North Temple	
City, state:		Salt Lake City, UT 84416	
Mailing address:		PO Box 146301	
City, state and zip:		Salt Lake City, UT 84414-6301	
Contact persons:			
Name:		Phone:	Email:
Staci Coons		801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:

R657-62. Drawing Application Procedures

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to Drawing Application Procedures.

5. Summary of the new rule or change:

The proposed amendments to this rule:

- 1) allow successful applicants in the Sportsman Draw to be eligible to purchase a point for a species that they would have normally been ineligible for;
- 2) clarify that an applicant may only draw out for one species withing the Sportsman drawing; and
- 3) allow group applications for all management buck deer hunts within the big game application.

Fiscal Information

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

The amendments to Rule R657-62 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do have the potential to impact a small number of persons that choose to apply for additional bonus point species during the Sportsman drawing, the cost of a bonus point is minimal and not a requirement to receive hunting permits in Utah.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to purchase additional points in the big game draw upon being successful in the Sportsman Drawing.

The number of permits issued in the Sportsman Draw is fairly low.

Therefore, this amendment will impact very few applicants, thus causing no significant additional cost or savings.

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:					
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.					
The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.					

Citation Information

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 23A-2-304	Section 23A-2-305	

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:	10/15/2025
10. This rule change MAY become effective on:	10/22/2025
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:	Riley Peck, Director	Date:	08/26/2025
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R657. Natural Resources, Wildlife Resources.**R657-62. Drawing Application Procedures.****R657-62-1. Purpose and Authority.**

(1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established this rule for drawing applications and procedures.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the respective guidebooks of the Wildlife Board.

R657-62-8. Bonus Points.

(1) Bonus points are used to improve odds for drawing permits.

(2)(a) A bonus point is awarded for:

- (i) each valid unsuccessful application when applying for limited-entry permits; or
- (ii) each valid application when applying for bonus points.

NOTICES OF PROPOSED RULES

- (b) Bonus points are awarded by species for:
 - (i) limited-entry deer including cooperative wildlife management unit buck deer and management buck deer;
 - (ii) limited-entry elk including cooperative wildlife management unit bull elk and management bull elk;
 - (iii) limited-entry pronghorn including cooperative wildlife management unit buck pronghorn;
 - (iv) once-in-a-lifetime species including cooperative wildlife management units;
 - (v) limited-entry bear;
 - (vi) restricted bear pursuit;
 - (vii) antlerless moose;
 - (viii) ewe Rocky Mountain bighorn sheep;
 - (xi) ewe desert bighorn sheep; and
 - (x) turkey.
- (3)(a) A person may not apply in the drawing for both a permit and a bonus point for the same species.
- (b) A person may not apply for a bonus point if that person is ineligible to apply for a permit for the respective species.
- (i) Except for when a person is successful in the Sportsman drawing, they may purchase a bonus point for the respective species they would have been ineligible for.
- (c) Group applications may be accepted when applying for bonus points.
- (d) A person may apply for bonus points only during the applicable drawing application for each species.
- (4)(a) Fifty percent of the permits for each hunt unit will be reserved for applicants with the greatest number of bonus points.
- (b) Based on the applicant's first choice, the reserved permits will be designated by a random drawing number to eligible applicants with the greatest number of bonus points for each species.
- (c) If reserved permits remain, the reserved permits will be designated by a random number to eligible applicants with the next greatest number of bonus points for each species.
- (d) The procedure in Subsection (c) will continue until reserved permits are issued or no applications for that species remain.
- (e) Any reserved permits remaining and any applicants who are not selected for reserved permits will be returned to the applicable drawing.
- (5)(a) Each applicant receives a random drawing number for:
 - (i) each species applied for; and
 - (ii) each bonus point for that species.
- (6) Bonus points are forfeited if:
 - (a) a person obtains a permit through the drawing for that bonus point species including any permit obtained after the drawing; or
 - (b) a provision in a rule issued by the Wildlife Board specifically forfeits bonus points.
- (7) Bonus points are not forfeited if:
 - (a) a person is successful in obtaining a conservation permit, expo permit, sportsman permit, or harvest objective bear permit;
 - (b) a person obtains a landowner or a cooperative wildlife management unit permit from a landowner; or
 - (c) a person obtains a poaching-reported reward permit.
- (8) Bonus points are not transferable.
- (9) Bonus points are averaged and rounded down when two or more applicants apply together on a group application.
- (10)(a) Bonus points are tracked using social security numbers or division-issued customer identification numbers.
- (b) The division shall retain electronic copies of applications from 1996 to the current drawings for researching bonus point records.
- (c) Any requests for researching an applicant's bonus point records must be submitted within the time frames provided in Subsection (b).
- (b).
 - (d) Any bonus points on the division's records ~~shall~~ may not be researched beyond the time frames provided in Subsection (b).
 - (e) The division may void or otherwise eliminate any bonus point obtained by fraud, deceit, misrepresentation, or in violation of law.

R657-62-9. Preference Points.

- (1) Preference points are used in the applicable drawings to ensure that applicants who are unsuccessful in the drawing will have first preference in the next year's drawing.
- (2)(a) A preference point is awarded for:
 - (i) each valid, unsuccessful application applying for a general buck deer, antlerless deer, antlerless elk, doe pronghorn, Sandhill crane, sharp-tailed grouse, greater sage-grouse or tundra swan permit; or
 - (ii) each valid application when applying only for a preference point in the applicable drawings.
- (b) Preference points are awarded by species for:
 - (i) general buck deer;
 - (ii) antlerless deer;
 - (iii) antlerless elk;
 - (iv) doe pronghorn;
 - (v) Sandhill crane;
 - (vi) Sharp-tailed grouse;
 - (vii) Greater sage-grouse; and
 - (viii) Tundra swan.
- (3)(a) A person may not apply in the drawing for both a preference point and a permit for the species listed in Subsection (2)(b).
- (b) A person may not apply for a preference point if that person is ineligible to apply for a permit.

(i) Except for when a person is successful in the Sportsman drawing, they may purchase a preference point for the respective species they would have been ineligible for.

(4) Preference points for the applicable species are forfeited if a person obtains a general buck deer, antlerless deer, antlerless elk, doe pronghorn, Sandhill crane, sharp-tailed grouse, greater sage-grouse or tundra swan permit, whether obtained through a division drawing or over the counter, except points are not forfeited if a person obtains one or more of the following:

- (a) youth archery buck deer permit;
- (b) mitigation permits issued to a landowner Rule R657-44, including mitigation permit vouchers;
- (c) antlerless elk control permits;
- (d) a general landowner buck deer permit or landowner appreciation permit issued pursuant to Rule R657-43; and
- (e) private land only antlerless elk permits.

(5) Preference points are not transferable.

(6) Preference points are averaged and rounded down when two or more applicants apply together on a group application.

(7)(a) Preference points are tracked using social security numbers or division-issued customer identification numbers.

(b) The division shall retain copies of electronic applications from 2000 to the current applicable drawings for researching preference point records.

(c) Any requests for researching an applicant's preference point records must be submitted within the time frames provided in Subsection (b).

(d) Any preference points on the division's records ~~shall~~ may not be researched beyond the time frames provided in Subsection (b).

(e) The division may eliminate any preference point obtained by fraud, deceit, misrepresentation, or in violation of law.

R657-62-18. Big Game.

(1) Permit Applications

(a) Limited entry, Cooperative Wildlife Management Unit, Once-in-a-Lifetime, Management Bull Elk, Management Buck Deer, General Buck Deer, and Youth General Any Bull Elk permit applications.

(i) A person must possess or obtain a valid hunting or combination license to apply for or obtain a big game permit.

(ii) Applicants must meet age requirements, proof of hunter education requirements and youth restrictions as provided in Rule R657-

5.

(iii) A person may obtain only one permit per species of big game, including limited entry, cooperative wildlife management unit, once-in-a-lifetime, conservation, landowner and general permits, except antlerless permits as provided in the Antlerless Addendum and permits as provided in Rule R657-42.

(b) A resident may apply in the big game drawing for the following permits:

(i) only one of the following:

(A) buck deer - limited entry and cooperative wildlife management unit;

(B) bull elk - limited entry and cooperative wildlife management unit; or

(C) buck pronghorn - limited entry and cooperative wildlife management unit; and

(ii) only one once-in-a-lifetime permit, including once-in-a-lifetime cooperative wildlife management unit permits.

(c) A nonresident may apply in the big game drawing for the following permits:

(i) of the following:

(A) buck deer -limited entry;

(B) bull elk - limited entry;

(C) buck pronghorn - limited entry; and

(D) once-in-a-lifetime species.

(ii) Nonresidents may not apply for cooperative management units through the big game drawing.

(d) A resident or nonresident may apply in the big game drawing for only one of the following type of permits:

(i) general-season buck deer;

(ii) dedicated hunter certificate of registration.

(2) Youth

(a) For purposes of this section "youth" means any person 17 years of age or younger on July 31.

(b) Youth applicants who apply for a general buck deer permit.

(i) Youth will automatically be considered in the youth drawing based upon their birth date.

(ii) 20% of general buck deer permits in each unit are reserved for youth hunters.

(iii) After evaluating all youth hunt choices;

(A) any remaining youth permits will be converted to youth any legal weapon permits (regular season) and;

(B) the youth that were unsuccessful in drawing under Subsection (b)(i) will be re-evaluated, starting with the highest number of preference points and their first choice.

(iv) Any remaining youth reserved permits will be converted back to original weapon type and placed into the general buck deer drawing, and any youth applicants who were not selected for reserved permits shall be returned to the general buck deer drawing.

(v) Up to four youth may apply together for youth general deer permits.

(vi) Preference points shall be used when applying.

(3) Reserved

(4) Drawing Order.

(a) Permits for the big game drawing shall be drawn in the following order:

NOTICES OF PROPOSED RULES

- (i) limited entry, cooperative wildlife management unit and management buck deer;
- (ii) limited entry, cooperative wildlife management unit and management bull elk;
- (iii) limited entry and cooperative wildlife management unit buck pronghorn;
- (iv) once-in-a-lifetime;
- (v) general buck deer -- lifetime license;
- (vi) general buck deer -- dedicated hunter;
- (vii) general buck deer - youth;
- (viii) general buck deer; and
- (ix) youth general any bull elk.
- (b) Any person who draws one of the following permits is not eligible to draw a once-in-a-lifetime permit:
 - (i) limited entry, Cooperative Wildlife Management unit or management buck deer;
 - (ii) limited entry, Cooperative Wildlife Management unit or management bull elk; or
 - (iii) a limited entry or Cooperative Wildlife Management unit buck pronghorn.
- (c) If any permits listed in [s]Subsections (a)(i) through (a)(iii) remain after the big game drawing after choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.
- (5) Groups
 - (a) Limited Entry
 - (i) Up to four people may apply together for limited entry deer, elk or pronghorn; or resident cooperative wildlife management unit permits.
 - (b) Group applications are not accepted for [management buck deer or bull elk permits.
 - ~~(c) Group applications are not accepted for]~~Once-in-a-lifetime permits.
 - ([d]) General season.
 - (i) Up to four people may apply together for general deer permits.
 - (ii) Up to four youth may apply together for youth general any bull elk permits.
 - (iii) Up to four youth may apply together for youth general deer permits.
 - (6) Waiting Periods
 - (a) Deer waiting period.
 - (i) Any person who draws or obtains a limited entry, premium limited entry, management, or cooperative wildlife management unit buck deer permit through the big game drawing process may not apply for or receive any of these permits again for a period of five seasons.
 - (ii) A waiting period does not apply to:
 - (A) general archery, general any weapon, general muzzleloader, conservation, sportsman, poaching-reported reward permits;
 - (B) cooperative wildlife management unit, limited entry, premium limited entry, or landowner buck deer permits obtained through the landowner; or
 - (C) buck deer wildlife expo permits, as provided in Section R657-55-6.
 - (b) Elk waiting period.
 - (i) Any person who draws or obtains a limited entry, management or cooperative wildlife management unit bull elk permit through the big game drawing process may not apply for or receive any of these permits for a period of five seasons.
 - (ii) A waiting period does not apply to:
 - (A) general archery, general any weapon, general muzzleloader, conservation, sportsman, poaching-reported reward permits;
 - (B) cooperative wildlife management unit or limited entry landowner bull elk permits obtained through the landowner; or
 - (C) bull elk wildlife expo permits, as provided in Section R657-55-6.
 - (c) Pronghorn waiting period.
 - (i) Any person who draws or obtains a buck pronghorn or cooperative wildlife management unit buck pronghorn permit through the big game drawing may not apply for or receive any of these permits thereafter for a period of two seasons.
 - (ii) A waiting period does not apply to:
 - (A) conservation, sportsman, poaching-reported reward permits;
 - (B) cooperative wildlife management unit or limited entry landowner buck pronghorn permits obtained through the landowner; or
 - (C) buck pronghorn wildlife expo permits, as provided in Section R657-55-6.
 - (d) Once-in-a-lifetime species waiting period.
 - (i) Any person who draws or obtains a permit for any bull moose, bison, Rocky Mountain bighorn sheep, desert bighorn sheep or mountain goat through the big game drawing or sportsman permit drawing may not receive another once-in-a-lifetime permit in the big game drawing or sportsman permit drawing in the same year.
 - (ii) Except as provided in Subsection (iii), once-in-a-lifetime restrictions do not apply to obtaining:
 - (A) wildlife expo permits for once-in-a-lifetime species in the wildlife expo drawing, as provided in Rule R657-55; and
 - (B) Management bison permits, as provided in Subsection R657-5-38(7).
 - (iii) Any person who obtains a wildlife expo permit for a once-in-a-lifetime species is subject to the once-in-a-lifetime restrictions applicable to obtaining a subsequent permit for the same species through a division application and drawing process, as provided in Rule R657-62 and the guidebooks of the Wildlife Board for taking big game.
 - (iv) A person who has been convicted of unlawfully taking a once-in-a-lifetime species may not apply for or obtain a permit for that species.
 - (e) Cooperative Wildlife Management Unit and landowner permits.

(i) Waiting periods and once-in-a-lifetime restrictions do not apply to purchasing limited entry landowner or cooperative wildlife management unit permits obtained through a landowner, except as provided in Subsection (ii).

(ii) Waiting periods are incurred and applied when applying in the big game drawing as a result of obtaining a cooperative wildlife management unit bull moose permit through a landowner.

R657-62-24. Sportsman.

(1) Permit applications.

(a) One sportsman permit is offered to residents for each of the following species:

(i) desert bighorn (ram);

(ii) bison (hunter's choice);

(iii) buck deer;

(iv) bull elk;

(v) Rocky Mountain bighorn (ram);

(vi) mountain goat (hunter's choice);

(vii) bull moose;

(viii) buck pronghorn;

(ix) black bear; and

(x) wild turkey.

(b) Bonus points ~~shall~~ may not be awarded or utilized when applying for or obtaining ~~[sportsman permits.]~~ sportsman permits.

(c) Drawing Order.

(a) Permits for the sportsman drawing shall be drawn in the following order:

(i) limited-entry buck deer;

(ii) limited-entry bull elk;

(iii) limited-entry buck pronghorn;

(iv) once-in-a-lifetime bull moose;

(v) once-in-a-lifetime bison;

(vi) once-in-a-lifetime desert bighorn sheep;

(vii) once-in-a-lifetime Rocky Mountain bighorn sheep;

(viii) once-in-a-lifetime mountain goat;

(ix) limited-entry black bear; and

(x) limited-entry turkey.

(d) An applicant may not draw out for more than one species within the sportsman drawing.

(2) Group applications are not accepted.

(3) Waiting Periods

(a) Any person who applies for or obtains a Sportsman Permit is subject to all waiting periods and exceptions as applicable to the species pursuant to Rule R657-41.

(b) Once-in-lifetime waiting periods

(i) If a person has obtained a once-in-a-lifetime permit through the sportsman drawing they are ineligible to apply for that once-in-a-lifetime species through the big game drawing.

(ii) If a person has obtained a once-in-a-lifetime permit through the big game drawing they are ineligible to apply for that once-in-a-lifetime species through the sportsman drawing.

(c) Limited Entry waiting periods

(i) Waiting periods do not apply to Sportsman deer, elk, pronghorn, or bear.

(ii) Waiting period will not be incurred for receipt of a Sportsman deer, elk, pronghorn, or bear.

KEY: wildlife, permits

Date of Last Change: ~~[February 7,]~~ 2025

Notice of Continuation: March 13, 2024

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R657-73

Filing ID: 57458

Agency Information

1. Title catchline: Natural Resources, Wildlife Resources

Building: DNR Complex

Street address: 1594 W North Temple

City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-73. Tagging Requirements
4. Purpose of the new rule or reason for the change:
This rule is being proposed pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to tagging requirements.
5. Summary of the new rule or change:
<p>The proposed rule provides the standards and procedures for the tagging and electronic tagging of harvested animals.</p> <p>The standards and procedures for the tagging of harvested animals were previously listed in: Rule R657-5, Taking Big Game; Rule R657-6, Taking Upland Game; Rule R657-9, Taking Migratory Game Birds – Waterfowl, Snipe, Coot, American Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and Sandhill Crane; Rule R657-11, Taking Furbearers and Trapping; Rule R657-33, Taking Bear; and Rule R657-54a, Taking Wild Turkey.</p> <p>This new rule simplifies the tagging requirements by placing them in the same rule and allows the option of electronic tagging of a harvested animal</p> <p>(EDITOR'S NOTES: The proposed amendments to Rule R657-5 under ID 57448, to Rule R657-6 under ID 57449, to Rule R657-9 under ID 57450, to Rule R657-11 under ID 57451, to Rule R657-33 under ID 57452, and to Rule R657-54a under ID 57448 are in this issue, September 15, 2025, of the Bulletin.)</p>

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Rule R657-73 is administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B. Local governments:
Local governments are not directly or indirectly impacted by the proposed rule because this rule does not create a situation requiring services from local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule will not directly impact small businesses because a service is not required of them.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule does not have the potential to impact other persons that receive hunting permits in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this new rule may not create additional costs for those individuals wishing to hunt big game in Utah because it simply incorporates all tagging requirements into one rule, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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 23A-4-201	Section 23A-4-207	Section 23A-4-709
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/02/2025
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R657. Natural Resources, Wildlife Resources.

R657-73. Tagging Requirements.

R657-73-1. Purpose and Authority.

(1) Under the authority of Sections 23A-4-201 and 23A-4-207, the Division may issue wildlife documents in accordance with the rules of the Wildlife Board.

(2) This rule provides the standards and procedures for the tagging and electronic tagging of harvested animals.

R657-73-2. Definitions.

(1) Terms used for this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Electronic harvest code" means a code or authorization number issued after a hunter or trapper electronically tags their harvested animal.

(b) "Electronic permit" means an electronic document that grants authority to engage in specified activities.

(c) "Electronic tagging" means an electronic means of identification used to document harvest of protected wildlife.

R657-73-3. Big Game Tagging.

(1) A person that takes a big game species must tag the carcass, as provided in Sections 23A-4-709 and R657-5-17, immediately upon taking possession of the carcass.

(2) To tag a carcass, a person shall:

(a) completely detach the tag from the permit;

(b) completely remove the appropriate notches to correspond with the date the animal was taken; or

(c) electronically notch the electronic permit appropriately to correspond with the date the animal was taken and other information required; and

(d) attach the physical tag to the carcass so that the tag is securely fastened and visible; or

(e) if e-tagging, must have electronic harvest code in your possession.

(3) A person may not:

(a) remove more than one notch indicating the date; or

(b) tag more than one carcass using the same physical or electronic permit.

(4) A person may not hunt or pursue a big game species after:

(a) shooting and retrieving big game;

(b) the tag is detached from the permit;

(c) any of the notches have been removed from the tag; or

(d) the tag is electronically notched through a state issued application.

R657-73-4. Upland Game Tagging.

(1) A person that takes a greater sage-grouse or a sharp-tailed grouse must tag the carcass, as provided in Sections 23A-4-709 and R657-6-14, immediately upon taking possession of the carcass.

(2) To tag a carcass, a person shall:

(a) completely detach the tag from the permit;

(b) completely remove the appropriate notches to correspond with the date the animal was taken; or

(c) electronically notch the electronic permit appropriately to correspond with the date the animal was taken and other information required; and

(d) attach the physical tag to the carcass so that the tag is securely fastened and visible; or

(e) if e-tagging, must have electronic harvest code in your possession.

(3) A person may not:

(a) remove more than one notch indicating the date; or

(b) tag more than one carcass using the same physical or electronic permit.

(4) A person may not hunt or pursue greater sage-grouse or sharp-tailed grouse after:

(a) shooting and retrieving birds equal to the number of unused permits in possession, or daily bag limit;

(b) the tag is detached from the permit; or

(c) any of the notches have been removed from the tag; or

(d) the tag is electronically notched through a state issued application.

R657-73-5. Tundra Swan and Sandhill Crane Tagging.

(1)(a) A person that takes a tundra swan or sandhill crane must tag the carcass, as provided in Sections 23A-4-709 and R657-9-6, immediately upon taking possession of the carcass and reaching a location listed in Subsections (i) through (iii), that is closest to the place where the carcass was first retrieved by the hunter, another person, or a dog:

(i) the blind or fixed location in the field where the person taking the tundra swan was set up and from where they shot at the tundra swan;

(ii) a vessel available to the person; or

(iii) the first area of land free from standing water.

(b) "Vessel" means, any type of watercraft used or capable of being used as a means of transportation on water.

- (2) To tag a tundra swan and sandhill crane carcass, a person shall:
 - (a) completely detach the tag from the license or permit;
 - (b) completely remove the appropriate notches to correspond with the date the tundra swan or sandhill crane was taken; or
 - (c) electronically notch the electronic permit appropriately to correspond with the date a tundra swan and sandhill crane was taken and other information required; and
 - (d) attach the physical tag to the carcass so that the tag is securely fastened and visible; or
 - (e) if e-tagging, must have electronic harvest code in your possession.
- (3) A person may not:
 - (a) remove more than one notch indicating the date; or
 - (b) tag more than one tundra swan or sandhill crane carcass using the same physical or electronic permit.
- (4) A person may not hunt or pursue a tundra swan or sandhill crane after:
 - (a) shooting and retrieving the tundra swan or sandhill crane;
 - (b) the tag is detached from the permit; or
 - (c) any of the notches have been removed from the tag; or
 - (d) the tag is electronically notched through a state issued application.

R657-73-6. Bobcat Tagging.

- (1)(a) Only a person who possesses a valid bobcat tag issued in their name and who is present upon discovery of a bobcat in their marked trapping device or the device of another under Subsection R657-11-9(6) may kill the animal.
- (b) The person who kills a bobcat caught in a trapping device is required to attach their bobcat tag or electronic harvest code to the carcass, as provided in Subsections (2) through (8).
- (2) The pelt or unskinned carcass of any bobcat must be tagged in accordance with Sections 23A-4-709 and R657-11-5.
- (3) To tag a bobcat carcass, a person shall:
 - (a) completely detach the tag from the license or permit;
 - (b) completely remove the appropriate notches to correspond with the date the bobcat was taken; or
 - (c) electronically notch the electronic permit appropriately to correspond with the date a bobcat was taken and other information required; and
 - (d) attach the physical tag to the carcass so that the tag is securely fastened and visible; or
 - (e) if e-tagging, must have electronic harvest code in your possession.
- (4) A person may not:
 - (a) remove more than one notch indicating the date; or
 - (b) tag more than one bobcat carcass using the same physical or electronic permit.
- (5) A person may not hunt or pursue a bobcat after:
 - (a) harvesting and retrieving the bobcat;
 - (b) the tag is detached from the permit; or
 - (c) any of the notches have been removed from the tag; or
 - (d) the tag is electronically notched through a state issued application.
- (6) The tag or electronic harvest code must remain with the pelt or unskinned carcass until a permanent tag has been affixed.
- (7) Possession of an untagged green pelt or unskinned carcass is prima facie evidence of unlawful taking and possession.
- (8) The lower jaw of each bobcat taken must be removed and tagged with the numbered jaw tag corresponding to the number of the temporary possession tag affixed to the hide.

R657-73-7. Black Bear Tagging.

- (1) The carcass of a bear must be tagged in accordance with Sections 23A-4-709 and R657-33-15.
- (2) The carcass of a bear must be tagged with a temporary possession tag or electronic harvest code before the carcass is moved from or the hunter leaves the site of kill.
- (3) To tag a carcass, a person shall:
 - (a) completely detach the tag from the permit;
 - (b) completely remove the appropriate notches to correspond with the date the animal was taken; or
 - (c) electronically notch the electronic permit appropriately to correspond with the date the animal was taken and other information required; and
 - (d) attach the physical tag to the carcass so that the tag is securely fastened and visible; or
 - (e) if e-tagging, must have electronic harvest code in your possession.
- (4) A person may not hunt or pursue a black bear after:
 - (a) shooting and retrieving a black bear;
 - (b) the tag is detached from the permit;
 - (c) any of the notches have been removed from the tag; or
 - (d) the tag is electronically notched through a state issued application.
- (5) The temporary possession tag or electronic harvest code:
 - (a) must remain attached to the pelt or unskinned carcass until the permanent possession tag is attached; and
 - (b) is only valid for 48 hours after the date of kill.

NOTICES OF PROPOSED RULES

(6) A person may not possess a bear pelt or unskinned carcass without a valid permanent possession tag affixed to the pelt or unskinned carcass. This provision does not apply to a person in possession of properly tagged carcass or pelt within 48 hours after the kill, provided the person was issued and is in possession of a valid permit.

R657-73-8. Wild Turkey Tagging.

(1) A person that takes a wild turkey must tag the carcass, as provided in Sections 23A-4-709 and R657-54a-11, immediately upon taking possession of the carcass.

(2) To tag a carcass, a person shall:

(a) completely detach the tag from the permit;

(b) completely remove the appropriate notches to correspond with:

(i) the date the wild turkey was taken;

(ii) the sex of the wild turkey; or

(c) electronically notch the electronic permit appropriately to correspond with the date the animal was taken and other information required; and

(d) attach the physical tag to the carcass so that the tag is securely fastened and visible; or

(e) if e-tagging, must have electronic harvest code in your possession.

(3) A person may not:

(a) remove more than one notch indicating the date or sex; or

(b) tag more than one carcass using the same physical or electronic permit.

(4) A person may not hunt or pursue a wild turkey after:

(a) shooting and retrieving the bird;

(b) the tag is detached from the permit;

(c) any of the notches have been removed from the tag; or

(d) the tag is electronically notched through a state issued application.

KEY: wildlife, game laws, big game

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 23A-4-201; 23A-4-207

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R722-110

Filing ID: 57460

Agency Information

1. Title catchline:	Public Safety, Criminal Investigations and Technical Services, Criminal Identification	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT 84129	
Mailing address:	4315 S 2700 W, Suite 1300	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Nicole Borgeson	801-281-5072	nshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	R722-110. Public Access to Sex, Kidnap, and Child Abuse Offender Registration Information	
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:	HB156 (2023 General Session); SB41 (2025 General Session)	

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

Oversight of the Sex, Kidnap, and Child Abuse Registry was moved from the Department of Corrections to the Department of Public Safety upon passage of HB 156 during the 2023 General Session. SB 41, passed in the 2025 General Session, resulted in a recodification of statutes applicable to the Sex, Kidnap, and Child Abuse Offender Registry, at which time it was determined that Rule R251-110 should be moved from Corrections to Public Safety's section of the Administrative Code.

5. Summary of the new rule or change:

This rule filing moves Rule R251-110, currently in effect under Department of Corrections, to Rule R722-110 under the Department of Public Safety.

In addition, the definitions have been modified, statutory references have been updated, and some of the language from the previous version of Rule R251-100 have been removed because the language is in statute.

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

There are no anticipated cost or savings to the state budget because this rule filing doesn't make any operational changes to the way the public may access information from the offender registry.

This new rule only moves the rule from the Department of Corrections to the Department of Public Safety's section of the Administrative Code, removes unnecessary language, and corrects statutory references.

B. Local governments:

There are no anticipated cost or savings to local governments because this rule filing doesn't make any operational changes to the way the public may access information from the offender registry.

This new rule only moves the rule from the Department of Corrections to the Department of Public Safety's section of the Administrative Code, removes unnecessary language, and corrects statutory references.

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

There are no anticipated cost or savings to small businesses because this rule filing doesn't make any operational changes to the way the public may access information from the offender registry.

This new rule only moves the rule from the Department of Corrections to the Department of Public Safety's section of the Administrative Code, removes unnecessary language, and corrects statutory references.

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

There are no anticipated cost or savings to non-small businesses because this rule filing doesn't make any operational changes to the way the public may access information from the offender registry.

This new rule only moves the rule from the Department of Corrections to the Department of Public Safety's section of the Administrative Code, removes unnecessary language, and corrects statutory references.

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 cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule filing doesn't make any operational changes to the way the public may access information from the offender registry.

This new rule only moves the rule from the Department of Corrections to the Department of Public Safety's section of the Administrative Code, removes unnecessary language, and corrects statutory references.

F. Compliance costs for affected persons:

There is no anticipated compliance cost for affected persons because this rule filing doesn't make any operational changes to the way the public may access information from the offender registry.

This new rule only moves the rule from the Department of Corrections to the Department of Public Safety's section of the Administrative Code, removes unnecessary language, and corrects statutory references.

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, Beau Mason, 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 53-29-402

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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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

Agency Authorization Information

Agency head or designee and title:	Jason Ricks, BCI Division Director	Date:	08/27/2025
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R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

R722-110. Public Access to Sex, Kidnap, and Child Abuse Offender Registration Information.

R722-110-1. Authority.

This rule is authorized under Section 53-29-402.

R722-110-2. Purpose.

The purpose of the rule is to establish the process for obtaining sex, kidnap, and child abuse offender registration information.

R722-110-3. Definitions.

(1) Terms used in this rule are defined in Sections 53-1-102 and 53-29-101.

(2) In addition, "Sex, Kidnap and Child Abuse Offender Registry" means the Sex, Kidnap, and Child Abuse Offender Registry created under Section 53-29-102.

R722-110-4. Public Access to Sex, Kidnap, and Child Abuse Offender Registration Information.

(1) If a member of the public does not have access to the Sex, Kidnap, and Child Abuse Offender Registry website, they may request offender registration information from the department.

(2) Requests for offender registration information may be made in writing or by telephone.

(a) Requests made in writing shall:

(i) include a return address and telephone number; and

(ii) be sent to the Utah Department of Public Safety, 4315 South 2700 W, Suite 1300, Taylorsville, UT 84129.

(b) If a requestor changes their residence after having submitted a request, but before receiving a response from the department, it is the requestor's obligation to file another request with a current return address and telephone number.

KEY: sex offender, kidnap offender, child abuse offender, registry

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 53-29-402

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R765-165	Filing ID: 57407
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Agency Information		
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1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey Landward	801-646-4784	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information	
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2. Rule or section catchline:	
R765-165. Concurrent Enrollment	
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 29 (2024 General Session); HB 493 (2024 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of the amendments to this rule is to update Rule R765-165 based on changes made to Title 53E, Chapter 10, Part 3, as a result of HB 29 (2024) and HB 493 (2024).	
5. Summary of the new rule or change:	
The proposed amendments define "Eligible Institution" and "Sensitive Material" based on updates to Subsections 53E-10-301(4) and 53G-10-103(1)(h).	

The proposed amendments also add a provision requiring parental notice for Concurrent Enrollment courses at Utah System of Higher Education institutions that contain sensitive material, according to requirements in Section 53G-10-103.

Fiscal Information

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

A. State budget:

The fiscal note for HB 29 (2024) states that enactment of HB 29 (2024) could cost the Utah Board of Education \$10,000 ongoing from the Income Tax Fund beginning in FY 2025 to review sensitive materials. The Board has indicated that it can absorb this cost.

The fiscal note also states that to the extent that an entity is sued in court for enforcing sensitive materials requirements, and to the extent that the entity is indemnified by the state, enactment of this legislation could cost the State Risk Management Fund unknown amounts for legal costs, settlements, or damages. The Division of Risk Management estimates a cost up to \$100,000 per occurrence. Some of these costs, should they be incurred, may be eligible to be paid from the Budgetary Reserve Account.

HB 493 (2024) states that the fiscal note is \$0.

B. Local governments:

The Board anticipates no costs to local governments due to changes in Rule R765-165.

The fiscal note for HB 29 (2024) states that as Local Education Agencies receive requests to review sensitive materials, enactment of this legislation could cost them per occurrence to review the requests. The exact amount is unknown. The fiscal note does not state there will be any costs or savings to Utah System of Higher Education institutions or the Board.

HB 493 (2024) states that the fiscal note is \$0.

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

The fiscal note for HB 29 (2024) states that enactment of this legislation likely will not result in direct expenditures from tax or fee changes to Utah residents and businesses.

HB 493 states that the fiscal note is \$0.

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

The fiscal note for HB 29 (2024) states that enactment of this legislation likely will not result in direct expenditures from tax or fee changes to Utah residents and businesses.

HB 493 states that the fiscal note is \$0.

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 fiscal note for HB 29 (2024) states that enactment of this legislation likely will not result in direct expenditures from tax or fee changes to Utah residents and businesses.

HB 493 states that the fiscal note is \$0.

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	\$10,000	\$10,000	\$10,000	\$10,000	\$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	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
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	\$(10,000)	\$(10,000)	\$(10,000)	\$(10,000)	\$(10,000)
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Utah Commissioner of Higher Education, Geoffrey Landward, 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 53E-10-301	Section 53E-10-302	Section 53G-10-103
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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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Alison Adams, Board Secretary and Designee	Date:	08/19/2025
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R765. Higher Education (Utah Board of), Administration.

R765-165. Concurrent Enrollment.

R765-165-1. Purpose.

The purpose of this rule is to establish the rules and procedures that govern Utah public higher education institutions when providing concurrent enrollment opportunities to Utah public education students. This rule does not apply when a USHE institution is contracting concurrent opportunities with public education students of other states or with private high schools located within Utah.

R765-165-2. Authority.

This rule is authorized by S[ub]section[~~53E-10-309(6)~~], 53E-10-301 and 53G-10-103.

R765-165-3. Definitions.

(1) "Concurrent Enrollment" means college courses that Utah System of Higher Education institutions offer to public school under a contractual agreement between the USHE institution and a Local Education Agency. Students continue to be enrolled in public schools, are counted in average daily membership, receive credit toward graduation, and concurrently receive college credit for courses. Concurrent enrollment is distinct from early college admission.

NOTICES OF PROPOSED RULES

(2) "Career and Technical Education Courses" and "CTE" mean higher education courses that align to Utah State Board of Education 11-digit assignment codes beginning with "30 Agriculture" through "41 Work-Based Learning" that are not designated as general education courses, and that may qualify for funding under the Strengthening Career and Technical Education for the 21st Century Act, Pub. L. No. 115 224.

(3) "Contractual Basis" means courses and instruction offered under an annual contract between a LEA and a USHE institution. Contractual basis concurrent enrollment is eligible for state funding through the appropriation for concurrent enrollment authorized under Section 53E-10-302[3].

(4) "Early College" means enrollment in college credit courses by high school students who are academically prepared, meet college admissions requirements, have left high school prior to graduation, and are no longer counted in average daily membership. Concurrent enrollment policies and funding mechanisms do not apply to early college admission enrollment. Early college admission enrollments are reported as regular enrollments by USHE institutions.

(5) "Early College High School" means a public high school, generally affiliated with a college or university, whose academic goal is to assist accelerated students in earning college credit up to an associate degree concurrent with a high school diploma. Students are counted in the average daily membership of the high school. College credit is earned through concurrent enrollment and early college courses. The early college high school negotiates for and pays any applicable tuition and fees for early college courses.

(6) "Eligible Institution" is defined in Section 53E-10-301(4).

(7)(6) "Instructor" means a licensed LEA K-12 educator who qualifies and is approved to teach concurrent enrollment courses as an adjunct faculty within an institution's academic department.

(8)(7) "Interactive Video Conferencing" and "IVC" mean two-way, real-time transmission of audio and video signals between computer equipment at two or more locations.

(9)(8) "Local Education Agency" and "LEA" mean a school board, public school district or public charter school.

(10)(9) "Non-contractual Basis" means college credit courses public education students pursue on their own initiative. Such students must enter into an agreement between the student, the student's parent or guardian, the high school administrator, and the USHE institution for the student to take the course; the course is considered to be offered on a non-contractual basis. The student is responsible for all enrollment expenses. USHE institutions report non-contractual enrollments as regular enrollments. Non-contractual basis concurrent enrollment is not eligible for state funding.

(11)(9) "Qualifying Experience" means an LEA employee's experience in an academic field that qualifies the LEA employee to teach a concurrent enrollment course in the academic field and may include the employee's (a) number of years teaching in the academic field; (b) holding a higher level secondary teaching credential issued by the state board; (c) research, publications, or other scholarly work in the academic field; (d) continuing professional education in the academic field; (e) a portfolio of work related to the academic field; or (f) professional work experience or certifications in the academic field.

(12) "Sensitive Material" means instructional material that constitutes objective sensitive material or subjective sensitive material as defined in Subsection 53G-10-103(h)(i).

(13)(11) "Snow College Concurrent Education Program" and "Snow CE" mean a consistent two-year schedule of concurrent enrollment courses that Snow College delivers through IVC. Snow CE courses create a pathway for secondary school students, particularly in rural high schools, to earn college credits that apply toward earning an Associate of Science or Associate of Arts degree, or satisfy scholarship requirements and other objectives that best meet students' needs. Snow CE includes advisory support to participating secondary school students and their high school counselors to ensure that students' concurrent enrollment courses align with their academic and career goals. Rule R765-165 governs the Snow CE program. Funding is appropriated under Section 53B-16-206.

(14)(12) "Plan for College and Career Readiness" means secondary school process for academic and career planning, facilitated by school counselors with students and their parents or guardians.

(15)(13) "Supervision of CE Instructors" means professional development opportunities institutions provide to public educators who qualify as concurrent enrollment instructors to prepare them to teach the CE post-secondary curriculum.

(16)(14) "Technology Delivered Instruction" means course instructions provided to students by common technology such as broadcast, interactive videoconferencing, or the Internet.

(17)(15) "Technology Intensive Concurrent Enrollment" and "TICE" mean hybrid concurrent enrollment courses that blend different learning activities, both in classrooms and online. TICE courses include common course assessments and, when possible, utilize open education resources. Each USHE institution may offer TICE courses.

(18)(16) "Unique Student Identifier" and "SSID" mean an alphanumeric code assigned to each public education student for identification purposes.

(19)(17) "Utah Board of Higher Education" and "UBHE" mean the governing body for the Utah System of Higher Education.

(20)(18) "Utah System of Higher Education" and "USHE" mean the system of public colleges and universities governed by the Utah Board of Higher Education.

(21)(19) "USHE Institution" ~~[and "Institution" mean a credit-granting community college or university within the]~~ means a degree-granting institution of higher education or a technical college within the Utah System of Higher Education as defined in Section 53B-1-102, or a degree-granting institution of higher education or a technical college within the Utah System of Higher Education as defined in Section 53B-1-102, that offers an online concurrent enrollment course.

~~[(20) "USHE Technical College" means a technical college within USHE that provides technical education as defined in Subsection 53B-1-101.5(8).]~~

(22)(21) "Utah State Board of Education" and "USB" mean the system of public education districts and charter schools governed by the Utah State Board of Education.

R765-165-4. Purpose of Concurrent Enrollment Program.

The concurrent enrollment program provides course options to a prepared high school student who earns high school and college credit. The concurrent enrollment program is intended to allow a student to complete a high school diploma while concurrently earning credits for first or second-year coursework at a USHE Institution, which can accelerate college completion and reduce college costs. To accomplish the purpose for the concurrent enrollment program, the UBHE and the USBE shall ensure that the following is done:

- (1) High Quality Opportunities - Concurrent enrollment courses shall provide high quality, college-level academic and career and technical education opportunities to qualified high school students.
- (2) Qualitative Safeguards - College instruction offered in the high school setting must have qualitative safeguards to preserve the rigor and standards of college requirements. The ~~[USHE-eligible]~~ institution granting the college credit for a given course is responsible to establish appropriate qualitative safeguards. To help ensure quality, consistent instruction, and student success, the ~~[sponsoring]~~ eligible institutions should officially enroll students as concurrent enrollment students.
- (3) Participating Institutions - USHE ~~[credit-granting]~~ institutions may participate in the contractual basis concurrent enrollment program in compliance with controlling law and consistent with USBE rules governing the use of public education funds.
- (4) Program Evaluation - The USBE and UBHE shall work in close cooperation in developing, implementing, and evaluating the concurrent enrollment program.

R765-165-5. Students.

(1) Student Status - Students must be enrolled in, and counted in the average daily membership of, a Utah public school and have high school student status before and throughout enrollment in concurrent enrollment courses. Students must complete contractual basis concurrent enrollment courses prior to their high school graduation or participation in high school graduation exercises. Students who have received a diploma, whose class has graduated from high school, or who have participated in graduation exercises are not eligible to participate in the concurrent enrollment program.

(2) Eligibility Requirements - USHE institutions and LEAs shall jointly establish student eligibility requirements. To predict a successful experience, institutions and LEAs may require:

- (a) students are in grade 9, 10, 11, or 12;
- (b) a grade point average, ACT score, or a placement score which predicts success, which is generally considered to be a "B" grade point average or ACT score of 22 or higher;
- (c) supportive letters of recommendation;
- (d) approval of high school and college officials;
- (e) appropriate placement assessments for courses such as mathematics and English;
- (f) completion of Secondary Math I, II, and III with a "C" average or better course grade in all three classes to enroll in a CE mathematics course;
- (g) completion of institutionally established prerequisites for a course; and
- (h) have on file a completed plan for college and career readiness.

(3) Concurrent Enrollment Participation Form and Parent Permission to Participate - Before allowing an eligible student to participate in the concurrent enrollment program for the academic year, an institution shall ensure the student has completed the USHE concurrent enrollment participation form, signed an acknowledgement of program participation requirements, and obtained a permission form signed by a parent or guardian.

(4) Identification of Eligible Students - LEAs have the primary responsibility for identifying students who are eligible to participate in the concurrent enrollment program.

(5) Advising - USHE institutions and LEAs shall jointly coordinate advising to prospective or current high school students who participate in the concurrent enrollment program. Advising shall include information on general education requirements at USHE institutions and how the students can choose concurrent enrollment courses to avoid duplication or excess credit hours.

(6) Tracking Student Achievement - USHE institutions and LEAs shall jointly coordinate information technology systems to track individual students' academic achievement through both education systems in accordance with Sections 53B-1-109 and 53E-4-308.

(a) USBE and USHE staff shall coordinate access to the SSID of a public education student who later attends a ~~[a]~~ USHE institution ~~[institution within the Utah System of Higher Education]~~.

(b) USHE information technology systems shall utilize the SSID of all students who have previously been assigned a unique student identifier.

(7) Advising Report - Twelve weeks after the end of each semester, participating institutions may request from the ~~[Commissioner's]~~ Office of the Commissioner of Higher Education a report listing each public high school student admitted to a USHE institution who was enrolled in 12 or more credit hours of concurrent enrollment courses per year and completed at least six of those credit hours from that institution. The report shall include:

- (a) the student's name and SSID;
- (b) the student's LEA;
- (c) the name of each concurrent enrollment course taken by the student;
- (d) the institution where the student enrolled to take each concurrent enrollment course; and
- (e) the number of college credits the student earned in each concurrent enrollment course with a designation that indicates which credits the student earned at a grade "C" or higher.

R765-165-6. Courses.

(1) Choice of Courses - The courses offered through concurrent enrollment shall be introductory-level general education, career and technical education, pre-major college courses, or select upper division courses when approved by the Utah Board of Higher Education after consulting with the Utah State Board of Education. Concurrent enrollment courses must assist students in earning post-secondary certificates or degrees. Concurrent enrollment may only include college or technical education courses that correspond to high school courses typically offered in grades 11 or 12. Courses selected shall reflect the strengths and resources of the respective schools and USHE institutions. Concurrent enrollment offerings shall be limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career and technical education.

(2) Accelerated Foreign Language Courses - ~~USHE i~~^Hinstitutions may offer 3000 level foreign language courses to accelerated foreign language students, including dual language immersion students.

(3) Master List - The Office of the Commissioner of Higher Education and the USBE will jointly approve courses that are added to an institution-specific Concurrent Enrollment Master List. Only courses taken from the master list for a given academic year shall be reimbursed from state concurrent enrollment funds.

(4) Changes to Concurrent Enrollment Master List - USHE institutions, after consultation with LEAs, shall provide the USBE with proposed new course offerings, including syllabi and curriculum materials by November 15 of the year preceding the school year in which courses shall be offered.

(5) Number of Courses - In general, institutions should limit the number of concurrent enrollment courses so they can focus on quality instruction and assure coordinated professional development activities for participating teachers and transferability of credit from institution to institution.

(6) Institution Responsibility - The offering USHE institution is responsible for course content, procedures, examinations, teaching materials, and monitoring of CE courses taught at a high school. The institution shall ensure the curriculum is consistent with Utah law and of comparable rigor and quality with courses offered on the institution campus. The institution shall ensure CE curriculum standards of instruction, practices for administering and grading assessments, and the course grade rubric are the same as when the course is taught on the institution campus. When possible, department exams should be used in the CE course. For courses that transfer as equivalent credit among USHE institutions, the institution shall ensure articulated learning outcomes are met.

(7) Learning Materials -- Under Section 53G-4-402(27), CE learning materials are not subject to selection by the local school board.

(8) Sensitive Material -- Under Section 53G-10-103(1)(h)(ii) does not include an instructional material for a course that contains sensitive material and for which a parent receives notice from the course provider of the material before enrollment of the parent's child and gives the parent's consent by enrolling the parent's child. A USHE institution shall provide parental notice for any courses that contain sensitive material prior to the student's enrollment in the CE course.

R765-165-7. Credit.

(1) Permanent College Transcript - The registrations and grades of each concurrent enrollment course shall be recorded on permanent college transcripts. A student who registers for a concurrent enrollment course shall commit to having the final course grade recorded on that student's permanent college record, regardless of the results.

(2) Credit Value - College level courses taught in the high school shall carry the same credit hour value as when taught on a ~~college or university~~ USHE institution campus and shall apply toward graduation from a USHE Institution on the same basis as courses taught at the USHE institution where the credits are earned.

(3) Credit Hours Permitted - Individual students shall be permitted to earn up to 30 semester hours of college credits per year through contractual concurrent enrollment. Credits earned in excess of 30 must be on a non-contractual basis.

(4) Institution Credit - USHE institutions shall be responsible for course registration and awarding students college credit for concurrent enrollment courses.

(5) Transferability - Credit earned through the concurrent enrollment program shall be transferable between USHE institutions. Students should be encouraged to seek advice from a college academic adviser to make course choices that will meet the student's educational goals.

R765-165-8. Tuition, Fees, and Other Charges.

Regular tuition and fees may not be charged to high school students for participation in this program.

~~[(1) Admissions Fee - Students may be assessed a one-time admissions application fee per institution, which satisfies the general admissions application fee requirement for a full-time or part-time student at an institution. The institution may not charge any additional admissions application fees for continuous enrollment at that institution following high school graduation.]~~

~~[(1)(2)] Participation Fee - [The USBE]An eligible institution may charge course[a one-time] fees for students to participate in the concurrent enrollment program. [Paying this fee shall not satisfy the general admissions application fee required for full-time or part-time students at a USHE institution.]~~

~~[(2)(3)] Partial Concurrent Enrollment Tuition - [USHE]Except for a technical college listed in Utah Code section 53B-1-102(1)(b), an eligible institution [institutions] may charge a secondary student partial tuition for each concurrent enrollment course for which the student receives college credit in the following amounts:~~

~~(a) a USHE institution may charge a concurrent enrollment student who qualifies for free or reduced school lunch partial tuition of up to \$5 per credit hour;~~

~~(b) if a concurrent enrollment course is taught by a public school educator in a public school facility, a USHE institution may charge up to \$10 per credit hour;~~

(c) if a concurrent enrollment course is taught over interactive video conferencing (IVC), a USHE institution may charge up to \$15 per credit hour; and

(d) if a concurrent enrollment course is taught on a USHE campus, a USHE institution may charge up to \$30 per credit hour.

(3)(4) The UBHE shall annually report to the Legislature's Higher Education Appropriations Subcommittee on regular tuition savings to CE students, any partial CE tuition charged, and justification for the distribution of money appropriated for concurrent enrollment, pursuant to Section 53E-10-308.

(4)(5) Fee Waivers - Concurrent enrollment program costs attributable only to college credit or enrollment are not subject to fee waiver under Rule R277-407. A student's costs related to concurrent enrollment classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with Rule R277-407. The LEA shall be responsible for these waivers. The contract between the USHE institution and the LEA may address the responsibility for fee waivers.

R765-165-9. Location and Delivery.

Concurrent enrollment courses shall be offered at the most appropriate location, using the most appropriate educational technology for the course content, the faculty, and the students involved. Instruction may be delivered through live classroom instruction or other accepted instruction technologies. Instruction normally occurs during the school day with students released from regular high school coursework to participate in concurrent enrollment.

(1) Students within Commuting Distance - Qualified students residing within commuting distance of a USHE institution may pursue their concurrent enrollment study on the institution campus with approval from their LEA.

(2) Designated Service Region Delivery - Each USHE institution has the responsibility for offering concurrent enrollment courses within their designated service region per UBHE policy R315. If the local institution chooses not to offer a concurrent enrollment course, a LEA may ask another USHE institution to provide the course.

(3) Right of First Refusal - A LEA shall contact the USHE institution with responsibility for that LEA's service region to request a CE course offering. The local institution shall indicate in writing whether it will offer the requested course within 30 days of the LEA contact and request.

(a) Exception for Technology Delivered Courses - Concurrent enrollment courses which meet the definition of "Technology Delivered Instruction" are subject to designated service region requirements. Institutions desiring to offer technology delivered CE courses outside their designated service region must receive a written endorsement from the local institution for each course they desire to offer before contracting with LEAs outside their designated service area. An annual system review of technology delivered courses shall be completed prior to November 30 of the year preceding the school year in which courses shall be offered to assure efficient and effective use of resources.

R765-165-10. CE Instructor Qualifications.

(1) USHE institution [~~College or university~~] faculty or public school educators teach concurrent enrollment courses for the offering institution.

(2)(4) Selection of CE [F]instructors LEAs and the participating USHE institution shall jointly select instructors for concurrent enrollment courses. Selection criteria for instructors are the same as those criteria applied to other adjunct faculty appointments in specific departments within the USHE institution. Once approved as an adjunct, a CE instructor who teaches a CE course in 2018-19 or 2019-20 may continue to teach CE courses given curricular standards and student performance outcomes in the CE instructor's classes meet sponsoring academic department standards. Institutions shall establish a process for determining, in consultation with LEA partners, whether an eligible instructor who previously taught a CE course is no longer qualified to teach the CE course. The appropriate academic department at the institution must approve each CE instructor prior to teaching a concurrent enrollment class.

(3)(2) Institutional Faculty CE Instructors - A USHE institution faculty member is an eligible CE instructor.

(4)(3) LEA Employee Instructor Qualifications - An LEA employee is an eligible CE instructor if the LEA employee is licensed under statutory Education Professional Licensure, is supervised by an institution of higher education, and meets the following requirements:

(a) is approved as an eligible instructor by the institution of higher education that provides the concurrent enrollment course taught by the LEA employee as provided under Subsection R765-165-10(4);

(b) has an upper level mathematics credential issued by the State Board of Education, or

(c) teaches a concurrent enrollment course that the LEA employee taught during the 2018-19 or 2019-20 school year.

(5)(4) A USHE institution shall approve an LEA employee as an eligible instructor:

(a) for a career and technical education concurrent enrollment course, if the LEA employee has:

(i) a degree, certificate, or industry certification in the concurrent enrollment course's academic field; or

(ii) qualifying experience, as determined by the USHE institution [~~of higher education~~].

(b) for a concurrent enrollment course other than a career and technical education course, if the LEA employee has:

(i) a master's degree or higher in the concurrent enrollment course's academic field;

(ii) a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the concurrent enrollment course; or

(iii) qualifying experience, as determined by the institution of higher education.

(6)(5) Appeals Process for Instructor Qualification Approvals - If a designated service area USHE institution determines an LEA employee is not qualified to teach a concurrent enrollment course and the LEA has exhausted all administrative remedies available at the institution, the LEA may appeal the decision in writing to the Commissioner of Higher Education within 15 calendar days of the institution's final decision. The Commissioner shall appoint an appeals committee consisting of the associate commissioner for academic affairs and two USHE chief academic officers who are uninvolved in the decision being appealed.

(a) The appeals committee will review the LEA's appeal and the institution's decision.

NOTICES OF PROPOSED RULES

(b) The institution and LEA will provide the appeals committee with any material documents and information necessary for a complete review. The committee may request additional documentation or information as necessary.

(c) The appeals committee will provide a recommendation to the Commissioner, which may include affirming or reversing the institution's decision.

(d) The Commissioner shall make a final decision and issue it to the institution and the LEA in writing.

(e) After the Commissioner has issued a decision, there will be no further appeals or reviews.

(Z[6]) Criminal Background Checks - USHE faculty who are not public school educators and who teach concurrent enrollment courses defined under this policy in a high school shall complete a criminal background check consistent with Title 53G, Chapter 11, Part 4, Background Checks. The faculty's institution must determine if a criminal background check is required and, if so, must complete the background check and maintain required documentation consistent with the law.

(8[7]) Faculty Development - Concurrent enrollment instructors shall be included as fully as possible in the academic life of the supervising academic department. USHE institutions and LEAs shall jointly initiate faculty development, including appropriate workshop experiences to adequately prepare instructors to teach concurrent enrollment students and course content prior to offering concurrent enrollment courses. If a USHE institution uses an instructor of record or co-teaching instructional model, the institution faculty shall fully engage and prepare the public school educator to successfully teach the curriculum prior to the beginning of the course. Each CE instructor must complete any faculty development required by the sponsoring academic department at the institution prior to teaching the concurrent enrollment class. USHE institution faculty shall be responsible to understand and comply with federal and state laws governing public school student privacy and student records.

R765-165-11. Funding.

(1) Source of Funds - Each year that the Legislature appropriates funds for accelerated learning programs, a portion of those accelerated learning funds shall be allocated to the concurrent enrollment program.

(2) Eligibility to Receive Concurrent Funds - To qualify for funds, a concurrent enrollment program shall comply with the requirements described in Section 53E-10-302, including rules adopted in accordance with Section 53E-10-307.

(3) Allocation of Funds - Money appropriated to the USBE for concurrent enrollment shall first be allocated between LEAs and the UBHE based upon completed student credit hours taught by public school educators and taught by USHE institution ~~[college or university]~~ faculty. "Completed" means that a student earned credit for the course. Concurrent enrollment funds may not reimburse institutions for concurrent enrollment courses repeated by students. In accordance with Section 53F-2-409, funds shall be allocated as follows:

(a) for courses that are taught by public school educators where the cost of instruction is borne by the LEA, 60 percent shall be allocated to LEAs and 40 percent shall be allocated to the UBHE; and

(b) for courses that are taught by ~~[college or university]~~ USHE institution faculty or where the cost of instruction is borne by the USHE institution, 40 percent shall be allocated to LEAs; and 60 percent shall be allocated to the UBHE.

(4) Distribution of Funds among USHE Institutions - The UBHE shall make rules regarding the allocation of funds pertaining to USHE institutions participating in contractual basis concurrent enrollment. Each institution, except Snow CE, shall receive a pro-rated amount according to the number of semester credit hours completed. The Snow CE Program, which receives a separate appropriation through Section 53B-16-206 for instructional, advising, and administrative costs, shall not receive the pro-rated per credit funding as long as the separate appropriation funding is in place.

(5) Annual Reports - Annual reports shall be provided to legislative committees as follows:

(a) Higher Education Appropriations - USHE staff shall annually report to the Higher Education Appropriations Subcommittee on concurrent enrollment participation and growth, including data on what higher education tuition would have been charged for the hours of concurrent enrollment credit granted as required by Section 53E-10-308.

(b) Public Education Appropriations - USHE and USBE staff shall annually report to the Public Education Appropriations Subcommittee an accounting of the money appropriated for concurrent enrollment; and a justification of the split described in Subsection R765-165-11(2).

R765-165-12. Annual Concurrent Enrollment Contract.

Collaborating LEAs and USHE institutions shall annually sign a contract that establishes the terms, conditions, and duties for the institution to offer concurrent enrollment courses to the LEA's students.

(1) Annual Contract Content - The contracts shall include relevant policy for student eligibility and participation, course eligibility and delivery, and faculty eligibility and professional development. USHE and USBE staff shall review and amend the contract annually, as needed, to reflect current statute and rule.

(2) Annual Contract Deadline - Copies of each annual contract entered into between institutions and LEAs for the upcoming school year must be submitted by each institution to the USHE system office no later than May 30 annually. USHE shall convey copies of all contracts to USBE.

~~R765-165-13. Utah System of Higher Education Technical College Agreements.~~

~~High school students may participate at a USHE technical college campus to take contractual basis concurrent enrollment courses under the following conditions:~~

~~(1) Concurrent Enrollment Contract - A concurrent enrollment contract required under Section R765-165-12 must be in place between the LEA and the USHE institution covering the instruction to be given at the USHE technical college campus.~~

~~(2) Instruction and Costs The USHE institution shall enter into an agreement with the USHE technical college to provide the instruction. The agreement clearly establishes apportionment of cost and revenue that could be transferred to the technical college and the process for approval of technical college instructors as institutional adjunct faculty as provided under Section R765-165-10.]~~

KEY: concurrent enrollment, concurrent enrollment program

Date of Last Change: 2025[January 28, 2021]

Authorizing, and Implemented or Interpreted Law: 53E-10-302[; 53E-10-309(6)]; 53E-10-301; 53G-10-103

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R865-6F-26

Filing ID: 57418

Agency Information

1. Title catchline:	Tax Commission, Auditing	
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:
R865-6F-26. Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-609
4. Purpose of the new rule or reason for the change:
<p>This amendment addresses several changes proposed by the State Historic Preservation Office regarding the historic preservation corporate franchise tax credit to:</p> <ol style="list-style-type: none"> 1) changes language that implies the State Historic Preservation Office may approve a nomination to the National Register for Historic Places, 2) emphasizes that project work must be consistent with federal standards of Rehabilitation, 3) clarifies when a tax credit may be claimed, and 4) replaces references to the Utah Division of State History.
5. Summary of the new rule or change:
<p>This proposed amendment, regarding the historic preservation corporate franchise tax credit, does the following:</p> <ol style="list-style-type: none"> 1) changes language that implies the State Historic Preservation Office may approve a nomination to the National Register for Historic Places to clarify the State Historic Preservation Office and applicant roles in applying for the National Register of Historic Places or as a building in a National Register Historic District, consistent with statute; 2) requires that project work eligible for the tax credit is completed in accordance with the federal standards of Rehabilitation; 3) clarifies that the tax credit may be claimed for the tax year in which the applicant receives final certification for the project from the State Historic Preservation Office; and 4) replaces references to Utah Division of State History with references to the State Historic Preservation Office. <p>Additionally, this section has been rewritten to better describe the process of applying for and receiving the tax credit and resolve minor drafting issues.</p>

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 clarifies existing regulation of a tax credit to conform to current practice.

B. Local governments:

This amendment is not expected to impact local governments because it doesn't affect local governments.

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 of a tax credit for 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 of a tax credit for certain 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 is not expected to impact persons other than small businesses, non-small businesses, state, or local governments because it only clarifies existing regulation of a tax credit for certain 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 of a tax credit.

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:

A 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 59-7-609

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:

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:

08/14/2025

R865. Tax Commission, Auditing.

R865-6F. Franchise Tax.

R865-6F-26. Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-609.

~~[— A. Definitions:~~

~~1. "Qualified rehabilitation expenditures" includes architectural, engineering, and permit fees.~~

~~2. "Qualified rehabilitation expenditures" does not include movable furnishings.~~

~~3. "Residential" as used in Section 59-7-609 applies only to the use of the building after the project is completed.~~

~~B. Taxpayers shall file an application for approval of all proposed rehabilitation work with the Division of State History prior to the completion of restoration or rehabilitation work on the project. The application shall be on a form provided by the Division of State History.~~

~~C. Rehabilitation work must receive a unique certification number from the State Historic Preservation Office in order to be eligible for the tax credit.~~

~~D. In order to receive final certification and be issued a unique certification number for the project, the following conditions must be satisfied:~~

~~1. The project approved under B. must be completed.~~

~~2. Upon completion of the project, taxpayers shall notify the State Historic Preservation Office and provide that office an opportunity to review, examine, and audit the project. In order to be certified, a project shall be completed in accordance with the approved plan and the Secretary of the Interior's Standards for Rehabilitation.~~

~~3. Taxpayers restoring buildings not already listed on the National Register of Historic Places shall submit a complete National Register Nomination Form. If the nomination meets National Register criteria, the State Historic Preservation Office shall approve the nomination.~~

~~4. Projects must be completed, and the \$10,000 expenditure threshold required by Section 59-7-609 must be met, within 36 months of the approval received pursuant to B.~~

~~5. During the course of the project and for three years thereafter, all work done on the building shall comply with the Secretary of the Interior's Standards for Rehabilitation.~~

~~E. Proof of State Historic Preservation Office certification shall be made by:~~

~~1. receiving an authorization form from the State Historic Preservation Office containing the certification number;~~

~~2. attaching that authorization form to the tax return for the year in which the credit is claimed.~~

~~F. Credit amounts shall be applied against Utah corporate franchise tax due in the tax year in which the project receives final certification under D.~~

~~G. Credit amounts greater than the amount of Utah corporate franchise tax due in a tax year shall be carried forward to the extent provided by Section 59-7-609.~~

~~H. Carryforward historic preservation tax credits shall be applied against Utah franchise tax due before the application of any historic preservation credits earned in the current year and on a first earned, first used basis.~~

~~I. Original records supporting the credit claimed must be maintained for three years following the date the return was filed claiming the credit.]~~

~~(1) To claim a historic preservation corporate franchise tax credit under Section 59-7-609, a taxpayer shall:~~

~~(a) before rehabilitation work is completed on the taxpayer's building, submit to the State Historic Preservation Office an application for the credit:~~

~~(i) requesting approval of a proposed rehabilitation work plan; and~~

~~(ii) on a form provided by the State Historic Preservation Office;~~

~~(b) within 36 months after the day on which the taxpayer receives approval of the plan from the State Historic Preservation Office:~~

~~(i) complete the project; and~~

~~(ii) meet the \$10,000 expenditure threshold described in Section 59-7-609 for qualified rehabilitation expenditures that:~~

NOTICES OF PROPOSED RULES

(A) may include architectural, engineering, and permit fees; and
 (B) may not include moveable furnishings;
 (c) upon completion of the project;
 (i) notify the State Historic Preservation Office; and
 (ii) provide the office an opportunity to review, examine, and audit the project; and
 (d) for a building that is not in a National Register Historic District and is not already listed on the National Register of Historic Places, submit a complete National Register nomination form to the State Historic Preservation Office after working with the State Historic Preservation Office to ensure the form meets National Register criteria.

(2) The State Historic Preservation Office shall:
 (a) review an application under Subsection (1) and approve a plan that meets the standards described in Section 59-7-609 and this section; and
 (b) if applicable:
 (i) work with an applicant to ensure a nomination form described in Subsection (1)(d) meets National Register criteria;
 (ii) forward the nomination form to the National Register Review Committee, in accordance with 36 CFR 60 and applicable policies, for evaluation and action by the National Register Review Committee; and
 (iii) for a building that is located in a National Register Historic District, verify that a building is of significance to the district when the building possesses and retains integrity, consistent with 36 CFR 60.

(3) If an applicant fulfills the requirements described in Subsection (1) and the State Historic Preservation Office finds the finished project meets the requirements of the approved plan and the Secretary of the Interior's Standards of Rehabilitation, 36 CFR Sec. 68.3(b), the office shall issue a final certification on an authorization form that contains a unique certification number for the applicant to claim the tax credit.

(4) Subject to Subsection (5), if an applicant receives a final certification from the State Historic Preservation Office, the applicant may claim the tax credit amount associated with the certification number against the applicant's Utah corporate franchise tax due in the tax year for which the applicant completes the project.

(5)(a) An applicant may carry forward a credit amount that is greater than the amount of Utah corporate franchise tax due for a tax year, to the extent described in Section 59-7-609.

(b) A carry forward historic preservation tax credit shall be applied against Utah corporate franchise tax due before the application of a historic preservation credit earned in the current year and on a first-earned, first-used basis.

(6) For three years after the day on which an applicant receives final certification from the State Historic Preservation Office, an applicant shall:
 (a) maintain the building for residential use; and
 (b) ensure that any work on the building complies with the Secretary of the Interior's Standards of Rehabilitation, 36 CFR Sec. 68.3(b).

KEY: taxation, franchises, historic preservation, trucking industries

Date of Last Change: ~~2025~~~~July 14, 2016~~

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 9-2-401 through 9-2-415; 16-10a-1501 through 16-10a-1533; 53B-8a-112; 59-1-1301 through 59-1-1309; 59-6-102; 59-7; 59-7-101; 59-7-102; 59-7-104 through 59-7-106; 59-7-108; 59-7-109; 59-7-110; 59-7-112; 59-7-302 through 59-7-321; 59-7-402; 59-7-403; 59-7-501; 59-7-502; 59-7-505; 59-7-601 through 59-7-614; 59-7-608; 59-7-701; 59-7-703; 59-10-603; 59-13-202; 59-13-301; 63M-1; 63N-2-201 through 63N-2-215

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R865-9I-34

Filing ID: 57421

Agency Information

1. Title catchline:	Tax Commission, Auditing	
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:**

R865-9I-34. Property Tax Relief For Individuals Pursuant to Utah Code Ann. Sections 59-2-1201 through 59-2-1220

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

The proposed amendment is necessary because the language of Section R865-9I-34 is recodified into Section R884-24P-5, Abatement, Deferral, Exemption, or Relief under the Property Tax Act Pursuant to Utah Code Ann. Sections 59-2-1202, 59-2-1801, 59-2-1804, 59-2-1902, and 59-2-1904, under a simultaneous amendment.

5. Summary of the new rule or change:

The proposed amendment removes Section R865-9I-34 and recodifies it into Section R884-24P-5.

(EDITOR'S NOTE: The proposed amendment to Section R884-24P-5, ID 57459, is in this issue, September 15, 2025, of the Bulletin.)

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 the removed language has either been moved to another rule section or removed to reflect statute, resulting in no changes in regulation.

B. Local governments:

This amendment is not expected to impact local governments because the removed language has either been moved to another rule section or removed to reflect statute, resulting in no changes in regulation.

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

This amendment is not expected to impact small businesses because the removed language has either been moved to another rule section or removed to reflect statute, resulting in no changes in regulation.

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 the removed language has either been moved to another rule section or removed to reflect statute, resulting in no changes in regulation.

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 the repealed language has either been moved to another rule section or removed to reflect statute, resulting in no changes in regulation.

F. Compliance costs for affected persons:

This amendment is not expected to impose compliance costs on affected persons because the removed language has either been moved to another rule section or removed to reflect statute, resulting in no changes in 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

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 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:					
A 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:		
Sections 59-2-1201 through 59-2-1220		

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:	10/15/2025
10. This rule change MAY become effective on:	10/22/2025
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:	08/14/2025
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R865. Tax Commission, Auditing.

R865-91. Income Tax.

[R865-91-34. Property Tax Relief For Individuals Pursuant to Utah Code Ann. Sections 59-2-1201 through 59-2-1220.

- _____ (1) "Household" is determined as follows:
- _____ (a) For purposes of the homeowner's credit under Section 59-2-1208, household shall be determined as of January 1 of the year in which the claim under that section is filed.
- _____ (b) For purposes of the renter's credit under Section 59-2-1209, household shall be determined as of January 1 of the year for which the claim is filed under that section.
- _____ (2) "Nontaxable income" includes:
- _____ (a) the amount of a federal child tax credit received under Section 24 of the Internal Revenue Code that exceeded the taxpayer's federal tax liability; and
- _____ (b) the amount of a federal earned income credit received under Section 32 of the Internal Revenue Code that exceeded the taxpayer's federal tax liability.
- _____ (3) "Nontaxable income" does not include:
- _____ (a) federal tax refunds;
- _____ (b) the amount of a federal child tax credit received under Internal Revenue Code Section 24 that did not exceed the taxpayer's federal tax liability;
- _____ (c) the amount of a federal earned income credit received under Internal Revenue Code Section 32 that did not exceed the taxpayer's federal tax liability;
- _____ (d) payments received under a reverse mortgage;
- _____ (e) payments or reimbursements to senior program volunteers under United States Code Title 42, Section 5058; and
- _____ (f) gifts and bequests.

- ~~(4) "Property taxes accrued" does not mean that taxes can be accumulated for two or more years and then claimed in one year.~~
- ~~(5) A claimant who pays property taxes on a mobile home and pays rent on the land on which the mobile home is situated shall be eligible for a homeowner's credit for the property tax paid on the mobile home and a renter's credit for the rent paid on the land.~~
- ~~(6) State welfare assistance is not considered as public funds for the payment of rent, and will not preclude a rebate. However, assistance payments must be included in income.~~
- ~~(7) Where housing assistance payments are involved under the Housing and Community Development Act, Title II, Section 8:~~
- ~~(a) only that portion of the rent paid by the tenant may be claimed under the terms of the Circuit Breaker Act; and~~
- ~~(b) that portion of the rent paid by the federal government to the landlord will not be considered as part of the household income since it is not subject to a claim for rebate.~~
- ~~(8) Persons claiming a property tax exemption, deferral, reduction, or abatement under Title 59, Chapter 2, Parts 11, 18, or 19 are not precluded from claiming a homeowner's or renter's credit.]~~

KEY: historic preservation, income tax, tax returns, enterprise zones

Date of Last Change: 2025~~April 9, 2020~~

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 31A-32A-106; 53B-8a-112; 59-1-1301 through 59-1-1309; 59-2-1201 through 59-2-1220; 59-6-102; 59-7-3; 59-10; 59-10-103; 59-10-108 through 59-10-122; 59-10-108.5; 59-10-114; 59-10-124; 59-10-127; 59-10-128; 59-10-129; 59-10-130; 59-10-207; 59-10-210; 59-10-303; 59-10-401 through 59-10-403; 59-10-405.5; 59-10-406 through 59-10-408; 59-10-501; 59-10-503; 59-10-504; 59-10-507; 59-10-512; 58-10-514; 59-10-516; 59-10-517; 59-10-522; 59-10-533; 59-10-536; 59-10-602; 59-10-603; 59-10-1003; 59-10-1006; 59-10-1014; 59-10-1017; 59-10-1021; 59-10-1023; 59-10-1106; 59-10-1403; 59-10-1403.2; 59-10-1405; 59-13-202; 59-13-301; 59-13-302; 63M-1; 63N-2-201 through 63N-2-215

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R865-9I-41

Filing ID: 57417

Agency Information

1. Title catchline:	Tax Commission, Auditing	
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.		

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R865-9I-41. Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-10-1006
4. Purpose of the new rule or reason for the change:
This amendment addresses several changes proposed by the State Historic Preservation Office regarding the historic preservation individual income tax credit: 1) to change language that implies the State Historic Preservation Office may approve a nomination to the National Register for Historic Places; 2) to emphasize that project work must be consistent with federal standards of Rehabilitation; 3) to clarify when a tax credit may be claimed, and 4) to replace references to the Utah Division of State History.
5. Summary of the new rule or change:
This proposed rule amendment regarding the historic preservation individual income tax credit does the following: 1) changes language that implies the State Historic Preservation Office may approve a nomination to the National Register for Historic Places to clarify the State Historic Preservation Office and applicant roles in applying for the National Register of Historic Places or as a building in a National Register Historic District, consistent with statute;

- 2) requires that project work eligible for the tax credit is completed in accordance with the federal standards of Rehabilitation;
 3) clarifies that the tax credit may be claimed for the tax year in which the applicant receives final certification for the project from the State Historic Preservation Office; and
 4) replaces references to Utah Division of State History with references to the State Historic Preservation Office.

Additionally, the section has been rewritten to better describe the process of applying for and receiving the tax credit and resolve minor drafting issues.

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 clarifies existing regulation of a tax credit to conform to current practice.

B. Local governments:

This amendment is not expected to impact local governments because it doesn't affect local governments.

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

This amendment is not expected to impact small businesses because it doesn't affect 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 doesn't 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 is not expected to impact persons other than small businesses, non-small businesses, state, or local governments because it only clarifies existing regulation of a tax credit for certain individuals.

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 of a tax credit.

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:					
A 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 59-10-1006		

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	10/15/2025
10. This rule change MAY become effective on:	10/22/2025
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:	08/14/2025
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R865. Tax Commission, Auditing.

R865-9I. Income Tax.

R865-9I-41. Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-10-1006.

- [~~_____ (1) Definitions~~
- ~~_____ (a) "Qualified rehabilitation expenditures" includes architectural, engineering, and permit fees.~~
- ~~_____ (b) "Qualified rehabilitation expenditures" does not include movable furnishings.~~
- ~~_____ (c) "Residential" as used in Section 59-10-1006 applies only to the use of the building after the project is completed.~~
- ~~_____ (2) Taxpayers shall file an application for approval of all proposed rehabilitation work with the Division of State History prior to the completion of restoration or rehabilitation work on the project. The application shall be on a form provided by the Division of State History.~~
- ~~_____ (3) Rehabilitation work must receive a unique certification number from the State Historic Preservation Office in order to be eligible for the tax credit.~~
- ~~_____ (4) In order to receive final certification and be issued a unique certification number for the project, the following conditions must be satisfied:~~
- ~~_____ (a) The project approved under Subsection (2) must be completed.~~
- ~~_____ (b) Upon completion of the project, taxpayers shall notify the State Historic Preservation Office and provide that office an opportunity to review, examine, and audit the project. In order to be certified, a project shall be completed in accordance with the approved plan and the Secretary of the Interior's Standards for Rehabilitation.~~
- ~~_____ (c) Taxpayers restoring buildings not already listed on the National Register of Historic Places shall submit a complete National Register Nomination Form. If the nomination meets National Register criteria, the State Historic Preservation Office shall approve the nomination.~~
- ~~_____ (d) Projects must be completed, and the \$10,000 expenditure threshold required by Section 59-10-1006 must be met, within 36 months of the approval received pursuant to Subsection (2).~~
- ~~_____ (e) During the course of the project and for three years thereafter, all work done on the building shall comply with the Secretary of the Interior's standards for Rehabilitation.~~
- ~~_____ (5) Upon issuing a certification number under Subsection (4), the State Historic Preservation Office shall provide the taxpayer an authorization form containing that certification number.~~
- ~~_____ (6) Credit amounts shall be applied against Utah individual income tax due in the tax year in which the project receives final certification under Subsection (4).~~
- ~~_____ (7) Credit amounts greater than the amount of Utah individual income tax due in a tax year shall be carried forward to the extent provided by Section 59-10-1006.~~
- ~~_____ (8) Carryforward historic preservation tax credits shall be applied against Utah individual income tax due before the application of any historic preservation credits earned in the current year and on a first earned, first used basis.~~
- ~~_____ (9) Original records supporting the credit claimed must be maintained for three years following the date the return was filed claiming the credit.]~~
- ~~_____ (1) To claim a historic preservation individual income tax credit under Section 59-10-1006, a taxpayer shall:~~

NOTICES OF PROPOSED RULES

(a) before rehabilitation work is completed on the taxpayer's building, submit to the State Historic Preservation Office an application for the credit:

- (i) requesting approval of a proposed rehabilitation work plan; and
- (ii) on a form provided by the State Historic Preservation Office;

(b) within 36 months after the day on which the taxpayer receives approval of the plan from the State Historic Preservation Office:

- (i) complete the project; and
- (ii) meet the \$10,000 expenditure threshold described in Section 59-10-1006 for qualified rehabilitation expenditures that:
 - (A) may include architectural, engineering, and permit fees; and
 - (B) may not include moveable furnishings;

(c) upon completion of the project:

- (i) notify the State Historic Preservation Office; and
- (ii) provide the office an opportunity to review, examine, and audit the project; and

(d) for a building that is not in a National Register Historic District and is not already listed on the National Register of Historic Places, submit a complete National Register nomination form to the State Historic Preservation Office after working with the State Historic Preservation Office to ensure the form meets National Register criteria.

(2) The State Historic Preservation Office shall:

- (a) review an application under Subsection (1) and approve a plan that meets the standards described in Section 59-10-1006 and this section; and
- (b) if applicable:
 - (i) work with an applicant to ensure a nomination form described in Subsection (1)(d) meets National Register criteria;
 - (ii) forward the nomination form to the National Register Review Committee, in accordance with 36 CFR 60 and applicable policies, for evaluation and action by the National Register Review Committee; and
 - (iii) for a building that is located in a National Register Historic District, verify that a building is of significance to the district when the building possesses and retains integrity, consistent with 36 CFR 60.

(3) If an applicant fulfills the requirements described in Subsection (1) and the State Historic Preservation Office finds the finished project meets the requirements of the approved plan and the Secretary of the Interior's Standards of Rehabilitation, 36 CFR Sec. 68.3(b), the office shall issue a final certification on an authorization form that contains a unique certification number for the applicant to claim the tax credit.

(4) Subject to Subsection (5), if an applicant receives a final certification from the State Historic Preservation Office, the applicant may claim the tax credit amount associated with the certification number against the applicant's Utah individual income tax due in the tax year for which the applicant completes the project.

(5)(a) An applicant may carry forward a credit amount that is greater than the amount of Utah individual income tax due for a tax year, to the extent described in Section 59-10-1006.

(b) A carry forward historic preservation tax credit shall be applied against Utah individual income tax due before the application of a historic preservation credit earned in the current year and on a first-earned, first-used basis.

(6) For three years after the day on which an applicant receives final certification from the State Historic Preservation Office, an applicant shall:

- (a) maintain the building for residential use; and
- (b) ensure that any work on the building complies with the Secretary of the Interior's Standards of Rehabilitation, 36 CFR Sec. 68.3(b).

KEY: historic preservation, income tax, tax returns, enterprise zones

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

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 31A-32A-106; 53B-8a-112; 59-1-1301 through 59-1-1309; 59-2-1201 through 59-2-1220; 59-6-102; 59-7-3; 59-10; 59-10-103; 59-10-108 through 59-10-122; 59-10-108.5; 59-10-114; 59-10-124; 59-10-127; 59-10-128; 59-10-129; 59-10-130; 59-10-207; 59-10-210; 59-10-303; 59-10-401 through 59-10-403; 59-10-405.5; 59-10-406 through 59-10-408; 59-10-501; 59-10-503; 59-10-504; 59-10-507; 59-10-512; 58-10-514; 59-10-516; 59-10-517; 59-10-522; 59-10-533; 59-10-536; 59-10-602; 59-10-603; 59-10-1003; 59-10-1006; 59-10-1014; 59-10-1017; 59-10-1021; 59-10-1023; 59-10-1106; 59-10-1403; 59-10-1403.2; 59-10-1405; 59-13-202; 59-13-301; 59-13-302; 63M-1; 63N-2-201 through 63N-2-215

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R865-19S-12

Filing ID: 57419

Agency Information

1. Title catchline:	Tax Commission, Auditing
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:
R865-19S-12. Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107 and 59-12-118
4. Purpose of the new rule or reason for the change:
Current statute does not support an exception stated in this section that allows certain businesses to file a sales and use tax return annually.
5. Summary of the new rule or change:
<p>This proposed amendment removes an exception in the section that allows a business that collects less than \$1,000 in sales tax in a calendar year to file a sales and use tax return annually.</p> <p>The amendment also rewrites existing language that requires a seller to file a sales and use tax return regardless of whether any tax is due, and removes language redundant with statute that specifies the type of return filed by a remote seller and the extension of a return due date if the date falls on a Saturday, Sunday, or legal holiday.</p>

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>This amendment is not expected to impact the state budget because the current section is inconsistent with the determination of filing frequencies allowed in statute.</p> <p>This filing is merely cleaning up the section to better match the statute.</p> <p>Since statutory language always supersedes administrative rule language, any language that is in the administrative rule that is inconsistent with statute is ineffective so this change cannot have a fiscal impact.</p>
B. Local governments:
<p>This amendment is not expected to impact local governments because it doesn't affect local government.</p>
C. Small businesses ("small business" means a business employing 1-49 persons):
<p>This amendment is not expected to impact small businesses because the current section is inconsistent with the determination of filing frequencies allowed in statute.</p> <p>This filing is merely cleaning up the section to better match the statute.</p> <p>Since statutory language always supersedes administrative rule language, any language that is in the administrative rule that is inconsistent with statute is ineffective so this change cannot have a fiscal impact.</p>
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
<p>This amendment is not expected to impact non-small businesses because the current section is inconsistent with the determination of filing frequencies allowed in statute.</p> <p>This filing is merely cleaning up the section to better match the statute.</p>

Since statutory language always supersedes administrative rule language, any language that is in the administrative rule that is inconsistent with statute is ineffective so this change cannot have a fiscal 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 amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local governments because the current section is inconsistent with the determination of filing frequencies allowed in statute.

This filing is merely cleaning up the section to better match the statute.

Since statutory language always supersedes administrative rule language, any language that is in the administrative rule that is inconsistent with statute is ineffective so this change cannot have a fiscal impact.

F. Compliance costs for affected persons:

This amendment is not expected to impose additional compliance costs on affected persons because the current section is inconsistent with the determination of filing frequencies allowed in statute.

This filing is merely cleaning up the section to better match the statute.

Since statutory language always supersedes administrative rule language, any language that is in the administrative rule that is inconsistent with statute is ineffective so this change cannot have a fiscal impact.

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:

A 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 59-12-107

Section 59-12-111

Section 59-12-118

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:**

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:

08/14/2025

R865. Tax Commission, Auditing.**R865-19S. Sales and Use Tax.****R865-19S-12. Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107, ~~59-12-111~~, and 59-12-118.**

(1)~~[(a) Every person responsible for the collection of the tax under the act]~~ A seller that is licensed with the Tax Commission under Title 59, Chapter 12, Sales and Use Tax Act, shall file a return with the ~~[Tax C]~~commission ~~[whether or not sales]~~as required by statute, regardless of whether tax is due.

~~[(b) The return filed by a remote seller under Subsection 59-12-107(4) shall be the return the seller would have filed if the seller were not a remote seller.~~

~~[(2) If the due date for a return falls on a Saturday, Sunday, or legal holiday, the return will be considered timely filed if it is received on the next business day.]~~

~~[(3)]~~[(2)] The return required by Subsection (1) shall be filed with the commission in an electronic format approved by the commission.

~~[(4) Sales and use tax returns shall be filed and paid monthly or quarterly with the following exceptions:~~

~~[(a) New businesses that expect annual sales and use tax liability less than \$1,000, shall be assigned an annual filing status unless quarterly filing status is requested.~~

~~[(b)(i) Businesses currently assigned a quarterly filing status, in good standing and reporting less than \$1,000 in tax for the preceding calendar year may be changed to annual filing status.~~

~~[(ii) The Tax Commission will notify businesses, in writing, if their filing status is changed to annual.~~

~~[(c)(i) Businesses assigned an annual filing status reporting in excess of \$1,000 for a calendar year, will be changed to quarterly filing status.~~

~~[(ii) The Tax Commission will notify businesses, in writing, if their filing status is changed to quarterly.~~

~~[(5) Annual returns are due on January 31 following the calendar year end. The Tax Commission may revoke the annual filing status if sales tax collections are in excess of \$1,000 or as a result of delinquent payment history.]~~

KEY: charities, tax exemptions, religious activities, sales tax**Date of Last Change: 2025~~[March 28, 2024]~~****Notice of Continuation: November 9, 2021****Authorizing, and Implemented or Interpreted Law: 9-2-1702; 9-2-1703; 10-1-303; 10-1-306; 10-1-307; 10-1-405; 19-6-808; 26-32a-101 through 26-32a-113; 59-1-210; 59-12; 59-12-102; 59-12-103; 59-12-104; 59-12-105; 59-12-106; 59-12-107; 59-12-108; 59-12-118; 59-12-301; 59-12-352; 59-12-353****NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Rule or section number:****R865-19S-68****Filing ID: 57420****Agency Information****1. Title catchline:**

Tax Commission, Auditing

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:

R865-19S-68. Premiums, Gifts, Rebates, and Coupons Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103

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

The existing language needs clarification and modernization.

5. Summary of the new rule or change:

This proposed amendment re-writes and clarifies existing language regarding donations, gifts, rebates and coupons.

The amendment generalizes, simplifies, and clarifies existing language without making substantive changes.

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 doesn't make substantive changes to existing regulation.

B. Local governments:

This amendment is not expected to impact local governments because it doesn't make substantive changes to existing regulation.

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

This amendment is not expected to impact small businesses because it doesn't make substantive changes to existing regulation.

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 doesn't make substantive changes to existing regulation.

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 doesn't make substantive changes to existing rule language.

F. Compliance costs for affected persons:

This amendment is not expected to impose additional compliance costs on affected persons because it doesn't make substantive changes to existing rule language.

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:

A 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 59-12-102

Section 59-12-103

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:**

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:

08/14/2025

R865. Tax Commission, Auditing.**R865-19S. Sales and Use Tax.****R865-19S-68. ~~[Premiums]~~Donations, Gifts, Rebates, and Coupons Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103.**

~~[A. Donors that give away items of tangible personal property as premiums or otherwise are regarded as the users or consumers of these items and the sale to the donor is a taxable sale. Exceptions to this treatment are items of tangible personal property donated to or provided for use by exempt organizations that would qualify for exemption under R865-19S-43 or R865-19S-54 if a sale of such items were made to them. An item given away as a sales incentive is exempt to the donor if the sale of that item would have been exempt. An example is prescribed medicine given away by a drug manufacturer.]~~

~~(1) The use of tangible personal property is subject to sales and use taxes unless:~~

~~(a) sales or use taxes were paid on the purchase of the tangible personal property;~~

~~(b) the tangible personal property is not subject to sales and use taxes; or~~

~~(c) an exemption applies to the sale or use of the tangible personal property.~~

~~(2) A donation or gift of tangible personal property is considered to be use of tangible personal property, unless:~~

~~(a) the donation or gift is made to an entity or organization that would qualify for an exemption for a religious or charitable institution under Section 59-12-104 and Section R865-19S-43, if the tangible personal property were sold to the entity or organization;~~

~~(b) the donated or gifted tangible personal property would have been exempt from sales and use taxes if sold; or~~

~~(c) the donation or gift is contingent on and guaranteed upon the completion of a taxable sale.~~

~~[B. When a retailer making a retail sale of tangible personal property that is subject to tax gives a premium together with the tangible personal property sold, the transaction is regarded as a sale of both articles to the purchaser, provided the delivery of the premium is certain and does not depend upon chance.~~

~~C. Where a retailer is engaged in selling tangible personal property that is not subject to tax and furnishes a premium with the property sold, the retailer is the consumer of the premium furnished.]~~

~~[D.](3)(a) If a retailer accepts a coupon for part or total payment for a taxable product and is reimbursed by a manufacturer or another party, the total sales value, including the coupon amount, is subject to sales or use tax.~~

~~[E.](b) A coupon for which no reimbursement is received is considered to be a discount and the taxable amount is the net amount paid by the customer after deducting the value of the coupon.~~

NOTICES OF PROPOSED RULES

[~~_____ F. If a retailer agrees to furnish a free item in conjunction with the sale of an item, the sales tax applies only to the net amount due. If sales tax is computed on both items and only the sales value of the free item is deducted from the bill, excess collection of sales tax results. The vendor is then required to follow the procedure outlined in R865-19S-16 and remit any excess sales tax collected.~~

~~_____ G. Any coupon with a fixed price limit must be deducted from the total bill and sales tax computed on the difference. For example, if a coupon is redeemed for two \$6 meals, but the value of the free meal is limited to \$5, the \$12 is rung up and the \$5 deducted, resulting in a taxable sale of \$7.]~~

KEY: charities, tax exemptions, religious activities, sales tax

Date of Last Change: ~~2025~~**March 28, 2024**

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 9-2-1702; 9-2-1703; 10-1-303; 10-1-306; 10-1-307; 10-1-405; 19-6-808; 26-32a-101 through 26-32a-113; 59-1-210; 59-12-102; 59-12-103; 59-12-104; 59-12-105; 59-12-106; 59-12-107; 59-12-108; 59-12-118; 59-12-301; 59-12-352; 59-12-353

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R873-22M-17

Filing ID: 57416

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-17. Standards for State Impound Lots Pursuant to Utah Code Ann. Section 41-1a-1101	
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 261 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
This amendment adjusts current language to conform to HB 261, passed in the 2025 General Session, which authorizes certain individuals to take possession of a life essential item in a vehicle at a state impound lot or yard, and the amendment also makes changes in response to requests from the Utah Towing Association.	
5. Summary of the new rule or change:	
The changes require that an individual show evidence of statutory authorization to take possession of a life essential item and allow for an individual to access a vehicle to obtain personal identification to prove statutory authorization.	
The amendment also changes existing language to do the following:	
1) to clarify the requirements imposed on a state impound lot or yard;	
2) to add visibility requirements for the sign that identifies a lot or yard;	
3) to require adequate lighting standards for the entire lot or yard;	
4) to require fencing standards for separating activity not directly related to state impounds;	
5) to add weed height restrictions; and	
6) to require response time requirements for a lot or yard that is authorized to maintain multiple storage areas managed by a central office facility.	
Additionally, the amendment rewrites existing language to resolve minor drafting issues and modernize the drafting style.	

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 requiring a state impound lot or yard to allow an individual to access a vehicle to obtain a life essential item and otherwise the amendment only clarifies existing requirements related to state impound yards.

B. Local governments:

This amendment is not expected to impact local governments because any costs or savings would have been considered in the legislation requiring a state impound lot or yard to allow an individual to access a vehicle to obtain a life essential item and otherwise the amendment only clarifies existing requirements related to state impound yards.

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 requiring a state impound lot or yard to allow an individual to access a vehicle to obtain a life essential item and otherwise the amendment only clarifies existing requirements related to state impound yards.

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 requiring a state impound lot or yard to allow an individual to access a vehicle to obtain a life essential item and otherwise the amendment only clarifies existing requirements related to state impound yards.

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 requiring a state impound lot or yard to allow an individual to access a vehicle to obtain a life essential item and otherwise the amendment only clarifies existing requirements related to state impound yards.

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 and otherwise the section only clarifies existing requirements related to state impound yards.

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

NOTICES OF PROPOSED RULES

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:					
A 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 41-1a1101	Section 41-6a-1406	

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:	10/15/2025
10. This rule change MAY become effective on:	10/22/2025
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:	08/14/2025
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R873. Tax Commission, Motor Vehicle.

R873-22M. Motor Vehicle.

R873-22M-17. Standards for a State Impound Lot[s] or Yard Pursuant to Utah Code Ann. Sections 41-1a-1101 and 41-6a-1406.

- (1) As used in this section:
- (a) "Life essential item" means the same as that term is defined in Section 72-9-603.
- (b) "Lot or yard" means a state impound lot or yard designated by the division.
- ~~[(1)](2)~~ A [n impound] lot or yard may be used by the [Motor Vehicle Division] division and peace officers [only if all of the following requirements are satisfied] if:
- (a) ~~[(F)]~~ the lot or yard [must be] is identified by a conspicuously placed, well-maintained sign that:
- (i) is at least 24 square feet in size;
- (ii) includes the business name, address, phone number, and hours of business; ~~[-and]~~
- (iii) displays the ~~[impound]~~ lot or yard identification number issued by the ~~[Motor Vehicle Division] division~~ in characters at least four inches high[-];
- (iv) is visible from the nearest highway; and
- (v) is adequately lit so the sign is always readable from the center of the nearest highway;
- (b) ~~[(F)]~~ the lot or yard [shall] maintains a hard-surfaced storage area of concrete, black top, gravel, road base, or other similar material[-];
- (c) ~~[(F)]~~ the entire lot or yard [must have] has adequate lighting, as determined from a point within the lot or yard that is the farthest distance from the nearest source of light[-];
- (d) ~~[(A)]~~ the entire perimeter of the lot or yard is fenced:
- (i) separately from any other personal or business activity that is not directly related to state impounds; and
- (ii) with six-foot chain link or other similar fence or wall[that is] topped with three strands of barbed wire or razor security wire [must surround the yard] that are properly affixed to the fence or wall[-];
- (e) ~~[(F)]~~ the lot or yard [must have] has opaque fencing, which may be opaque chain link fencing, on any side that has frontage with a highway[-];
- (f) ~~[(S)]~~ the lot or yard has spacing between vehicles [must be] that is adequate to allow opening of vehicle doors without interfering with other vehicles or objects[-];
- (g) ~~[(An office shall be located on the premises of the yard)]~~ except as provided in Subsection (2), the lot or yard has an office on the premises[-];
- ~~[(4)]~~ [(h)] the lot or yard office [shall be] is staffed and open for public business during normal business hours, Monday through Friday, except for designated state and federal holidays[-];
- ~~[(ii)]~~ If the yard maintains multiple storage areas, authorization may be requested from the Motor Vehicle Division to maintain a central office facility in a location not to exceed a 10 mile radius from any of its storage areas.
- ~~[(iii)]~~ If a central office facility is authorized under Subsection (1)(g)(ii), the signs of all storage areas must provide the location of the office.

~~(h) T~~(i) the lot or yard ~~shall~~ provides compressed air and battery boosting capabilities at no additional cost~~[-]; and~~
~~(i) any weeds in the lot or yard do not exceed six inches in height.~~
(2) Upon request, the division may authorize a lot or yard to maintain multiple storage areas managed by a central office facility, if each storage area is within a 10 mile radius of the central office facility.
(i) An operator of a lot or yard with a central office facility authorized under this Subsection (2) shall appear at an appropriate storage area within 60 minutes of notification to release a vehicle held at that storage area.
(ii) If an operator fails to appear as described in Subsection (2)(i), the division may revoke the lot or yard's authorization to operate as a lot or yard for six months or more.
(iii) In addition to the requirements of Subsection (1)(a), each sign at a storage area affiliated with a central office facility shall provide the location and phone number of the central office facility.
(2) Persons who can demonstrate an ownership interest in a car held at a state impound yard are allowed to enter the vehicle during normal business hours and remove personal property not attached to the vehicle upon signing a receipt for the property with the yard.
(a) An individual has ownership interest in the vehicle if he:
(i) is listed as a registered owner or lessee of the vehicle; or
(ii) has possession of the vehicle title.
(b) An individual must show picture identification as evidence of his ownership interest.
(c) The storage~~(3)~~ An operator of a lot or yard shall:
(a) allow an individual authorized by Section 41-6a-1406, access to a vehicle, vessel, or outboard motor during normal business hours to take possession of a life essential item or other personal property if the individual:
(i) presents the individual's driver license or other government-issued identification;
(ii) shows evidence that the individual is authorized under Section 41-6a-1406 to take possession of the life essential item or other personal property; and
(iii) signs a receipt for any personal property removed from a vehicle, vessel, or outboard motor;
(b) allow an individual to access a vehicle, vessel, or outboard motor, if necessary to obtain the individual's driver license or other government-issued identification to show that the individual is authorized to take possession of a life essential item or other personal property under Section 41-6a-1406; and
(c) maintain a log of individuals who have been given access to vehicles ~~[for the purpose of removing]~~to remove personal property.
~~(3) Impound yards holding five or less vehicles in a month may be required to tow those vehicles to another yard for the purpose of centralizing sales of vehicles or, at the discretion of the Motor Vehicle Division, be required to hold the vehicles until additional impounded vehicles may be included.](4) The division may require an operator of a lot or yard holding five or fewer vehicles in a month to tow those vehicles to another lot or yard to centralize vehicle sales.~~
~~(4) Operators of impound yards](5) An operator of a lot or yard shall remove license plates from an impounded vehicle[s] [prior to]before the time of sale and turn [them]the plates over to the [commission]division [at the time]when the vehicles are sold.~~
~~(5)(6) The [Motor Vehicle D]division [has the authority to]may review the qualifications of [state impound yards] a lot or yard to assure compliance with the requirements [set forth in this rule]of this section.~~
~~[Any](a) The division shall provide written notice to an operator of a lot or yard not in compliance [shall be notified in writing]and give [a] 30 days from that notice to rectify any noncompliance.~~
~~(b) If no action or insufficient action is taken by the [impound]operator of the lot or yard, the [Motor Vehicle D]division may order [it]the lot or yard to be suspended as a [state impound]lot or yard.~~
~~(7) Any lot or yard contesting suspension, or any lot or yard directly and adversely affected by the [Motor Vehicle D]division's refusal to designate [it]the lot or yard as a state impound lot or yard, [has the right to]may appeal that suspension or designation refusal to the commission.~~

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:

R884-24P-5

Filing ID: 57459

Agency Information

1. Title catchline:	Tax Commission, Property Tax
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:	
R884-24P-5. Abatement, Deferral, Exemption, or Relief under the Property Tax Act Pursuant to Utah Code Ann. Sections 59-2-1202, 59-2-1801, 59-2-1804, 59-2-1902, and 59-2-1904	
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 266 (2024 General Session), HB 20 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>The proposed amendment fulfills a requirement in HB 266, passed in the 2024 General Session, that the commission make rules to establish the circumstances under which the commission or a county may extend the deadline for filing an application for a homeowner's credit for good cause.</p> <p>HB 20, passed in the 2025 General Session, further expanded the deadline extension for good cause to all relief allowed under Title 59, Chapter 2a, Property Tax Relief Through Property Tax, which takes effect on 01/01/2026.</p>	
5. Summary of the new rule or change:	
<p>The proposed amendment recodifies language from both Section R865-9I-34 and Section R884-24P-5, combining all of the language into Section R884-24-5, and rewriting it to clarify intent and reflect modern drafting style.</p> <p>The amendment allows late filing of all applications for relief under the new chapter in case of a medical emergency, death of an immediate family member, or other extraordinary or unanticipated circumstance, and allows for an appeal to the commission if an application is denied for not meeting one or more of those grounds.</p> <p>Finally, the proposed amendment updates all of the citations changed as a result of the recodification of the property tax relief code sections in HB 20 (2025), Property Tax Code Recodification.</p> <p>(EDITOR'S NOTE: The proposed amendment to Section R865-9I-34, ID 57421, is in this issue, September 15, 2025, of the Bulletin.)</p>	

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 directing the State Tax Commission to make rules defining good cause for extending a tax relief application deadline.
B. Local governments:
This amendment is not expected to impact local governments because any costs or savings would have been considered in the legislation directing the State Tax Commission to make rules defining good cause for extending a tax relief application deadline.
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 directing the State Tax Commission to make rules defining good cause for extending a tax relief application deadline.

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 directing the State Tax Commission to make rules defining good cause for extending a tax relief application deadline.

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 directing the State Tax Commission to make rules defining good cause for extending a tax relief application deadline.

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 directing the State Tax Commission to make rules defining good cause for extending a tax relief application deadline.

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:

A 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 59-2a-101	Section 59-2a-102	Section 59-2a-108
Section 59-2a-205	Section 59-2a-305	Title 59, Chapter 2a

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:	10/15/2025
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10. This rule change MAY become effective on:	10/22/2025
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:	08/14/2025
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R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-5. ~~[Abatement, Deferral, Exemption, or Relief]~~Property Tax Relief ~~[under the Property Tax Act]~~Pursuant to Utah Code Ann. ~~[Sections 59-2-1202, 59-2-1801, 59-2-1804, 59-2-1902, and 59-2-1904]~~Title 59, Chapter 2a, Tax Relief Through Property Tax.

~~[(1) Absence from a residence due to vacation, confinement to hospital, or other similar temporary absence may not be deducted from the ten-month residency requirement of Subsection 59-2-1801(3)(c).]~~

~~[(2) Written notification shall be given to any applicant whose application under the following parts is denied:~~

~~_____ (a) Title 59, Chapter 2, Part 12, Property Tax Relief;~~

~~_____ (b) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or~~

~~_____ (c) Title 59, Chapter 2, Part 19, Armed Forces Exemptions.]~~

~~[(1) In determining whether an applicant under Title 59, Chapter 2a, Tax Relief Through Property Tax, meets the definition of "indigent individual" with regard to the 10-month residency requirement, a county may not consider an applicant's absence from a residence due to vacation, confinement to hospital, or other similar temporary absence.~~

~~[(2) Written notice is required when a claimant's claim is denied under Title 59, Chapter 2a, Tax Relief Through Property Tax.~~

~~[(3) Household income shall be calculated as of January 1 of the year for which a claim is filed for a credit under Section 59-2a-205 or 59-2a-305.~~

~~[(4) The term "property taxes accrued," defined in Section 59-2a-101, does not include taxes accumulated for two or more years and claimed in one year.~~

~~[(5) A person who pays property taxes on a mobile home and rents the land under the mobile home may claim both a renter's credit under Section 59-2a-205 for the rent paid on the land and a homeowner's credit under Section 59-2a-305 for the property tax paid on the mobile home.~~

~~[(6)(a) The commission shall include a state welfare assistance payment in the calculation of household income under Section 59-2a-205, but may not consider a state welfare assistance payment as a rental assistance payment that reduces the gross rent claimed for a renter's credit under Section 59-2a-205.~~

~~[(b) The commission may not include a housing assistance payment received under Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f, in the calculation of household income under Section 59-2a-205, but shall consider the housing assistance payment as a rental assistance payment that reduces the gross rent claimed for a renter's credit under Section 59-2a-205.~~

~~[(7) A person that claims a property tax exemption under Title 59, Chapter 2, Part 11, Exemptions, or a property tax exemption, deferral, reduction or abatement under Title 59, Chapter 2a, Tax Relief Through Property Tax, may also claim a renter's credit under Title 59, Chapter 2a, Part 2, Renter's Credit, or a homeowner's credit under Title 59, Chapter 2a, Part 3, Homeowner's Credit, or both.~~

~~[(8) The time for filing an application for relief under Title 59, Chapter 2a, Tax Relief Through Property Tax, is extended to December 31 of the year the application is due if:~~

~~_____ (a) the applicant was incapable of filing an application as a result of a medical emergency to the applicant or an immediate family member of the applicant during a reasonable time before the application was due, and no co-owner of the property was capable of filing the application;~~

~~_____ (b) the applicant or an immediate family member of the applicant died during a reasonable time before the application was due, and no co-owner of the property was capable of filing an application; or~~

~~_____ (c) the applicant was unable to file an application because of extraordinary and unanticipated circumstances that occurred during a reasonable time before the application was due and no co-owner of the property was capable of filing the application.~~

~~[(9) If an application filed after September 1 is denied because the application does not meet one or more grounds for extension described in Subsection (8):~~

~~_____ (a) the denial shall be in writing, stating the reasons and statutory basis for the denial; and~~

~~_____ (b) an applicant may appeal the denial to the commission as described in Section 59-2-1006 and Section R861-1A-9.~~

KEY: taxation, personal property, property tax, appraisals

Date of Last Change: [January 1,] 2025

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Repeal and Reenact**Rule or section number:****R920-6****Filing ID:** 57405**Agency Information**

1. Title catchline:	Transportation, Operations, Traffic and Safety	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R920-6. Traction Device/Tire Chain Requirements	
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 196 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>During the 2025 General Session, the Utah Legislature passed HB 196, which in part clarifies the Utah Department of Transportation's (UDOT) authority to make rules regarding vehicles traveling along state highways during inclement weather.</p> <p>In light of that legislation, UDOT is revising the requirements set forth in Rule R920-6.</p>	
5. Summary of the new rule or change:	
<p>This new rule:</p> <ol style="list-style-type: none"> 1) describes how UDOT can designate three traction segments as opposed to two; 2) specifies certain traction device requirements and how they will be in effect during adverse weather conditions; 3) defines new terms, and clarifies definitions contained in the current version of Rule R920-6; 4) adds a new tread depth requirement for tires in class three traction segments; and 5) describes how UDOT and law enforcement agencies can enforce traction device requirements. 	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This new rule does not have a fiscal impact on the state budget because it does not require the state to allocate any new money to enforce traction device requirements on state highways.
B. Local governments:
This new rule does not have a fiscal impact on local governments because it does not require local governments to do anything.

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

This new rule does not have a fiscal impact on small businesses because it does not require small businesses to do anything

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

This rule does not have a fiscal impact on non-small businesses because it does not require non-small businesses to do anything.

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 may have a marginal fiscal impact on persons who operate the following type of vehicle on a class 3 traction segment when traction device requirements are in effect: a Gross Vehicle Weight Rating (GVWR) of 12,000 pounds or less, with either all-wheel drive or four-wheel drive traction, and no Three Peak Mountain Snowflake (3PMSF) tires.

Such vehicles will need 3PMSF tires to abide by this rule when traction device requirements are in effect.

F. Compliance costs for affected persons:

UDOT could not estimate an exact fiscal impact, but the compliance costs for this rule would amount to the costs associated with equipping a vehicle described in Box E with 3PMSF tires.

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 Transportation, Carlos M. Bracerias, 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 41-6a-715

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:**

10/15/2025

10. This rule change MAY become effective on:

10/22/2025

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:**Carlos M. Bracerias, PE, Executive
Director**Date:**

08/18/2025

R920. Transportation, Operations, Traffic and Safety.**~~R920-6. Traction Device/Tire Chain Requirements.~~****~~R920-6-1. Purpose.~~**

~~The purpose of this rule is to establish the conditions under which the Utah Department of Transportation and law enforcement agencies will require traction devices to traverse highway segments impacted by winter weather. The use of traction devices when conditions warrant increases the likelihood that drivers safely traverse the road and reduces the likelihood that drivers create a hazard or hamper road maintenance.~~

~~R920-6-2. Authority.~~

~~The Department promulgates this rule pursuant to Utah Transportation Code section 72-1-201 and Utah Motor Vehicle Act section 41-6a-715.~~

~~R920-6-3. Definitions.~~

~~As used in this rule:~~

- ~~(1) "UDOT" means the Utah Department of Transportation~~
- ~~(2) "UHP" means Utah Highway Patrol~~
- ~~(3) "Traction Devices" are devices that improve traction of tires on icy or snowy road by placing high friction objects between the tires and the road. Examples include tire chains, sand distribution devices, tire studs and other devices similar in function.~~
- ~~(4) "Traction Device Equipped" describes a vehicle equipped as follows:~~
 - ~~(a) Any size vehicle with traction devices on all drive tires. An exception is allowed in the case of dual tires, where traction devices are required for at least one of the two tires in the dual mounting.~~
 - ~~(b) As an alternative to R920-6-3(4)(a), a vehicle less than 12000 GVW equipped with Three Peak Mountain Snowflake (3PMSF) snow tires on all wheels will be considered traction device equipped.~~
- ~~(5) "Four wheel drive" for the purposes of this rule consists of four wheel and all wheel drive autos and light trucks with mounted M+S (all season) or 3 peak mountain snowflake (3PMSF) snow tires on all wheels.~~
- ~~(6) "Class I Traction Segment" is a defined part of a highway where UDOT, UHP or designated local law enforcement may require vehicles over 12,000 GVW to provide traction devices.~~
- ~~(7) "Class II Traction Segment" is a defined part of a highway where UDOT, UHP or designated local law enforcement may require traction devices or four wheel drive for all vehicles. Class II traction segments may also be operated as a Class I when conditions warrant.~~

~~R920-6-4. Provisions.~~

- ~~(1) At the request of one of UDOT's Region Directors or their designee, UDOT's Traffic and Safety Division will issue a Traffic Engineering Order (TEO) that establishes each designated traffic segment and identifies its class.~~
- ~~(2) UDOT's Division of Traffic and Safety will maintain and publish a list of designated traction segments and their class on UDOT's website. UDOT will communicate any changes to the list to:~~
 - ~~(a) UDOT Region offices,~~
 - ~~(b) UHP,~~
 - ~~(c) county offices, and~~
 - ~~(d) local law enforcement agencies.~~
- ~~(3) When road surface conditions warrant, as determined by UDOT, UHP or designated local law enforcement agency, no vehicle will be allowed or permitted the use of the highway unless:~~
 - ~~(a) For Class I Traction Segments, vehicles over 12,000 GVW shall be traction device equipped, and~~
 - ~~(b) for Class II Traction Segments, all vehicles shall be traction device equipped or four wheel drive as defined in this rule.~~
- ~~(4) Travelers are notified when traction devices are required via road signs and UDOT's traveler information systems.~~

~~R920-6-5. Responsibilities.~~

- ~~(1) The decision to require traction devices is made by UDOT, UHP or a designated local law enforcement agency. The agency deciding to require traction devices notifies the other agencies involved.~~
- ~~(2) UHP and/or a designated local law enforcement agency enforces the traction device requirements.~~

NOTICES OF PROPOSED RULES

- ~~_____ (3) UDOT communicates traction device requirements to the public.~~
- ~~_____ (4) Personnel authorized to enforce this rule may permit vehicles that do not meet traction device requirements to travel a traction segment of the highway if authorized person believes they may do so without endangering public safety, creating a hazard, or interfering with highway maintenance operations.~~
- ~~_____ (5) UDOT notifies relevant public agencies when traction segment designations change.~~
- ~~_____ (6) All authority shall rest with the Executive Director of UDOT or his designee to control use of highways where avalanche danger and other threats to the public safety are concerned.~~
- ~~_____ (7) The UDOT Region Director or their designee work with UHP and/or local law enforcement agencies in establishing working criteria for enforcement of this rule.]~~

R920-6. Adverse Weather Traction Requirements.

R920-6-1. Authority and Purpose.

- ~~_____ (1) This rule is enacted in accordance with Section 41-6a-715, which authorizes the department to make rules regarding vehicle equipment requirements for vehicles traveling on state highways during adverse weather conditions and predicted adverse weather conditions.~~
- ~~_____ (2) This rule establishes vehicle capability and traction requirements for vehicles operating on certain segments of state highways during adverse weather conditions and predicted adverse weather conditions.~~

R920-6-2. Definitions.

~~_____ As used in this rule:~~

- ~~_____ (1) "3PMSF" means three-peak mountain snowflake, which is a tire designation indicating the tire is designed to offer a higher level of snow traction than a standard or M+S tire.~~
- ~~_____ (2) "Adverse weather conditions" means weather that, as determined by the department, may make driving more hazardous or increase the risk of crashes on state highways because of decreased traction, reduced visibility, or other factors.~~
- ~~_____ (3) "All-wheel drive" means a vehicle that provides power to all wheels of the vehicle.~~
- ~~_____ (4) "Designated traction segment" means a section of a state highway where the department is authorized to enact traction device requirements during adverse weather conditions or predicted adverse weather conditions.~~
- ~~_____ (5) "Drive tire" means a tire on a vehicle's wheel that is attached to an axle that transmits power to the wheel.~~
- ~~_____ (6) "GVWR" means gross vehicle weight rating, which represents the maximum weight a vehicle is designed to safely carry, including the vehicle's weight, cargo, and fuel.~~
- ~~_____ (7) "Four-wheel drive" means a vehicle that provides power to all wheels of the vehicle.~~
- ~~_____ (8) "M+S" means a tire designation indicating the tire is designed to offer improved traction in mud and snow compared to a standard tire.~~
- ~~_____ (9) "Predicted adverse weather conditions" means forecast adverse weather conditions that, as determined by the department, are likely to exist or begin during a 24-hour period.~~
- ~~_____ (10) "Snow socks" means a fabric-based cover that wraps around a tire to provide increased tire traction on snow or ice.~~
- ~~_____ (11) "Tire chains" means metal chains or cables that provide increased tire traction on snow or ice.~~
- ~~_____ (12) "Tire studs" means small metal pins that are embedded in a tire's tread to provide grip on snow or ice.~~
- ~~_____ (13) "Traction devices" means tire chains, tire studs, or snow socks.~~
- ~~_____ (14)(a) "Traffic control device" means the same as that term is defined in Section 41-6a-102.~~
- ~~_____ (b) "Traffic control device" includes an electronic sign or other notification device that provides information regarding adverse weather conditions, predicted adverse weather conditions, or notice that traction requirements are in effect on a state highway.~~
- ~~_____ (15) "Traffic engineering order" means a document issued by the department that establishes or modifies regulations, restrictions, or conditions related to traffic on state highways.~~
- ~~_____ (16) "Traction requirements" mean the requirements described in Section R920-6-3.~~
- ~~_____ (17) "Two-wheel drive" means a vehicle that provides power to only two wheels of the vehicle.~~

R920-6-3. Traction Requirements for Designated Traction Segments.

- ~~_____ (1) By issuing one or more traffic engineering orders, the department may designate traction segments and assign each designated traction segment as one of three classes.~~
- ~~_____ (2) During adverse weather conditions or predicted adverse weather conditions, the associated traction requirements for each of the three classes of designated traction segments are as follows:~~
 - ~~_____ (a) for a Class 1 traction segment, the department may require that each vehicle with a GVWR of 12,000 pounds or more be equipped with one of the following:~~
 - ~~_____ (i) traction devices on all rear drive tires, except that traction devices are only required for one tire for each pair of dual-mounted drive tires; or~~
 - ~~_____ (ii) all-wheel drive or four-wheel drive with M+S or 3PMSF tires.~~
 - ~~_____ (b) for a class 2 traction segment, the department may require each vehicle to be equipped with one of the following:~~
 - ~~_____ (i) traction devices on at least two drive tires, or if the vehicle has a GVWR of 12,000 pounds or more and does not have all-wheel or four-wheel drive, traction devices on all rear drive tires as described in Subsection (2)(a)(i);~~
 - ~~_____ (ii) all-wheel or four-wheel drive with M+S or 3PMSF tires; or~~
 - ~~_____ (iii) if the vehicle has a GVWR of less than 12,000 pounds, two-wheel drive with 3PMSF tires; and~~
 - ~~_____ (c) for a class 3 traction segment, the department may require each vehicle to be equipped with one of the following:~~

- (i) traction devices on at least two drive tires, or if the vehicle has a GVWR of 12,000 or more and does not have all-wheel or four-wheel drive, traction devices on all rear drive tires as described in Subsection (2)(a)(i);
- (ii) all-wheel or four-wheel drive with M+S or 3PMSF tires with a minimum of 5/32 inch tread depth remaining on each tire; or
- (iii) if the vehicle has a GVWR of less than 12,000 pounds, two-wheel drive with 3PMFS tires with a minimum of 5/32 inch tread depth remaining on each tire.
- (3) The department or a law enforcement agency may do any of the following:
 - (a) restrict any vehicle from traveling on any designated traction segment that fails to comply with the requirements of Subsection (1);
 - (b) restrict commercial vehicles from operating on a class 3 traction segment even if the commercial vehicle complies with the requirements of Subsection (1)(c);
 - (c) operate a class 2 traction segment as a class 1 traction segment; and
 - (d) operate a class 3 traction segment as a class 1 or class 2 traction segment.
- (4)(a) To inform the public, the department shall maintain and publish on the department's website a list of each designated traction segment, including the class of each segment and where traction requirements will be in effect during adverse weather conditions and predicted adverse weather conditions.
- (b) The department shall provide information regarding each designated traction segment, including the class of each segment, to:
 - (i) the Utah Highway Patrol;
 - (ii) relevant county offices; and
 - (iii) relevant local law enforcement agencies.

R920-6-4. Notification and Enforcement.

- (1) When the department determines adverse weather conditions or predicted adverse weather conditions warrant traction requirements being put into effect, the department shall notify:
 - (a) the Utah Highway Patrol;
 - (b) relevant local law enforcement agencies; and
 - (c) the public, through the use of traffic control devices.
- (2) When traction requirements are in effect, the department, Utah Highway Patrol, or a local law enforcement agency may enforce the traction requirements and may restrict traffic accordingly.
- (3) In accordance with Sections 41-6a-304 and 41-6a-715, the Utah Highway Patrol or a local law enforcement agency may issue a citation for an infraction to an operator whose vehicle fails to comply with traction requirements during the time the traction requirements are in effect.

KEY: ~~[designated highways, snow, tires, traction devices]~~[traction device requirements, adverse weather conditions]

Date of Last Change: ~~2025~~[May 8, 2018]

Notice of Continuation: June 22, 2022

Authorizing, and Implemented or Interpreted Law: ~~[41-6a-1636; 72-1-201; 72-3-102; 72-6-114; 41-6a-302]~~41-6a-715

End of the Notices of Proposed 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:	R414-525	Filing ID: 56113
Effective date:	09/01/2025	

Agency Information

1. Title catchline:	Health and Human Services, Integrated Healthcare	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 143325	
City, state and zip:	Salt Lake City, UT 84114-3325	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@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:	
R414-525. Interpretive Services Invoice Requirements	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-3-108	This section requires the Department of Health and Human Services (department) to implement the Medicaid program through administrative rules.
Section 26B-1-213	This section grants the department the authority to adopt, amend, or rescind rules necessary to carry out the provisions of Title 26B, Utah Health and Human Services Code.
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 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 this rule outlines invoicing requirements for vendors of interpretive services for qualifying Medicaid members to submit invoices for payment. Therefore, this rule should be continued.

As the department did not receive any comments in opposition to this rule, it did not respond to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/30/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-100	Filing ID: 57268
Effective date:	08/22/2025	

Agency Information

1. Title catchline:	Health and Human Services, Health Facilities Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-100. General Hospital Standards	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of general hospitals in Utah.</p>
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:	
<p>The department received an email from a member of the public to request citations within this rule be updated to reflect recent organizational changes in other rules. Based on the feedback, the department completed a nonsubstantive change, effective 06/26/2025.</p>	

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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for general hospitals. Therefore, this rule should be continued.

The only comment the department received since the last five-year review of this rule was not in opposition to this rule, and therefore, the department did not respond to any comments in opposition.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/22/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-101	Filing ID: 55539
Effective date:	09/01/2025	

Agency Information

Agency Information		
1. Title catchline:	Health and Human Services, Health Facilities Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-101. Specialty Hospital - Psychiatric	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of hospitals with a primary specialty in psychiatric service in Utah.</p>
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 in support of or opposition to this rule 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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for psychiatric hospitals. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/31/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-102	Filing ID: 55437
Effective date:	08/22/2025	

Agency Information

1. Title catchline:	Health and Human Services, Health Facilities Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-102. Specialty Hospital - Substance Use Disorder	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of hospitals with a primary specialty in substance use disorder treatment in Utah.</p>
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 in support of or opposition to this rule 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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for hospitals specializing in substance use disorder treatment. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/22/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-103	Filing ID: 55396
Effective date:	09/01/2025	

Agency Information

Agency Information		
1. Title catchline:	Health and Human Services, Health Facilities Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-103. Specialty Hospital - Rehabilitation	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of hospitals with a primary specialty in rehabilitation in Utah.</p>
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 in support of or opposition to this rule 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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for rehabilitation hospitals. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

The department plans to file an amendment upon the completion of this five-year review to update citations in this rule to reflect renumbering of statute following the department's consolidation.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/31/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-104	Filing ID: 56127
Effective date:	09/01/2025	

Agency Information

1. Title catchline:	Health and Human Services, Health Facilities Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-104. Specialty Hospital - Long-Term Acute Care	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of long-term acute care (LTAC) hospitals in Utah.</p>
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 in support of or opposition to this rule 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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for LTAC hospitals. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/31/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-105	Filing ID: 56128
Effective date:	09/01/2025	

Agency Information

Agency Information		
1. Title catchline:	Health and Human Services, Health Facilities Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-105. Specialty Hospital - Orthopedic	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of orthopedic specialty hospitals in Utah.</p>
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 in support of or opposition to this rule 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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for orthopedic specialty hospitals. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/31/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-106	Filing ID: 56129
Effective date:	08/22/2025	

Agency Information

1. Title catchline:	Health and Human Services, Health Facilities Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-106. Specialty Hospital - Critical Access	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of Critical Access Hospitals (CAH), which serve rural communities in Utah.</p>
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 in support of or opposition to this rule 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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for CAHs, located in rural communities. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/22/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-500	Filing ID: 55434
Effective date:	09/01/2025	

Agency Information

1. Title catchline:	Health and Human Services, Health Facilities Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-500. Freestanding Ambulatory Surgical Center Rules	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of freestanding surgical facilities in Utah, that provide surgical services to patients not requiring hospitalization.</p>
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 in support of or opposition to this rule 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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for freestanding surgical facilities providing surgical services not requiring hospitalization for patients served at these facilities. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/31/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-550	Filing ID: 53262
Effective date:	08/22/2025	

Agency Information

1. Title catchline:		Health and Human Services, Health Facilities Licensing	
Building:		Multi-State Agency Office Building	
Street address:		195 N 1950 W	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 142003	
City, state and zip:		Salt Lake City, UT 84114-2003	
Contact persons:			
Name:	Phone:	Email:	
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-550. Birthing Centers	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of birthing centers with more than one birth room in Utah.</p>
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 in support of or opposition to this rule 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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for birthing centers. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

The department plans to file an amendment upon the completion of this five-year review to update citations in this rule to reflect renumbering of statute following the department's consolidation.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/22/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R432-600	Filing ID: 51084
Effective date:	08/22/2025	

Agency Information

Agency information		
1. Title catchline:	Health and Human Services, Health Facilities Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R432-600. Abortion Clinic Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-202	<p>Section 26B-2-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.</p> <p>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. This rule helps accomplish this statutory mandate by governing the licensure of abortion clinics in Utah, including a physician's office, but not inclusive of a general acute or a specialty hospital that performs abortions.</p>

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 in support of or opposition to this rule 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 to comply with statute and to ensure there is no lapse in the enforcement and oversight of licensure for abortion clinics. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

The department plans to file an amendment upon the completion of this five-year review to update citations in this rule to reflect renumbering of statute following the department's consolidation.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/22/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R434-50	Filing ID: 55913
Effective date:	09/02/2025	

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Primary Care and Rural Health	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
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Liz Craker	801-604-2856	ecraker@utah.gov
Marc Watterson	801-647-1490	marcwatterson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R434-50. Assistance for People with Bleeding Disorders	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-4-324	Section 26B-4-324 requires the Department of Health and Human Services (department) to establish rules governing the application form, process, and criteria used to award grants to public and nonprofit entities who assist persons with bleeding disorders with the cost of obtaining hemophilia services or the cost of insurance premiums for coverage of hemophilia services.

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:

This rule is necessary to fulfill statutory requirements and to establish program requirements for awarding grants to public and nonprofit entities who assist persons with bleeding disorders with the cost of obtaining hemophilia services or the cost of insurance premiums for coverage of hemophilia services. Therefore, this rule should be continued.

As there have not been any comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/30/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R501-14	Filing ID: 57120
Effective date:	08/22/2025	

Agency Information

Agency Information		
1. Title catchline:	Health and Human Services, Human Services Program Licensing	
Building:	Multi-State Agency Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:	
R501-14. Human Services Program Background Checks	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-2-104	Section 26B-2-104 authorizes the Division of Licensing and Background Checks, under the Department of Health and Human Services (department), to write and enforce rules relating to basic health and safety standards for human services programs licensed, certified, or contracted by the department.
Section 26B-2-120	Section 26B-2-120 authorizes the Office of Background Processing (office) to write and enforce rules relating to background check processing for human services programs licensed, certified, or contracted by the office, including collecting background check application documentation, fingerprint processing, fees, and approvals and denials for direct access status to children and vulnerable adults for individuals requesting the background check (applicant).

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	The office is also authorized, under this section, to write and enforce rules to govern the establishment of a comprehensive review process for determining direct access status in a human services program for applicants with any incident or offense described in Subsection 26B-2-120(6) and for any offense or incident when the individual was in the custody of the Division of Child and Family Services or the Division of Juvenile Justice and Youth Services.
Section 26B-2-121	<p>Section 26B-2-121 allows the department to receive and process personal identifying information for background check processing, access to the Licensing Information System of the Division of Child and Family Services and juvenile court records for determining direct access status for direct service workers and personal care attendants in any human services program, and the ability to inform the employer of any direct service worker or personal care attendant listed in the Licensing Information System or juvenile court records.</p> <p>This section authorizes the department to adopt rules to define the circumstances under which a person may have direct access or provide services to children when that person is listed in the Licensing Information System of the Division of Child and Family Services or juvenile court records show that a court made a substantiated finding that the person committed a severe type of child abuse or neglect.</p>
Section 26B-2-122	<p>Section 26B-2-122 allows the department access to the statewide database of abuse, neglect, or exploitation of vulnerable adults for determining direct access for direct service workers and personal care attendants in any human services program and the ability to inform the employer of any direct service worker or personal care attendant if they are listed in the statewide database.</p> <p>This section authorizes the department to write and enforce rules to govern the process for determining direct access to children and vulnerable adults in any human services program for any applicant listed in the statewide database as having a supported or substantiated finding of abuse, neglect, or exploitation.</p>

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 in support of or opposition to this rule since the last five-year review of this rule.

The department recently filed a rule amendment to comply with updates in statute approved in the 2025 General Session.

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 to comply with statute and to ensure there is no lapse in background check processing for any human service programs licensed through the Division of Licensing and Background Checks (DLBC). Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/22/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R512-60	Filing ID: 55631
Effective date:	09/01/2025	

Agency Information

1. Title catchline:	Health and Human Services, Child and Family Services
Building:	Multi-Agency State Office Building

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	120 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
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Cosette Mills	385-242-5482	cwmills@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:	
R512-60. Children's Account	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 80-2-302	Section 80-2-302 requires the Division of Child and Family Services (division) to make rules regarding abuse, neglect, and dependency proceedings.
Section 80-2-501	Section 80-2-501 defines and describes the specified funding for the Children's Account.
Subsection 80-2-503(4)	Subsection 80-2-503(4) requires the division to adopt rules regarding division contracts for prevention and treatment of child abuse and neglect, including information on requirements, public hearings, and funding provided by a contractor.
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:	
This rule is necessary to ensure oversight of the administration of the Children's Account. Therefore, this rule should be continued.	
As the division has not received any comments in opposition to the rule, it has not responded to any such comments.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/30/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R590-130	Filing ID: 54988
Effective date:	08/18/2025	

Agency Information

1. Title catchline:	Insurance, Administration
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorville, UT

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R590-130. Rules Governing Advertisements of Insurance	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-23a-402	Authorizes the Insurance Commissioner to define unfair or deceptive acts or practices in the business of insurance.
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:	
This rule sets advertising guidelines to ensure clear and truthful disclosure of the benefits, limitations, and exclusions of policies sold as insurance, and sets procedures for enforcement of this rule by the Department of Insurance.	
This rule is also necessary to continue disallowing the use of misleading and deceptive information and advertising in the sale of insurance. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	08/18/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R590-258	Filing ID: 55046
Effective date:	08/18/2025	

Agency Information

1. Title catchline:	Insurance, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R590-258. Email Address Requirement	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 46-4-501	Authorizes state governmental agencies to make rules relating to electronic transactions and records.
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:	
Email communication with licensees remains the most effective and efficient means of communicating rule updates, alerts, and notifications. The Department of Insurance (department) requires current contact information to notify licensees of upcoming renewal deadlines and alert them of changes to state statute or department rule. This rule is necessary as it is critical to maintaining open, efficient, and effective governance. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	08/18/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R592-1	Filing ID: 53653
Effective date:	08/18/2025	

Agency Information

1. Title catchline:	Insurance, Title and Escrow Commission	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R592-1. Title Insurance Licensing	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 31A-2-404(2)(a)(ii)	Requires the Title and Escrow Commission to write rules related to title insurance.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 31A-2-404(2)(b)	Requires the concurrence of the Title and Escrow Commission in the issuance and renewal of title licensee licenses.
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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:

The law requires that the Title and Escrow Commission concur with the Insurance Commissioner in the issuance and renewal of title licenses. This rule sets the procedure to do this. This has been a useful process because it has opened a dialogue between the Department of Insurance and members of the title industry who know the players, and whether there are issues and concerns that should be addressed regarding licensure. Therefore, this rule should be continued.

In addition, the Title and Escrow Commission, which has rulemaking authority over rules in Title R592, Title and Escrow Commission, voted to continue this rule by a vote of 5 to 0.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	08/18/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R710-6	Filing ID: 51909
Effective date:	08/28/2025	

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 catchline:	
R710-6. Liquefied Petroleum Gas Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 53-7-305(2)(c)	This reference authorizes the board to make rules governing Liquefied Petroleum Gas (LPG) distributors and installers and the installation of LPG systems, carburetion systems, and fueling systems.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
The Department of Public Safety has not received any written comments regarding this rule during and since the last five-year review of this rule.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is authorized under Section 53-7-305 and is necessary to establish standards and requirements to license individuals who distribute, transfer, dispense or install LP Gas or LP Gas appliances in the state. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Ted Black, State Fire Marshal	Date:	08/28/2025
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End of the Five-Year Notices of Review and Statements of Continuation 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

Specialized Products

No. 57311 (Amendment) R66-3: Quality Assurance Testing on Cannabis

Published: 07/15/2025

Effective: 08/21/2025

No. 57310 (Amendment) R66-4: Independent Cannabis Testing Laboratory

Published: 07/15/2025

Effective: 08/21/2025

No. 57197 (Amendment) R66-31: Industrial Hemp Cannabinoid Product Testing

Published: 06/15/2025

Effective: 08/18/2025

No. 57197 (Change in Proposed Rule) R66-31: Industrial Hemp Cannabinoid Product Testing

Published: 07/15/2025

Effective: 08/18/2025

Environmental Quality

Water Quality

No. 57279 (Amendment) R317-1: TMDLs

Published: 07/15/2025

Effective: 08/27/2025

Governor

Economic Opportunity

No. 57314 (Repeal) R357-40: Broadband Access Grant Program Rule

Published: 07/15/2025

Effective: 08/29/2025

Natural Resources

Oil, Gas and Mining; Non-Coal

No. 57317 (Amendment) R647-1: Definitions

Published: 07/15/2025

Effective: 08/27/2025

NOTICES OF RULE EFFECTIVE DATES

No. 57318 (Amendment) R647-2: Exploration
Published: 07/15/2025
Effective: 08/27/2025

No. 57319 (Amendment) R647-3: Small Mining Operations
Published: 07/15/2025
Effective: 08/27/2025

No. 57320 (Amendment) R647-4: Large Mining Operations
Published: 07/15/2025
Effective: 08/27/2025

Pardons (Board of)

Administration

No. 57269 (Amendment) R671-102: Americans with Disabilities Act Complaint Procedures
Published: 07/15/2025
Effective: 08/21/2025

No. 57270 (New Rule) R671-105: Board Administration
Published: 07/15/2025
Effective: 08/21/2025

No. 57277 (Amendment) R671-206: Competency of Offenders
Published: 07/15/2025
Effective: 08/21/2025

No. 57272 (Amendment) R671-302: Public Access to Hearings
Published: 07/15/2025
Effective: 08/21/2025

No. 57273 (Amendment) R671-312: Commutation Hearings for Death Penalty Cases
Published: 07/15/2025
Effective: 08/21/2025

Public Safety

Administration

No. 57306 (Repeal) R698-6: Honoring Heroes Restricted Account
Published: 07/15/2025
Effective: 08/27/2025

Driver License

No. 57304 (Amendment) R708-3: Driver License Point System Administration
Published: 07/01/2025
Effective: 08/21/2025

No. 57313 (Repeal and Reenact) R708-27: Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests
Published: 07/15/2025
Effective: 08/21/2025

No. 57312 (Repeal and Reenact) R708-36: Disclosure of Personal Identifying Information in MVRs
Published: 07/15/2025
Effective: 08/21/2025

Fire Marshal

No. 57322 (Amendment) R710-6: Liquefied Petroleum Gas Rules
Published: 07/15/2025
Effective: 08/25/2025

Emergency Medical Services

No. 57309 (Amendment) R911-8: Emergency Medical Services Ground Ambulance Rates and Charges

Published: 07/15/2025

Effective: 08/21/2025

Transportation

Operations, Traffic and Safety

No. 57324 (Amendment) R920-60: Amusement Ride Safety

Published: 08/01/2025

Effective: 09/10/2025

Transportation Commission

Administration

No. 57328 (Amendment) R940-6: Prioritization of New Transportation Capacity Projects

Published: 08/01/2025

Effective: 09/10/2025

End of the Notices of Rule Effective Dates Section