

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 October 16, 2025, 12:00 a.m., and October 31, 2025, 11:59 p.m. are included in this, the November 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 December 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 March 17, 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:****R23-29****Filing ID: 57630****Agency Information**

1. Title catchline:	Government Operations, Facilities Construction and Management	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W, 3rd Floor	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141160	
City, state and zip:	Salt Lake City, UT 84114-1160	
Contact persons:		
Name:	Phone:	Email:
Mike Kelley	801-957-7239	mkelley@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R23-29. Categorical Delegation of Project Management
4. Purpose of the new rule or reason for the change:
<p>The amendment to this rule increases the categorical delegation amount over project management to the University of Utah and Utah State University and adds categorical delegation of project management and establishes an amount for regional universities, comprehensive community colleges, and technical colleges.</p> <p>The Division of Facilities Construction and Management (DFCM) has determined that due to inflation, the desire of these state entities for greater autonomy over smaller projects, and due to other factors, the University of Utah's and Utah State's delegation limits should be increased and that delegation should be categorically made to regional universities, comprehensive community colleges, and technical colleges within the established amounts.</p>
5. Summary of the new rule or change:
The amendment to this rule increases the categorical delegation amount over project management to the University of Utah and Utah State University and adds categorical delegation of project management and establishes amounts for regional universities, comprehensive community colleges, and technical colleges.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
None. Some project management costs will be shifted from DFCM to the delegated state entity but there is no reason to expect that there will be either a net increase or net decrease in such costs to the state budget overall.
B. Local governments:
None. This rule applies only to entities of state government not to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
None. The rule applies only to entities of state government not to small businesses.

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

None. The rule applies only to entities of state government not 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**):

None. The rule applies only to entities of state government not to persons other than small businesses, state, or local government entities.

F. Compliance costs for affected persons:

None. Delegating project management functions from DFCM to entities of state government as provided in this rule is not expected to result in any compliance costs for affected persons.

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

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

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

The Executive Director of the Department of Government Operations, Marvin Dodge, 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 63A-5b-305(2)(c)	Subsection 63A-5b-604(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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	Andrew Marr, Director	Date:	10/28/2025
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R23. Government Operations, Facilities Construction and Management.**R23-29. Categorical Delegation of Project Management.****R23-29-1. Purpose.**

This rule provides the terms and conditions for delegation of construction projects to the University of Utah, Utah State University, regional universities as defined in Subsection 53H-3-602(1)(b)(ii) (Regional Universities), comprehensive community colleges as defined in 53H-3-602(1)(b)(iii) (Comprehensive Community Colleges); technical colleges as defined in Subsection 53H-1-102(1)(b) (Technical Colleges) and the Utah Department of Transportation on a categorical basis for projects within a particular dollar range and particular project type.

R23-29-2. Authority.

This rule is authorized under Subs[~~S~~]ection 63A-5b-305(2)(c), which authorizes the director to make rules necessary for the division or director to perform the division or director's duties. This rule is also authorized under Subsection 63A-5b-604(4) which provides that in accordance the Utah Administrative Rulemaking Act, the director may delegate control of design, construction, and all other aspects of any project to entities of state government on a categorical basis for projects within a particular dollar range and particular project type.

R23-29-3. Authority and Extent of Categorical Delegation.

(1) Projects Delegated on a Categorical Basis. As permitted by Subsection 63A-5b-604(4), authority is delegated to the University of Utah, Utah State University, Regional Universities, Comprehensive Community Colleges, Technical Colleges and the Utah Department of Transportation, to exercise direct supervision over the design and construction of all projects on their respective properties or facilities up to the dollar amounts stated.

(2) Delegation Dollar Limitations. The delegation referred to in this rule is granted to the University of Utah, Utah State University, Regional Universities, Comprehensive Community Colleges, Technical Colleges and Utah Department of Transportation for projects having a budget for construction, excluding soft costs, consistent with the division's Construction Budget Estimate (CBE) form, of:

- (a) \$[4]10,000,000 or less for Utah State University;
- (b) \$[4]30,000,000 or less for the University of Utah;[~~and~~]
- (c) \$1,000,000 or less for Regional Universities;
- (d) \$1,000,000 or less for Comprehensive Community Colleges;
- (e) \$250,000 or less for Technical Colleges; and
- (e) \$350,000 or less for the Utah Department of Transportation.

R23-29-4. Annual Review and Revocation of Categorical Delegation.

Categorical delegation under this rule is subject to renewal in writing by the director on an annual basis. In the event the director does not renew a categorical delegation under this rule, such delegation shall be deemed revoked. At any time the director may revoke a delegation on a categorical basis and the division may assume control of the design, construction, or other aspect of a category of delegated projects or specific project delegated on a categorical basis if the director considers revocation of the delegation and assumption of control to be necessary to protect the interests of the state.

R23-29-5. No Artificial Division of Projects.

Projects may not be divided into multiple projects to create projects which are small enough to meet the dollar limits for delegation. Projects that are designed to be constructed in conjunction with each other and are to be constructed by the same construction contractor, including construction manager/general contractor, are projects that are prohibited from being artificially divided under this rule.

R23-29-6. When Legislative Authorization and a Program Is Required.

When applicable, this delegation authority may not take effect for a specific project until the following requirements are met:

- (1) legislative authorization, when required, for design and construction has been obtained for the construction; and
- (2) the requirements of Section R23-29-18, when applicable, regarding the completion of a division administered architectural program have been satisfied.

R23-29-7. Building Official.

Pursuant to Subsection 63A-5b-604(7)(a)(iv), for projects delegated on a categorical basis pursuant to this rule, the role of compliance agency under Title 15A, State Construction and Fire Codes Act, shall be filled by the division's building official for Regional Universities, for Comprehensive Community Colleges, for Technical Colleges and for the Utah Department of Transportation. The University of Utah and Utah State University shall use an in-house building official or contract for a building official; all as approved by the division's building official. The director may change the foregoing designations at any time.

R23-29-8. Procurement.

The state entity delegated a project on a categorical basis under this rule shall be responsible for compliance with the Utah Procurement Code, Title 63G, Chapter 6a and all applicable procurement rules.

R23-29-9. Contract Documents.

The state entity delegated a project on a categorical basis under this rule shall utilize substantially the same standard Contract Documents as used by the division. Any substantive differences must be approved by the division.

R23-29-10. Transfer of State Funds.

To the extent possible, state funds appropriated to the division for projects delegated to a state entity under this rule shall be transferred to the respective state entity in a timely manner upon the receipt of such funds by the division and on a reimbursement basis after providing supporting documents as required by the division.

R23-29-11. Contingency Funds, Contingency Reserve, and Project Reserve.

The state entity delegated a project on a categorical basis under this rule shall be subject to the same laws and rules regarding contingency funds as is the division except that:

- (1) contingency funds for delegated projects shall be segregated from the contingency funds held by the division for non-delegated projects; and
- (2) the state entity may not access for the delegated project, the division's statewide contingency reserve and project reserve authorized in Section 63A-5b-609.

R23-29-12. Space Standards.

A state entity delegated a project on a categorical basis under this rule shall comply with the space standards as adopted by the division. Any significant deviations from these standards must be approved in advance by the director.

R23-29-13. Design Criteria.

A state entity delegated a project on a categorical basis under this rule shall utilize the design criteria adopted by the division. These may be supplemented by special requirements that are unique to each state entity delegated a project on a categorical basis under this rule.

R23-29-14. Value Engineering.

A state entity delegated a project on a categorical basis under this rule shall comply with applicable laws and rules regarding the value engineering and life cycle costing of facilities. The division may assist the state entity as requested by the state entity in complying with these requirements.

R23-29-15. Record Drawings.

At the completion of each delegated project, each state entity delegated a project on a categorical basis under this rule shall be responsible for retention of record drawings and shall submit a copy of all record drawings of any new facility to the division as well as record drawings for any other project when requested by the division.

R23-29-16. Specific Statutory Requirements.

(1) In addition to the statutory requirement specified elsewhere in this rule, each state entity shall comply with the following requirements:

- (a) laws relating to retention;
- (b) laws relating to health insurance;
- (c) laws relating to historical preservation;
- (d) laws relating to the protection of the environment;
- (e) laws relating to the notification to local governments or any person regarding certain types of projects;
- (f) the Percent-for-Art program as provided in the Utah Code;
- (g) Section 63A-5b-406 relating to the reporting of completed projects to the Office of the Legislative Fiscal Analyst;
- (h) Section 63A-5b-605 relating to the listing and changing of subcontractors and the disclosure of subcontractor bids; and
- (i) all applicable constitutional provisions, laws, rules, codes, and regulations.

R23-29-17. Reporting.

(1) The ~~[Utah Department of Transportation, the]~~ University of Utah, ~~[and]~~ Utah State University, Regional Universities, Comprehensive Community Colleges, Technical Colleges and the Utah Department of Transportation shall report monthly to the division on the status of ~~[its]~~ their delegated projects.

- (2) The director may at any time indicate minimum requirements for reports as well as ask for further information.
- (3) The reports shall be submitted to the division in accordance with the schedule established by the division.

R23-29-18. Programming for Delegated Projects.

(1) For delegated projects within the definition of "New Facility" as defined in Title 63a, Chapter 5b, Administration of State Facilities, a facility program shall be developed under the supervision of the division unless this requirement is waived by the division.

(2) For delegated projects where a program is not required under this rule, the state entity may determine the extent of programming or scope definition required and supervise the development of these documents.

NOTICES OF PROPOSED RULES

R23-29-19. Sharing of Resources.

The division and the state entity delegated a project on a categorical basis under this rule shall coordinate to share personnel resources to make sure that all personnel resources from both the [the] division and the state entity delegated a project on a categorical basis under this rule are sufficient for the delegated project. The state entity and the division shall enter into a separate agreement to accomplish this sharing of resources.

KEY: buildings, delegation

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

Notice of Continuation: February 7, 2024

Authorizing, and Implemented or Interpreted Law: 63A-5b-604

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R51-3

Filing ID: 57638

Agency Information

1. Title catchline:	Agriculture and Food, Administration	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
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:
R51-3. Government Records Access Management Act
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food is filing this amendment to streamline this rule by removing redundant information and aligning the procedures with the current Government Records Access and Management Act (GRAMA).
5. Summary of the new rule or change:
The proposed changes restructure this rule into active voice and present tense across all sections to meet the standards within the Rulewriting Manual for Utah.
Section R51-3-3 is revised to remove the outdated fee reference to Section 4-1-107, aligning all fee provisions solely with the actual cost requirements of Section 63G-2-203 (GRAMA).
Additionally, Sections R51-3-4 and R51-3-5 are proposed to be removed to reduce redundant language of the statutory requirements for amending records and conducting appeals.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The proposed amendments will not have an impact on the state's budget because the changes are purely procedural, clarifying existing duties and eliminating redundancy without altering the overall financial requirements for record provision set by GRAMA.

B. Local governments:

The proposed amendments will not have an impact on local governments because the changes are purely procedural, clarifying existing duties and eliminating redundancy without altering the overall financial requirements for record provision set by GRAMA.

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

The proposed amendments will not have an impact on small businesses because the changes are purely procedural, clarifying existing duties and eliminating redundancy without altering the overall financial requirements for record provision set by GRAMA.

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

The proposed amendments will not have an impact on non-small businesses because the changes are purely procedural, clarifying existing duties and eliminating redundancy without altering the overall financial requirements for record provision set by GRAMA.

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 amendments will not have an impact on other persons because the changes are purely procedural, clarifying existing duties and eliminating redundancy without altering the overall financial requirements for record provision set by GRAMA.

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 63G-2-204	Section 63A-12-104	
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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: 12/15/2025

10. This rule change MAY become effective on: 12/22/2025

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:	10/31/2025
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R51. Agriculture and Food, Administration.**R51-3. Government Records Access and Management Act.****R51-3-1. Purpose and Authority.**

~~Under authority of~~ The Government Records Access and Management Act, Sections 63G-2-204, and ~~Section~~ 63A-12-104, authorize this rule. This rule provides procedures for access and denial of access to government records under the Government Records Access and Management Act (GRAMA).

R51-3-2. Duties of Divisions within the Department.

Each ~~division~~ ~~director~~ shall comply with Section 63A-12-103 and shall appoint a records officer to perform, or to assist in performing, the following functions:

- ~~A.~~ (1) ~~The~~ duties set forth in Section 63A-12-103; and
~~B.~~ (2) ~~Review and respond to requests for access to division records.~~

R51-3-3. Requests for Access.

~~A.~~ (1) A requester shall request[s] for access to records ~~shall be~~ in writing or through the Utah Open Records Portal.

(2) A requester ~~Requests~~ shall ~~be~~ direct~~ed~~ requests to the attention of the records officer of the particular division which the requester believes generated or possesses the records.

(3) The records officer of each division may provide request forms.

~~B. The division is not required to respond to requests submitted to the wrong person or location within the time limits set by the Government Records Access and Management Act.]~~

R51-3-4. Fees and Payment.

~~C.~~ (1) The department may charge ~~A.~~ a fee ~~will be charged for copies of~~ for records provided, as authorized by Section 63G-2-203.

(2) Amounts charged ~~for photocopying will be as authorized in Section 4-1-107 and~~ shall comply with the actual cost provisions of Section 63G-2-203.

(3) A requester shall pay ~~F.~~ fees ~~must be paid~~ at the time of the request or before the department provides the records ~~are provided to the requester~~.

~~R51-3-4. Requests to Amend a Record.~~

~~An individual may contest the accuracy or completeness of a document pertaining to that individual pursuant to Section 63G-2-603. The request shall be made in writing to the records officer of the particular division.~~

~~Adjudicative proceedings under the GRAMA Act shall be informal and will be carried out in accordance with Section 63G-2-401 et seq., with the exception of appeals.]~~

~~R51-3-5. Appeals of Requests to Amend a Record.~~

~~Appeals of requests to amend a record shall be handled as informal hearings under the Utah Administrative Procedures Act.]~~

~~R51-3-6. Forms.~~

~~Request forms are available from the records officer of each division.]~~

KEY: government documents, ~~freedom of information,~~ public records, Government Records Access and Management Act, GRAMA, records access, fees, records officer

Date of Last Change: ~~1992~~ 2025

Notice of Continuation: February 5, 2021

Authorizing, and Implemented or Interpreted Law: 63G-2-204; 63A-12-104

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R66-9****Filing ID:** 57632**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:
R66-9. Cannabis Licensing Process
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food is filing an amendment to this rule as part of an ongoing review process. This amendment aims to remove information that is already redundant with existing statutes, thereby enhancing clarity and ensuring better alignment with the Rulewriting Manual for Utah and all applicable statutes.
5. Summary of the new rule or change:
This amendment streamlines this rule by removing redundant information already present in statutes. This action enhances clarity and ensures compliance with the Rulewriting Manual for Utah and applicable statutes.
Key changes include removing redundant definitions and sections on license renewals, as these are addressed in the relevant statutes.
The proposed new language improves clarity and makes necessary technical adjustments resulting from these omissions. This involves renumbering sections, updating this rule's purpose, and refining phrasing for active voice and directness.
Additionally, license application consideration conditions are rephrased for improved flow, and a new subsection details factors for approving closed-door medical cannabis pharmacy locations.
Finally, the electronic meeting procedures include revisions to align and reference Title 52, Chapter 4, Utah Open and Public Meetings Act.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The proposed changes are administrative and stylistic and will not have an impact on the state's budget.
B. Local governments:
This amendment will not have an impact on local governments because they do not administer or participate in this program.

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

The proposed changes are administrative and stylistic and will not have an impact on small businesses.

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

The proposed changes are administrative and stylistic and will not have an impact on non-small businesses.

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

The proposed changes are administrative and stylistic and will not have an impact on other persons.

F. Compliance costs for affected persons:

The compliance costs for this program are not changing.

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

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

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

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 4-1a-201(2)(a)(ii)

Subsection 4-41a-1206(1)

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

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:	10/31/2025
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R66. Agriculture and Food, ~~[Medical Cannabis and Industrial Hemp]~~ Specialized Products.**R66-9. Cannabis Licensing Process.****R66-9-1. Authority and Purpose.**

(1) ~~[Pursuant to]~~ Subsections 4-41a-201(2)(a)(ii)~~;~~ and 4-41a-1206(10) authorize this rule.

(2) ~~[&]~~ This rule establishes the process for issuing a cannabis production establishment license and a closed-door medical cannabis pharmacy license.

~~[R66-9-2. Definitions.~~

~~(1) "Cannabis cultivation facility" means a person that:~~

~~(a) possesses cannabis;~~

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

~~(c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.~~

~~(2) "Cannabis processing facility" means a person that:~~

~~(a) acquires or intends to acquire cannabis from a cannabis production establishment;~~

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

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

~~(d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.~~

~~(3) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.~~

~~(4) "Cannabis Production Establishment Licensing Advisory Board" or "Board" means the board established under Section 4-41a-201.1.~~

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

~~(6) "Independent cannabis testing laboratory" means a person that:~~

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

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

~~(7) "Medical cannabis pharmacy" means a person that:~~

~~(a)(i) acquires or intends to acquire medical cannabis or a cannabis product in a medicinal dosage form from a cannabis processing facility or another medical cannabis pharmacy or a medical cannabis device; or~~

~~(ii) possesses medical cannabis or a medical cannabis device; and~~

~~(b) sells or intends to sell medical cannabis or a medical cannabis device to a medical cannabis cardholder.]~~

R66-9-~~[3]~~2. Cannabis Production Establishment and Pharmacy Licensing.

(1) The ~~[D]~~department will solicit applications for cannabis cultivation facility licenses if the conditions in Subsection 4-41a-205(2)(a) or (b) are met.

(2) A licensed cannabis cultivation facility may not be awarded a second cannabis cultivation facility license.

(3) Pursuant to Section 4-41a-201, the ~~[B]~~board ~~[will]~~may not accept an incomplete license application~~[unless it is complete. An incomplete application will be returned to the applicant].~~

(4) If there are more qualified applicants than available licenses, the department will evaluate the applicants pursuant to Subsection 4-41a-205(3).

(5) The ~~[D]~~department will solicit applications for medical cannabis pharmacy licenses ~~[if the conditions in Subsection 4-41a-1005(1)(d)(i) are met]~~when a medical cannabis pharmacy license becomes available due to closure or another reason.

(6) The department will solicit applications for closed-door medical cannabis pharmacy licenses pursuant to Section 4-41a-1206.

~~[(6)]~~7 Pursuant to Section 4-41a-201, the ~~[B]~~board ~~[will]~~may not accept a license application unless it is complete~~[—A]~~ and will return an incomplete application [will be returned] to the applicant.

~~[(7)]~~ If there are more qualified applicants than available licenses, the department will evaluate the applicants pursuant to Subsection 4-41a-1005(2)]

(8) The ~~[following conditions shall be met before the B]~~board will consider a license application only after an applicant meets the following conditions:

(a) submits a complete application, including documents and supplemental materials on the department's application checklist~~[has been submitted];~~

(b) ~~[a department official has inspected the premises]~~pays the required application fee; and

(c) a department official ~~[has]~~conducts~~[ed an inspection]~~ a review as described in Section R66-9-~~[4]~~3.

(9) The department shall forward to the ~~[B]~~board the information and recommendation to aid in the license determination.

(10) The ~~[B]~~board will follow the process outlined in Subsection 4-41a-201.1(6) in considering the application.

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

R66-9-[4]3. Department Review.

- (1) The department's ~~[inspection]~~review shall:
 - (a) verify required documents and supplemental materials have been submitted with the application;
 - (b) confirm the information in the application is correct;
 - (c) conduct the criminal background check required in Section 4-41a-202 or Section 4-41a-1001; and
 - (d) confirm that operating and business plans comply with state laws and administrative rules.
- (2) The department may require additional information from an applicant.
- (3) The department shall submit the cannabis processing facility or independent cannabis testing laboratory application to the Board

with information within a reasonable time of receiving a completed cannabis processing facility or independent cannabis testing laboratory application.

(4) ~~[Consistent with Subsection R66-9-3(1), the department shall submit a cannabis cultivation facility application to the Board when the department finds a need based on market needs and available licenses.]~~The department may conduct face to face interviews with an applicant, if needed, to determine the best qualified applicant for the licenses that will be issued.

R66-9-[5]4. Board Review-Licenses with Limited Availability.

(1) If the ~~[D]~~department solicits applications for a limited number of cannabis licenses, ~~the board shall score complete applications [shall be scored by the Board after] that meet~~ the requirements of Subsection R66-9-[3]2(8) ~~and Section R66-9-3[are met]~~.

(2) ~~The board shall issue [E]~~licenses ~~[shall be issued by the Board]~~ according to those applicants with the highest score, depending on how many licenses are available.

(3) ~~The [B]~~board review in these circumstances shall be a blind process ~~[and]~~ with each name removed from each document that is provided to the ~~[B]~~board for consideration.

(4) The ~~[B]~~board may consider the following factors in determining whether to grant cannabis production establishment licenses:

- (a) the applicant's experience in the medical cannabis industry;
- (b) the applicant's ability to be compliant within their operating plan;
- ~~[(c) the applicant's positive community involvement, if applicable;]~~
- ~~[(d)]~~(c) the applicant's anticipated pricing structure;
- ~~[(e)]~~(d) the timeline under which each phase of the applicant's business will be operational;~~[-and]~~
- ~~[(f)]~~(e) other factors determined by the ~~[D]~~department or the ~~[B]~~board~~[-]; and~~
- (f) the factors required under Title 4, Chapter 41a, Part 2 Cannabis Production Establishment, and Title 4, Chapter 41a, Part 10 Medical Cannabis Pharmacy License.

(5) In addition to the factors listed in Subsection 4-41a-1206(7), the board shall approve locations for closed-door medical cannabis pharmacies based on:

- (a) patient needs;
- (b) the existence of a policy allowing the Pharmacist in Charge (PIC) to determine pharmacy inventory;
- (c) the applicants' anticipated pricing structure; and
- (d) the applicant's operating plan.

~~[(5) Board meetings may only be closed if the Board is discussing security interests. All votes shall be taken in an open meeting.]~~

(6) The board may conduct face-to-face interviews with an applicant if needed, to determine the best qualified applicant for the licenses that will be issued.

~~[(6)]~~(7) If the board discussion determines to change an applicant's initial score~~[-is changed based on Board discussion]~~, the board shall document the reason for the change~~[-shall be documented]~~.

~~[R66-9-6. Board Review-License Renewals.~~

~~(1) The following conditions shall be met before the Board will approve a renewal license application for a cannabis production establishment or medical cannabis pharmacy:~~

- ~~(a) a complete application including documents and supplemental materials on the department's application checklist has been submitted;~~
- ~~(b) the department has confirmed that the cannabis production establishment or medical cannabis pharmacy has been sufficiently compliant with state laws and administrative rules during the term of their license, pursuant to Chapter 4-41a Part 8; and~~
- ~~(c) for cannabis cultivation facilities, the department has confirmed that production has met or exceeded the amounts that were included in the previous year's operating plan.~~

~~(2) In approving a renewal license application for a cannabis production establishment or medical cannabis pharmacy, the Board may consider:~~

- ~~(a) information from the department regarding any issues that have arisen during the license term related to product quality; and~~
- ~~(b) any verified customer complaints.]~~

R66-9-[7]5. Public Hearing.

- (1) The ~~[B]~~board shall make licensing determination during a public hearing where the application was considered.
- (2) The ~~[B]~~board shall allow prospective applicants to make a presentation at the public hearing in which their application is considered.
- (3) The ~~[B]~~board shall notify the prospective applicant a minimum of ten business days in advance of the public hearing where their application is being considered.

- (4) The [B]board may limit the time available for presentations by the applicants.

R66-9-[8]6. Cannabis Production Establishment and Pharmacy Licensing Advisory Board Electronic Meetings.

(1) The board shall conduct all ~~[following provisions govern any]~~ meetings ~~[of the Board]~~ in accordance with Title 52, Chapter 4 Utah Open and Public Meetings Act, and Rule R51-7 Open and Public Meetings Act Electronic Meetings.

~~(1)2~~ (1)2 The board shall provide public [N]notice of the meeting in accordance with Section 52-4-202.

(a) The notice shall specify the anchor location, as defined in Subsection 52-4-103(1), where the members of the [B]board not participating electronically or by telephone will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(b) Unless otherwise specified in the notice, the anchor location is the main office of the Utah Department of Agriculture and Food, Taylorsville, Utah.

~~(2)3~~ (2)3 The board shall provide public [N]notice of the meeting at least 24 hours before the meeting and shall:

(a) post the agenda ~~[shall be posted]~~ at the anchor location; and ~~[Written or electronic notice shall also be posted]~~

(b) post it on the Public Notice Website. ~~[These notices shall be provided at least 24 hours before the meetings.]~~

~~(3)4~~ (3)4 The board shall adhere to the following procedures for electronic participation:

(a) provide [N]notice of the possibility of an electronic meeting ~~[shall be given]~~ to the [B]board members at least 24 hours before the meeting; and ~~[The notice shall]~~

(b) describe how a member may participate in the meeting electronically or by telephone.

~~(4)5~~ (4)5 ~~[When notice is given of the possibility of a member appearing electronically or by telephone, any]~~ A member may participate electronically ~~[do so]~~ and shall ~~[be]~~ count ~~[ed]~~ as present for purposes of a quorum and may fully participate and vote on any matter coming before the [B]board.

~~(5)6~~ (5)6 At the commencement of the meeting, or at such time as any member initially appears electronically or by telephone, the chair shall identify for the record those who are appearing by telephone or electronically.

~~(6)7~~ (6)7 The chair shall confirm all ~~[V]~~ votes cast by members ~~[of the Board who are not at the physical location of the meeting shall be confirmed by the chair]~~ participating electronically.

~~(7)~~ The anchor location, unless otherwise designated in the notice, shall be at the offices of the Department of Agriculture and Food.

(a) The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected.

(b) The anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

KEY: cannabis, cannabis production, licensing, Cannabis Production Establishment, Pharmacy Licensing Advisory Board, meetings

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

Authorizing, and Implemented or Interpreted Law: 4-2-103; 4-41a-201(2)(a)(ii)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R66-10

Filing ID: 57590

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:**

R66-10. Closed-Door Medical Cannabis Pharmacy

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

The Department of Agriculture and Food is filing an amendment to this rule to enhance clarity, align it with the relevant statute and the Rulewriting Manual for Utah, and remove redundant language found in the statute.

5. Summary of the new rule or change:

The amendment revises several sections. It removes redundant definitions, moves closed-door pharmacy location information to Rule R66-9, and eliminates general operating standards due to redundancy.

The operating plan section now includes closed-door medical cannabis pharmacy requirements. The amendment removes the Pharmacist-in-Charge section due to redundancy.

It also clarifies the separation of closed-door medical cannabis pharmacies and medical cannabis processors in a single facility, revises security standards to enhance clarity and remove redundant language, and updates the inventory section to include inventory control information while removing outdated requirements.

The transportation section and partial filling information are removed due to redundancy.

Finally, the amendment clarifies the closed-door pharmacy license and renewal section and incorporates renumbering and other technical changes throughout this rule.

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

This amendment does not have an impact on the state's budget because the changes are primarily administrative and enhance clarity.

B. Local governments:

This amendment does not have an impact on local governments because they do not administer or participate in the program.

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

This amendment does not have an impact on small businesses because the changes are primarily administrative and enhance clarity.

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

This amendment does not have an impact on non-small businesses because the changes are primarily administrative and enhance clarity.

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

This amendment does not have an impact on other persons because the changes are primarily administrative and enhance clarity.

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:

Subsection 4-41a-1206(10)	Subsection 4-2-103(1)(i)	
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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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	Kelly Pehrson, Commissioner	Date:	10/31/2025
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R66. Agriculture and Food, ~~Medical Cannabis and Industrial Hemp~~ Specialized Products.

R66-10. Closed-Door Medical Cannabis Pharmacy.

R66-10-1. Authority and Purpose.

(1) Subsections 4-41a-1206(10) and ~~Subsection~~ 4-2-103(1)(i) authorize this rule.

(2) This rule establishes operating and licensing requirements and standards ~~to be followed by~~ for closed-door medical cannabis pharmacies and their employees.

R66-10-2. 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 a medical cannabis card or registration card, authorized under Title 26B, Chapter 4, Part 2 Cannabinoid Research and Medical Cannabis.

~~(3) "Courier agent" means a medical cannabis courier agent.~~

NOTICES OF PROPOSED RULES

- ~~_____ (4) "Department" means the Utah Department of Agriculture and Food.]~~
- ~~_____ ([5]3) "DHHS" means The Utah Department of Health and Human Services.~~
- ~~_____ [(6) "Direct supervision" means that a PMP is physically present at a closed-door medical cannabis pharmacy facility and immediately available for in-person face-to-face communication with the pharmacy agent.~~
- ~~_____ (7)(a) "Educational material" means material distributed for an educational purpose by a closed-door medical cannabis pharmacy.~~
- ~~_____ (b) Educational material includes any printed educational material such as a placard, poster, fact sheet, book, pamphlet, flyer, or business card.~~
- ~~_____ (8) "Pharmacy agent" means a medical cannabis pharmacy agent, as defined in Section 26B-4-201.~~
- ~~_____ (9) "PIC" means a pharmacist in charge who oversees the operation and generally supervises a medical cannabis pharmacy.]~~
- ~~_____ ([10]4) "PMP" means a medical cannabis pharmacy medical provider that meets the criteria defined in Subsection 4-41a-1101(12).~~
- ~~_____ ([14]5) "Recreational disposition" means:~~
 - ~~_____ (a) slang words or phrases 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; or~~
 - ~~_____ (f) content that a reasonable person knows or should know appeals to children.~~
- ~~_____ [(12) "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.~~
- ~~_____ (13) "State electronic verification system" means the same as the term is defined in Section 26B-4-202 and Subsection 4-41a-102(44).~~
- ~~_____ (14) "Targeted marketing" means the same as the term is defined in Subsection 4-41a-102(47).~~
- ~~_____ (15) "Total revenue" means the total amount of money that a pharmacy earns through the selling of its medical cannabis products, medical cannabis devices, and services, over a license term.~~
- ~~_____ (16) "Utah resident" means an individual who has established a domicile in Utah.]~~

R66-10-3. Closed-Door Medical Cannabis Pharmacy[-] License.

- ~~_____ (1) A closed-door medical cannabis pharmacy license allows a home delivery medical cannabis pharmacy licensee to store and distribute medical cannabis via delivery from a separate approved location.~~
- ~~_____ (2) Each closed-door medical cannabis pharmacy license shall expire on the same day as the licensee's home delivery pharmacy license, as outlined in Subsection R66-5-3(3).~~
- ~~_____ [(2) Locations for closed-door pharmacies shall be approved based on:~~
 - ~~_____ (a) geographic locations defined in Section R66-5-21;~~
 - ~~_____ (b) current pharmacy locations;~~
 - ~~_____ (c) patient needs;~~
 - ~~_____ (d) willingness of a closed-door pharmacy to carry all brands;~~
 - ~~_____ (e) policy allowing the PIC to determine pharmacy inventory;~~
 - ~~_____ (f) whether the location is in a county of the first or second class, to ensure compliance with Subsection 4-41a-1206(7)(c);~~
 - ~~_____ (g) operating plan; and~~
 - ~~_____ (h) compliance history.~~
- ~~_____ (3) A complete application shall include:~~
 - ~~_____ (a) a licensing fee, charged pursuant to Subsection 4-41a-1206(1)(d); and~~
 - ~~_____ (b) statements, forms, diagrams, operating plans, and other applicable documents required by the department in the application.~~
- ~~_____ (4) Before approving an application, the department may contact the applicant and request additional supporting documentation or information.~~
- ~~_____ (5) Before issuing a license, the department shall inspect the proposed premises to determine if the applicant complies with state law and local ordinances.]~~

[R66-10-4. General Operating Standards.

- ~~_____ (1) In addition to general operating standards established in Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, closed-door medical cannabis pharmacies shall comply with the operating standards established in this rule.~~
- ~~_____ (2) Closed-door medical cannabis pharmacies shall:~~
 - ~~_____ (a) be well-lit, well-ventilated, clean, and sanitary;~~
 - ~~_____ (b) maintain a current list of employees working at the closed-door medical cannabis pharmacy that:~~
 - ~~_____ (i) includes employee name and work schedule;~~
 - ~~_____ (ii) is readily retrievable for inspection by the department; and~~
 - ~~_____ (iii) is maintained in paper or electronic form;~~
 - ~~_____ (c) have current and retrievable editions of the following reference publications, in print or electronic format, readily available to closed-door 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.~~
- ~~_____ (3) A closed-door medical cannabis pharmacy may not prepare medical cannabis products or medical cannabis devices for delivery to a medical cannabis cardholder unless an employee who is a PMP is physically present and immediately available in the closed-door medical cannabis pharmacy.~~
- ~~_____ (4)(a) Deliveries to a closed-door medical cannabis pharmacy from a cannabis processing facility or a medical cannabis pharmacy shall be received under the direct supervision of a PMP or pharmacy agent.~~
- ~~_____ (b) The 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 closed-door medical cannabis pharmacy.~~
- ~~_____ (5) A closed-door 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.~~
- ~~_____ (6) A closed-door medical cannabis pharmacy may not dispense expired, damaged, deteriorated, misbranded, adulterated, or opened medical cannabis products or medical cannabis devices.]~~

R66-10-5[4. ~~[Operating Plan]~~Closed-door Medical Cannabis Pharmacy Requirements.

- ~~_____ (1) A closed-door medical cannabis pharmacy license [application shall include an-]operating plan [to be included in the home delivery pharmacy's operating plan, and at a minimum, consists of the following]shall contain a blueprint of the facility that contains the following information:~~
 - ~~_____ (a) limited access areas;~~
 - ~~_____ (b) where it stores cannabis products and cannabis devices;~~
 - ~~_____ (c) the location of returned cannabis and cannabis waste awaiting destruction;~~
 - ~~_____ (d) the location of toilet facilities and hand washing facilities;~~
 - ~~_____ (e) the location of a break room and the location of personal belonging lockers; and~~
 - ~~_____ (f) the location of the areas for loading and unloading of cannabis and cannabis products.~~
- ~~_____ (2) A closed-door medical cannabis pharmacy shall protect confidential cardholder data and information stored in the Electronic Verification System, ensuring 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.~~
- ~~_____ (3) A closed-door medical cannabis pharmacy may not ship cannabis to patients outside the hours described in Subsection R66-6-3(4)(b).~~
- ~~_____ (4) A closed-door medical cannabis pharmacy may not dispense expired, damaged, deteriorated, misbranded, adulterated, or opened medical cannabis products or medical cannabis devices.~~
- ~~_____ (5) A closed-door medical cannabis pharmacy shall maintain a written plan to handle potential recall and destruction of cannabis due to contamination.~~
- ~~_____ (6) A closed-door medical cannabis pharmacy operating plan shall include a waste disposal plan that complies with Section 4-41a-1101.~~
- ~~_____ (7) A closed-door 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) the cardholder or provider requests it in writing; and~~
 - ~~_____ (b) the closed-door medical cannabis pharmacy redacts the location of the medical cannabis processor.~~
- ~~_____ (8) A closed-door 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) the information requested in the application;~~
- ~~_____ (b) a security plan;~~
- ~~_____ (c) storage protocols, both short and long term, to ensure that cannabis is stored in a manner that is sanitary and preserves the integrity of the cannabis; and~~
- ~~_____ (d) 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; and~~
 - ~~_____ (ii) applicable administrative rules; and~~
 - ~~_____ (e) procedures for a PIC to determine the closed-door pharmacy's medical cannabis inventory under Subsection 4-41a-1101(12).~~
- ~~_____ (2)(a) The department may require the applicant for a closed-door medical cannabis pharmacy license to make a change to its operating plan before issuing a 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) Once the department issues a license, any change to a closed-door medical cannabis pharmacy's operating plan is subject to department approval.]~~

[R66-10-6. Pharmacist In Charge.

- ~~_____ (1) PICs shall have the responsibility to oversee the closed-door medical cannabis pharmacy's operation.~~
- ~~_____ (2) PICs overseeing a closed-door pharmacy shall comply with Sections R66-5-5 and R66-5-6.]~~

R66-10-~~7~~5. Separation of Closed-Door Medical Cannabis Pharmacies and Medical Cannabis Processors in a Single Facility.

(1) Any facility ~~[that has]~~with both a closed-door pharmacy license and a license for medical cannabis processing shall ensure the physical separation of medical cannabis, which includes:

~~(a) separating medical cannabis intended for home delivery [and] from medical cannabis in the processing facility[-];~~
~~(2)[b] [P]prohibiting the processing of medical cannabis materials [may not occur]in rooms designated as closed-door pharmacy areas[-];~~

~~(3)[c] clearly labeling [M]medical cannabis intended for home delivery in the closed-door pharmacy;[-shall be clearly labeled as such-]~~

~~(4)[d][~~(a)~~] storing [C]closed-door pharmacy products and medical cannabis processor cannabis [shall be stored]in separate secure rooms that are not accessible from the other licensed facility.~~

~~(b)[i] Final product, raw material, or processed material in inventory at the processor may not travel through the closed-door pharmacy area.~~

~~(5)[2] Upon request, the licensee shall inform the department of how it implements the separation of materials[-is implemented], including the facility's separation procedures for raw material, extract, and final products.~~

R66-10-~~8~~6. Security Standards.

(1) A closed-door medical cannabis pharmacy shall comply with security standards established in Section 4-41a-1101~~[-and this rule].~~

(2) A closed-door medical cannabis pharmacy shall have a complete video surveillance system:

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

(b) that allows for the clear and certain identification of any person or activities; and

(c) a date and time stamp embedded on video camera recordings that is set correctly.

(3) Visitors to a closed-door medical cannabis pharmacy shall 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 visitors while in the facility;

(5) A medical cannabis pharmacy shall keep and maintain a log of visitors, showing:

(a) full name and age of each visitor entering the facility;

(b) badge number issued;

(c) time of arrival;

(d) time of departure; and

(e) purpose of the visit.

(6) The closed-door medical cannabis pharmacy shall maintain the visitor log for a minimum of one year.

(7) The closed-door medical cannabis pharmacy shall make visitor logs available to the department upon request.~~[security equipment sufficient to deter and prevent unauthorized entrance into the closed-door medical cannabis pharmacy that includes equipment required in this section.~~

~~(3) A closed-door medical cannabis pharmacy shall be equipped with a secure lock on the entrance to the closed-door medical cannabis pharmacy;~~

~~(4) A closed-door 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) video cameras that:~~

~~(i) have a recording resolution of at least 640 x 470, or the equivalent;~~

~~(ii) provide coverage of the single entrance to and exits from the building;~~

~~(iii) are capable of identifying any activity occurring in or adjacent to the closed-door medical cannabis pharmacy building;~~

~~(iv) record continuously, 24 hours a day, 7 days a week or are motion activated;~~

~~(v) record at each product packaging and product destruction or disposal location; and~~

~~(vi) will allow for the identification of a medical cannabis visitor or closed-door pharmacy employee;~~

~~(d) a method for storing 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;~~

~~(e) a failure notification system that provides an audible and visual notification of failure in the electronic monitoring system;~~

~~(f) sufficient battery backup for the video camera and recording equipment to support recording in the event of a power outage; and~~

~~(g) a date and time stamp embedded on video camera recordings that is set correctly.~~

~~(5) Security measures implemented by a closed-door medical cannabis pharmacy to deter and prevent unauthorized entrance or theft of products and to ensure the safety of employees, 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 product or medical cannabis devices;~~

~~(c) keep locks and security equipment in good working order and document 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 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; and~~
- ~~_____ (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.~~
- ~~_____ (6)(a) While inside the closed door medical cannabis pharmacy, each employee shall wear an identification tag or similar form of identification.~~
- ~~_____ (b) The tag shall list the employees' position at the closed door medical cannabis pharmacy as a PMP or pharmacy agent.~~
- ~~_____ (c) A PMP shall carry their registration card when:~~
 - ~~_____ (i) they are on the premises of a closed door medical cannabis pharmacy; and~~
 - ~~_____ (ii) they are transporting a cannabis product in a medicinal dosage form, or a medical cannabis device.~~
- ~~_____ (7) A closed door 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.~~
- ~~_____ (8) The visitor log shall be maintained by the closed door medical cannabis pharmacy for a minimum of one year.~~
- ~~_____ (9) The closed door medical cannabis pharmacy shall make the visitor log available to the department upon request.~~
- ~~_____ (10) Only a PMP or a pharmacy agent shall have access to the closed door medical cannabis pharmacy when the closed door pharmacy is closed.~~
- ~~_____ (11) The closed door medical cannabis pharmacy, or parent company, shall maintain a record of not less than five years of the names and work schedules of each PMP or pharmacy agent that has worked at the facility.]~~

R66-10-~~[9]~~7. Inventory Control.

- ~~_____ (1) A closed-door medical cannabis pharmacy shall record all cannabis products and cannabis waste into the inventory control system, which includes:~~
 - ~~_____ (a) unique identification number;~~
 - ~~_____ (b) batch or lot number;~~
 - ~~_____ (c) name of product;~~
 - ~~_____ (d) storage location; and~~
 - ~~_____ (e) date entered into the inventory control system.~~
- ~~_____ (2) Returned products 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 disparities in the quantity of cannabis received are greater than 10% from the amount recorded on the transportation manifest, [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 closed door medical cannabis pharmacy shall use the Inventory Control System (ICS) to establish a record of each transaction, sale, return, and disposal.~~
- ~~_____ (3) A closed door 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 closed door medical cannabis pharmacy shall:~~
 - ~~_____ (a) establish and document 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;~~
 - ~~_____ (b) record inventory findings;~~
 - ~~_____ (c) keep records for five years; and~~
 - ~~_____ (d) make records available for inspection by the department.~~
- ~~_____ (5)(a) A PMP at each closed door medical cannabis pharmacy shall conduct an inventory audit that includes a reconciliation of each medical cannabis product and medical cannabis device stored at the closed door pharmacy with the pharmacy's inventory record in the ICS.~~
 - ~~_____ (b) Pharmacy agents may assist a PMP with the inventory.~~
 - ~~_____ (c) An inventory audit 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.~~

NOTICES OF PROPOSED RULES

~~(6) If a closed door 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; and~~
~~(c) provide the corrective action taken 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 closed door 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 closed door 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 closed door 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 closed door medical cannabis pharmacy within 72 hours or three working days of the closed door 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~~
~~(iii) the name and signature or initials of the PIC who conducted the inventory.~~
~~(10) The closed door medical cannabis pharmacy shall keep records of each inventory audit 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 closed door medical cannabis pharmacy where the medical cannabis products and medical cannabis devices are located.~~
~~(c) If a closed door medical cannabis pharmacy intends to maintain records at a location other than the closed door pharmacy, they may send a written request to the department that contains:~~
~~(i) the closed door medical cannabis pharmacy name and license number; and~~
~~(ii) the name and address of the alternate location.~~
~~(d) The department shall approve or deny the request through written notification.~~
~~(e) A copy of the department's approval shall be maintained by the closed door medical cannabis pharmacy.~~
~~(f) The alternate location shall be secured and accessible only to authorized medical cannabis pharmacy employees.~~
~~(12) Upon request, a closed door medical cannabis pharmacy shall provide any documentation required to be maintained in this rule to the department for review.]~~

[R66-10-10. 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:~~
~~(i) home address;~~
~~(ii) caregiver facility; or~~
~~(iii) an address designated by the card holder defined under Subsection 4-41a-102(23);~~
~~(b) a medical cannabis pharmacy is transporting medical cannabis or a medical cannabis device from a medical cannabis pharmacy facility to a closed door medical cannabis pharmacy;~~
~~(c) 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~~
~~(d) 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 as outlined in the approved operating plan 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 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 closed door medical cannabis pharmacy 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 ICS and report difference to the department;~~
- ~~_____ (c) not delete, void, or change information provided on the transport manifest upon arrival at the medical cannabis closed-door 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 closed-door medical cannabis pharmacy may only receive medical cannabis products in their final packaging.~~
- ~~_____ (6)(a) A closed-door medical cannabis pharmacy may write notes on the manifest to document discrepancies.]~~

R66-10-[44]8. Minimum Requirements for the Storage and Handling of Cannabis.

~~_____ A closed-door medical cannabis pharmacy shall provide adequate conditions for cannabis storage, including:~~

- ~~_____ (1) [Storage areas shall provide]adequate lighting, sanitation, temperature, humidity, space, equipment, and security;[conditions for the storage of cannabis.]~~
- ~~_____ (2) [Stored]storing cannabis [shall be-]at least six inches off the ground[-];~~
- ~~_____ (3) storing cannabis away from potential contaminants; and~~
- ~~_____ ([3]4) storing [Cannabis that is-]outdated, damaged, deteriorated, misbranded, or adulterated [shall be stored]cannabis separately by physical barrier until [it is destroyed]destruction.~~

R66-10-[42]9. Cannabis Disposal and Waste.

- ~~_____ (1) A closed-door medical cannabis pharmacy shall transfer cannabis waste to the medical cannabis home delivery pharmacy location or to a cannabis production establishment licensed by the department for disposal.~~
- ~~_____ (2) A closed-door medical cannabis pharmacy shall:~~
 - ~~_____ (a) securely lock and store cannabis waste in a container marked "Not for Sale"; and~~
 - ~~_____ (b) ensure the medical cannabis product is logged in the ICS at the time of disposal with appropriate information, including a description of and reason for the disposal[;].~~
- ~~_____ (c) follow transportation requirements in Section R66-7-9 to ship the cannabis waste to be destroyed.]~~

R66-10-10[3]. Product Recall.

- ~~_____ (1) A closed-door medical cannabis pharmacy shall cooperate with product recalls [may be-]initiated by a cannabis production establishment, a medical cannabis pharmacy, or the department.~~
- ~~_____ (2) The home delivery pharmacy shall handle [closed-door medical cannabis pharmacy shall be bypassed and]the recall, [be handled by the home delivery]bypassing the closed-door medical cannabis pharmacy, according to the [pharmacies]its operating plan and in compliance with Section R66-5-[42]8.~~

[R66-10-14. Partial Filling.

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

- ~~_____ (1) date of partial fill;~~
- ~~_____ (2) quantity supplied to the cardholder; and~~
- ~~_____ (3) quantity remaining of the recommendation partially filled.]~~

R66-10-11[5]. Change in Operating Plans.

- ~~_____ (1) A closed-door medical cannabis pharmacy shall submit a notice, on a form provided by the department, before making any changes to the closed-door pharmacy's operating plan.~~
- ~~_____ (2) A medical cannabis pharmacy may not implement changes to the initial approved operating plan without written approval from the department.~~
- ~~_____ (3) The department shall specify the reason for the denial of approval for a change to the operation plan.~~

R66-10-12[6]. Revenue Reporting.

~~_____ A medical cannabis home delivery pharmacy who opens a closed-door medical cannabis pharmacy shall submit, on a form provided by the department, quarterly reports[-] that include:~~

- ~~_____ (1) the total quarterly revenue for the closed-door pharmacy;~~
- ~~_____ (2) total quarterly revenue for each licensed medical cannabis pharmacy owned by the entity; and~~
- ~~_____ (3) any other information requested by the department.~~

NOTICES OF PROPOSED RULES

R66-10-13[7]. Closed-Door Pharmacy License and Renewal.

- ~~_____ (1) Each closed door medical cannabis pharmacy license shall expire on the same day as the home delivery pharmacy license.]~~
~~_____ (2) [1](a) A medical cannabis home delivery pharmacy shall submit a notice of intent to renew the closed-door pharmacy with the renewal for the home delivery pharmacy. [notice of intent to renew the home delivery pharmacy within 30 days of 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.]~~
~~_____ (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] consider significant violations issued [in] when determining license renewals.~~

R66-10-14[8]. Violations 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 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, Cannabis Production Establishments and Pharmacies 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 targeted marketing requirements;
 - (g) failure to follow agent duties and responsibilities requirements; or
 - (h) engaging in or permitting a violation of Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies 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, Cannabis Production Establishments and Pharmacies, 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, pharmacy, closed-door, violation categories, product recall, waste and disposal, licensing, storage and handling

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

Authorizing, and Implemented or Interpreted Law: 4-41a-1206(10)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R68-3

Filing ID: 57634

Agency Information

1. Title catchline:

Agriculture and Food, Plant 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
City, state, and zip:		Salt Lake City, UT 84114-6500
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R68-3. Utah Fertilizer Rule	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 253 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>The Department of Agriculture and Food is amending Rule R68-3, changing the catchline to Utah Plant Food Rule.</p> <p>This revision is necessary due to the passing of HB 253 in the 2025 General Session, which updated the term "fertilizer" to "plant food" in the statute.</p> <p>Also, the filing will update this rule to align its terminology with the updated state code, current industry practices, and adhere to the guidelines found in the Rulewriting Manual for Utah.</p>	
5. Summary of the new rule or change:	
<p>The proposed changes revise this rule throughout to align its terminology with the passed legislation, HB 253 (2025), and updated industry practices.</p> <p>Key changes include a shift from "fertilizer or soil amendment" to "Plant Food" throughout this rule.</p> <p>The proposed rule expands the list of products exempt from registration and refers to the table specifying minimum concentration percentages for various plant nutrients, which removes it from the rule due to redundancy with the AAPFCO Official Publication.</p> <p>Additionally, due to redundancy with statute, the proposed changes omit sections on annual registration fees and blender registration.</p> <p>Language around slow-release plant nutrients and unlawful acts has been clarified and streamlined.</p> <p>These revisions collectively aim to enhance the rule's clarity, align information with industry standards, and ensure consistency with the updated state statute and the guidelines in 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:
The proposed changes to this rule will not have an impact on the state's budget because the requirements are not changing.
B. Local governments:
The proposed changes to this rule will not have an impact on local governments because the requirements are not changing.

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

The proposed changes to this rule will not have an impact on small businesses because the requirements are not changing.

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

The proposed changes to this rule will not have an impact on non-small businesses because the requirements are not changing.

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

The proposed changes to this rule will not have an impact on other persons because the requirements are not changing.

F. Compliance costs for affected persons:

The compliance costs of the program are not changing.

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

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

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

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 4-13-110 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: 12/15/2025

10. This rule change MAY become effective on: 12/22/2025

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:	10/31/2025
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R68. Agriculture and Food, Plant Industry.**R68-3. Utah ~~[Fertilizer]~~Plant Food Rule.****R68-3-1. ~~[Purpose and]~~Authority.**

~~[(1)]~~ Subsection 4-2-103(1)(i) and Section 4-13-110 authorize the department to adopt rules to enforce Title 4, Chapter 13, the Utah ~~[Fertilizer]~~Plant Food Act and to adopt the official terms, tables, definitions, and statements adopted by the Association of American Plant Food Control officials (AAPFCO) and published in the ~~[e]Official [p]Publication[s] No. 78[of that organization].~~

R68-3-2. Purpose.

~~[(2)]~~ This rule establishes the process of registration and labeling of products, defines ingredient deficiencies, and defines unlawful acts that violate Title 4, Chapter 13, the Utah ~~[Fertilizer]~~Plant Food Act.

~~[R68-3-2. Definitions.~~

~~(1) "Department" means the Utah Department of Agriculture and Food.]~~

R68-3-3. Product Registration.

(1) ~~[Fertilizer or soil amendment]~~A registrant shall register any plant food distributed in Utah ~~[shall be registered]~~with the department, unless labeling shows that the product does not claim to contain any plant nutrients or beneficial plant growth properties.

~~[(a)]~~2 The department may ~~[following are]~~exempt the following from registration in Utah:

~~[(i)]~~a) biochar;

~~[(ii)]~~b) compost;

~~(c)~~ coir;

~~(d)~~ garden soil;

~~(e)~~ gypsum;

~~(f)~~ hay;

~~[(iii)]~~g) landscape soil or topsoil;

~~(h)~~ leaf mold;

~~[(iv)]~~ mulch or wood products;

~~[(v)]~~j) nitrogen stabilizers;

~~[(vi)]~~k) peat;

~~[(vii)]~~l) perlite;

~~[(viii)]~~m) plant inoculant;

~~[(ix)]~~n) planting mix;

~~[(x)]~~o) potting ~~[soil]~~mix;

~~(p)~~ sand;

~~[(xi)]~~q) seed inoculant;

~~(r)~~ soilless growing media;

~~(s)~~ straw;

~~[(xii)]~~t) vermicompost; and

~~[(xiii)]~~u) vermiculite.

~~[(b)]~~ Application for registration shall be made to the department upon a form prescribed and provided by the department. Each application shall include the registrant's name, address, and other contact information prescribed on the form, as well as the following information for each product:

~~(i)~~ the brand and grade;

~~(ii)~~ the guaranteed analysis; and

~~(iii)~~ the label for each product registered.

~~(c)~~ The registrant of a waste-derived fertilizer shall state in the application for registration the levels of non-nutritive metals, including arsenic, cadmium, mercury, lead and selenium. Upon request, the registrant shall provide a laboratory report or other documentation verifying the levels of the non-nutritive metals in the waste-derived fertilizer.]

~~[(d)]~~3(a) The department may require submission of the complete formula of any ~~[fertilizer or soil amendment]~~plant food ~~[if it shall be considered necessary]~~for administration of Title 4, Chapter 13, the Utah ~~[Fertilizer]~~Plant Food Act, and this rule.

~~(b)~~ If it appears to the department that the composition of the product warrants the proposed claims for it, and if the product and its labeling and any other information that may be required to be submitted complies with the requirements of the Act, the product shall be registered.

~~[(e)]~~4(a) Before registering any ~~[soil amendment]~~plant food, the department may require evidence to substantiate the claims made for the ~~[soil amendment]~~plant food and proof of the value and usefulness of the ~~[soil amendment]~~plant food.

~~(b)~~ For evidence of proof, the department may rely on experimental data, evaluation, or advice from a source that understands the conditions for which the product is intended.

~~(c)~~ The applicant shall be responsible for the ~~[C]~~cost for research~~[shall be the responsibility of the applicant].~~

NOTICES OF PROPOSED RULES

(d) The department shall make the [F]final decision concerning registration of a [soil amendment shall be made by the department]plant food following evaluation of evidence presented.

([f]5) The registrant is responsible for the accuracy and completeness of information submitted concerning application for registration of a [fertilizer or soil amendment]plant food.

[—(g) A registration fee, determined by the department pursuant to Subsection 4-2-103(2), per product, shall be paid by the applicant annually.]

([h]6) [Each registration is renewable for a period of one year upon payment of the annual renewal fee, which shall be paid by December 31 of each year.]At the department's determination, it shall assess an additional fee [I]if the renewal of a [fertilizer or soil amendment]plant food registration is not received [by]on or before December 31,[an additional fee, determined by the department] pursuant to Subsection 4-2-103(2), and shall be:

(a) assessed per product;[—and]

(b) added to the original registration fee; and

(c) shall be paid by the applicant before the registration renewal for that [fertilizer or soil amendment]plant food shall be issued.

([i]7)(a) The department requires a new registration [W]when the name of the [fertilizer or soil amendment]plant food product is changed or there are changes in the product ingredients or guaranteed analysis[—a new registration is required].

(b) The department does not require re-registration for [O]other labeling changes[—shall not require re-registration], but the registrant shall submit copies of changes to the department as soon as they are effective.

(c) The department may permit [A]a reasonable time [may be permitted]to dispose of properly labeled stocks of the old product.

[—(j) A blender shall not register each grade of fertilizer or soil amendment formulated by a consumer before mixing, but shall license the name under which the business of blending or mixing is conducted and pay an annual blender's license fee determined by the department pursuant to Subsection 4-2-103(2). A blender's license shall expire after December 31 of the year it is issued. A blender's license is renewable for a period of one year upon the payment of an annual license renewal fee. If the renewal of a fertilizer or soil amendment blender license is not received by December 31, an additional fee determined by the department pursuant to Subsection 4-2-103(2), shall be assessed to and paid by the applicant before the blender license shall be issued.]

R68-3-4. Product Labeling.

(1) The label shall list [W]when any reference is made on the label, labeling, or graphic material of a [fertilizer or soil amendment]plant food to "trace elements," "minor elements," "secondary elements," "plant foods," or similar generalized terms, each individual plant food to which the term refers[—shall be listed on the label].

(2) Other plant nutrients, when mentioned in any form or manner, shall be registered and shall be guaranteed.

(a) Each guarantee shall be made on the elemental basis.

(b) Sources of the elements guaranteed, and proof of availability shall be provided to the department upon request.

(c) Except [guarantees—]for [those—]water soluble nutrients labeled for ready to use foliar fertilizers, ready to use specialty liquid fertilizers, hydroponic or continuous liquid feed programs and guarantees for potting, garden and lawn soils, the minimum percentages which will be accepted for registration are[—] in the AAPFCO Minimum Concentration Table, Official Publication No. 78.

TABLE	
Element	Minimum Concentration %
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Nickel (Ni)	0.0010
Sodium (Na)	0.1000
Zinc (Zn)	0.0500
Guarantees or claims for the plant nutrients listed in the Table are the only ones that will be accepted. Each proposed label and directions for the use of the fertilizer shall be furnished with the application for registration upon request. Any of the elements listed in the Table that are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphate, and potash.]	

[—(3) Slowly released plant nutrients.]

([a]3) ~~[No]~~A fertilizer label ~~[shall]~~may not bear a statement that implies that certain plant nutrients contained in a fertilizer are released slowly over a period, unless each slow release component is identified and guaranteed at a level of at least 15% of the total guarantee for that nutrient.

~~[(b) Types of products with slow release properties recognized are:~~

~~[(i) water insoluble, including natural organics, ureaform materials, urea formaldehyde products, isobutylidene diurea oxamine;~~

~~[(ii) coated slow release, including sulfur coated urea and other encapsulated soluble fertilizers;~~

~~[(iii) occluded slow release where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and~~

~~[(iv) products containing water soluble nitrogen, including ureaform materials, urea formaldehyde products, methylene urea (MDU), dimethylentriurea (DMTU), and dicyanodiamide (DCD).]~~

~~[(e) The terms, "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "occluded slow release" are accepted as descriptive of these products.]~~

~~[(d)4] The department may require evidence and an acceptable testing procedure to substantiate each claim.~~

~~[(4)5] Pesticide may be added to registered [fertilizer or soil amendment, provided]plant food, if:~~

~~(a) the [fertilizer, soil amendment, and]pesticide is registered; and~~

~~(b) each [fertilizer or soil amendment]plant food and pesticide mixture has a label showing the information required [in this rule and] in Sections 4-13-104, and 4-14-104.~~

~~[(5) Format exemptions. The department may exempt a fertilizer from any guaranteed analysis format requirement under Section 4-13-104 if the person requesting the exemption demonstrates the following to the department's satisfaction:~~

~~(a) another state that has authorized sale of the fertilizer has a conflicting statute or regulation;~~

~~(b) the format exemption will reconcile the conflict pursuant to Section 4-13-104;~~

~~(c) the format exemption will not affect, to the detriment of purchasers in this state, any claim or disclosure related to product performance, use, purpose, efficacy, or active ingredients;~~

~~(d) the format exemption will not cause the product label to be false, deceptive, or misleading in any respect;~~

~~(e) the format required by the other state satisfies the objectives of Section 4-13-104; or~~

~~(f) the format required by the other state does not violate applicable labeling requirements, if any, pursuant to Section 4-13-104.]~~

R68-3-5. Deficiencies of Ingredients.

The department considers ~~[A]~~a fertilizer ~~[is considered]~~deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the AAPFCO, Official Publication No. 78 Investigational Allowance Tables,~~[2021 version, which are incorporated by reference,]~~ or if the overall index value of the fertilizer is below 98%.

R68-3-6. Unlawful Acts.

(1) Any person who ~~[has committed any act in violation of]~~violates Title 4, Chapter 13, the Utah ~~[Fertilizer]~~Plant Food Act, or rules promulgated thereunder, is subject to penalties provided for in Subsection 4-2-304(1)(a).

(2) ~~A person commits an [U]~~unlawful act~~[s include that] when the person:~~

~~[(a) made a false or fraudulent claim through any media misrepresenting the effect of fertilizer or soil amendment offered for sale in Utah;]~~

~~[(b)a] neglect[ed]s or, after notice, refuse[d]s to comply with Title 4, Chapter 13, the Utah [Fertilizer]Plant Food Act, [these]this rule[s], or any lawful order of the department;~~

~~[(c) made false or fraudulent records, invoices, or reports;~~

~~[(d) used fraud or misrepresentation in making application for, or renewal of, a registration or license;~~

~~[(e) distributed fertilizer or soil amendment that contains seeds or other viable plant parts or noxious weeds;]~~

~~[(f)b] distribute[d]s any waste-derived fertilizer that was not identified in the registration application; or~~

~~[(g)c] did not store [fertilizer and soil amendment]plant food in a manner that minimizes the release of [fertilizer and soil amendment]plant food and protects the environment.~~

~~[(3) Biosolids, and compost products, separately or in any combination, are considered adulterated when they exceed the levels of metals permitted by 40 CFR 503.~~

~~[(4) Dried biosolids and manure, as well as manipulated manure products, either separately or in combination, are considered adulterated when they exceed the levels of metals permitted by 40 CFR 503.~~

~~[(5) Hazardous waste derived fertilizer, as defined by the United States Environmental Protection Agency, is considered adulterated when it exceeds the level of metals permitted by 40 CFR 261, 266, and 268.]~~

KEY: [fertilizers]plant food, product registration, labeling, unlawful acts

Date of Last Change: 2025[June 8, 2022]

Notice of Continuation: August 21, 2024

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(i); 4-13-110

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or section number:	R70-101	Filing ID: 57615

Agency Information		
1. Title catchline:	Agriculture and Food, Regulatory Services	
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information		
2. Rule or section catchline:		
R70-101. Bedding, Upholstered Furniture, and Quilted Clothing		
4. Purpose of the new rule or reason for the change:		
The Department of Agriculture and Food is amending this rule to remove redundant information and enhance clarity.		
This action, part of a department wide review, streamlines requirements to improve public understanding and compliance.		
5. Summary of the new rule or change:		
The proposed amendments to this rule focus on enhancing clarity and aligning this rule with the existing Bedding, Upholstered Furniture, and Quilted Clothing Inspection Act.		
These changes primarily remove redundant definitions and requirements already established in the statute, clarify permit and labeling standards, and make technical corrections to conform with the Rulewriting Manual for Utah.		
A key clarification includes aligning the due date for sterilization permit renewal fees with the statutory date of December 31.		
Consequently, these revisions, which include some renumbering of sections, do not alter existing substantive requirements but rather streamline and clarify this rule's language for better comprehension and consistency with the statute.		

Fiscal Information		
6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:		
A. State budget:		
The proposed changes will not have an impact on the state's budget because the requirements are not changing.		
B. Local governments:		
The proposed changes will not have an impact on local governments because they do not administer or participate in the program.		
C. Small businesses ("small business" means a business employing 1-49 persons):		
The proposed changes will not have an impact on small businesses because the requirements are not changing.		

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

The proposed changes will not have an impact on non-small businesses because the requirements are not changing.

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

The proposed changes will not have an impact on other persons because the requirements are not changing.

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 4-10-103	Subsection 4-10-113(2)	Subsection 4-10-114(2)
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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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	Kelly Pehrson, Commissioner	Date:	10/24/2025
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R70. Agriculture and Food, Regulatory Services.

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

R70-101-1. Authority and Purpose.

Pursuant to Section 4-10-103, and Subsections 4-10-113(2) and 4-10-114(2), this rule establishes the standards, practices, and procedures for the manufacture, repair, sale, and distribution of bedding, upholstered furniture, quilted clothing products, and filling materials.

R70-101-2. Definitions.

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

(1) "Clean" means free from stains, dirt, trash, filth, pulp, sludge, oil, grease, fat, skin, epidermis, excreta, vermin, insects, insect eggs, insect carcasses, contamination, hazardous materials, or residual or objectionable substances or odors.

~~[(2) "Department" means the Utah Department of Agriculture and Food.]~~

(3) ~~2~~ "Law Label" means a label attached to new bedding or upholstered furniture that provides specific information about the product to the consumer and meets the requirements of this rule.

~~[(4) "Manufacturer" means a person who makes or has employees make any bedding, upholstered furniture, quilted clothing, filling material, or any part.]~~

~~[(5) "Person" means an individual, partnership, association, firm, auctioneer, trust, limited liability company, or corporation.]~~

(6) ~~3~~ "Premises" means a place that sells bedding, upholstered furniture, quilted clothing, or filling material, or offers for sale, exposes for sale, stores, renovates, or manufactures, and includes the delivery vehicle used to transport articles.

(7) ~~4~~ "Supply dealer" means a person who manufactures, processes, or sells at wholesale any felt, batting, pads, or other fillings, loose in a bag, in a bale, or in a container, concealed or not concealed, intended for use in bedding, upholstered furniture, or quilted clothing.

(8) ~~5~~ "Second Hand Law Tag" or "Tag" means a tag attached to a previously used product or filling material.

(9) ~~6~~ "Sterilization Permit Number" means the number a state may issue to identify the sterilizing facility, person, or company and certifies that the filling material is safe for consumer use.

~~[(10) "Sterilize" means a process used to make wool, feathers, down, shoddy, or hair free from bacteria or any other living microorganism.]~~

(11) ~~7~~ "Sterilizer" means a person who sterilizes wool, feathers, down, shoddy, or hair.

(12) ~~8~~ "Textile Label" means a label attached to a new quilted clothing product that provides information required in 16 CFR Parts 300, 301, 303, and this rule.

(13) ~~9~~ "Uniform Registry Number" or "URN" means the number issued by a state to be used on the law label of bedding, upholstered furniture, or filling material to identify the manufacturing facility, person, or company.

R70-101-3. Application of Rule.

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

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

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

~~[(2) A person who advertises, solicits, or contracts to manufacture quilted clothing shall secure a permit from the department before the person offers articles for sale in Utah.]~~

(3) ~~2~~ To obtain a permit, ~~[A]~~ a person ~~[seeking a permit]~~ shall provide the following to the department:

(a) a completed permit form; and

(b) a sample of the law label that will be used.

(4) ~~3~~ (a) The department may exempt a wholesaler of bedding or upholstered furniture from providing a sample law label.

(b) The department may exempt a manufacturer of quilted clothing from providing a sample textile label.

(5) ~~4~~ ~~(a) The department shall assess an annual permit fee.~~

~~(b)~~ The applicant shall pay the renewal fee on or before [January]December 31, or the department shall include a late fee with the permit fee.

(6) ~~5~~ Each person who conducts business under multiple state-issued URNs or permits shall obtain a permit for each number used on articles for sale in Utah.

(7) ~~6~~ A person's license or permit shall be current with the state that issues the URN for the number to be valid in Utah.

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

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

(2) To obtain a sterilization permit, ~~[A]~~ a person ~~[applying for a sterilization permit]~~ shall provide the department with a complete:

~~(a)~~ sterilization permit application;

~~(b)~~ sterilization inspection report completed by a department authorized third party inspector~~[-]; and~~

~~(c)~~ sterilization permit fee.

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

(b) ~~3~~ Each applicant shall pay the renewal fee on or before [January]December 31, or the department shall charge a late fee with the sterilization permit fee.

- (4)(a) Each sterilization permittee's facility shall be inspected every three years.
- (b) A permittee shall submit a copy of the inspection report to the department with the renewal form for that year.

R70-101-6. Revocation of Permit.

- (1) The department shall have the authority to suspend or revoke a permit for any violation of this rule.
- (2) A suspension or revocation shall be in accordance with Section 4-1-106.

R70-101-7. Sanitation Requirements.

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

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

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

~~_____ (b) is not clean; or~~

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

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

~~[(4)]2 A permittee or retailer shall separately store new and used articles ~~[separately].~~~~

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

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

~~[(2)]1 The department allows the following methods for sterilization:~~

~~(a)(i) Pressure Steam.~~

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

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

~~(b)(i) Streaming Steam.~~

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

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

~~(c)(i) Heat.~~

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

~~[(3)]2 Upon request, the department may approve other methods of sterilization.~~

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

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

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

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

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

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

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

(c)(i) "Waterfowl Feathers and Down" may designate any plumage product containing between 5% minimum and 49% down and plumules.

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

(d) "Waterfowl Feathers" may designate any plumage product containing less than 5% down and plumules.

(e) The department may not permit the use of quill feathers unless disclosed on the textile label.

(f) The textile label shall separately list each component, in order of predominance, any other plumage products that do not meet the requirements for any of the listed categories from Subsection R70-101-9(2).

(3) The textile label shall list the sterilization permit number as "PER. NO. ".

(4) A textile label shall contain the same form of identification as supplied to the department with the permit application.

(5) The textile label shall be easily accessible to the consumer for examination.

R70-101-10. Filling Material.

(1) A permittee shall use the terms or definitions of a filling material approved by the International Association of Bedding Law Officials except as otherwise required by this rule.

(2) Pursuant to Subsection 4-10-107(6)(a), a ~~[manufacturing facility]~~ permittee may use the term "recycled" on a label for items containing down or feather if the ~~[facility]~~ permittee ~~is~~:

~~(a)(i) maintains a valid certification [is] under the Global Recycled Standard (GRS) or Recycled Claim Standard (RCS), [certified], and provides:~~

~~[(i)]a proof of GRS or RCS certification to the department on the permit application or renewal form; and~~

~~[(ii)]b a copy of the certificate or the certification number on the invoice to the retailer for each lot or batch of filling material[is].~~

NOTICES OF PROPOSED RULES

~~([b]3)~~ The permittee may maintain a valid certification ~~[certifies]~~ under another industry accepted standard consistent with the International Organization for Standardization ISO 17065 and provide~~[s]~~ documentation to the department.

~~([3]4)~~ Upon request, a manufacturing facility shall provide a copy of the certificate or the certification numbers for each batch or lot to the department.

~~([4]5)~~ Plumage material shall follow the standards that the "USA-2000 Labeling Standards- Down and Feather Products" outlines, and this rule incorporates by reference.

~~([5]6)~~ Any other filling material shall be clean.

~~([6]7)~~ The tag or label must state "Imperfect, irregular foam" which means any foam product that shows a major imperfection or that falls below the foam manufacturer's usual standards or specifications as "imperfect" or "irregular" along with the generic name of the foam.

~~([7]8)~~ The tag or label must state "Imperfect, irregular fibers" which means any fiber that has an imperfection or that falls below the fiber manufacturer's usual standards or specifications as "imperfect" or "irregular" along with the generic name of the fiber.

~~([8]9)~~ The qualifying statement may not use the terms "Prime," "Super," "Northern," and similar terms that imply superior unless the filling material can prove to be of superior quality and meet the terms of the qualifying statement.

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

(1) The law label or textile label shall describe the filling material using the following:

- (a) true generic name;
- (b) grade;
- (c) description terms; or
- (d) definition of the filling material approved by the department.

~~(2)[(a)]~~ When a mixture uses more than one kind of filling material, the label shall list the percentage by weight in order of predominance, per Subsection 4-10-107(2).

~~([b]3)~~ Federal fiber tolerance standards are applicable, except as pertains to a plumage product.

~~([e]4)~~ In accordance with Section R70-101-10, describe any blends used in the filling material.

~~([d]5)([i]a)~~ Quilted clothing articles may use different filling materials for different parts of the article.

~~([i]b)~~ The textile label shall name the areas of the article, followed by the name of the filling material used in that specific area.

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

(1)(a) Any article of bedding or upholstered furniture shall have a law label that uses the format adopted by the International Association of Bedding and Furniture Law Officials (IABFLO), as listed in the Manual of Labeling Laws of the International Sleep Products Association, 2024 edition, which this rule incorporates by reference.

(2) The law label for a newly manufactured product shall meet the following requirements:

- (a) white on each side of the law label;
 - (b) made of material that cannot be easily torn;
 - (c) printed in black ink;
 - (d) printed in English;
 - (e) printed clearly and legibly; and
 - (f) firmly attached to the article.
- (3) Required information shall be printed on one side of the law label with the opposite side remaining blank.

(4) Each law label shall include the following, in order:

(a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the law label in capital letters no less than 1/8 inches in height;

(b) the phrase "ALL NEW MATERIAL" in bold, capital letters no less than 1/8 inch in height, followed by the phrase "CONSISTING OF", no case or height requirements, followed by the filling contents in bold capital letters no less than 1/8 inch in height;

(c) the words "CONTENTS STERILIZED" in bold capital letters no less than 1/8 inch in height;

(d) the URN of the final assembler of the article;

(e) the sterilization permit number of the sterilization facility that obtained the material, in bold capital letters no less than 1/8 inch in height;

(f) the phrase, "Certification is made by the manufacturer that the materials in this article are described in accordance with law"; and

(g) the name and complete address of the manufacturer, importer, or distributor of the article.

(5)(a) The law label shall be easily accessible to the consumer for examination.

(b) A product for sale in a box or in other packaging that makes a law label inaccessible shall reproduce a legible facsimile of the law label on the outer container or covering.

(6) A person may not place any other mark, label, printed matter, illustration, sticker, or device placed on the law label.

(7) The form of identification used on a law label shall be the same as those supplied to the department in a permit application.

R70-101-13. Second Hand Tagging Requirements.

(1) A tag for a second hand article shall be:

- (a) a minimum of two inches by three inches;
- (b) yellow on both sides of the tag;
- (c) made of material that cannot be easily torn;
- (d) printed in English;

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

R70-101-14. Tagging Requirements for Repaired, Reupholstered, and Renovated Products.

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

R70-101-15. Used Mattresses.

- (1) A retailer selling a customer returned, refurbished, or used mattress shall follow the second hand tag requirements listed in Section R70-101-13.
- (2) In addition, a retailer shall also display a tag on the mattress stating "USED" in bold capital letters.
- (3) The USED tag shall:
 - (a) be a minimum of three inches by six inches;
 - (b) be yellow on both sides of the tag;
 - (c) use a font that is a minimum of one inch in height;
 - (d) be printed in black ink; and
 - (e) be printed in English.
- (4) The tag with the required information shall be printed on one side of the tag, with the opposite side remaining blank.
- (5) The USED tag shall be clearly visible to the consumer.
- (6) A retailer selling used bedding, including used mattresses, shall comply with Subsection 4-10-110(2).

R70-101-16. Variance.

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

~~R70-101-17. Making or Selling Material or Parts.~~

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

R70-101-17[8]. Retailer Responsibilities.

(1) A retailer shall ensure the following:

- (a) any article of bedding, upholstered furniture, quilted clothing, or filling material sold by the retailer is labeled and tagged correctly;
- (b) the label complies with state law and the department's rules governing false and misleading advertisements;
- (c) the manufacturer from whom a retailer purchases a product has a valid permit with the department;
- (d) the importer from whom a retailer purchases a product has a valid permit with the department; and
- (e) the law label or textile label is easily accessible to the consumer for examination.

(2) A retailer shall, [U]pon request of the department, [a retailer shall] provide the identity and business contact information of the manufacturer, importer, or wholesaler of any article of bedding, upholstered furniture, quilted clothing, or filling material.~~[sold] the retailer offers for sale.~~

(3) A retailer may not sell an article from a manufacturer, importer, or wholesaler that is not permitted by the department, unless the retailer obtains [apply for] a permit in lieu of a manufacturer or wholesaler [if the department has not permitted the manufacturer or wholesaler].

(4) A retailer shall ensure that bedding or filling material using the term "recycled" meets the requirement listed in Subsection R70-101-10(2).

R70-101-18[9]. Violations.

(1) A person's failure to comply with Title 4, Chapter 10 Bedding, Upholstered Furniture, and Quilted Clothing Inspection Act, or this rule, constitutes a violation.

(2) Each [improperly labeled or tagged] article of bedding, upholstered furniture, quilted clothing, or filling material that is manufactured, tagged, [made] or sold in violation of the Act or this rule shall constitute [be] a separate violation [of this rule].

~~[—(2) No permittee or retailer shall be in violation if that permittee or retailer received, from the manufacturer or supplier of an article, a guarantee in good faith that the article is not contrary to this rule in the form prescribed by the Textile Fiber Products Identification Act, 15 U.S.C. 70, Wool Products Labeling Act, 15 U.S.C. 68, and related Federal Trade Commission rules.]~~

(3) A permittee or retailer may not remove, or cause to be removed, any tag, or device placed upon any article of bedding, upholstered furniture, quilted clothing, or filling material by the department~~[an inspector]~~.

(4) A permittee or retailer may not remove condemned articles that the department has ordered held on an inspection notice.

(5) A permittee or retailer may not interfere with, obstruct, or hinder the performance of the department inspector's duties.

(6) The department may withhold from sale any article of bedding, upholstered furniture, quilted clothing, or filling material that a manufacturer, sterilizer, or wholesaler produces without a permit until the manufacturer, sterilizer, or wholesaler obtains the required permit.

~~[—(7) A permittee may not use the term "reecyeled" for bedding or filling material unless the product meets the requirements of Subsection R70-101-10(2).]~~

R70-101-[20]19. Products Not Intended for Use Subject to This Rule.

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

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

KEY: inspections, labeling, quality control, registration, bedding, upholstered furniture, law labels, filling material

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

Notice of Continuation: May 7, 2025

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

NOTICE OF SUBSTANTIVE CHANGE		
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TYPE OF FILING: Amendment		
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Rule or section number:	R156-17b	Filing ID: 57635
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Agency Information	
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1. Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

Contact persons:

Name:	Phone:	Email:
Jim Garfield	801-530-7632	jimgarfield@utah.gov

Please address questions regarding information on this notice to the persons listed above.

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

R156-17b. Pharmacy Practice Act Rule

3. Are any changes in this filing because of state legislative action?

Changes are because of legislative action.

If yes, any bill number and session: HB 81 (2025 General Session)

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

HB 81, passed in the 2025 General Session, added fluoride to the Subsection 58-17b-627(3) list of prescription drugs that a pharmacist may prescribe in accordance with Division of Professional Licensing (division) rule.

This filing provides the guidelines that a pharmacist must follow when prescribing fluoride.

5. Summary of the new rule or change:

The proposed amendments amend Subsection R156-17b-627(a) to incorporate by reference the Utah Guidance for Fluoride adopted by the Utah State Board of Pharmacy on 08/15/2025.

This Guidance document was created by the Board in collaboration with the individuals described in Subsection 58-17b-627(4) to provide the required guidelines in rule that a pharmacist must follow when prescribing fluoride.

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 these proposed amendments beyond the fiscal impacts already captured in the fiscal note to HB 81 (2025), because the proposed amendments do not create additional requirements or obligations for the division or any other state agencies.

B. Local governments:

The division does not anticipate any cost or savings to local governments from these proposed amendments 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 these proposed amendments because the amendments will simply enable pharmacists to prescribe fluoride pursuant to guidelines created in accordance with Section 58-17b-627 as provided by HB 81 (2025), and the amendments do not create new obligations for small businesses 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 these proposed amendments because the amendments will simply enable pharmacists to prescribe fluoride pursuant to guidelines created in accordance with Section 58-17b-627 as provided by HB 81 (2025), and the amendments do 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 from these proposed amendments to persons other than small businesses, non-small businesses, state, or local government entities, because the amendments will simply enable pharmacists to prescribe fluoride pursuant to guidelines created in accordance with Section 58-17b-627 as provided by HB 81 (2025), and the amendments will not create new obligations or increase the costs associated with any existing obligations for such persons.

F. Compliance costs for affected persons:

As described in Box 6E for other persons, no compliance costs are expected 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 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:

Section 63G-3-201	Section 58-37-1	Subsection 58-1-202(1)(a)
Section 58-17b-101	Subsection 58-1-106(1)(a)	Subsection 58-17b-601(1)

Incorporation by Reference Information

8. Incorporation by Reference:

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

Official Title of Materials Incorporated (from title page)	Utah Guidance for Fluoride
Publisher	Utah Department of Commerce, Division of Professional Licensing
Issue Date	August 15, 2025

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:		12/15/2025
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):
11/19/2025	9:00 AM	Physical/Anchor Meeting: Heber M Wells Building 160 E 300 S Room 475 (fourth floor) Salt Lake City, UT Online (Google Meet) joining info: Video call link: https://meet.google.com/ekf-fbue-gpz Or dial Phone Number: (US) 361-360-8564 PIN: 750 742 475#

10. This rule change MAY become effective on:	12/22/2025
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 Division Director	Date:	10/30/2025
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R156. Commerce, Professional Licensing.

R156-17b. Pharmacy Practice Act Rule.

R156-17b-627. Operating Standards - Prescription of Drugs or Devices by a Pharmacist.

(1) Under Subsection 58-17b-601(1) and Section 58-17b-627, a pharmacist from a Class A or Class B pharmacy may prescribe a prescription drug or device as follows:

(a) Before prescribing, the pharmacist shall conduct a patient assessment that includes:

- (i) current health status;
- (ii) past medical history;
- (iii) allergies;
- (iv) medication sensitivities;
- (v) rationale for care;
- (vi) current medication; and
- (vii) if the pharmacist should refer the patient to an appropriate health care provider or otherwise encourage the patient to seek further medical care.

(b) The pharmacist shall follow the guidelines for prescribing health care providers established by:

- (i) the Centers for Disease Control and Prevention;
- (ii) nationally accepted guidelines; and
- (iii) the Department of Health and Human Services and the Division in collaboration with the Board, in the guidance documents incorporated by reference in Subsection (2)(a).

(c) The pharmacist shall comply with the requirements of Sections 58-17b-602 and 58-17b-609.

(d) The pharmacist shall develop and implement an appropriate follow-up care plan with the patient that includes:

- (i) monitoring parameters for efficacy and safety;
- (ii) adverse reactions; and
- (iii) further medical care.

(e)(i)(A) The pharmacist shall notify the patient's primary care or other health care provider about the prescription within five business days of the prescribing.

(B) The prescription notification may be conveyed in writing, by electronic transmission, or by telephone.

(C) If the patient does not have a primary care or other health care provider, the pharmacist shall provide the prescription notification to the patient.

(D) The pharmacy shall maintain the prescription notification in the patient record for at least five years from the date of notification, in an immediately retrievable written or electronic format.

(ii) Each prescription notification shall include the following:

- (A) prescribing pharmacist;
- (B) pharmacy name;
- (C) pharmacy phone number;

NOTICES OF PROPOSED RULES

- (D) patient;
- (E) patient date of birth;
- (F) drug or device;
- (G) if dispensed, dispensed quantity;
- (H) directions for use;
- (I) refill; and
- (J) identity of the patient's primary care or other health care provider, if any.

(2)(a) A pharmacist may prescribe drugs or devices under Subsection 58-17b-627(3)(a) as established in the following guidance documents posted on the Division's website at dopl.utah.gov/pharm:

- (i) Utah Guidance for Pre-Exposure and Post-Exposure Prophylaxis of HIV, adopted September 28, 2021;
- (ii) Utah Guidance for Self-Administered Hormonal Contraceptives, adopted September 28, 2021;
- (iii) Utah Guidance for Tobacco Cessation Products, adopted September 28, 2021; ~~and~~
- (iv) Utah Guidance for Naloxone, adopted September 28, 2021; and
- (v) Utah Guidance for Fluoride, adopted August 15, 2025.

(b) The Division incorporates by reference the guidance documents in Subsection (2)(a).

(3)(a) The Department of Health and Human Services may submit to the Division a written proposal that includes:

(i) under Subsection 58-17b-627(3)(a), designated public health concerns that the Department of Health and Human Services has determined can be addressed through pharmacist prescribing of drugs or devices; and

(ii) recommendations for updates to the guidance documents in Subsection (2); and

(b) after receipt of the designation, the Division:

(i) shall contact the Department of Health and Human Services to review its proposal; and

(ii) may review the rules made by the Division, including the guidance documents in Subsection (2) or in Section R156-17b-102, in accordance with Subsections 58-17b-627(3) and (4).

(4) The Division shall review the guidance documents in Subsection (2) biennially, in collaboration with:

(a) the Board;

(b) the individuals identified in Subsection 58-17b-627(4); and

(c) other persons as determined by the Division.

KEY: pharmacists, licensing, pharmacies

Date of Last Change: ~~August 8~~, 2025

Notice of Continuation: August 5, 2024

Authorizing, and Implemented or Interpreted Law: 63G-3-201; 58-17b-101; 58-17b-601(1); 58-37-1; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R156-24b

Filing ID: 57613

Agency Information

1. Title catchline:		Commerce, Professional Licensing	
Building:		Heber M Wells Building	
Street address:		160 E 300 S	
City, state:		Salt Lake City, UT 84111	
Mailing address:		PO Box 146741	
City, state and zip:		Salt Lake City, UT 84111-6741	
Contact persons:			
Name:		Phone:	Email:
Lisa Martin		801-530-7632	lmartin@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:	R156-24b. Physical Therapy Practice Act Rule	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.	

If yes, any bill number and session:	HB 188 (2025 General Session), SB 44 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>The Division of Professional Licensing (division) in collaboration with the Physical Therapies Licensing Board is filing this amendment in response to HB 188, passed in the 2025 General Session.</p> <p>Additional nonsubstantive formatting changes are also made throughout this rule to streamline and update this rule, clarify and update definitions, and comply with the Rulewriting Manual for Utah.</p>	
5. Summary of the new rule or change:	
<p>The proposed amendments make the following changes:</p> <p>1) Renumbers Section R156-24b-505 to R156-24b-306.</p> <p>2) Renumbers Section R156-24b-503 to R156-24b-404.</p> <p>3) Revises the training and education standards for license holders to perform dry needling as a part of the scope of practice in renumbered Section R156-24b-306.</p> <p>4) Clean up revisions are made in Sections R156-24b-102, R156-24b-302a, R156-24b-302b, R156-24b-303a, R156-24b-305, R156-24b-502, and R156-24b-404.</p>	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Because these proposed amendments are made in accordance with the requirements of HB 188 (2025), the division does not anticipate any fiscal impact to the state budget beyond that determined by the fiscal note for HB 188 (2025), at https://le.utah.gov/%7E2025/bills/static/HB0188.html .
B. Local governments:
Because these proposed amendments will likely not change any local government practices or procedures, the division does not anticipate any direct, measurable fiscal impact to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
Because these proposed amendments are made in accordance with the requirements of HB 188 (2025), the division does not anticipate any fiscal impact to small businesses beyond that determined by the fiscal note for HB 188 (2025), at https://le.utah.gov/%7E2025/bills/static/HB0188.html .
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
Because these proposed amendments are made in accordance with the requirements of HB 188 (2025), the division does not anticipate any fiscal impact to non-small businesses beyond that determined by the fiscal note for HB 188 (2025), at https://le.utah.gov/%7E2025/bills/static/HB0188.html .
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):
Because these proposed amendments are made in accordance with the requirements of HB 188 (2025), the division does not anticipate any fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities beyond that determined by the fiscal note for HB 188 (2025), at https://le.utah.gov/%7E2025/bills/static/HB0188.html .
F. Compliance costs for affected persons:
As described above in Box 6.E., the division does not anticipate any compliance costs for any affected persons from these proposed amendments beyond that determined by the fiscal note for HB 188 (2025), at https://le.utah.gov/%7E2025/bills/static/HB0188.html .

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:

Section 58-24b-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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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: 12/15/2025

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):
12/12/2025	11:00 AM	<p>Anchor Meeting Location: Heber M Wells Building 160 E 300 S Room 475 (fourth floor) Salt Lake City, UT</p> <p>Google Meet joining info: Video call link: https://meet.google.com/oyp-cegn-khv Or dial: (US) +1 337-339-9804 PIN: 632 950 317# More phone numbers: https://tel.meet/oyp-cegn-khv?pin=3774519743122</p>

10. This rule change MAY become effective on: 12/22/2025

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:	Mark B. Steinagel, Division Director	Date:	10/07/2025
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R156. Commerce, Professional Licensing.**R156-24b. Physical Therapy Practice Act Rule.****R156-24b-101. Title - Authority - Relationship to Rule R156-1.**

- (1) This rule is known as the "Physical Therapy Practice Act Rule."
 (2) This rule is adopted by the Division under Subsection 58-1-106(1)(a), to enable the Division to administer Title 58, Chapter 24b, Physical Therapy Practice Act.
 (3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-10[7]1.

R156-24b-102. Definitions.

~~[The following definitions supplement the definitions]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 24b, Physical Therapy Practice Act[?]. In addition:

- (1) "APTA" means the American Physical Therapy Association.
 ([4]2) "Credential evaluation" as used in Subsections R156-24b-302a(3) and (5)(b) means an educational evaluation using the [Course Work] Coursework Tool (CWT) [adopted] owned by the Federation of State Boards of Physical Therapy [when the foreign-educated physical therapist or physical therapist assistant graduated from the physical therapy program.] to evaluate the educational equivalency of a physical therapy program outside of the United States to a CAPTE-approved program.
 ([2]3) "CAPTE" means the Commission on Accreditation in Physical Therapy Education.
 (4) "Continuing education" or "CE" means qualified continuing professional education that meets the standards in Section R156-24b-303b.
 ([3]5) "FCCPT" means the Foreign Credentialing Commission on Physical Therapy.
 ([4]6) "FSBPT" means the Federation of State Boards of Physical Therapy.
 ([5]7) "Joint mobilization" as used in Subsections 58-24b-102(15)(d)(iii) and 58-24b-402(2)(d)[?], means a manual therapy technique comprising a continuum of skilled passive movements to ~~[the] a joint[s] or related soft tissue[s that are]~~ that is applied at varying speeds and amplitudes[?] including a ~~[small amplitude high velocity]~~ high-velocity low-amplitude (HVLA) therapeutic movement.
 (8) "NPTE" means the National Physical Therapy Examination administered by the FSBPT and includes:
 (a) the NPTE for Physical Therapists (NPTE-PT) licensure; or
 (b) the NPTE for Physical Therapist Assistants (NPTE-PTA) licensure.
 (9) "Recognized accreditation agency" as defined in Subsection 58-24b-102(12) and used in Section 58-24b-302 means a physical therapy education program that is accredited by CAPTE.
 ([6]10) "Routine assistance" as used in Subsections 58-24b-102([40])(11)(b) and 58-24b-401(3)(b) means the physical therapy aide:
 (a) engages[ing] in the assembly, [and] disassembly, maintenance, [and] transportation, preparation, and [all] other operational activities relevant to the equipment and accessories necessary for treatment; and
 (b) provides[ing only that type of] elementary and direct patient care [which] that the patient and the patient's family members could reasonably be expected to learn and perform.
 ([7]11)(a) "Supportive personnel[?]" as used in Subsections R156-24b-[503(1),]404(1) and (2) means a physical therapist assistant or a physical therapy aide.~~[and does not include a student in a physical therapist or physical therapist assistant program.]~~
 (b) "Supportive personnel" does not include a student in:
 (i) a physical therapist program; or
 (ii) a physical therapist assistant program.
 [— (8) "Unprofessional conduct" as defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 24b, Physical Therapy Practice Act, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-24b-502.]

R156-24b-302a. Qualifications for Licensure - Education Requirements.

- [— (1) An education program that is accredited by a recognized accreditation agency under Subsections 58-24b-302(1)(b), 58-24b-302(1)(c)(ii), 58-24b-302(2)(b), 58-24b-302(2)(c)(ii) and 58-24b-302(3)(b)(i), if at the time of the applicant's graduation:
 (a) the education program is CAPTE accredited; or
 (b) the education program is in a jurisdiction outside the United States, and the FCCPT determines that the education program is equivalent to a CAPTE accredited program.]
 ([2]1) Under Subsection[s] 58-24b-302(1)(b)[— and (2)], an applicant for licensure as a physical therapist ~~[or physical therapist assistant] who completed [their] a physical therapy education program in a state, district, or territory of the United States shall [document their education by providing]:~~
 (a) graduate from a physical therapy education program that is CAPTE-accredited; and
 (b) ensure that the applicant's education institution sends one of the following directly to the Division:
 ([a]i) [a] the applicant's transcript [sent directly to the Division from the degree-granting institution] showing the applicant graduated from [completion of] the institution's CAPTE-accredited physical therapy education program; or
 [— (b) a statement signed by the program director or other authorized school official with the school seal affixed, stating that the applicant has successfully completed the accredited education program.]
 (ii) a letter from the program director or another authorized official that includes:

NOTICES OF PROPOSED RULES

~~(A) a statement that the applicant graduated from the education institution's CAPTE-accredited physical therapy education program;~~
~~(B) a signature of the program director or authorized official; and~~
~~(C) the school's seal.~~
~~(2) Under Subsection 58-24b-302(2)(b), an applicant for licensure as a physical therapist assistant who completes an education program in a state, district, or territory of the United States shall:~~
~~(a) graduate from a CAPTE-accredited:~~
~~(i) physical therapy assistant education program; or~~
~~(ii) physical therapy education program; and~~
~~(b) ensure that the applicant's education institution sends one of the following directly to the Division:~~
~~(i) the applicant's transcript showing the applicant graduated from the institution's CAPTE-accredited:~~
~~(A) physical therapy assistant education program; or~~
~~(B) physical therapy education program; or~~
~~(ii) a letter from the program director or another authorized official that includes:~~
~~(A) a statement that the applicant graduated from the education institution's CAPTE-accredited:~~
~~(I) physical therapy assistant education program; or~~
~~(II) physical therapy education program;~~
~~(B) a signature of the program director or authorized official; and~~
~~(C) the school's seal.~~
~~[(3) Under Subsection 58-24b-302(4), an applicant who holds a current unrestricted physical therapist license or physical therapist assistant license issued by another state, district, or territory of the United States, other than Utah, may document their education by providing either:~~
~~(a) the documentation under Subsection (2); or~~
~~(b) a score transfer from FSBPT sent directly to the Division.]~~
~~[(4) Under Subsections 58-1-302(3) and 58-24b-302(3)(b)(i) [and 58-24b-302(3)(d)], an applicant for [licensure as a] physical therapist licensure who is educated outside the United States [shall document that the applicant's education is equal to a CAPTE-accredited degree and that the applicant can read, write, speak, understand, and be understood in the English language by] shall submit [ing] to the Division a Type [I-review] I Review credential evaluation from the FCCPT [showing] that verifies:~~
~~(a) the applicant meets the requirements of Subsection 58-24b-302(3)(d); and~~
~~[(a) no deficiencies; or~~
~~(b) only educational deficiencies in one or more of the following pre-professional subject areas, that the applicant has corrected by completing college level credits in the deficient areas or by passing the College Level Examination Program (CLEP) demonstrating proficiency in the deficient areas:~~
~~(i) humanities;~~
~~(ii) social sciences;~~
~~(iii) liberal arts;~~
~~(iv) physical sciences;~~
~~(v) biological sciences;~~
~~(vi) behavioral sciences;~~
~~(vii) mathematics; or~~
~~(viii) advanced first aid for health care workers.]~~
~~(b) the applicant's education program:~~
~~(i)(A) has no deficiencies; and~~
~~(B) is the equivalent to a CAPTE-approved program; or~~
~~(ii) meets the following requirements:~~
~~(A) the education program is deficient;~~
~~(B) each deficiency in the education program is in one of the following pre-professional topic areas:~~
~~(I) the humanities;~~
~~(II) the social sciences;~~
~~(III) the liberal arts;~~
~~(IV) the physical sciences;~~
~~(V) the biological sciences;~~
~~(VI) the behavioral sciences;~~
~~(VII) mathematics; or~~
~~(VIII) advanced first aid for health care workers;~~
~~(C) the applicant corrected each deficiency by:~~
~~(I) completing college level credits in the deficient area; or~~
~~(II) passing the College Level Examination Program (CLEP) demonstrating proficiency in the deficient area; and~~
~~(D) the FCCPT determined that the applicant's education program and the completed corrective education under Subsection (3)(b)(ii)(C) is equivalent to a CAPTE-accredited physical therapy program.~~
~~(4) Under Subsection 58-24b-302(4), an applicant who holds a current unrestricted physical therapist license or physical therapist assistant license issued by another state, district, or territory of the United States, other than Utah shall:~~

(a) ensure that the applicant's education institution sends documentation directly to the Division that meets the requirements of Subsection (1)(b) or (2)(b); or

(b) ensure that the FSBPT sends the applicant's passing score transfer directly to the Division.

(5) Under Subsection 58-24b-302(2)(b), an applicant for [licensure as a] physical therapist assistant licensure shall meet the following requirements:

(a) [have received an associate's, bachelor's, or master's degree] graduate from a physical therapist assistant education program that is accredited by CAPTE [accredited physical therapist assistant education program; or] with one of the following degrees:

(i) an associate's degree;

(ii) a bachelor's degree; or

(iii) a master's degree; or

(b) under Subsection[s] (1)(b) [and 58-24b-302(2)(d)] and Section 58-1-302, if the applicant [has been] was licensed or educated in a jurisdiction outside the United States, [but received a degree not accredited by CAPTE, document that the applicant's education is substantially similar to a CAPTE accredited degree by] the applicant shall submit[ting] to the Division a credential evaluation from the FCCPT [showing:] that meets the requirements of Subsections (3)(a) and (b).

[(i) no deficiencies; or

(ii) educational deficiencies only in pre-professional subject areas that the applicant has corrected, as described in Subsection (3)(b).

(6) An applicant who has met all requirements for licensure as a physical therapist except passing the FSBPT National Physical Therapy Examination Physical Therapist may apply for licensure as a physical therapist assistant.]

R156-24b-302b. Qualifications for Licensure - Examination Requirements.

(1)[(a)] Under Subsections 58-24b-302(1)(c) and (f) and 58-24b-302(3)(c) and (f), an applicant for [licensure as a] physical therapist licensure [who is educated in the United States] shall pass the NPTE-PT [FSBPT's National Physical Therapy Examination Physical Therapist (NPTE-PT) with a passing score as established by the FSBPT, after submitting proof that the applicant is in the final term of, or has graduated from, a professional physical therapist education program accredited by CAPTE.

(b) Under Subsections 58-24b-302(3)(e) and (f), an applicant for licensure as a physical therapist who is educated outside the United States shall pass the FSBPT's National Physical Therapy Examination Physical Therapist (NPTE-PT) with a passing score as established by the FSBPT, after submitting proof of compliance with Subsection 58-24b-302(3)(b).]

(2) Under Subsections 58-24b-302(2)(c) and (f), an applicant for [licensure as a] physical therapist assistant licensure shall pass the NPTE-PTA [FSBPT's National Physical Therapy Examination Physical Therapist Assistant (NPTE-PTA), with a passing score as established by the FSBPT, after submitting proof that the applicant is in the final term of, or has graduated from, an accredited physical therapist assistant education program.

(3)(a) A passing score on the FSBPT's National Physical Therapy Examination shall be verified through FSBPT.

(b) An applicant for licensure by endorsement may verify the applicant's score by providing a score transfer from FSBPT sent directly to the Division.]

(3) An applicant for licensure shall ensure that the FSBPT sends the applicant's passing examination score directly to the Division.

(4) An applicant for licensure as a physical therapist who fails the [FSBPT's] NPTE-PT is eligible to [sit for the FSBPT's NPTE-PTA after] register[ing] with FSBPT to sit for the NPTE-PTA examination.

R156-24b-303a. Term, Expiration, Renewal, and Reinstatement of License.

(1) Under Subsections 58-1-308(1) and 58-24b-303(1), the renewal date for the two-year renewal cycle for licensees under Title 58, Chapter 24b, Physical Therapy Practice Act, is established in Section R156-1-308a.

(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308a through R156-1-308l, except as provided in Subsection (3).

(3) Under Subsection 58-1-308(5)(a)(ii)(B) and [subject to] except as in Subsections 58-1-308(6)(b) and (7), an applicant whose license was active and in good standing [at expiration] when it expired may apply for reinstatement of licensure between two years and five years after the date of expiration [by] if the applicant meets the following practice reentry requirements:

(a) the applicant shall:

(i) submit an application demonstrating compliance with each requirement and condition of license renewal;

(ii) pay all license renewal and reinstatement fees for the current renewal period; and

(iii) submit evidence of completion of qualified continuing professional education hours for each renewal period in which the license was expired;

[(a)]b if not previously completed, the applicant shall submit[ting] to and pass[ing] a criminal background check under Section [58-24b-302.4] 58-1-301.5; and

[(b)]c the applicant shall complete[ing] one or more of the following practice reentry requirements, if required by the Division in collaboration with the Board:

(i) meet with the Board to evaluate the applicant's: [ability to safely and competently practice physical therapy;]

(A) qualifications for licensure; and

(B) ability to safely and competently practice physical therapy;

(ii) pass the NPTE-PT [examination of the FSBPT] or NPTE-PTA, if the Division in collaboration with the Board determines that examination or reexamination is necessary to verify the applicant's ability to safely and competently practice; [or]

NOTICES OF PROPOSED RULES

(iii) complete a plan of supervision under a Board-approved supervisor~~[, which]~~ that may include up to 4,000 hours of physical therapy training under a temporary physical therapist license or a temporary physical therapist assistant license before the applicant may qualify~~[ing]~~ for full reinstatement of the license~~[-]~~; or

(iv) comply with each additional licensure requirement or condition considered necessary by the Division in collaboration with the Board to protect the public and ensure that the applicant is currently competent to engage in the profession.

R156-24b-305. Temporary Licensure.

(1) Under Subsection 58-1-303(1), the Division may issue a temporary physical therapist license or temporary physical therapist assistant license to an ~~an [person]~~ applicant who meets ~~[all]~~ each qualification~~[s]~~ for licensure as a physical therapist or physical therapist assistant except for the passing of the required examination~~[,]~~ if the applicant meets the following requirements:

~~[(a) submits a Request for Authorization to Test as a physical therapist or physical therapist assistant, and is authorized to sit for the NPTE examination;]~~

~~[(b)a [is-a]has graduated from [of-]a CAPTE[-]-accredited physical therapy school within three months [immediately preceding]before submitting an application for licensure;~~

~~[(e)b] is under the direct[,]~~ and on-site supervision of a physical therapist [with]who has an active[,] and non-temporary license, if the applicant is employed as a physical therapist; and

~~[(d)c] has registered with the FSBPT to take the required licensure examination.~~

(2) A temporary physical therapist license or temporary physical therapist assistant license issued under Subsection (1) expires the earlier of:

(a) six months from the issuance date[-of issuance];

(b) the date ~~[upon which the Division receives notice from-]~~ the examination agency notifies the Division that the [individual]applicant has failed the examination[-twice]; or

(c) the date ~~[upon which]~~ that the Division issues the[-individual] full licensure to the applicant.

(3) A temporary physical therapist license or temporary physical therapist assistant license issued ~~[in accordance with]~~ under this section may not be renewed or extended except as in Subsection 58-1-302(6)(c)(ii).

R156-24b-306. Trigger Point Dry Needling - Education and Experience Required - Registration.

(1) Under Subsection 58-24b-306(1)(b)(i), for a trigger point dry needling course to be approved by the Division, the course shall be, approved, conducted, or sponsored by one of the following:

(a) a recognized accredited college or university;

(b) a state or federal agency;

(c) a professional association, organization, or facility involved in the practice of physical therapy; or

(d) the Board.

(2) Under Subsections 58-24b-306(1)(e) and (2)(b), a physical therapist shall complete an approved trigger point dry needling course and required supervised patient treatment hours under Subsection 58-24b-306(1)(b)(ii)(B) within three calendar years from the date the course started.

(3) Under Subsection 58-24b-306(1)(c), a physical therapist who completes the trigger point dry needling course shall register with the Division by submitting:

(a) a completion certificate for the course that is issued by the organization that approved, conducted, or sponsored the course under Subsection (1); and

(b)(i) a log verifying completion of the physical therapist's supervised patient treatment hours under Subsection 58-24b-306(1)(b)(ii)(B); or

(ii) a letter from the supervising physical therapist that:

(A) states that the supervised physical therapist completed the supervised patient treatment hours required under Subsection 58-24b-306(1)(b)(ii)(B);

(B) is on the letterhead of the supervising physical therapist's organization; and

(C) is signed by the supervising physical therapist.

R156-24b-404. Physical Therapist Supervisory Authority and Responsibility.

(1) Under Section 58-24b-404, a physical therapist who supervises supportive personnel as defined in Subsection R156-24b-102(11) shall meet the requirements of this section.

(2) A full-time physical therapist may supervise up to three full-time equivalent supportive personnel at one time unless otherwise approved by the Division in collaboration with the Board.

(3) A supervising physical therapist shall:

(a) meet each patient of the supervised physical therapist assistant at least every tenth visit or within 30 days from the last date the supervising physical therapist met with the patient, whichever is sooner; and

(b) further assess the patient, evaluate treatment, and modify the patient's treatment plan.

R156-24b-502. Unprofessional Conduct.

Under Subsection 58-24b-502(4), "unprofessional conduct" includes:

(1) as a physical therapist, violating one of the following:~~[the American Physical Therapy Association's Code of Ethics for the Physical Therapist, last amended August 12, 2020, which is incorporated by reference;]~~

- (a) the APTA's Code of Ethics for the Physical Therapist, last amended August 12, 2020, which is incorporated by reference;
- ([2]b) ~~[as a physical therapist, violating the American Physical Therapy Association's]~~the APTA's Guide for Professional Conduct, last amended March 2019, which is incorporated by reference; or
- ([3]c) ~~[as a physical therapist, violating]~~Section R156-24b-~~[503]404~~;
- ([4]2) as a physical therapist assistant, violating one of the following:~~[the American Physical Therapy Association's Standards of Ethical Conduct for the Physical Therapist Assistant, last amended August 12, 2020, which is incorporated by reference; and]~~
- (a) the APTA's Standards of Ethical Conduct for the Physical Therapist Assistant, last amended August 12, 2020, which is incorporated by reference; or
- ([5]b) ~~[as a physical therapist assistant, violating the American Physical Therapy Association's]~~ the APTA's Guide for Conduct of the Physical Therapist Assistant, last amended March 2019, which is incorporated by reference.

~~R156-24b-503. Physical Therapist Supervisory Authority and Responsibility.~~

~~Under Section 58-24b-404, a physical therapist's supervision of a physical therapist assistant or a physical therapy aide shall meet the following conditions:~~

- ~~(1) a full time equivalent physical therapist may supervise up to three full time equivalent supportive personnel, unless otherwise approved by the Division in collaboration with the Board; and~~
- ~~(2) a physical therapist shall provide treatment to a patient at least every tenth treatment but no longer than 30 days from the day of the physical therapist's last treatment day, whichever is less.~~

~~R156-24b-505. Trigger Point Dry Needling—Education and Experience Required—Registration.~~

~~(1) Under Subsection 58-24b-505(1)(b)(i), a trigger point dry needling course is approved by the Division if the course has been approved by:~~

- ~~(a) the American Physical Therapy Association (APTA), or any of its sections or local chapters; or~~
- ~~(b) the Federation of State Boards of Physical Therapy (FSBPT).~~

~~(2) Under Subsections 58-24b-505(1)(e) and 58-24b-505(2)(b), an approved course, including the supervised patient treatment sessions, shall be completed no later than three calendar years from the start of the course.~~

~~(3) Under Subsection 58-24b-505(1)(c) the filed certificate of completion for an approved course shall include:~~

- ~~(a) a certificate of completion issued by the approving organization under Subsection (1)(a) or (1)(b); and~~
- ~~(b) for the approved course's supervised patient treatment sessions:~~
- ~~(i) a log of 250 trigger point dry needling sessions; or~~
- ~~(ii) a signed letter on letterhead from the supervising physical therapist stating that the trigger point dry needling sessions have been completed.~~

~~(4) Under Subsections 58-24b-505(1)(a) and (1)(e), the physical therapist's license to practice physical therapy shall have been unrestricted and in good standing for at least two years immediately preceding the physical therapist's trigger point dry needling application.]~~

KEY: licensing, physical therapy, physical therapist, physical therapist assistant, physical therapy aide

Date of Last Change: ~~[March 27, 2023]~~2025

Notice of Continuation: September 21, 2021

Authorizing, and Implemented or Interpreted Law: 58-24b-101; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R156-42a

Filing ID: 57614

Agency Information

1. Title catchline:		Commerce, Professional Licensing	
Building:		Heber M Wells Building	
Street address:		160 E 300 S	
City, state:		Salt Lake City, UT 84111	
Mailing address:		PO Box 146741	
City, state and zip:		Salt Lake City, UT 84114-6741	
Contact persons:			
Name:		Phone:	Email:
Lisa Martin		801-530-7632	lmartin@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:	
R156-42a. Occupational Therapy Practice Act Rule	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 188 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>The Division of Professional Licensing (division) in collaboration with the Physical Therapies Licensing Board is filing this amendment in response to HB 188, passed in the 2025 General Session, which expands the occupational therapist license to include dry needling.</p> <p>Additional nonsubstantive formatting changes are also made throughout this rule to streamline and update this rule, clarify and update definitions, and comply with the Rulewriting Manual for Utah.</p>	
5. Summary of the new rule or change:	
<p>The proposed amendments make the following changes:</p> <p>1) Sections R156-42a-103 and R156-42a-104 are combined with Section R156-42a-101.</p> <p>2) New Section R156-42a-307 outlines the training and education standards for license holders to perform dry needling as a part of the scope of practice and includes the requirement that the licensee register with the division.</p> <p>3) Clean up revisions are made in Sections R156-42a-102, R156-42a-302, R156-42a-303, R156-42a-304, R156-42a-502, and R156-42a-601.</p>	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Because these proposed amendments are made in accordance with the requirements of HB 188 (2025), the division does not anticipate any fiscal impact to the state budget beyond that determined by the fiscal note for HB 188 (2025), at https://le.utah.gov/%7E2025/bills/static/HB0188.html .
B. Local governments:
Because these proposed amendments will likely not change any local government practices or procedures, the division does not anticipate any direct, measurable fiscal impact to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
Because these proposed amendments are made in accordance with the requirements of HB 188 (2025), the division does not anticipate any fiscal impact to small businesses beyond that determined by the fiscal note for HB 188 (2025), at https://le.utah.gov/%7E2025/bills/static/HB0188.html .
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
Because these proposed amendments are made in accordance with the requirements of HB 188 (2025), the division does not anticipate any fiscal impact to non-small businesses beyond that determined by the fiscal note for HB 188 (2025), at https://le.utah.gov/%7E2025/bills/static/HB0188.html .
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):
Because these proposed amendments are made in accordance with the requirements of HB 188 (2025), the division does not anticipate any fiscal impact to other persons other than small businesses, non-small businesses, state, or local government entities beyond that determined by the fiscal note for HB 188 (2025), at https://le.utah.gov/%7E2025/bills/static/HB0188.html .

F. Compliance costs for affected persons:

As described above in Box 6.E., the division does not anticipate any compliance costs for any affected persons from these proposed amendments beyond that determined by the fiscal note for HB 188 (2025), at <https://le.utah.gov/%7E2025/bills/static/HB0188.html>.

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)	Subsection 58-1-202(1)(a)	Section 58-42a-101
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Incorporation by Reference Information**8. Incorporation by Reference:**

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

Official Title of Materials Incorporated (from title page)	2020 Occupational Therapy Code of Ethics
Publisher	The American Occupational Therapy Association
Issue Date	2020

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:	12/15/2025
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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):
12/12/2025	11:00 AM	<p>Anchor Meeting Location: Heber M Wells Building 160 E 300 S Room 475 (fourth floor) Salt Lake City, UT</p> <p>Google Meet joining info Video call link: https://meet.google.com/oyp-cegn-khv Or dial: (US) +1 337-339-9804 PIN: 632 950 317# More phone numbers: https://tel.meet/oyp-cegn-khv?pin=3774519743122</p>

10. This rule change MAY become effective on:

12/22/2025

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:	Mark B. Steinagel, Division Director	Date:	10/16/2025
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R156. Commerce, ~~Occupational and~~ Professional Licensing.

R156-42a. Occupational Therapy Practice Act Rule.

R156-42a-101. Title.

(1) This rule is known as the "Occupational Therapy Practice Act Rule." []

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 42a, Occupational Therapy Practice Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-42a-102. Definitions.

~~[In addition to the definitions]~~ Terms used in this rule are defined in Title 58, Chapter[s] 1, Division of Professional Licensing, and [42a, as used in] Title 58, Chapter[s] 1 and 42a, Occupational Therapy Practice Act. ~~[or this rule.]~~ In addition:

(1) "AOTA" means the American Occupational Therapy Association.

(2) "Client" or "patient" means an individual who lawfully receives professional services by a licensed occupational therapist or a licensed occupational therapist assistant.

(1)(3) "Manual therapy" [] as used in Subsections 58-42a-102(6)(b)(vii)(L) [] and R156-42a-502(2) means the use of skilled hand movements to manipulate tissues of the body for a therapeutic purpose.

(4) "NBCOT" means the National Board for Certification in Occupational Therapy or a predecessor organization.

(2)(5) "Physical agent modalities" [] as used in Subsections 58-42a-102(6)(b)(vii)(L) [] and R156-42a-502(2) means specialized treatment procedures ~~that includes:~~ ~~[ing: superficial thermal agents, deep thermal agents, electrotherapeutic agents, and mechanical devices.]~~

(a) superficial thermal agents;

(b) deep thermal agents;

(c) electrotherapeutic agents; or

(d) mechanical devices.

(3)(6) "Qualified continuing professional education" [] or "CE" as used in Subsection 58-42a-303.5(1) [] means continuing education that meets the standards set forth in S[ub]section R156-42a-304.

~~[(4) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 42a, is further defined, in accordance with Subsection 58-1-203(1)(c), in Section R156-42a-502.]~~

(5)(7) "Wound care" [] as used in Subsections 58-42a-102(6)(b)(vii)(L), R156-42a-502(2), and R156-42a-601(2) means:

(a) the prevention of interruptions in skin and tissue integrity; and

(b) the care and management of interruptions in skin and tissue integrity.

R156-42a-103. Authority—Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 42a.

R156-42a-104. Organization—Relationship to Rule 156-1.

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.~~

R156-42a-302. Qualifications for Licensure - Examination Requirements.

~~The examination requirements for licensure, in accordance with Section 58-42a-302, are established as follows:~~

(1) ~~Under Subsection 58-42a-302(1), [A]an applicant for [licensure as an]occupational therapist licensure shall pass the Occupational Therapist Registered (OTR) certification examination from the [National Board for Certification in Occupational Therapy (NBCOT);]NBCOT or a predecessor organization.~~

(2) ~~Under Subsection 58-42a-302(2), [A]an applicant for [licensure as an]occupational therapy assistant licensure shall pass the Certified Occupational Therapy Assistant (COTA) certification examination from the [National Board for Certification in Occupational Therapy (NBCOT);]NBCOT or a predecessor organization.~~

R156-42a-303. Expiration, Renewal, and Reinstatement of License.

~~In accordance with Section 58-1-308:~~

(1) ~~Under Subsections 58-1-308(1) and 58-42b-303(1), [T]the renewal date for the two-year renewal cycle [applicable to]for licensees under Title 58, Chapter 42a, Occupational Therapy Practice Act, is established in Section R156-1-308a.~~

(2) ~~Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308a through R156-1-308l, except as provided in Subsection (3).~~

(3) ~~Under Subsection 58-1-308(5)(a)(ii)(B) and except as in Subsections 58-1-308(6)(b) and (7), [A]an applicant whose licensure was active and in good standing [at the time of expiration]when it expired may apply for reinstatement of licensure between two years and five years after the date of expiration[, in accordance with] if the applicant meets the following practice re-entry requirements:~~

(a) ~~[Each]the applicant shall:~~

(i) ~~submit an application demonstrating compliance with [all]each requirement[s] and condition[s] of license renewal;~~

(ii) ~~pay all license renewal and reinstatement fees for the current renewal period; and~~

(iii) ~~submit evidence of completion of qualified continuing professional education for each [preceding-]renewal period [in]during which the license was expired;[and]~~

(b) ~~if not previously completed, the applicant shall submit to and pass a criminal background check under Section 58-1-301.5; and~~

~~([b]c) [I]f the applicant has been out of practice [three or more years]more than two years but less than five years, the applicant shall[also]:~~

(i) ~~meet with the Board[for evaluation of the applicant's qualifications for licensure; and] to evaluate the applicant's:~~

~~(A) qualifications for licensure; and~~

~~(B) ability to safely and competently practice occupational therapy; and~~

~~(ii) comply with each additional licensure requirement[s] or condition[s] considered necessary by the Division [and]in collaboration with the Board to protect the public and ensure that the applicant is currently competent to engage in the profession.~~

R156-42a-304. Qualified Continuing Professional Education.

~~(1) Under Subsections 58-1-203(1)(g), 58-1-308(3)(b)(i), and 58-42a-303.5(1), the qualified continuing professional education requirements for occupational therapists and occupational therapist assistants during each two-year renewal cycle are defined, clarified, and established in this section.~~

~~(1) Continuing education required by Subsection 58-42a-302.5(1) shall consist of 24 hours of qualified continuing professional education in each preceding two year period of licensure or prior to reinstatement of licensure. Each hour of continuing professional education may include a 10 minute break.~~

~~(2) During each two-year renewal cycle or before reinstatement of licensure, a licensee shall:~~

~~(i) complete at least two hours of qualified continuing professional education in legal and ethical principles; and~~

~~(ii)(A) complete at least 24 hours of qualified continuing professional education; or~~

~~(B) maintain current and active NBCOT certification.~~

~~(2) If a renewal period is shortened or extended to effect a change of renewal cycle, the continuing professional education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two year period.~~

~~(3) The required number of contact hours of continuing professional education for an individual who first becomes licensed during the two-year renewal cycle shall be decreased by a pro-rata amount.~~

~~([4]3) [The standards for]A qualified continuing professional education [include:]course shall meet the following requirements:~~

~~(a) an identifiable clear statement of purposed and defined objective for the educational program directly related to the practice of occupational therapy;~~

~~(a) have learning objectives that are clearly stated in course material that are directly related to the practice of occupational therapy;~~

~~(b) be relevant[ee] to the [licensee's professional-]practice of occupational therapy;~~

~~(c) be prepared and presented by individuals who are qualified by education, training, and experience;~~

~~([e]d) [presentation]be presented in a competent, well[-]-organized, and sequential manner consistent with the stated [purpose and]learning objectives of the [continuing education]course;~~

~~(d) preparation and presentation by individuals who are qualified by education, training, and experience;~~

~~(e) be approved, conducted, or sponsored by:~~

~~(i) a recognized accredited college or university;~~

~~(ii) a state or federal agency;~~

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- (iii) a professional association, organization, or facility involved in the practice of occupational therapy; or
- (iv) a commercial continuing education provider;
- (f) be completed in blocks of time of at least 50 minutes;
- (g) be completed in one of the following formats:
 - (i) college or university lecture and discussion;
 - (ii) professional conference;
 - (iii) seminar;
 - (iv) training session;
 - (v) synchronous distance learning course that is clearly documented as real-time and interactive;
 - (vi) asynchronous distance learning course that is not real-time or interactive;
 - (vii) authoring a scholarly peer-reviewed journal article, book, or book chapter;
 - (viii) volunteer service on a board, committee, or in a leadership role in any state, national, or international organization for the development and improvement of occupational therapy; or
 - (ix) studying a scholarly peer-reviewed journal article; and
- (h) is verified as follows:
 - (i) a certificate of course completion that includes:
 - (A) the name of the attendee;
 - (B) the name of course provider;
 - (C) the name of instructor;
 - (D) the date of the course;
 - (E) the title of the course;
 - (F) the number of course hours;
 - (G) the course objectives; and
 - (H) the format listed under Subsection (3)(g); or
 - (ii) if the qualified continuing professional education course is self-directed including independent study or authoring a journal article documentation that includes:
 - (A) the date of study or research;
 - (B) the title and an abstract of the article, textbook chapter, or platform presentation;
 - (C) objectives of a self-study course; and
 - (D) number of contact hours of continuing education credit.
- ~~[(e) completion of a minimum of two hours related to legal and ethical principles of practice; and~~
- ~~(f) verification from the continuing education provider to licensee of the completed continuing education.~~
- ~~(5) Supervision of one Level II occupational therapy student may account for two hours of continuing education, up to a maximum of eight hours of continuing education during each renewal cycle.]~~
- (4) A course on the legal and ethical principles of practice shall meet the requirements of Subsection (3) and cover at least one of the following topics:
 - (a) the patient-occupational therapist relationship;
 - (b) confidentiality;
 - (c) documentation;
 - (d) charging and coding;
 - (e) compliance with state or federal laws that impact the practice of occupational therapy; or
 - (f) a topic listed in the AOTA 2020 Occupational Therapy Code of Ethics.
- (5) Credit for qualified continuing professional education shall be recognized and awarded as follows:
 - (a) a licensee who lectures or instructs a course on occupational therapy at an accredited university or college, a qualified continuing education course, or as an invited guest lecturer, may be awarded qualified continuing professional education credit subject to the following:
 - (i) one hour of qualified continuing professional education credit awarded for each one hour of lecturing or instruction;
 - (ii) up to ten hours of credit for an occupational therapist or an occupational therapist assistant;
 - (iii) credit for lecturing or instructing the same course may be given up to two times during each two-year renewal cycle; and
 - (iv) the licensee obtains a certificate or record from the qualified continuing professional education sponsor or equivalent that verifies the licensee lectured or instructed the course;
 - (b) a licensee participating in a fellowship, residency, or specialty certification may be awarded two qualified continuing professional education hours for each one hour of participation;
 - (c) providing volunteer health care treatment in occupational therapy that meets the requirements of Subsection 58-13-3(8); or
 - (d) up to five hours of qualified continuing professional education for a clinical instructor who supervises at least one occupational therapist student or occupational therapy assistant student.
- (6) Qualified continuing professional education hours shall be increased or decreased proportionately based on the applicant's date of licensure within the two-year renewal cycle.
- ~~[(6) Records of qualified continuing education completion shall be maintained by the licensee and reported to the Division when requested.]~~
- (7) A licensee shall maintain adequate documentation sufficient to prove compliance with this section for at least two years after the end of the renewal cycle for which the qualified continuing professional education is due.
- (8) Under Section R156-1-308d, the Division may defer or waive qualified continuing professional education requirements.

R156-42a-307. Trigger Point Dry Needling - Education and Experience Required - Registration.

(1) Under Subsection 58-42b-307(1)(b)(i), for a trigger point dry needling course to be approved by the Division, the course shall be approved, conducted, or sponsored by one of the following:

- (a) a recognized accredited college or university;
- (b) a state or federal agency;
- (c) a professional association, organization, or facility involved in the practice of occupational therapy; or
- (d) the Board.

(2) Under Subsections 58-42a-307(1)(e) and (2)(b), an occupational therapist shall complete an approved trigger point dry needling course and required supervised patient treatment hours under Subsection 58-42a-307(1)(b)(ii)(B) within three calendar years from the date the course started.

(3) Under Subsections 58-42a-307(1)(c) and (e), an occupational therapist who completes the trigger point dry needling course shall register with the Division by submitting:

(a) a completion certificate for the course that is issued by the organization that approved, conducted, or sponsored the course under Subsection (1); and

(b)(i) a log verifying completion of the occupational therapist's supervised patient treatment hours under Subsection 58-42a-307(1)(b)(ii)(B); or

(ii) a letter from the supervising occupational therapist that:

(A) states that the supervised occupational therapist completed the supervised patient treatment hours required under Subsection 58-42a-307(1)(b)(ii)(B);

(B) is on the letterhead of the supervising occupational therapist's organization; and

(C) is signed by the supervising occupational therapist.

R156-42a-502. Unprofessional Conduct.

Under Section 58-42a-502, "[U]nprofessional conduct" includes:

(1) delegating ~~[supervision, or]~~ occupational therapy services, care, or responsibilities that are not authorized to be delegated under Title 58, Chapter 42a, Occupational Therapy Practice Act, or this rule;

(2) engaging in or attempting to engage in the use of physical agent modalities, wound care, or manual therapy; ~~[when not competent to do so by education, training, or experience;]~~

(a) outside the licensee's scope of practice; or

(b) if the licensee is not competent to engage in these services by education, training, or experience;

(3) failing as a supervising occupational therapist to provide ~~[general]~~ the appropriate level of supervision ~~[as set forth in]~~ under Title 58, Chapter 42a, Occupational Therapy Practice Act, and this rule;

(4) failing as a supervising occupational therapist to cosign ~~[COTA]~~ the discharge documentation for an occupational therapist assistant's client within 30 days ~~[pursuant to]~~ under Subsections 58-42a-306(2) and R156-42a-601(1); ~~[and]~~ or

(5) violating a ~~[ny]~~ provision of the ~~[American Occupational Therapy Association]~~ AOTA 2020 Occupational Therapy Code of Ethics, ~~[last amended 2015]~~ as adopted by the AOTA's Representative Assembly on November 4, 2020, which is ~~[hereby adopted and]~~ incorporated by reference.

R156-42a-601. Practice Standards.

(1) An ~~[certified]~~ occupational therapist assistant ~~[(COTA), after consultation with the supervising occupational therapist (OT),]~~ may discharge a ~~[n individual]~~ client from on-going service if ~~[only if there is no evaluation component associated with the discharge from service. The supervising OT shall co-sign the appropriate documentation within 30 days.]~~

(a) the occupational therapist assistant has consulted with the supervising occupational therapist;

(b) there is no evaluation component associated with the client's discharge from service; and

(c) the supervising occupational therapist cosigns the documentation under Subsection 58-42a-306(2) within 30 days.

(2) Under Subsection 58-42a-102(6)(b)(vii)(L), ~~[A]~~ an occupational therapist engaging in the care and management of interruptions in skin and tissue integrity shall complete formal specialized wound care training or certification ~~[that includes]~~ ing didactic and clinical components, ~~[if engaging in the care and management of interruptions in skin and tissue integrity.]~~

(3) Occupational therapy treatment shall be performed by an occupational therapist or certified occupational therapist assistant who is able to demonstrate and document evidence of theoretical background, technical skill, and competence in the therapies performed.

KEY: licensing, occupational therapy, occupational therapist, occupational therapist assistant

Date of Last Change: ~~[August 23, 2018]~~ 2025

Notice of Continuation: September 25, 2023

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-42a-101

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R383-1	Filing ID: 57616

Agency Information

1. Title catchline:	Health and Human Services, Center for Medical Cannabis	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144340	
City, state and zip:	Salt Lake City, UT 84114-4340	
Contact persons:		
Name:	Phone:	Email:
Jeremiah Sniffin	385-443-3344	jsniffin@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:	
R383-1. Definitions	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 357 (2025 General Session), HB 54 (2025 General Session), HB 434 (2025 General Session).
4. Purpose of the new rule or reason for the change:	
<p>During the 2025 General Session, HB 357 repealed the term "qualified medical provider" (QMP) from statute and incorporated that definition within the term "recommended medical provider."</p> <p>The term "state central patient portal" is also deleted as HB 54 removes the portal, and the term is no longer required.</p> <p>Other terms were deleted because they are no longer needed and are not seen in any other rule within Title R383.</p> <p>Finally, HB 434 changed the statutory location for Department of Health and Human Services (department) rulewriting authority, requiring an update to the reference in this rule.</p>	
5. Summary of the new rule or change:	
<p>Section R383-1-1 updates the authority and purpose section with the newly renumbered rulemaking authority citation.</p> <p>The definition for "card" has been removed, as this term is already defined in Subsection 26B-4-201(26) and "card" is not used anywhere else in Title R383.</p> <p>Terms previously defined in Subsections R383-1-2(5), R383-1-2(6), and R383-1-2(11) have also been removed, as these concepts are no longer used.</p> <p>Terms previously defined in Subsections R383-1-2(8), R383-1-2(9), R383-1-2(10), R383-1-2(18), R383-1-2(19), R383-1-2(20), and R383-1-2(21) have been deleted, as these terms do not appear in any other rules under Title R383.</p> <p>Terms previously defined in Subsections R383-1-2(14) and R383-1-2(15) have been renamed and alphabetized.</p> <p>Definitions have been renumbered because of the previously mentioned changes.</p> <p>Finally, style and formatting changes have been made to align this rule with the Rulewriting Manual for Utah and other rules under the department.</p>	

Fiscal Information

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

There is no anticipated fiscal impact to the state as a result of this amendment.

The changes in this amendment align defined terms with changes to those terms made during the 2025 General Session.

The modified terms do not affect the state budget because no state fiscal resources are used in their development, and it is not anticipated that this group will benefit financially from their changes.

This rule also does not require or restrict anything from this group, as this rule only provides title-wide definitions.

B. Local governments:

There is no anticipated fiscal impact to local governments as a result of this amendment.

The changes in this amendment align defined terms with changes to those terms made during the 2025 General Session.

This rule also does not require or restrict anything from this group, as this rule only provides title-wide definitions.

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

There is no anticipated fiscal impact to small businesses as a result of this amendment.

The changes in this amendment align defined terms with changes to those terms made during the 2025 General Session.

This rule also does not require or restrict anything from this group, as this rule only provides title-wide definitions.

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 a result of this amendment.

The changes in this amendment align defined terms with changes to those terms made during the 2025 General Session.

This rule also does not require or restrict anything from this group, as this rule only provides title-wide definitions.

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 other persons as a result of this amendment.

The changes in this amendment align defined terms with changes to those terms made during the 2025 General Session.

This rule also does not require or restrict anything from this group, as this rule only provides title-wide definitions.

F. Compliance costs for affected persons

There is no anticipated compliance cost to affected persons as a result of this amendment.

Any applicable compliance impact is seen in the fiscal notes of bills that repealed these aspects of the program or their terms.

Additionally, any specific budgetary impact due to repealing these terms is seen in the terms applicable to administrative rule filing.

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

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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:

Subsection 26B-1-202(2)(a)

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:

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:	10/21/2025
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R383. Health and Human Services, Center for Medical Cannabis.
R383-1. Definitions.
R383-1-1. Authority and Purpose.

~~Pursuant to~~ (1) Subsection 26B-1-202([1-],2)(a) authorizes this rule~~[- defines terms]~~.

(2) This rule establishes the definitions used in Title R383.

R383-1-2. Definitions.

(1) The definitions in Section 26B-4-201 ~~[apply to]~~and this rule~~[- In addition, the following applies to this rule]~~ apply to Title R383.

(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) "Department" means the [Utah-]Department of Health and Human Services.

([4]3) "EVS" means the electronic verification system.

~~[(5) "Fundamentals of medical cannabis coursework" means a course, or combination of courses, with content that addresses the following subjects:~~

~~(a) the endocannabinoid system and phytocannabinoids;~~

~~(b) general guidance and recommendations for medical cannabis; and~~

~~(c) history of cannabis, dosing forms, considerations, drug interactions, adverse reactions, contraindications, such as breastfeeding and pregnancy, and toxicology.~~

~~(6) "General medical cannabis coursework" means a course or combination of courses with content that addresses medical cannabis, which may include medical cannabis law or fundamentals of medical cannabis coursework.~~

~~(7) "ICS" means the inventory control system.~~

- [_____] (8) "Institutional review board" or "IRB" means the same term as defined in Subsection 26B-4-212(1)(f).
- [_____] (9) "Law enforcement personnel" means law enforcement personnel with access to UCJIS.
- [_____] (10) "Mail" means to send through mail services, email, or hand delivery.
- [_____] (11) "Medical cannabis law coursework" means a course, or combination of courses, with content that addresses Title 26B, Chapter 4, Part 2 Cannabinoid Research and Medical Cannabis and other state and federal laws relating to medical cannabis; that includes, at a minimum, a review of the following:
- [_____] (a) qualifying health conditions for which a patient may lawfully use medical cannabis for medicinal purposes in Utah;
 - [_____] (b) forms of medical cannabis that are allowed and prohibited under Utah law;
 - [_____] (c) limits of the quantities of unprocessed cannabis and cannabis products in a medicinal form that may be dispensed in Utah;
 - [_____] (d) requirements to initially register, and renew a registration, as a QMP;
 - [_____] (e) limits to the number of active medical cannabis recommendations that an RMP can make at any given time;
 - [_____] (f) description of what an RMP must document in a patient's record before recommending medical cannabis;
 - [_____] (g) information required from an RMP when writing a medical cannabis recommendation, and the option to make a recommendation without specifying a dosage form and dosing guidelines;
 - [_____] (h) a PMP's role in determining the appropriate medical cannabis dosage form and dosing guidelines when an RMP chooses to recommend without specifying a dosage form and dosing guidelines;
 - [_____] (i) limits on advertising by an RMP;
 - [_____] (j) types of medical cannabis cards;
 - [_____] (k) regulations controlling the distribution of products by medical cannabis pharmacies;
 - [_____] (l) partial fill orders;
 - [_____] (m) the role of the Compassionate Use Board;
 - [_____] (n) that all medical cannabis purchased at medical cannabis pharmacies in Utah shall be cultivated at cannabis cultivation facilities, processed at cannabis processing facilities, and that samples be tested at independent cannabis testing laboratories; that is licensed in Utah and operate within Utah's medical cannabis system;
 - [_____] (o) the conditions of legal possession of medical cannabis under Utah law;
 - [_____] (p) the legal status of medical and recreational marijuana in states surrounding Utah and under federal law;
 - [_____] (q) authority to change dosing guidelines in a medical cannabis recommendation;
 - [_____] (r) home delivery of medical cannabis; and
 - [_____] (s) purpose of the state central patient portal.
- [_____] (12) [_____] (5) "Pharmacy agent" means a medical cannabis pharmacy agent.
- [_____] (13) [_____] (6) "PMP" means a medical cannabis pharmacy medical provider.
- [_____] (14) [_____] (7) "RMP" means a [qualified] recommending medical provider.
- [_____] (15) [_____] (8) "QMP proxy" or "[Qualified Medical Provider Proxy] recommending medical provider proxy" means an individual [that] who has been given authority to enter certifications and recommendations for [a QMP] an RMP as described in Subsection 26B-4-202(3).
- [_____] (16) "RMP" means a recommending medical provider.
- [_____] (17) [_____] (9) "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.
- [_____] (18) "State agency employee" means an employee of the Utah Department of Health and Human Services, Utah Department of Agriculture and Food, Division of Technology Services, and the Utah Department of Commerce, Division of Professional Licensing.
- [_____] (19) "Substantial evidence" or "substantial clinical data" means evidence that two or more clinical studies support. The clinical studies shall meet the following criteria:
- [_____] (a) were conducted under a study approved by an IRB;
 - [_____] (b) were conducted or approved by the federal government;
 - [_____] (c) are cited by the Department in educational materials posted on its website; or
 - [_____] (d) are of reasonable scientific rigor as determined by the Department.
- [_____] (20) "UCJIS" means the Utah Criminal Justice Information System.
- [_____] (21) "UDAF" means the Utah Department of Agriculture and Food.
- [_____] (22) [_____] (10) "Utah resident" means an individual who has established a domicile in Utah.

KEY: medical cannabis, marijuana

Date of Last Change: ~~January 1, 2024~~ 2025

Authorizing, and Implemented or Interpreted Law: 26B-1-213(1); 26B-4; 63G-3

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R383-2

Filing ID: 57584

Agency Information

Agency Information		
1. Title catchline:	Health and Human Services, Center for Medical Cannabis	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144340	
City, state and zip:	Salt Lake City, UT 84114-4340	
Contact persons:		
Name:	Phone:	Email:
Jeremiah Sniffin	385-443-3344	jsniffin@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:	
R383-2. Electronic Verification System and Inventory Control System	
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 357 (2025 General Session), HB 434 (2025 General Session).
4. Purpose of the new rule or reason for the change:	
<p>After internal discussion, the Department of Health and Human Services (department) believes it would be easiest for each type of registrant to view specific medical cannabis requirements in one rule. Therefore, this repeal and reenact moves some provisions previously found in Rules R383-3, R383-4, and R383-6 into this rule.</p> <p>Also, HB 357, passed in the 2025 General Session, removed the term "qualified medical provider" (QMP) and combined that definition with "recommended medical provider," requiring the department to reflect that change in this rule.</p> <p>HB 434, passed in the 2025 General Session, changed the statute governing the department's rulewriting authority, requiring an update to the citation.</p>	
5. Summary of the new rule or change:	
<p>This repeal and reenact includes provisions previously found in Rules R383-3 and R383-4 in this rule, as it is anticipated that those rules will be repealed on the same date as this repeal and reenact is made effective.</p> <p>Similarly, some provisions from Rule R383-6 are moving to this rule, as it is anticipated that modifications to that rule will be made effective on the same date as this repeal and reenact is made effective.</p> <p>Subsection R383-2-5(3) has been added to this rule to explain that any incomplete application will be closed after six months.</p> <p>Additionally, to reflect statutory changes, citations have been updated and the term "QMP" has been replaced with "RMP."</p> <p>Finally, style and formatting changes are made to align this rule with the Rulewriting Manual for Utah and other rules under the department.</p> <p>(EDITOR'S NOTE: The proposed repeal of Rule R383-3, ID 57585; the proposed repeal of Rule R383-4, ID 57586; and the proposed repeal and reenact of Rule R383-6, ID 57587, are in this issue, November 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:
The department anticipates a potential fiscal benefit to the state as a result of this rule.

This repeal and reenact adds a provision explaining that an incomplete application is closed after six months. This has a potential fiscal impact on some registration types that do not complete their application within six months. The proposed rule includes a stipulation that any incomplete application not completed within six months will be considered incomplete and subsequently closed.

Applicants who do not complete the application within six months would have to reapply and pay another application fee to the state.

There were no identified recommending medical provider (RMP) proxies or medical cannabis pharmacy medical provider (PMP) applicants who did not complete their application within six months.

On average, over a 12-month period, fifteen caregivers did not complete an application within six months. The cost to this group, if each reapplied, would be an estimated \$1,005. This amount would be received as a fiscal benefit to the state, but the department is unable to determine how much of this portion, if any, would apply, as there is no way to determine how many caregivers will reapply and pay an application fee to the state.

Any other impact on the state has been captured in the fiscal note of HB 357 (2025) and is available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0357S01.fn.pdf>.

B. Local governments:

There is no anticipated impact on local governments, as local governments do not regulate the department medical cannabis program.

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

The department anticipates a potential fiscal benefit to small businesses as a result of this rule.

This repeal and reenact adds a provision explaining that an incomplete application is closed after six months. This has a potential fiscal impact on some registration types that do not complete their application within six months. The proposed rule includes a stipulation that any incomplete application not completed within six months will be considered incomplete and subsequently closed.

Patients may need to revisit their RMP if they do not complete their application within six months, which could result in a fee for the visit if they did not complete their application. On average, over a 12-month period, six patients did not complete an application within six months.

The cost to this group, if each reapplied, would be an estimated \$684. A portion of this \$684 would be received as a fiscal benefit to an RMP employed through a small businesses, but the department is unable to determine how much of this portion, if any, would apply to a small business exclusively, as there is no way to determine how many patients will reapply and pay a visitation fee to an RMP, and of those fees, how many apply to either a small or a non-small business, respectively.

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

The department anticipates a potential fiscal benefit to non-small businesses as a result of this rule.

This repeal and reenact adds a provision explaining that an incomplete application is closed after six months. This has a potential fiscal impact on some registration types that do not complete their application within six months. The proposed rule includes a stipulation that any incomplete application not completed within six months will be considered incomplete and subsequently closed.

Patients may need to revisit their RMP if they do not complete their application within six months, which could result in a fee for the visit if they did not complete their application. On average, over a 12-month period, six patients did not complete an application within six months.

The cost to this group, if each reapplied, would be an estimated \$684. A portion of this \$684 would be received as a fiscal benefit to an RMP employed through a non-small businesses, but the department is unable to determine how much of this portion, if any, would apply to a non-small business exclusively, as there is no way to determine how many patients will reapply and pay a visitation fee to an RMP, and of those fees, how many apply to either a small or a non-small business, respectively.

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 department anticipates a potential fiscal cost of \$1,689 to persons other than small businesses, non-small businesses, state, or local government entities.

The department has identified other persons as the patients or caregivers who did not complete an application within six months. On average, over a 12-month period, six patients did not complete an application within six months. The cost, to this group, if each reapplied, would be an estimated \$684. For caregivers, who, on average over a 12-month period, did not complete an application and reapplied, the cost would be an estimated \$1,005. These costs are combined to create the \$1,689 value.

Any other impact on other persons has been captured in the fiscal note of HB 357 and is available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0357S01.fn.pdf>.

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

This repeal and reenact adds a provision explaining that an incomplete application is closed after six months. This rule amendment has a potential impact on some registration types that do not complete their application within six months.

The proposed rule includes a stipulation that any incomplete application not completed within six months will be considered incomplete and subsequently closed. The department has identified affected persons with a compliance cost as the patients or caregivers who did not complete an application within six months.

Patients may need to revisit their RMP if they do not complete their application within six months, which could result in a fee for the visit if they did not complete their application. On average, there are six patients over a 12-month period who did not complete their application within six months. RMPs report an average re-visit fee of \$114 per visit. If each patient who did not complete their application process had to revisit an RMP, the total cost to that group as a whole would be approximately \$684.

All other applicants would have to reapply and pay another application fee to the state. There were no identified RMP proxies or PMP applicants who did not complete their application within six months. On average, over a 12-month period, there are 15 caregiver applicants who did not complete their application within six months. The caregiver application fee is \$67. If each caregiver applicant who did not complete their application process reapplied, the total cost would be approximately \$1,005 to that group.

Any other compliance cost has been captured in the fiscal note of HB 357 and is available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0357S01.fn.pdf>.

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	\$1,689	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$1,689	\$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	(\$1,689)	\$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:**

Subsection 26B-1-202(2)(a)

Subsection 26B-4-202(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:**

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:

10/21/2025

R383. Health and Human Services, Center for Medical Cannabis.**[R383 2. Electronic Verification System and Inventory Control System.****R383 2 1. Authority and Purpose.**

(1) Subsections 26B-1-202(1) and 26B-4-202(6) authorize this rule.

(2) This rule establishes EVS and ICS access limitations and standards and confidentiality requirements.

R383 2 2. Access Limitations and Standards.

(1) An individual shall request access to the data in the EVS and ICS by creating an account to begin an EVS or ICS application process.

(2) The following individual may access information in the EVS about themselves, or another cardholder for whom they are a guardian or caregiver, to the extent allowed in Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis or Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies:

(a) a medical cannabis patient cardholder;

(b) a medical cannabis guardian cardholder; and

(c) a medical cannabis caregiver cardholder.

(3) The Department shall grant EVS access to the extent allowed in Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis or Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and this rule to the following individuals:

(a) a QMP;

(b) a PMP;

(c) a QMP Proxy;

(d) a pharmacy agent;

(e) a state agency employee; or

(f) law enforcement personnel.

(4) The type of EVS and ICS access granted by the Department shall depend on the type of card or license issued.

R383 2 3. Confidentiality Requirements.

(1) A person authorized to access information in the EVS and the ICS shall access only the minimum amount of information necessary to perform an authorized function specified in Chapter 26B, Chapter 4, Part 2 Cannabinoid Research and Medical Cannabis or Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, Rule R68-27, Cannabis Cultivation, and this rule.

(2) A person authorized to access information in the EVS and the ICS shall safeguard all information stored in those systems, including specific information about medical cannabis cardholders.

(3) A person authorized to access EVS information and the ICS shall safeguard their login credentials and not share them with anyone.

(4) A person authorized to access the EVS or ICS who fails to observe the confidentiality requirement of this rule may lose access to the EVS and ICS and may be subject to the penalties provided in Section 26B-4-202.]

R383-2. Electronic Verification System and Inventory Control System Registration, Limitations, and Confidentiality.

R383-2-1. Authority and Purpose.

- (1) Subsections 26B-1-202(2)(a) and 26B-4-202(6) authorize this rule.
- (2) This rule establishes medical cannabis initial and renewal registration procedures for a:
 - (a) caregiver;
 - (b) guardian;
 - (c) patient who is a:
 - (i) Utah resident; or
 - (ii) nonresident;
 - (d) pharmacy medical provider (PMP);
 - (e) recommending medical provider (RMP); and
 - (f) RMP proxy.

R383-2-2. Definitions.

Terms used in this rule are defined in Section 26B-4-201 and Rule R383-1.

R383-2-3. System Access Standards.

- (1)(a) An individual shall request access to the data in the EVS by completing the procedures listed in Section R383-2-5.
- (b) An individual shall request access to the data in the ICS by completing registration as prescribed by the Utah Department of Agriculture and Food.
- (2) The department shall grant limited EVS access according to:
 - (a) the type of registrant listed in Subsection R383-2-1(2); or
 - (b) for pharmacy agents, as established in Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
- (3) The department shall grant access to the extent allowed in:
 - (a) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
 - (b) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
 - (c) this rule.

R383-2-4. Confidentiality Requirements.

- (1) A person authorized to access information in the EVS or ICS shall only access the minimum amount of information necessary to perform an authorized function, as specified in:
 - (a) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
 - (b) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
 - (c) this rule.
- (2) A person authorized to access information in the EVS or ICS shall safeguard any information stored in the system.
- (3) A person authorized to access the EVS and ICS shall safeguard login credentials and not share those credentials with anyone.
- (4) A person authorized to access the EVS and ICS who fails to observe the confidentiality requirements of this rule may:
 - (a) be subject to the penalties listed in Section 26B-4-202; and
 - (b) lose access to the EVS or ICS.

R383-2-5. EVS Registration Procedures.

- (1) The registration procedures established in this section govern the registrations listed in Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
- (2) Each registrant shall apply using the EVS application or a paper application requested from the department.
- (3) The registration shall be closed if it is not completed within six months.
- (4) The department shall provide the information described in Subsection 26B-4-213(9):
 - (a) electronically to each medical cannabis patient, guardian, or caregiver cardholder; and
 - (b) publicly on the department website.
- (5) Each registrant shall maintain a current email and mailing address with the department.
- (6)(a) Renewal time periods shall follow the stipulations in Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
- (b) The department shall send renewal notices to a registrant's most recent email in the department's EVS database.
- (c)(i) The department shall send a renewal notice to a registrant at least 30 days before the registration expiration date.
- (ii) For a nonresident patient registrant, the department shall send a renewal notice at least five days before the expiration date.
- (d) A renewal notice shall advise a registrant that registration automatically expires on the expiration date and is no longer valid.
- (e) A renewal notice shall include instructions for a registrant to renew registration through the department's website.
- (f) If a registration expires, the individual with the expired registration may submit a renewal registration at any time.
- (7)(a) The department shall provide written notice of revocation to a registrant who submits an initial or renewal registration if the department determines that the registrant does not meet the requirements.
- (b) The department shall send the written notice of revocation to the registrant's most recent email address in the EVS database.
- (c) The department may reinstate the registrant's registration if the registrant corrects each deficiency and otherwise meets the registration requirements.

KEY: medical cannabis, medical cannabis pharmacy, inventory control system, electronic verification system

Date of Last Change: ~~January 1, 2024~~ 2025

Authorizing, and Implemented or Interpreted Law: ~~[4-41A; 26-61a; 26B-4-202(4); 63C-3]~~ 26B-4-201(1); 26B-4-202(6)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or Section Number:

R383-3

Filing ID: 57585

Agency Information

1. Title catchline:		Health and Human Services, Center for Medical Cannabis	
Building:		Multi-Agency State Office Building (MASOB)	
Street address:		195 N. 1950 W.	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 144340	
City, state and zip:		Salt Lake City, UT 84116	
Contact persons:			
Name:	Phone:	Email:	
Jeremiah Sniffin	385-443-3344	jsniffin@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:
R383-3. Medical Cannabis Cards
4. Purpose of the new rule or reason for the change:
After internal review, the Department for Health and Human Services (department) determined it is appropriate to move the provisions previously under Rule R383-3 to Rule R383-2. Therefore, it is appropriate to repeal this rule in coordination with the filing for Rule R383-2 to ensure there is no lapse in oversight.
5. Summary of the new rule or change:
Rule R383-3 is being repealed in its entirety.
The application process for medical cannabis cardholders, as explained in this rule, is being moved to Rule R383-2.
(EDITOR'S NOTE: The proposed repeal and reenact of Rule R383-2, ID 57584, is in this issue, November 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 repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.
Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.
B. Local governments:
This repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.

Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.

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

This repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.

Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.

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

This repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.

Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.

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 repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.

Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.

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

With this repeal, affected persons are not anticipated to incur compliance costs. Any compliance costs are outlined in the proposed rule change R383-2.

This repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.

Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any compliance cost as a result of this repeal.

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:

Subsection 26B-1-213(1)		
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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:

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:	10/21/2025
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R383. Health and Human Services, Center for Medical Cannabis.

~~[R383-3. Medical Cannabis Cards.~~

R383-3-1. Authority and Purpose.

~~Pursuant to Subsection 26B-1-213(1), this rule establishes medical cannabis card application procedures, and renewal application procedures.~~

R383-3-2. Application Procedures.

~~(1) The application procedures established in this section govern applications for the initial issuance of a medical cannabis card, under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.~~

~~(2) Upon issuance of a medical cannabis card, the Department shall provide the cardholder information regarding the following:~~

~~(a) risks associated with medical cannabis treatment;~~

~~(b) the fact that a condition's listing as a qualifying condition does not suggest that medical cannabis treatment is an effective treatment or cure for that condition; and~~

~~(c) other relevant warnings and safety information that the Department determines.~~

~~(3) The information described in Subsection (2) shall be electronically provided to each medical cannabis cardholder and shall be accessible to the public on the Department's website.~~

~~(4) Each card applicant shall apply upon forms available from the Department.~~

~~(5) The Department may issue a card to an applicant only if the applicant meets the card requirements established under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and by Department rule.~~

~~(6) 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.~~

~~(7) The Department shall provide a written notice of incomplete application that the application will be closed, unless the applicant corrects the deficiency within the time period specified in the notice; and otherwise meets the card requirements.~~

~~(8) A written notice of denial and incomplete application shall be sent to the applicant's last email address shown in the Department's EVS database unless the cardholder has requested to be notified by regular mail.~~

~~(9) Each applicant shall maintain a current email and mailing address with the Department. Notice to the last email address on file with the Department constitutes legal notice unless the cardholder has requested to be notified by regular mail.~~

R383-3-3. Renewal Application Procedures.

~~(1) Renewal application procedures established in this section shall govern an application to renew a medical cannabis card under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.~~

~~(2) Each card applicant shall apply upon 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 provide written notice of denial to an applicant who submits a complete renewal application if the Department determines that the applicant does not meet the card requirements.~~

~~(5) The Department shall provide to an applicant a written notice of incomplete that the renewal application will be closed unless the applicant corrects the deficiency within the time period specified in the notice, and otherwise meets the card requirements.~~

~~(6) The Department shall send a renewal notice to each cardholder, at least 30 days before the expiration date shown on the cardholder's card. The notice shall include instructions for the cardholder to renew the card, via the Department's website.~~

~~(7) Renewal notices shall be sent to the cardholder's last email shown in the Department's EVS database unless the cardholder has requested to be notified by regular mail.~~

NOTICES OF PROPOSED RULES

- ~~_____ (8) Each cardholder shall maintain a current email address with the Department. Emailing to the last email address furnished to the Department constitutes legal notice unless the cardholder has requested to be notified by regular mail.~~
- ~~_____ (9) A renewal notice shall advise each cardholder that a card automatically expires on the expiration date and is no longer valid.~~
- ~~_____ (10) If an individual's medical cannabis card expires, the individual may submit a card renewal application at any time, regardless of the length of time passed since the expiration of the card.~~

R383-3-4. Nonresident Medical Cannabis Cards — Application Procedures.

- ~~_____ (1) The application procedures established in this section govern applications for the initial issuance of a nonresident medical cannabis card, under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.~~
- ~~_____ (2) Upon issuing a medical cannabis card, the Department shall provide the cardholder information regarding the following:~~
- ~~_____ (a) risks associated with medical cannabis treatment;~~
- ~~_____ (b) the fact that a condition's listing as a qualifying condition does not suggest that medical cannabis treatment is an effective treatment or cure for that condition; and~~
- ~~_____ (c) other relevant warnings and safety information that the Department determines.~~
- ~~_____ (3) The information described in Subsection (2) shall be electronically provided to each nonresident medical cannabis cardholder and shall be accessible to the public on the Department's website.~~
- ~~_____ (4) Each card applicant shall apply upon forms available from the Department.~~
- ~~_____ (5) The Department may issue a card to an applicant only if the applicant meets the card requirements established under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and by Department rule.~~
- ~~_____ (6) 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.~~
- ~~_____ (7) The Department shall provide a written notice of incomplete application that the application will be closed, unless the applicant corrects the deficiency within the time period specified in the notice; and otherwise meets the card requirements.~~
- ~~_____ (8) A written notice of denial and incomplete application shall be sent to the applicant's last email address shown in the Department's EVS database unless the cardholder has requested to be notified by regular mail.~~
- ~~_____ (9) Each applicant shall maintain a current email and mailing address with the Department. Notice to the last email address on file with the Department constitutes legal notice unless the cardholder has requested to be notified by regular mail.~~

R383-3-5. Nonresident Medical Cannabis Cards — Renewal Application Procedures.

- ~~_____ (1) Renewal application procedures established in this section shall govern an application to renew a nonresident medical cannabis card under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.~~
- ~~_____ (2) Each card applicant shall apply upon 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 provide written notice of denial to an applicant who submits a complete renewal application if the Department determines that the applicant does not meet the card requirements.~~
- ~~_____ (5) The Department shall provide to an applicant a written notice of incomplete that the renewal application will be closed unless the applicant corrects the deficiency within the time period specified in the notice, and otherwise meets the card requirements.~~
- ~~_____ (6) The Department shall send a renewal notice to each cardholder, at least five days before the expiration date shown on the cardholder's card. The notice shall include instructions for the cardholder to renew the card, via the Department's website.~~
- ~~_____ (7) Renewal notices shall be sent to the cardholder's last email shown in the Department's EVS database unless the cardholder has requested to be notified by regular mail.~~
- ~~_____ (8) Each cardholder shall maintain a current email address with the Department. Emailing to the last email address furnished to the Department constitutes legal notice unless the cardholder has requested to be notified by regular mail.~~
- ~~_____ (9) A renewal notice shall advise each cardholder that a card automatically expires on the expiration date and is no longer valid.~~
- ~~_____ (10) If an individual's medical cannabis card expires, the individual may submit a card renewal application at any time, regardless of the length of time passed since the expiration of the card.~~

KEY: ~~medical cannabis card, medical cannabis, marijuana~~

Date of Last Change: ~~August 15, 2023~~

Authorizing, and Implemented or Interpreted Law: ~~26B-1-213]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R383-4

Filing ID: 57586

Agency Information

1. Title catchline:

Health and Human Services, Center for Medical Cannabis

Building:

Multi-Agency State Office Building (MASOB)

Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144340	
City, state and zip:	Salt Lake City, UT 84114-4340	
Contact persons:		
Name:	Phone:	Email:
Jeremiah Sniffin	385-443-3344	jsniffin@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:
R383-4. Qualified Medical Providers and Qualified Medical Provider Proxies
4. Purpose of the new rule or reason for the change:
During an internal review, the Department of Health and Human Services (department) determined that since the registration and renewal processes are almost identical across all registration types, it is appropriate to organize related provisions in the same rule.
As a result, Rule R383-4 is being repealed, with provisions under this rule moving to Rule R383-2 in a separate filing that is being coordinated with this filing's timeline to ensure there is no lapse in oversight.
5. Summary of the new rule or change:
Rule R383-4 is being repealed in its entirety.
The application process for QMPs and QMP proxies, as explained in this rule, is being moved to Rule R383-2.
(EDITOR'S NOTE: The proposed repeal and reenact of Rule R383-2, ID 57584, is in this issue, November 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 repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.
Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.
B. Local governments:
This repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.
Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.
C. Small businesses ("small business" means a business employing 1-49 persons):
This repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.
Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.

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

This repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.

Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.

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 repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.

Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.

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

This repeal is being done as a reorganization, with the provisions in this rule moving to Rule R383-2.

Since any requirements or restrictions attributable to this rule will still exist, the department does not anticipate any fiscal impact as a result of this repeal.

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:**

Subsection 26B-1-202(2)(a)	Subsection 26B-4-202(6)	
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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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	10/21/2025
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R383. Health and Human Services, Center for Medical Cannabis.

~~[R383-4. Qualified Medical Providers and Qualified Medical Provider Proxies.~~

~~R383-4.1. Authority and Purpose.~~

- ~~_____ (1) Subsection 26B-1-202(1) authorizes this rule.~~
- ~~_____ (2) This rule establishes application procedures for QMPs and QMP Proxies and establishes the continuing education requirements for QMPs.~~

~~R383-4.2. Application Procedures.~~

- ~~_____ (1) The application procedures established in this section shall govern the application for the initial issuance of a QMP or QMP Proxy registration card under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.~~
- ~~_____ (2) Each applicant shall apply upon forms available in the EVS, from the Department.~~
- ~~_____ (3) The Department may issue a QMP or QMP Proxy registration card, only if the Department determines that the applicant meets all requirements established under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and by Department rule.~~
- ~~_____ (4) The Department shall provide written notice of denial to an applicant who submits an incomplete application or if the Department determines that the applicant does not meet the requirements.~~
- ~~_____ (5)(a) The Department shall provide to the applicant a written notice of an incomplete application and that the application is denied.~~
- ~~_____ (b) The Department may not accept the application unless the applicant corrects the deficiencies within the time period specified in the notice and otherwise meets all requirements.~~
- ~~_____ (6) The Department shall provide written notices of denial or incomplete application to the applicant's last email address shown in the Department's EVS database unless the applicant has requested to be notified by regular mail.~~
- ~~_____ (7)(a) Each applicant shall maintain a current email address with the Department.~~
- ~~_____ (b) Notice to the last email address on file with the Department constitutes legal notice unless the applicant has requested to be notified by regular mail.~~

~~R383-4.3. Renewal Application Procedures.~~

- ~~_____ (1) Renewal application procedures established in this section shall govern applications to renew a QMP or QMP Proxy registration card.~~
- ~~_____ (2) Each QMP or QMP Proxy registration card applicant shall apply upon renewal application forms, available from the Department.~~
- ~~_____ (3) The Department may issue a QMP or QMP Proxy registration card to an applicant who submits a complete renewal application, and the Department determines that the applicant meets the requirements.~~
- ~~_____ (4) The Department shall provide written notice of denial to the applicant who submits an incomplete renewal application or if the Department determines that the applicant does not meet the requirements.~~
- ~~_____ (5) The Department shall provide the applicant a written notice of an incomplete application and that the renewal application will be denied, unless the applicant corrects the deficiencies within the time period specified in the notice, and otherwise meets all requirements.~~
- ~~_____ (6)(a) The Department shall send a renewal notice to each cardholder at least 30 days before the expiration date shown on the QMP's or QMP Proxy's card.~~
- ~~_____ (b) The notice shall include instructions on how to renew their QMP or QMP Proxy registration card in the EVS, via the Department's website.~~
- ~~_____ (7) The Department shall send renewal notices to the cardholder's last email shown in the Department's EVS database unless the applicant has requested to be notified by regular mail.~~
- ~~_____ (8)(a) Each cardholder shall maintain a current email address and mailing address with the Department.~~
- ~~_____ (b) Emailing to the last email address on file with the Department constitutes legal notice unless the applicant requests to be notified by regular mail.~~
- ~~_____ (9) Renewal notices shall advise each cardholder that a QMP or QMP Proxy registration card automatically expires on the expiration date, and is no longer valid.~~
- ~~_____ (10) If an individual's QMP or QMP Proxy registration card expires, the individual may submit a QMP registration card renewal application at any time, regardless of the length of time passed since the expiration of the card.~~

~~R383-4.4. Continuing Education Requirement.~~

- ~~_____ (1)(a) Applicants registering for a QMP registration card shall verify the completion of four hours of continuing education.~~
- ~~_____ (b) Once registered as a QMP, an individual shall complete an additional four hours of continuing education every two years.~~

NOTICES OF PROPOSED RULES

~~(2) Requirements for renewal shall include:~~
~~(a) completion of continuing education coursework that shall:~~
~~(i) be approved by the Department; or~~
~~(ii) be provided by organizations accredited through the Accreditation Council for Continuing Medical Education, Accreditation Council for Pharmacy Education, American Academy of Physician Assistants, or the American Association of Nurse Practitioners;~~
~~(b) a completion test with a passing score, as determined by the course provider, to verify comprehension of course content; and~~
~~(c) a certificate of completion.~~
~~(3) Initial registration as a QMP, requires at least four hours of continuing education, which shall include at a minimum:~~
~~(a) medical cannabis law coursework; and~~
~~(b) fundamentals of medical cannabis coursework.~~
~~(4) A QMP shall renew registration every two years, after completing at least four hours of continuing education in:~~
~~(a) medical cannabis law coursework; and~~
~~(b) general medical cannabis coursework.~~
~~(5)(a) The QMP shall submit their continuing education report along with their application for registration as a QMP, and shall include a certificate of completion for coursework completed after issuance of the most recent registration.~~
~~(b) An application that does not include the continuing education report will be considered incomplete, and the Department will not process an application until the report is complete.~~

KEY: ~~medical cannabis, qualified medical provider, medical marijuana~~

Date of Last Change: ~~January 1, 2024~~

Authorizing, and Implemented or Interpreted Law: ~~63G-3; 26B-1-202(1)]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R383-6

Filing ID: 57587

Agency Information

1. Title catchline:	Health and Human Services, Center for Medical Cannabis	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144340	
City, state and zip:	Salt Lake City, UT 84114-4340	
Contact persons:		
Name:	Phone:	Email:
Jeremiah Sniffin	385-443-3344	jsniffin@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:	R383-6. Pharmacy Medical Providers	
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 434 (2025 General Session), SB 64 (2025 General Session)	
4. Purpose of the new rule or reason for the change:	<p>The Department of Health and Human Services (department) is reorganizing the placement of provisions that were previously in Sections R383-6-2 and R383-6-3 into Rule R383-2, as registration and renewal processes are nearly identical across all registration types.</p> <p>The continuing education requirements for PMPs require an update to reflect the changes made in SB 64 passed in the 2025 General Session.</p>	

Also, HB 434, passed in the 2025 General Session, renumbered the statute governing the department's rulewriting authority, requiring an update to the citation.

5. Summary of the new rule or change:

The referenced citation providing rulemaking authority has been updated to align with statutory renumbering.

Sections R383-6-2 and R383-6-3 have been moved into Rule R383-2, as registration and renewal processes are nearly identical across all registration types.

The proposed continuing education requirements include additional stipulations for continuing education, and many of the old continuing educational requirements have been repealed due to SB 64 (2025).

Additionally, this filing makes nonsubstantive changes to style and formatting to align with the Rulewriting Manual for Utah and other rules under the department.

(EDITOR'S NOTE: The proposed repeal and reenact of Rule R383-2, ID 57584, is in this issue, November 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 move of Sections R383-6-2 and R383-6-3 is being done as a reorganization, with the provisions in these sections moving to Rule R383-2.

Requirements or restrictions attributable to those sections will still exist. The additional continuing education requirements apply exclusively to PMPs and are not anticipated to lead to any fiscal impact to the state budget.

B. Local governments:

There is no anticipated fiscal impact on local governments, as local governments do not regulate the individuals in this rule.

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

The move of Sections R383-6-2 and R383-6-3 is being done as a reorganization, with the provisions in these sections moving to Rule R383-2.

Requirements or restrictions attributable to those sections will still exist. The additional continuing education requirements apply exclusively to PMPs and are not anticipated to lead to any fiscal impact to a small business employing a PMP.

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

The move of Sections R383-6-2 and R383-6-3 is being done as a reorganization, with the provisions in these sections moving to Rule R383-2.

Requirements or restrictions attributable to those sections will still exist. The additional continuing education requirements apply exclusively to PMPs and are not anticipated to lead to any fiscal impact to a non-small business employing a PMP.

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 move of Sections R383-6-2 and R383-6-3 is being done as a reorganization, with the provisions in these sections moving to Rule R383-2.

Any expected effect on persons other than small businesses, non-small businesses, state, or local government entities resulting from these changes is outlined in the proposed rule change for Rule R383-2.

The updated continuing education requirements may incur a cost to PMPs, but it is impossible to provide an estimate on this cost, as the department cannot determine which PMPs need which courses and, of the needed courses, the cost attributable to each, as course providers have control over course costs. Certain courses are also available at no cost to a PMP.

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

The move of Sections R383-6-2 and R383-6-3 is being done as a reorganization, with the provisions in these sections moving to Rule R383-2. Any anticipated compliance cost is outlined in the proposed rule change for Rule R383-2.

The updated continuing education requirements may incur a compliance cost to PMPs, but it is impossible to provide an estimate on this cost, as the department cannot determine which PMPs need which courses and, of the needed courses, the cost attributable to each, as course providers have control over course costs. Certain courses are also available at no cost to a PMP.

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:

Subsection 26B-1-202(2)(a)		
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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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	10/21/2025
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R383. Health and Human Services, Center for Medical Cannabis.~~**R383-6. Pharmacy Medical Providers.**~~~~**R383-6-1. Authority and Purpose.**~~

- ~~_____ (1) Subsection 26B-1-202(1) authorizes this rule.~~
- ~~_____ (2) This rule establishes PMP application procedures and PMP continuing education requirements.~~

~~**R383-6-2. Application Procedures.**~~

- ~~_____ (1) The application procedures established in this section govern an application for initial issuance of a PMP registration card, under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and by Department rule.~~
- ~~_____ (2) Each applicant shall apply upon forms available in the EVS, from the Department.~~
- ~~_____ (3) The Department may issue a PMP registration card only if an applicant meets the requirements, established under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and by Department rule.~~
- ~~_____ (4)(a) The Department shall provide written notice of denial to an applicant who submits an incomplete application or if the Department determines that the applicant does not meet the requirements.~~
- ~~_____ (b) The Department shall not accept the application unless the applicant corrects the deficiencies within the time period specified in the notice and otherwise meets all requirements.~~
- ~~_____ (6) The Department shall provide written notices of denial, or incomplete application, to the applicant's last email address shown in the Department's EVS database unless the applicant has requested to be notified by regular mail.~~
- ~~_____ (7) Each applicant shall maintain a current email address with the Department. Notice sent to the last email address on file with the Department constitutes legal notice unless the applicant has requested to be notified by regular mail.~~

~~**R383-6-3. Renewal Application Procedures for Pharmacy Medical Providers.**~~

- ~~_____ (1) Renewal application procedures established in this rule, shall govern an application for a PMP registration card.~~
- ~~_____ (2) Each PMP registration card applicant shall apply upon a renewal application form available from the Department.~~
- ~~_____ (3) The Department may issue a PMP registration card to an applicant who submits a completed renewal application if the Department determines that the applicant meets the requirements.~~
- ~~_____ (4) The Department shall provide written notice of denial to an applicant who submits a renewal application that the Department determines does not meet the requirements.~~
- ~~_____ (5) The Department shall provide the applicant a written notice of an incomplete application and inform the applicant that their application will be denied unless the applicant corrects the deficiencies within the time period specified in the notice, and otherwise meets all requirements.~~
- ~~_____ (6)(a) The Department shall send a renewal notice to each cardholder at least 30 days before the expiration date shown on the PMP registration card.~~
- ~~_____ (b) The notice shall include:~~
 - ~~_____ (i) directions for the PMP on how to renew their registration card, in the EVS on the Department's website; and~~
 - ~~_____ (ii) include information advising each cardholder that the PMP registration card automatically expires on the expired and is no longer valid.~~
- ~~_____ (7) The Department shall send renewal notices to the cardholder's last email shown in the Department's EVS database.~~
- ~~_____ (8) Each cardholder shall maintain a current email address and mailing address with the Department. Notice sent to the current email address on file with the Department constitutes legal notice, unless the applicant has requested to be notified by regular mail.~~
- ~~_____ (10) If an individual's PMP registration card expires, the individual may submit a renewal application at any time, regardless of the length of time passed since the expiration of the card.~~

~~**R383-6-4. Continuing Education Requirement.**~~

- ~~_____ (1) An applicant for registration as a PMP shall verify the completion of four hours of continuing education. Once registered as a PMP, an individual shall complete an additional four hours of continuing education every two years.~~
- ~~_____ (2) To renew a PMP registration card, an individual shall:~~
 - ~~_____ (a) complete continuing medical education coursework:~~
 - ~~_____ (i) approved by the Department; or~~
 - ~~_____ (ii) provided by an organization accredited through the Accreditation Council for Continuing Medical Education, Accreditation Council for Pharmacy Education, or the American Association of Nurse Practitioners.~~
 - ~~_____ (b) pass a completion test with a passing score, as determined by the course provider, to verify comprehension of course content; and~~
 - ~~_____ (c) earn a certificate of completion.~~
- ~~_____ (3) Initial registration as a PMP shall require at least four hours of continuing education, that shall include at a minimum:~~
 - ~~_____ (a) medical cannabis law coursework; and~~
 - ~~_____ (b) fundamentals of medical cannabis coursework.~~
- ~~_____ (4) A PMP shall renew a registration every two years, after completing at least four hours of continuing education in:~~

NOTICES OF PROPOSED RULES

- ~~(a) medical cannabis law coursework; and~~
- ~~(b) fundamentals of medical cannabis coursework.~~
- ~~(5) The PMP shall:~~
 - ~~(a) submit a report of their continuing education coursework;~~
 - ~~(b) an application for registering as a PMP; and~~
 - ~~(c) a certificate of completion for coursework completed after issuance of the most recent PMP registration.~~
- ~~(6)(a) A PMP application that does not include the items described under Subsection (5) is considered incomplete.~~
- ~~(b) The Department may not process a PMP's application until the report is completed.]~~

R383-6. Pharmacy Medical Provider Continuing Education Requirements.

R383-6-1. Authority and Purpose.

- (1) Subsection 26B-1-202(2)(a) authorizes this rule.
- (2) This rule establishes pharmacy medical provider (PMP) continuing education requirements.

R383-6-2. Definitions.

Terms used in this rule are defined in Section 26B-4-201 and Rule R383-1.

R383-6-3. Continuing Education Requirements.

A person registering as a PMP shall complete continuing education:

- (1) as outlined in Subsection 26B-4-219(3);
- (2) that includes a course containing at least 0.5 hours of education covering current Utah law applicable to the practice of a pharmacy medical provider;
- (3) related to cannabis; and
- (4) offered from:
 - (a) the department;
 - (b) an accredited institution of higher education; or
 - (c) an organization accredited through:
 - (i) Accreditation Council for Continuing Medical Education;
 - (ii) Accreditation Council for Pharmacy Education;
 - (iii) American Academy of Physician Assistants; or
 - (iv) American Association of Nurse Practitioners.

KEY: medical cannabis, pharmacy medical providers, marijuana

Date of Last Change: ~~2025~~**[October 23, 2023]**

Authorizing, and Implemented or Interpreted Law: 63G-3; 26B-1-202~~(4)~~**(2)(a)**

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number: **R383-10** **Filing ID:** 57588

Agency Information

1. Title catchline:		Health and Human Services, Center for Medical Cannabis	
Building:		Multi-Agency State Office Building	
Street address:		195 N 1950 W	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 144340	
City, state and zip:		Salt Lake City, UT 84114-4340	
Contact persons:			
Name:		Phone:	Email:
Jeremiah Sniffin		385-443-3344	jsniffin@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:

R383-10. State Central Patient Portal

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 54 (2025 General Session).
4. Purpose of the new rule or reason for the change:	
During the 2025 General Session, HB 54 repealed Section 26B-4-236, State Central Patient Portal. This statutory repeal makes this portal and any references to the portal obsolete. As a result, the Department of Health and Human Services (department) has determined that Rule R383-10 is no longer needed and should be repealed.	
5. Summary of the new rule or change:	
Rule R383-10 is repealed in its entirety, as it is no longer needed due to HB 54 (2025) repealing Section 26B-4-236.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The department does not anticipate a fiscal impact to the state budget as a result of this rule, which is being repealed to align with statute. Any fiscal impact of the removal of this portal can be found in the fiscal note of HB 54 (2025), available at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0054S03.fn.pdf .
B. Local governments:
The department does not anticipate a fiscal impact to local governments as a result of this rule, which is being repealed to align with statute. Any fiscal impact of the removal of this portal can be found in the fiscal note of HB 54 (2025), available at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0054S03.fn.pdf .
C. Small businesses ("small business" means a business employing 1-49 persons):
The department does not anticipate a fiscal impact to small businesses as a result of this rule, which is being repealed to align with statute. Any fiscal impact of the removal of this portal can be found in the fiscal note of HB 54 (2025), available at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0054S03.fn.pdf .
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The department does not anticipate a fiscal impact to the non-small businesses as a result of this rule, which is being repealed to align with statute. Any fiscal impact of the removal of this portal can be found in the fiscal note of HB 54 (2025), available at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0054S03.fn.pdf .
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 department does not anticipate a fiscal impact to other persons as a result of this rule, which is being repealed to align with statute. Any fiscal impact of the removal of this portal can be found in the fiscal note of HB 54 (2025), available at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0054S03.fn.pdf .
F. Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
The department does not anticipate a compliance cost to any person as a result of this rule, which is being repealed to align with statute.

Any compliance cost related to the removal of this portal can be found in the fiscal note of HB 54 (2025), available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0054S03.fn.pdf>.

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:

Subsection 26B-1-202(1)

Public Notice Information

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

A. Comments will be accepted until:

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:

10/21/2025

R383. Health and Human Services, Center for Medical Cannabis.

~~[R383-10. State Central Patient Portal.~~

~~R383-10-1. Authority and Purpose:~~

~~Pursuant to Subsection 26B-4-236(3), this rule establishes standards related to the state central patient portal's facilitation of an electronic medical cannabis order, to a home delivery medical cannabis pharmacy.~~

R383-10-2. Facilitation of Online Orders.

~~To facilitate an online order, the state central patient portal website shall include links to individual websites established by home delivery medical cannabis pharmacies, where a cardholder may view available inventory and order medical cannabis products and a medical cannabis device, or educational material related to the use of medical cannabis.~~

~~KEY: medical cannabis, medical cannabis patient portal, medical cannabis online orders, marijuana~~

~~Date of Last Change: August 15, 2023~~

~~Authorizing, and Implemented or Interpreted Law: 26B-4-236]~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R383-13	Filing ID: 57589

Agency Information		
1. Title catchline:	Health and Human Services, Center for Medical Cannabis	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144340	
City, state and zip:	Salt Lake City, UT 84114-4340	
Contact persons:		
Name:	Phone:	Email:
Jeremiah Sniffin	385-443-3344	jsniffin@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:	
R383-13. Expedited Final Review of Compassionate Use 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:	HB 357 (2025 General Session), HB 434 (2025 General Session).
4. Purpose of the new rule or reason for the change:	
During the 2025 General Session, HB 357 repealed the term "qualified medical provider" (QMP) from statute and incorporated that definition within the term "recommended medical provider."	
HB 434 changed the statutory location for the Department of Health and Human Services' (department) rulewriting authority, requiring an update to the reference in this rule.	
Upon department review of this rule for statutory changes, it was also determined that minor style and formatting changes were appropriate for clarity.	
5. Summary of the new rule or change:	
The referenced citation providing rulemaking authority has been updated to align with statutory renumbering.	
This filing also adds a definitions section and aligns terms with those updated in HB 357 (2025).	
Additionally, this filing makes nonsubstantive changes to style and formatting to align with the Rulewriting Manual for Utah and other rules under the department.	

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 a result of this amendment.

The changes in this amendment align terms with changes to those terms made during the 2025 General Session, references external definitions, and makes formatting changes.

There are no additional requirements or restrictions on this entity as a result of this filing, and nothing that is anticipated to lead to any cost or savings.

B) Local governments:

There is no anticipated fiscal impact to local governments as a result of this amendment.

The changes in this amendment align terms with changes to those terms made during the 2025 General Session, references external definitions, and makes formatting changes.

There are no additional requirements or restrictions on this entity as a result of this filing, and nothing that is anticipated to lead to any cost or savings.

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

There is no anticipated fiscal impact to small businesses as a result of this amendment.

The changes in this amendment align terms with changes to those terms made during the 2025 General Session, references external definitions, and makes formatting changes.

There are no additional requirements or restrictions on this entity as a result of this filing, and nothing that is anticipated to lead to any cost or savings.

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 a result of this amendment.

The changes in this amendment align terms with changes to those terms made during the 2025 General Session, references external definitions, and makes formatting changes.

There are no additional requirements or restrictions on this entity as a result of this filing, and nothing that is anticipated to lead to any cost or savings.

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 other persons as a result of this amendment.

The changes in this amendment align terms with changes to those terms made during the 2025 General Session, references external definitions, and makes formatting changes.

There are no additional requirements or restrictions on this entity as a result of this filing, and nothing that is anticipated to lead to any cost or savings.

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

There is no anticipated compliance cost as a result of this amendment.

The changes in this amendment align terms with changes to those terms made during the 2025 General Session, references external definitions, and makes formatting changes.

There are no additional requirements or restrictions on this entity as a result of this filing.

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:

Subsection 26B-1-202(2)(a)		
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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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	10/21/2025
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R383. Health and Human Services, Center for Medical Cannabis.

R383-13. Expedited Final Review of Compassionate Use Petitions.

R383-13-1. Authority and Purpose.

[This rule establishes the process for expedited final review of petitions to the Compassionate Use Board consistent with](1) Subsection 26B-1-[421(6)].

R383-13-2. Authority.

Pursuant to Subsections 26B-1-202(1)(2)(a) and Subsection 26B-1-421(6)(5) authorize this rule.

(2) This rule establishes a process and criteria for a petition to the Compassionate Use Board (board) to qualify for expedited final review and approval or denial by the [Department] department.

R383-13-2. Definitions.

Terms used in this rule are defined in Section 26B-4-201 and Rule R383-1.

R383-13-3. Availability of Expedited Review.

~~[(1)]~~ To qualify for expedited review by the ~~[D]~~ department, an individual submitting the petition ~~[shall meet the following criteria]~~ must:

- ~~[(a)]~~ 1) be diagnosed with a terminal illness;
- ~~[(b)]~~ 2) have a life expectancy of six months or less;
- ~~[(c)]~~ 3) present symptoms not adequately managed with standard therapies that may reasonably be expected to be alleviated by medical cannabis; and
- ~~[(d)]~~ 4) have a recommendation from a ~~[Q]~~ RMP who is directly and regularly involved in the individual's medical care.

R383-13-4. Expedited Review Procedure.

(1) Each individual submitting a petition for expedited review by the ~~[D]~~ department shall complete a form available from the ~~[D]~~ department.

(2) The ~~[Compassionate Use Board]~~ board may not review a petition until the form is complete and any supporting documentation requested by the ~~[B]~~ board is received.

(3) Within five business days after receiving a complete petition for expedited review, the ~~[D]~~ department shall review the petition and either approve or deny the request for expedited review.

(4) If the ~~[D]~~ department approves the petition, ~~[(#)]~~ the department shall issue a medical cannabis card to the applicant.

(5) If the ~~[D]~~ department denies the petition for expedited review, ~~[(#)]~~ the department shall:

- (a) ~~[S]~~ send notice of the denial to the applicant; and
- (b) ~~[S]~~ send the petition for compassionate use to the board for review on its regular review schedule.

KEY: medical cannabis, compassionate use board, medical marijuana

Date of Last Change: ~~[October 23, 2023]~~ 2025

Authorizing, and Implemented or Interpreted Law: 63G-3; 26B-1; 26B-1-213

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R384-324	Filing ID: 57583

Agency Information		
1. Title catchline:	Health and Human Services, Population Health, Health Promotion and Prevention	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142106	
City, state and zip:	Salt Lake City, UT 84114-2106	
Contact persons:		
Name:	Phone:	Email:
McKenna Christensen	801-597-0351	tobaccorulescomments@utah.gov
Christal Dent	801-419-1601	tobaccorulescomments@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information	
2. Rule or section catchline:	
R384-324. Tobacco Product, Electronic Cigarette Product, and Nicotine Product Retailer Permit 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 61 (2024 General Session), HB 21 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The reason for this change is to align this rule with changes introduced in SB 61 during the 2024 General Session and HB 21 passed during the 2025 General Session.	

Specifically, this change amends the definition of a retail tobacco specialty business to align with electronic cigarette flavor restrictions and amends Utah Code references to align with Title 76 renumbering.

5. Summary of the new rule or change:

This filing amends the definition of a retail tobacco specialty business to remove the provision that it is a location where a flavored electronic cigarette product is sold, as it is illegal to sell flavored electronic cigarette products in Utah (with the exception of only tobacco or menthol flavored products).

This filing also updates statutory citations for the definitions of "electronic cigarette product," "nicotine product," "self-service display," "tobacco product," and "tobacco paraphernalia" and for one reference regarding permit violations.

Additionally, this filing amends a typo in Subsection R384-324-3(3) to correct an incorrect pluralization and makes other style and formatting changes according to guidance in the Rulewriting Manual for Utah and to align with other rules under the Department of Health and Human Services (department).

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 have any fiscal impact on the state budget.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the definition of a retail tobacco specialty business and updating statutory citations for definitions.

Any fiscal impact has already been captured in the fiscal note of those bills and can be reviewed at:
<https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and
<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

B. Local governments:

While 13 local health departments administer tobacco retail permits, this amendment is not expected to have any fiscal impact on local governments.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the definition of a retail tobacco specialty business and updating statutory citations for definitions.

Any fiscal impact has already been captured in the fiscal note of those bills and can be reviewed at:
<https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and
<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

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

This amendment is not expected to have any fiscal impact on small businesses.

There are some small businesses that primarily rely on the sale of tobacco products (retail tobacco specialty businesses), which operate under the North American Industry Classification System (NAICS) code of 459991.

Other small businesses that sell electronic cigarette products among the other products they choose to sell include (445131) convenience stores, (457110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (424940) tobacco product merchant wholesalers, and (456110) pharmacies and drug stores.

A review of the Utah Department of Workforce Services (DWS) Firm Find Data shows that there are approximately 1,436 small businesses that sell electronic cigarette products in Utah.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the definition of a retail tobacco specialty business and updating statutory citations for definitions.

Any fiscal impact has already been captured in the fiscal note of those bills and can be reviewed at:
<https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and

<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

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

This amendment is not expected to have any fiscal impact on non-small businesses.

There are some non-small businesses that primarily rely on the sale of tobacco products (retail tobacco specialty businesses), which operate under the North American Industry Classification System (NAICS) code of 459991.

Other non-small businesses that sell electronic cigarette products among the other products they choose to sell include (445131) convenience stores, (457110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (424940) tobacco product merchant wholesalers, and (456110) pharmacies and drug stores.

A review of the Utah Department of Workforce Services (DWS) Firm Find Data shows that there are approximately 219 non-small businesses that sell electronic cigarette products in Utah.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the definition of a retail tobacco specialty business and updating statutory citations for definitions.

Any fiscal impact has already been captured in the fiscal note of those bills and can be reviewed at:

<https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and

<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

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 have any fiscal impact on persons other than businesses and governments.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the definition of a retail tobacco specialty business and updating statutory citations for definitions.

Any fiscal impact has already been captured in the fiscal note of those bills and can be reviewed at:

<https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and

<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

F. Compliance costs for affected persons:

This amendment is not expected to have any compliance costs for affected persons.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the definition of a retail tobacco specialty business and updating statutory citations for definitions.

Any fiscal impact has already been captured in the fiscal note of those bills and can be reviewed at:

<https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and

<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (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 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-1-123	Subsection 26B-1-202(26)	Subsection 26B-7-508(6)
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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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	10/21/2025
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R384. Health and Human Services, Population Health, Health Promotion and Prevention.**R384-324. Tobacco Product, Electronic Cigarette Product, and Nicotine Product Retailer Permit Process.****R384-324-1. Authority and Purpose.**

(1) ~~[This rule is authorized by]~~ Section 26B-1-213 and Subsections 26B-1-202(26) and 26B-7-508(6) ~~[.]~~ authorize this rule.

(2) This rule establishes the process by which a local health ~~[department issues, suspends]~~ department issues, suspends, and revokes a tobacco retail permit.

R384-324-2. Definitions.

~~[As used in this rule:~~

~~]~~ (1) "Community location" means the same as ~~[the term is]~~ defined in ~~[Section 17-50-333 and in Section]~~ Sections 10-8-41.6 and 17-50-333.

(2) "Department" means the ~~[Utah]~~ Department of Health and Human Services ~~[, created in Section 26B-1-201]~~.

(3) "Electronic cigarette product" means the same as ~~[that term is]~~ defined in Section 76-~~[10-101]~~ 9-1101.

(4) "General tobacco retailer" means a tobacco retailer that is not a retail tobacco specialty business.

(5) "Local health department" means the same as ~~[the term is]~~ defined in Section 26A-1-102.

(6) "Nicotine product" means the same as ~~[that term is]~~ defined in Section 76-~~[10-101]~~ 9-1101.

(7) "Owner" means a person holding at least a 20% ownership interest in the business that is required to obtain a permit under Title 26B, Chapter 7, Public Health and Prevention.

(8) "Plan review" means the process by which ~~[the]~~ a local health department ~~[will verify]~~ verifies the accuracy of ~~[the]~~ information provided by a retail tobacco specialty business~~[es]~~ through the permit application process.

(9) "Proprietor" means the owner of a retail establishment~~[s]~~ or any other place of business that sells, markets, or distributes any tobacco product~~[s]~~, electronic cigarette product~~[s]~~, or nicotine product~~[s]~~.

(10) "Public retail floor space" means the total ~~[floor]~~ square ~~[feet]~~ footage of ~~[the business]~~ a business's floor where a customer can see, retrieve, or purchase any item that is offered for sale by the general tobacco retailer, including ~~[the areas]~~ any area behind the purchase counter~~[s]~~ and ~~[including]~~ appurtenant area~~[s]~~ used for storage.

NOTICES OF PROPOSED RULES

(11) "Retail tobacco specialty business" means the same as defined in Sections 10-8-41.6 and 17-50-33.~~[a commercial establishment in which:~~

~~_____ (a) sales of tobacco products, electronic cigarette products, and nicotine products accounts for more than 35% of the total quarterly gross receipts for the establishment;~~

~~_____ (b) 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;~~

~~_____ (c) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;~~

~~_____ (d) the commercial establishment:~~

~~_____ (i) holds itself out as a retail tobacco specialty business; and~~

~~_____ (ii) causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business;~~

~~_____ (e) any flavored electronic cigarette product is sold; or~~

~~_____ (f) the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products.]~~

(12) "Self-service display" means the same as ~~[that term]~~ defined in Section 76-~~[40-405.1.]~~9-1107.

(13) "Shelf space" means the total cubic feet ~~[(length x depth x height)]~~ of shelf space contained within the retail space that is used for the offer, display, or storage of items that are offered for sale by the tobacco retailer.

~~_____ (a) The shelf height is measured from the top of the tallest item on the top of the shelf.~~

~~_____ (b) The shelf length is measured from the end of the longest item at the end of the shelf.~~

~~_____ (c) Empty shelf space is not included in the total shelf space calculation.~~

(14) "Tax commission license" means a license issued by the Utah State Tax Commission under:

(a) Section 59-14-201 to sell a cigarette at retail;

(b) Section 59-14-301 to sell a tobacco product at retail; or

(c) Section 59-14-803 to sell an electronic cigarette product or a nicotine product at retail.

(15) "Tobacco product" means:

(a) a tobacco product as defined in Section 76-~~[40-401.]~~9-1101; or

(b) tobacco paraphernalia as defined in Section 76-~~[40-401.]~~9-1101.

(16) "Tobacco retailer" means a proprietor that is required to obtain a tax commission license and a local health department permit for the sale of tobacco.

(17) "Tobacco retail permit" means the permit issued by the local health department to general tobacco retailers and retail tobacco specialty businesses for the sale, marketing, or distribution of tobacco products, electronic cigarette products, or nicotine products.

R384-324-3. Permit Process.

(1) A tobacco retailer shall hold a valid tobacco retail permit issued by the local health department with jurisdiction over the physical location where the tobacco retailer operates.

(2) To receive a tobacco retail permit, an applicant shall:

(a) submit an application provided by the local health department with jurisdiction over the physical location where the tobacco retailer operates or will operate; and

(b) pay any applicable fees.

(3) To submit an application for a tobacco retail permit, an applicant shall complete each required section[s] of the application and submit the application either online or by a hard copy to the local health department. The applicant shall provide~~[the following]~~:

(a) information for each individual listed as a proprietor and owner, including percentage of ownership, or if the proprietor is a corporation, corporate ownership information;

(b) a local individual to contact concerning the application and business must be included under business information on the application;

(c) information concerning the business, including business name, street address, mailing address, and telephone number;

(d) a copy of a valid Utah State Tax Commission license; and

(e) certification that the proposed retail tobacco location meets the requirements as defined in the application for a:

(i) general tobacco retailer; or

(ii) retail tobacco specialty business.

(4) Any application[s] for a retail tobacco specialty business shall:

(a) include a \$250~~[-00]~~ plan review fee; and

(b) include a map that demonstrates the business location meets the proximity requirements for a retail tobacco specialty business, by measuring in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the location identified as the business address, without regard for intervening structures or zoning districts, to prove that the business is not located within:

(i) 1,000 feet of a community location;

(ii) 600 feet of another retail tobacco specialty business; ~~or [and,]~~

(iii) 600 feet of property used or zoned for agricultural or residential use.

(5)(a) ~~[Notwithstanding Subsection (4)(b), a]~~ A retail tobacco specialty business that meets the requirements described in Subsection 10-8-41.6(7) or 17-50-333(7) is exempt from the proximity requirements listed in Subsection (4)(b).

(b) A retail tobacco specialty business that does not meet[s] the requirements described in Subsection 10-8-41.6(7) or 17-50-333(7) that desires to sell tobacco products, electronic cigarette products, and nicotine products ~~[must]~~ shall complete the application described in this section and demonstrate that the location:

- (i) meets the proximity requirements for a retail tobacco specialty business in Subsection (4)(b); or
- (ii) has a business model and business layout that meets the requirements for a general tobacco retailer.
- (6) The local health department ~~[will have]~~ has 30 days to issue the permit beginning on the date the local health department receives the application and payment.
 - (a) The local health department ~~[will]~~ shall provide online or hard copy receipt of payment and application submission to the proprietor ~~[at the time]~~ when the local health department receives the application and payment.
 - (b) The receipt provided by the local health department to the proprietor will serve as a temporary operating permit, which will be valid for 30 days.
- (7) ~~[The permits are]~~ A permit is non-transferrable.
- (8) ~~[Permit length:]~~
- ~~(a)]~~ A general tobacco retailer permit is valid for two years.
- ~~(b)]~~ A retail tobacco specialty business permit is valid for one year.
- ~~(9)]~~ 10 The proprietor of a tobacco retailer is responsible to notify the local health department if there is a change in their business operation requiring a change in their business license between tobacco retail specialty business and general tobacco retailer. If the information described in Subsection 26B-7-508(3) changes, a tobacco retailer:
 - (a) may not ~~[renew]~~ apply for the renewal of the permit; and
 - (b) shall apply for a new permit no later than 15 days after the information in Subsection 26B-7-508(3) changes.
- ~~(10)]~~ 11 A tobacco retailer may apply for a renewal of a permit no earlier than 30 days before the day on which the permit expires.
- (a) A tobacco retailer that fails to renew a permit before the permit expires may apply to reinstate the permit by submitting to the local health department:
 - (i) an application, as outlined in Subsection R384-324-3(3), for either a general tobacco retailer or a retail tobacco specialty business and the additional requirements outlined in Subsection R384-324-3(4) for retail tobacco specialty businesses;
 - (ii) the fee for the reinstatement of a permit; and
 - (iii) a signed affidavit affirming that the tobacco retailer has not violated the prohibitions in Subsection 26B-7-507(1).
- (b) Until an expired permit is reinstated, a tobacco retailer with an expired permit may not:
 - (i) place a tobacco product, electronic cigarette product, or a nicotine product in public view;
 - (ii) display any advertisement related to tobacco products, electronic cigarette products, or nicotine products that promotes the sale, distribution, or use of those products; or
 - (iii) sell, offer for sale, or offer to exchange for any form of consideration, tobacco, tobacco products, electronic cigarette products, or nicotine products.

R384-324-4. Permit Violations.

- ~~[(1)]~~ A proprietor is in violation of the permit issued under this rule if the proprietor violates:
 - ~~[(a) any provision of Title 26B, Chapter 7, Public Health and Prevention;~~
 - ~~[(b) any provision of]~~ (1) licensing laws under Section 10-8-41.6 or Section 17-50-333;
 - ~~[(c) any provision of]~~ (2) Title 26B, Chapter 7, Public Health and Prevention;
 - (3) Title 76, Chapter ~~[40]~~ 9, Part ~~[4]~~ 11, Cigarettes ~~[and]~~, Tobacco, and Psychotoxic Chemical Solvents;
 - ~~[(d) any provision of]~~ (4) Title 76, Chapter ~~[40]~~ 17, Part ~~[46, Pattern]~~ 4, Offenses Concerning Patterns of Unlawful Activity ~~[Act]~~;
 - (e)] any regulation restricting the sale and distribution of cigarettes and smokeless tobacco issued by the United States Food and Drug Administration under 21 ~~[C.F.R. Part]~~ CFR 1140~~[s]~~ (2024); or
 - (f)] any other ~~[provision of]~~ state law or local ordinance regarding the sale, marketing, or distribution of a tobacco product, an electronic cigarette product, or a nicotine product.

R384-324-5. Enforcement.

In enforcing or seeking penalties of any violation as set forth in this rule or Sections 26B-7-515 and ~~[Section]~~ 26B-7-518, the ~~[D]~~ department and local health departments shall comply with the enforcement provisions found in Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Products.

KEY: tobacco, permits, tobacco retailers

Date of Last Change: ~~[November 5, 2023]~~ 2025

Notice of Continuation: July 7, 2023

Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-1-202(26); 26B-7-508(6)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R384-415

Filing ID: 57581

Agency Information

Agency Information		
1. Title catchline:		Health and Human Services, Population Health, Health Promotion and Prevention
Building:		Cannon Health Building
Street address:		288 N 1460 W
City, state:		Salt Lake City, UT
Mailing address:		PO Box 142106
City, state and zip:		Salt Lake City, UT 84114-2106
Contact persons:		
Name:	Phone:	Email:
McKenna Christensen	801-597-0351	tobaccorulescomments@utah.gov
Christal Dent	801-419-1601	tobaccorulescomments@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R384-415. Requirements to Sell Electronic Cigarettes	
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 61 (2024 General Session), HB 21 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>The reason for this change is to align this rule with changes introduced in SB 61 during the 2024 General Session and HB 21 during the 2025 General Session.</p> <p>Specifically, this change aligns the nicotine content limit for electronic cigarettes and Premarket Tobacco Product Application (PMTA)-related requirements with Sections 59-14-810 and 76-9-1101 (renumbered from Section 76-10-101).</p> <p>This change also aligns prohibited sales with those outlined in Section 76-9-1114 (renumbered from Section 76-10-113).</p> <p>Additionally, this change amends Utah Code references to align with Title 76 renumbering.</p>	
5. Summary of the new rule or change:	
<p>This filing defines "electronic cigarette product registry" and changes the nicotine content limit from 360mg/mL for non-manufacturer sealed electronic cigarette substances and 5% for manufacturer sealed electronic cigarette products to 4% nicotine by weight per container or a nicotine concentration of 40mg/mL.</p> <p>Additionally, this filing changes the terminology for prohibited sales to align with Utah Code by reiterating that a retailer is prohibited from selling a product that is not included in the electronic cigarette product registry.</p> <p>This filing also amends Section R384-415-8 to indicate that both manufacturer sealed electronic cigarette products and non-manufacturer sealed electronic cigarette substances are subject to the same nicotine limit requirements.</p> <p>This filing revises product quality requirements to align with changes made by SB 61(2024) by redefining exemptions from violations.</p> <p>Additionally, this filing amends Utah Code references in Title 76 that were renumbered in HB 21(2025).</p> <p>Finally, this amendment makes style and formatting changes according to 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:

Enactment of this amendment is not expected to have any fiscal impact on the state budget, as the proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the nicotine content limit and PMTA requirements for e-cigarettes and updating statutory citations for definitions.

Any fiscal impact, including costs associated with changes in enforcement and providing training on the new restrictions, is the result of changes to statute in those bills and has already been captured in the fiscal note of those bills, which can be reviewed at <https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and

<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

B. Local governments:

Enactment of this amendment is not expected to have any fiscal impact on local governments.

The 13 local health departments enforce requirements in this rule, but the proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the nicotine content limit and PMTA requirements for e-cigarettes and updating statutory citations for definitions.

Any fiscal impact is the result of changes to statute in those bills and has already been captured in the fiscal note of those bills, which can be reviewed at <https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and

<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

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

Enactment of this amendment is not expected to have any fiscal impact on small businesses.

There are some small businesses that primarily rely on the sale of tobacco products (retail tobacco specialty businesses), which operate under the North American Industry Classification System (NAICS) code of 459991.

Other small businesses that sell electronic cigarette products among the other products they choose to sell include (445131) convenience stores, (457110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (424940) tobacco product merchant wholesalers, and (456110) pharmacies and drug stores.

A review of the Utah Department of Workforce Services (DWS) Firm Find Data shows that there are approximately 1,436 small businesses that sell electronic cigarette products in Utah.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the nicotine content limit and PMTA requirements for e-cigarettes and updating statutory citations for definitions.

Any fiscal impact is the result of changes to statute in those bills and has already been captured in the fiscal note of those bills, which can be reviewed at <https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and

<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

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

Enactment of this amendment is not expected to have any fiscal impact on non-small businesses.

There are some non-small businesses that primarily rely on the sale of tobacco products (retail tobacco specialty businesses), which operate under the North American Industry Classification System (NAICS) code of 459991.

Other non-small businesses that sell electronic cigarette products among the other products they choose to sell include (445131) convenience stores, (457110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (424940) tobacco product merchant wholesalers, and (456110) pharmacies and drug stores.

A review of the Utah Department of Workforce Services (DWS) Firm Find Data shows that there are approximately 219 non-small businesses that sell electronic cigarette products in Utah.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the nicotine content limit and PMTA requirements for e-cigarettes and updating statutory citations for definitions.

Any fiscal impact is the result of changes to statute in those bills and has already been captured in the fiscal note of those bills, which can be reviewed at <https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

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**):

Enactment of this amendment is not expected to have any fiscal impact on persons other than businesses or governments.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the nicotine content limit and PMTA requirements for e-cigarettes and updating statutory citations for definitions.

Any fiscal impact is the result of changes to statute in those bills and has already been captured in the fiscal note of those bills, which can be reviewed at <https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (2025).

F. Compliance costs for affected persons:

Enactment of this amendment is not expected to have any compliance costs for affected persons.

The proposed rule changes being made are solely to align this rule with changes introduced in SB 61 (2024) and HB 21 (2025), including updating the nicotine content limit and PMTA requirements for e-cigarettes and updating statutory citations for definitions.

Any fiscal impact is the result of changes to statute in those bills and has already been captured in the fiscal note of those bills, which can be reviewed at <https://le.utah.gov/lfa/fnotes/2024/SB0061S05.fn.pdf> for SB 61 (2024) and <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0021S02.fn.pdf> for HB 21 (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 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-7-505

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:

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:

10/21/2025

R384. Health and Human Services, ~~[Disease Control and Prevention]~~ Population Health, Health Promotion and Prevention.
R384-415. Requirements to Sell Electronic Cigarette Products.

R384-415-1. Authority and Purpose.

(1) ~~[This rule is authorized by]~~ Section 26B-7-505 authorizes this rule.

(2) ~~Th[e purpose of th]is rule [is to]~~ establishes requirements to sell an electronic cigarette product regarding labeling, nicotine content, packaging, and product quality for non-manufacturer sealed electronic cigarette substances and manufacturer sealed electronic cigarette products.

(3) A person may only sell an electronic cigarette substance that is not a manufacturer sealed electronic cigarette substance that is compliant with the established requirements set forth in this rule.

~~[(4) Beginning on July 1, 2021, a person may only sell a manufacturer sealed electronic cigarette product that is compliant with the established requirements set forth in this rule.]~~

~~[(5)]~~ (4) A product in compliance with this rule is not endorsed as safe.

R384-415-2. Definitions.

~~[(As used in this rule:]~~

~~[(1) "Child resistant" means the same as the term "special packaging" is defined in 16 [C.F.R.]CFR 1700.1(a)(4) (2024) and is tested in accordance with the method described in 16 [C.F.R.]CFR 1700.20[-] (2024).]~~

(2) "Department" means the ~~[Utah]~~ Department of Health and Human Services.

(3) "Electronic cigarette" means the same as ~~[that term is]~~ defined in Section 76-~~[40-101]~~9-1101.

(4) "Electronic cigarette product" means the same as ~~[that term is]~~ defined in Section 76-~~[40-101]~~9-1101.

(5) "Electronic cigarette product registry" means the product registry created in Section 59-14-810.

~~[(6)]~~ (6) "Electronic cigarette substance" means the same as ~~[that term is]~~ defined in Section 76-~~[40-101]~~9-1101.

~~[(6)]~~ (7) "Local health department" means the same as ~~[that term is]~~ defined in Subsection 26A-1-102(5).

~~[(7)]~~ (8) "Industrial hemp product" means the same as ~~[that term is]~~ defined in Section 4-41-102.

~~[(8)]~~ (9) "Manufacture" means the same as ~~[that term is]~~ defined in Section 26B-7-501.

~~[(9)]~~ (10) "Manufacturer" means the same as ~~[that term is]~~ defined in Section 26B-7-501.

~~[(10)]~~ (11) "Manufacturer sealed electronic cigarette substance" means the same as ~~[that term is]~~ defined in Section 26B-7-501.

~~[(11)]~~ (12) "Mg/mL" means milligrams per milliliter, a ratio for measuring an ingredient, in liquid form, where accuracy is measured in milligrams per milliliter, or a percentage equivalent.

~~[(12)]~~ (13) "Manufacturer sealed electronic cigarette product" means the same as ~~[that term is]~~ defined in Section 26B-7-501.

~~[(13)]~~ (14) "Nicotine" means the same as ~~[that term is]~~ defined in Section 76-~~[40-101]~~9-1101.

~~[(14)]~~ (15) "Non-manufacturer sealed electronic cigarette substance" means:

(a) an electronic cigarette substance that is not a manufacturer sealed electronic cigarette substance; and

(b) an electronic cigarette substance container the electronic cigarette manufacturer does intend for a consumer to open or refill.

~~[(15)]~~ (16) "Package" or "packaging" means a pack, box, carton, or container of any kind, or if no other container, any wrapping, in which an electronic cigarette substance or a manufacturer sealed electronic cigarette product is offered for sale, sold, or otherwise distributed to consumers.

~~[(16)]~~ (17) "Permit" means the same as ~~[that term is]~~ defined in Section 26B-7-501.

~~[(17)]~~ (18)(a) "Retailer" means any person who sells, offers for sale, exchanges, or offers to exchange for any form of consideration, a non-manufacturer sealed electronic cigarette substance or a manufacturer sealed electronic cigarette product to a consumer.

~~[(b)]~~ (b) This definition is without regard to the quantity of a non-manufacturer sealed electronic cigarette substance or a manufacturer sealed electronic cigarette product sold, offered for sale, exchanged, or offered for exchange.

NOTICES OF PROPOSED RULES

(~~18~~19) "Transaction statement" means a statement, in paper or electronic form, in which the manufacturer transferring ownership of the product certifies that the non-manufacturer sealed electronic cigarette substance or the manufacturer sealed electronic cigarette product is in compliance with the requirements in this rule.

R384-415-3. Labeling.

(1) The retailer shall ensure that a nicotine containing non-manufacturer sealed electronic cigarette substance or a manufacturer sealed electronic cigarette product offered for sale to the consumer features on the product package label the required safety warning stating "WARNING: [-]This product contains nicotine.[-] Nicotine is an addictive chemical."

(2) Consistent with 21 ~~C.F.R.~~CFR 1143.3~~(2024)~~, the safety warning statement~~s~~ required in Subsection (1)~~[-the required safety warning statement must] shall:~~

- ~~(a)~~ appear directly on the package;
- ~~(b)~~ ~~and shall~~ be clearly visible underneath any cellophane or other clear wrapping;~~[-as follows:]~~
- ~~(a)~~(c) be located in a conspicuous and prominent place on the two principal display panels of the package ~~and the~~within a warning area ~~must~~that comprises at least 30% of each of the principal display panels;
- ~~(b)~~(d) be printed in at least 12-point font size, ~~and~~ensuring~~(es)~~ that the required warning statement occupies the greatest possible proportion of the warning area set aside for the required text;
- ~~(e)~~(e) be printed in:
 - ~~(i)~~ conspicuous and legible Helvetica bold type, ~~or~~Arial bold type, or another sans~~[-]serif font~~(s); and
 - ~~(ii)~~ ~~in~~ black text on a white background or white text on a black background in a manner that contrasts by typography, layout, or color, with other printed material on the package;

~~(d)~~(f) be capitalized and punctuated as indicated in Subsection (1); and

~~(e)~~(g) be centered in the warning area ~~in which the text is required to be printed and positioned~~ such that the text of the required warning statement and the other information on the principal display panel have the same orientation.

(3) The retailer shall ensure that a non-manufacturer sealed electronic cigarette substance marketed as nicotine-free and offered for sale to the consumer features a safety warning stating "WARNING: [-]Keep away from children and pets."

(4) The safety warning statement~~s~~ required in Subsection (3) ~~must~~shall appear directly on the package and ~~must~~shall be clearly visible underneath any cellophane or other clear wrapping as follows:

- ~~(a)~~ be located in a conspicuous and prominent place on the two principal display panels of the package and the warning area ~~must~~shall comprise at least 30% of each of the principal display panels;
- ~~(b)~~ be printed in at least 12-point font size and ensures that the required warning statement occupies the greatest possible proportion of the warning area set aside for the required text;
- ~~(c)~~ be printed in conspicuous and legible Helvetica bold or Arial bold type, or other sans~~[-]serif~~ fonts, and in black text on a white background or white text on a black background in a manner that contrasts by typography, layout, or color, consistent with the other printed material on the package;
- ~~(d)~~ be capitalized and punctuated as indicated in Subsection (3); and
- ~~(e)~~ be centered in the warning area in which the text ~~is required to~~shall be printed and positioned such that the text of the required warning statement and the other information on the principal display panel have the same orientation.

(5) A retailer will not be in violation of this section for packaging that:

- ~~(a)~~ contains a health warning;
- ~~(b)~~ is supplied to the retailer by the electronic cigarette product manufacturer, importer, or distributor, who has the required state, local, or tobacco tax license or permit, if applicable; and
- ~~(c)~~ is not altered by the retailer in a way that is material to the requirements of this section.

(6) A non-manufacturer sealed electronic cigarette substance or a manufacturer sealed electronic cigarette product package that would otherwise be required to bear the safety warning in Subsection (1) or (3) but is too small or otherwise unable to accommodate a safety warning label with sufficient space to bear such information is exempt from compliance with the requirement provided that:

- ~~(a)~~ the information and specifications required in Subsections (1) and (3) appear on the carton or other outer container or wrapper if the carton, outer container, or wrapper has sufficient space to bear the information; or
- ~~(b)~~ appear on a tag otherwise firmly and permanently affixed to the non-manufacturer sealed electronic- cigarette substance package or the manufacturer sealed electronic cigarette product package.

(7) In the case of Subsection (6)(a) or (b), the carton, outer container, wrapper, or tag will serve as the location of the principal display panels.

(8) The retailer shall ensure that an industrial hemp product that is a non-manufacturer sealed electronic cigarette substance or an industrial hemp product that is a manufacturer sealed electronic cigarette product is compliant with Title 4, Chapter 41, Part 1, Industrial Hemp and Section R68-26-5, unless:

- ~~(a)~~ an industrial hemp product that is a non-manufacturer sealed electronic cigarette substance marketed as containing nicotine and offered for sale or an industrial hemp product that is a manufacturer sealed electronic cigarette product marketed as containing nicotine and offered for sale is in compliance with the safety warning requirements in Subsections (1) and (2); or
- ~~(b)~~ an industrial hemp product that is a non-manufacturer sealed electronic cigarette substance marketed as nicotine-free and offered for sale is exempt from the safety warning requirements in Subsections (3) and (4) if the product is compliant with Title 4, Chapter 41, Part 1, Industrial Hemp and Section R68-26-5.

R384-415-4. Prohibited Sales.

(1) The retailer shall be prohibited from selling a non-manufacturer sealed electronic cigarette substance or a manufacturer sealed electronic cigarette product that is labeled as containing:

- (a) additives that create the impression that a non-manufacturer sealed electronic cigarette substance or a manufacturer sealed electronic cigarette product has a health benefit;
- (b) additives that are associated with energy and vitality;
- (c) illegal or controlled substances as identified in Section 58-37-3; and
- (d) additives having coloring properties for emissions.

(2) The retailer shall be prohibited from selling an industrial hemp product that is a non-manufacturer sealed electronic cigarette substance or an industrial hemp product that is a manufacturer sealed electronic cigarette product unless it is compliant with Title 4, Chapter 41, Part 1, Industrial Hemp[; ~~Section~~], and Sections R68-26-5[;] and[~~Section~~] R68-33-5.

(3) The retailer shall be prohibited from selling an electronic cigarette substance or an electronic cigarette product that ~~[has received a Premarket Tobacco Product Application (PMTA) denial from the U.S. Food and Drug Administration (FDA), if]~~ is not included in the electronic cigarette product registry.

- ~~_____ (a) no appeal of the PMTA denial was filed; or~~
- ~~_____ (b) all appeals have been exhausted and the PMTA denial was affirmed.~~

]

R384-415-5. Nicotine Content.

~~[(1)]~~ The retailer shall be prohibited from selling a non-manufacturer sealed electronic cigarette substance or a manufacturer sealed electronic cigarette product to the consumer if the product ~~[is not compliant with one of the following]~~ exceeds:

- (1) 4% nicotine by weight per container; or
- ~~_____ (2) a) the nicotine concentration [for an electronic cigarette product or substance that is not subject to a PMTA order from the FDA:] of 40 mg/mL.~~
- ~~_____ (i) for a non-manufacturer sealed electronic cigarette substance is limited to 360 mg nicotine per container, or does not exceed a 24mg/mL concentration of nicotine; or~~
- ~~_____ (ii) for a manufacturer sealed electronic cigarette product is limited to 5% by weight per container or does not exceed a 59mg/mL concentration of nicotine;~~
- ~~_____ (b) the electronic cigarette product or substance received a PMTA denial from the FDA, but FDA or a court orders or otherwise permits ongoing sales during the pendency of an appeal; or~~
- ~~_____ (c) the electronic cigarette product or substance received a PMTA approval from FDA.~~

]

R384-415-6. Packaging.

(1) The retailer shall ensure that the packaging of a non-manufacturer sealed electronic cigarette substance intended for sale to a consumer is certified as child resistant, and compliant with federal standards and law concerning child nicotine poisoning prevention.

(2) The retailer shall sell non-manufacturer sealed electronic cigarette substances and manufacturer sealed electronic cigarette products in the product's original packaging.

(3) The retailer shall be prohibited from repackaging or dispensing any non-manufacturer sealed electronic cigarette substance or any manufacturer sealed electronic cigarette product for retail sale.

(4) The retailer shall be prohibited from refilling a manufacturer sealed electronic cigarette product that is not intended to be opened by a retailer or a consumer.

(5) The retailer shall ensure that an industrial hemp product that is a non-manufacturer sealed electronic cigarette substance or an industrial hemp product that is a manufacturer sealed electronic cigarette product is compliant with Title 4, Chapter 41, Part 1, Industrial Hemp[;] and Rule R68-26.

R384-415-7. Product Quality.

(1) Consistent with 21 U.S.C. Sec 387j, no manufacturer or retailer shall sell, offer for sale, or distribute an electronic cigarette, an electronic cigarette product, or an electronic cigarette substance unless the product complies with each of the relevant electronic cigarette product standards established by the U[.]S[.] Food and Drug Administration under 21 U.S.C. Sec 387g(a)(3).

~~_____ (2) No manufacturer or retailer shall sell, offer for sale, or distribute an electronic cigarette, an electronic cigarette product, or an electronic cigarette substance unless the product has received marketing authorization from the U.S. Food and Drug Administration (FDA) under 21 U.S.C. 387j(e)(1)(A)(i), 21 U.S.C. 387j(a)(2)(A)(i), or 21 U.S.C. 387j(a)(2)(A)(ii) and related FDA regulations, policies, or actions.~~

~~_____ (3) _____ (2) A manufacturer or retailer will not be in violation of Subsection ([2]) and may continue to sell, offer for sale, or distribute an electronic cigarette, an electronic cigarette product, or an electronic cigarette substance if [] it is included in the electronic cigarette product registry.~~

~~_____ (a) the manufacturer or retailer only sells, offers for sale, or distributes an electronic cigarette, an electronic cigarette product, or an electronic cigarette substance that is compliant with the requirements set forth in this rule;~~

~~_____ (b) the manufacturer submitted a timely Premarket Tobacco application or Substantial Equivalent application to the FDA by September 9, 2020, verified by being listed on the FDA's website as a deemed new tobacco product with timely application; and~~

~~_____ (c) the FDA has not issued a written marketing order and therefore the product's Premarket Tobacco application or Substantial Equivalent application is pending review by the FDA.~~

~~_____ (4) This section will take effect on the date that manufacturers are required to secure marketing orders from the FDA to continue marketing their products in the United States.~~

]

R384-415-8. Record Keeping and Testing.

(1) The retailer shall provide the non-manufacturer sealed electronic cigarette substance transaction statements or manufacturer sealed electronic cigarette product transaction statements to the department or the local health department within 14 calendar days of a request. The retailer shall ensure that the transaction statement includes manufacturer certifications that:

- (a) the labeling requirements are compliant with Section R384-415-3;
 - (b) the nicotine content of a non-manufacturer sealed electronic cigarette substance ~~is compliant with Subsection R384-415-5(1)(a) and the nicotine content of~~ and a manufacturer sealed electronic cigarette product is compliant with Subsection R384-415-5(1)(~~b~~);
 - (c) the packaging requirements are compliant with Section R384-415-6; and
 - (d) the product quality requirements are compliant with Section R384-415-7.
- (2) The retailer shall provide evidence that supports the documents described in Subsection ~~[R384-415-8]~~(1) to the department or the local health department within 14 calendar days of a request.
- (3) The retailer shall have access to the documents described in Subsections ~~[R384-415-8]~~(1) and ~~[R384-415-8]~~(2) for a period of two years after the retailer purchases the non-manufacturer sealed electronic cigarette substance or the manufacturer sealed electronic cigarette product.

R384-415-9. Enforcement.

In enforcing or seeking penalties of any violation as set forth in this rule or Section 26B-7-505, the department and local health departments shall comply with the enforcement requirement in Sections 26B-7-514 through 26B-7-520.

KEY: electronic cigarettes, nicotine, Electronic Cigarette Product and Nicotine Product Regulation Act

Date of Last Change: ~~[September 12, 2023]~~2025

Notice of Continuation: December 8, 2020

Authorizing, and Implemented or Interpreted Law: 26B-7-505

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R414-60-5	Filing ID: 57579

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:	
R414-60-5. Limitations	
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 347 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
In accordance with HB 347, passed in the 2025 General Session, the purpose of this change is to allow prescribers to override non-preferred prior authorization for antipsychotic medications when necessary.	

5. Summary of the new rule or change:

This amendment allows prescribers to use a "dispense as written" code to override non-preferred prior authorization for antipsychotic medications when necessary.

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 procedural update for prescribers does not affect current or future appropriations provided by the state for the cost of medications.

B. Local governments:

There is no anticipated fiscal impact to 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 to small businesses, as this procedural update for prescribers does not affect current or future practices, as the "dispense as written" code is already in use.

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 procedural update for prescribers does not affect current or future practices, as the "dispense as written" code is already in use.

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 other persons or entities as this procedural update for prescribers does not affect current or future practices, as the "dispense as written" code is already in use.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for a state entity, a small business, a non-small business, or a single person or entity as a result of this filing. This procedural update for prescribers does not affect current or future appropriations for the cost of medications.

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-1-213

Section 26B-3-108

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:**

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:

10/21/2025

R414. Health and Human Services, Integrated Healthcare.**R414-60. Medicaid Policy for Pharmacy Program.****R414-60-5. Limitations.**

(1) Medicaid may place limitations on drugs in accordance with 42 U.S.C. 1396r-8 or in consultation with the Drug Utilization Review Board. Medicaid includes these limitations in the Pharmacy Services Provider Manual and attachments. These limitations are incorporated by reference in Section R414-1-5 and may include:

- (a) quantity limits or cumulative limits for a drug or drug class for a specified period;
- (b) therapeutic duplication limits, which may be placed on drugs within the same or similar therapeutic categories;
- (c) step therapy, including documentation of therapeutic failure with one drug before another drug may be used; or
- (d) prior authorization.

(2) A pharmacy may dispense a covered outpatient drug that requires prior authorization for up to a 72-hour supply without obtaining prior authorization during a medical emergency.

(3) A drug listed as non-preferred on the Preferred Drug List (PDL) may require prior authorization as authorized by Section 26B-3-105.

(4) A drug may be restricted and is reimbursable only if dispensed by an individual pharmacy or pharmacies.

(5) Medicaid does not cover any drug not eligible for federal medical assistance percentages funds.

(6) Medicaid does not cover any outpatient drug included in the Medicare Prescription Drug Benefit-Part D for any full-benefit dual eligible member.

(7) Medicaid does not cover any drug provided to a member during an inpatient hospital stay, neither as an outpatient pharmacy benefit nor separately payable from the Medicaid payment for the inpatient hospital services.

(8) Medicaid covers prescription cough and cold preparations meeting the definition of a covered outpatient drug.

(9) Medicaid pays for no more than a one-month supply of a covered outpatient drug for each dispensing, except that:

(a) Medicaid may cover a medication on the Utah Medicaid Three-Month Supply Medication List, attachment to the Pharmacy Services Provider Manual, for up to a three-month supply for each dispensing;

(b) Medicaid may cover prenatal vitamins for a pregnant woman, multiple vitamins with or without fluoride for a child who is zero through five years of age, and fluoride supplements for up to a three-month supply for each dispensing;

(c) Medicaid may cover contraceptives for up to a three-month supply for each dispensing; and

(d) Medicaid may cover a long-acting injectable antipsychotic drug in accordance with Section R414-60-12 for up to a three-month supply for each dispensing.

(10) Medicaid pays for a prescription refill only if 80% of the previous prescription has been exhausted, except for a controlled substance. Medicaid pays for a prescription refill for a controlled substance after 85% of the previous prescription has been exhausted.

(11) Medicaid covers treatments for fertility preservation and in vitro fertilization, only as described in the Utah Medicaid Provider Manual, for individuals who receive medical treatment that includes surgery, radiation, chemotherapy, or another medical intervention that poses the risk of sterility or leads to iatrogenic infertility.

- (12) Medicaid does not cover:
- (a) a drug for weight loss, except for specific indications;
 - (b) a drug for the treatment of sexual dysfunction;
 - (c) a drug for cosmetic purposes;
 - (d) vitamins; except for prenatal vitamins for a pregnant woman, vitamin drops for a child who is zero through five years of age, and fluoride supplements;
 - (e) an over-the-counter drug (OTC) not included on the Utah Medicaid PDL and Resources attachment to the Pharmacy Services Provider Manual;
 - ([g]f) a drug for which the manufacturer requires, as a condition of sale, that associated tests and monitoring services are purchased exclusively from the manufacturer or its designee;
 - (g) a drug given by a hospital to a patient at discharge;
 - (h) breast milk, breast milk substitutes, baby food, or medical foods. Prescription metabolic products for congenital errors of metabolism are covered through the Durable Medical Equipment benefit; and
 - (i) a drug available only through a single-source distribution program, unless the distributor is enrolled with Medicaid as a pharmacy provider.
- (13) A claim for opioids used for the treatment of non-cancer pain is subject to the following limitations or restrictions set forth by the Division of Integrated Healthcare (DIH):
- (a) initial fill limits;
 - (b) monthly limits;
 - (c) quantity limits;
 - (d) additional limits for a child or pregnant woman;
 - (e) morphine milligram equivalents (MME) and cumulative morphine equivalents daily (MED) limits;
 - (f) concurrent use of opioids with high-risk drugs as defined by DIH; or
 - (g) concurrent use of opioid medications in members who also receive medication-assisted treatment (MAT) for opioid use disorder.
- (14) An antipsychotic medication prescribed to a Medicaid member who is 19 years of age or younger is limited as follows:
- (a) no use of multiple antipsychotic drugs;
 - (b) no off-label use;
 - (c) no use outside established age guidelines; and
 - (d) no doses higher than FDA recommendations.
- (15) An exception may be granted as appropriate through the prior authorization process.
- (16) An attention-deficit/hyperactivity disorder (ADHD) stimulant medication is subject to the following limitations or restrictions set forth by DIH for Medicaid members:
- (a) age limits;
 - (b) monthly limits;
 - (c) quantity limits;
 - (d) cross-class limitations for concurrent use of an amphetamine class with methylphenidate class in children less than 18 years of age; or
 - (e) the use of no more than two ADHD stimulants by a member of any age.
- (17) Medicaid evaluates exceptions to ADHD stimulant policy for medical necessity on a case-by-case basis.
- (18) The "dispense as written" DAW-1 code may override the non-preferred prior authorization for antipsychotic medications if the prescriber writes "dispense as written" on a prescription.

KEY: Medicaid**Date of Last Change:** ~~October 9, 2025~~ **2025****Notice of Continuation:** March 11, 2022**Authorizing, and Implemented or Interpreted Law:** 26B-1-213; 26B-3-108**NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Rule or section number:****R438-15****Filing ID:** 57618**Agency Information**

1. Title catchline:	Health and Human Services, Disease Control and Prevention, Laboratory Services
Building:	Utah Public Health Laboratory
Street address:	4431 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 31431
City, state and zip:	Taylorsville, UT 84129

Contact persons:		
Name:	Phone:	Email:
Mary Rindler	801-584-8256	mlrindler@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:	
R438-15. Newborn Screening	
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 363 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>This rule is being amended to reflect changes regarding the retention of blood spots introduced in HB 363 during the 2025 General Session.</p> <p>Additionally, the Newborn Screening Advisory Committee has recommended an addition to the list of screened disorders, and this amendment follows that recommendation.</p> <p>After internal review, the Department of Health and Human Services (department) also decided it is appropriate to remove Section R438-15-3, Newborn Screening Advisory Committee, from this rule, as that committee's criteria and responsibilities should instead come through policy.</p>	
5. Summary of the new rule or change:	
<p>This amendment updates this rule to state that parents shall be provided educational materials and the relevant retention policy from the department.</p> <p>This change also states that parents are required to sign a consent form if the parents desire that a sample be retained for up to seven years, according to department policy.</p> <p>Parents may also elect for a sample to be destroyed 90 days after testing is completed. If consent is not signed or received, this amendment states that the sample will be destroyed 90 days from the date of collection.</p> <p>This amendment also adds Mucopolysaccharidosis Type II to the Newborn Screening Panel listed in Section R438-15-4, per the recommendation of the Newborn Screening Advisory Committee.</p> <p>Additionally, this amendment removes the section related to the Newborn Screening Advisory Committee.</p> <p>Finally, this filing makes style and formatting changes to comply with the Rulewriting Manual for Utah and to align with other rules under the department.</p>	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>Costs related to the implementation of changes from HB 363 (2025), including printing costs for information going to parents and personnel costs for implementing changes, are not a result of this rule and have been identified and captured in the fiscal note for HB 363 (2025), available at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0363S03.fn.pdf.</p> <p>The addition of Mucopolysaccharidosis Type II testing increases the cost of each screening by \$2.</p> <p>Overall, Utah screened for 48,021 births in 2024. Using this as an estimate, the department anticipates an additional annual cost of \$96,042 (\$2 x 48,021 births). 2024 Medicaid data indicates that 28.64% of Utah births are Medicaid eligible, meaning approximately 13,753 births (28.64% of 48,021 births) in 2024. Therefore, the anticipated annual cost to Medicaid is estimated to be \$27,506 (\$2 x 13,753).</p>

This amendment may also lead to an inestimable savings, although it is impossible to estimate that savings, as it is unknown how many newborns will test positive for Mucopolysaccharidosis Type II and what treatment would be necessary.

Medical literature indicates that screening for this condition will identify one case every two years in 50,000 births. Early identification results in a decrease in hospitalizations, unnecessary testing, and treatments for newborns identified with this disorder. Each child not identified through newborn screening may require more hospitalization and testing before the disorder is identified.

The removal of provisions related to the Newborn Screening Advisory Committee are not anticipated to have a fiscal impact because that committee is still expected to exist through policy and carry out the same responsibilities as it did before this filing.

B. Local governments:

Costs related to the implementation of changes from HB 363 (2025), including printing costs for information going to parents, are not a result of this rule and have been identified and captured in the fiscal note for HB 363 (2025), available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0363S03.fn.pdf>.

Local governments will not have any additional requirements or restrictions as a result of adding Mucopolysaccharidosis Type II testing, so no fiscal impact is anticipated.

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

Costs related to the implementation of changes from HB 363 (2025), including printing costs for information going to parents, are not a result of this rule and have been identified and captured in the fiscal note for HB 363 (2025), available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0363S03.fn.pdf>.

Based on 2024 data, 930 births were performed by 40 small businesses, comprising of midwives that would be impacted by the cost of \$2 with the addition of Mucopolysaccharidosis Type II testing.

This additional cost of \$2 per test is then passed to Medicaid, third party payers, or parents or legal guardians.

Based on the same number of 930 births affecting 40 small businesses at a cost of \$2 each, the total yearly cost to small businesses is anticipated to be approximately \$1,860.

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

Costs related to the implementation of changes from HB 363 (2025) are not a result of this rule and have been identified and captured in the fiscal note for HB 363 (2025), available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0363S03.fn.pdf>.

Based on 2024 data, 46,517 births were performed by 47 hospitals.

Based on the same number of 46,517 births affecting non-small businesses at a cost of \$2 each, as a whole is anticipated to be approximately \$65,528 to hospitals, excluding Medicaid patients. ($\$2 \times 46,517 = \$93,034$; $\$93,034 - \$27,506 = \$65,528$)

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**):

Costs related to the implementation of changes from HB 363 (2025) are not a result of this rule and have been identified and captured in the fiscal note for HB 363 (2025), available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0363S03.fn.pdf>.

Based on 2024 data, a total of 574 births affecting 47 individual midwives would be impacted by the additional cost of \$2 with the addition of Mucopolysaccharidosis Type II testing.

The additional cost of \$2 per test is passed to Medicaid, third party payers, or parents or legal guardians.

Based on the same number of 574 births affecting 47 individuals at a cost of \$2 each, the total yearly cost to these other persons is anticipated to be approximately \$1,148.

F. Compliance costs for affected persons:

Costs related to the implementation of changes from HB 363 (2025) are not a result of this rule and have been identified and captured in the fiscal note for HB 363 (2025), available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0363S03.fn.pdf>.

The addition of Mucopolysaccharidosis Type II, to the newborn screening panel will introduce a compliance cost of \$2 for every test to Medicaid, third party payers, or parents or legal guardians.

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	\$27,506	\$27,506	\$27,506	\$27,506	\$27,506
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$1,860	\$1,860	\$1,860	\$1,860	\$1,860
Non-Small Businesses	\$65,528	\$65,528	\$65,528	\$65,528	\$65,528
Other Persons	\$1,148	\$1,148	\$1,148	\$1,148	\$1,148
Total Fiscal Cost	\$96,042	\$96,042	\$96,042	\$96,042	\$96,042
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	(\$96,042)	(\$96,042)	(\$96,042)	(\$96,042)	(\$96,042)

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:

Subsection 26B-4-319(1)	Subsection 26B-4-319(2)	
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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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	10/24/2025
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R438. Health and Human Services, Disease Control and Prevention, Laboratory Services.

R438-15. Newborn Screening.

R438-15-1. ~~Purpose and Authority and Purpose.~~

(1) ~~[The purpose of]~~ Sections 26B-4-319 and 26B-1-202 authorize this rule ~~[is to facilitate]~~.

(2) This rule facilitates early detection, prompt referral, and treatment through screening of newborns for certain conditions.

~~[(7) Sections 26B-4-319 and 26B-1-202 authorize this rule.]~~

R438-15-2. Definitions.

(1) "Abnormal test result" means a result that is outside of the normal range for a given test.

(2) "Appropriate specimen" means a blood specimen submitted on the Utah Newborn Screening form that conforms with the criteria in Section R438-15-9.

(3) "Blood spot" means a clinical specimen submitted on the paper of the newborn screening form using the heel stick method.

(4) "Department" means the ~~Utah~~ Department of Health and Human Services.

(5) "Follow up" means tracking any newborn with an abnormal result, inadequate or unsatisfactory specimen, or a quantity not sufficient specimen through to a normal result or confirmed diagnosis and referral.

(6) "Health care provider" means a person licensed by the Department of Commerce, Division of Professional Licensing to practice medicine, naturopathy, or chiropractic or to be a nurse practitioner, as well as the licensed or unlicensed midwife who takes responsibility for delivery or the ongoing health care of a newborn.

(7) "Inadequate specimen" means a specimen determined by the Newborn Screening Laboratory to be unacceptable for testing.

~~[(7)]~~ (8) "Indeterminate result" means a result that requires another specimen to determine normal or abnormal status.

~~[(8)]~~ (9) "Institution" means a hospital, alternate birthing facility, or midwife service in Utah that provides maternity or nursery services ~~or both~~.

~~[(9) "Health care provider" means a person licensed by the Department of Commerce, Division of Professional Licensing to practice medicine, naturopathy, or chiropractic or to be a nurse practitioner, as well as the licensed or unlicensed midwife who takes responsibility for delivery or the on-going health care of a newborn.]~~

(10) "Metabolic ~~[diseases]~~disease" means ~~[those diseases]~~a disease screened by the department which ~~[are]~~is caused by an inborn error of metabolism.

(11) "Newborn screening form" means the department's demographic form with the attached Food and Drug Administration (FDA)-approved filter paper medical collection device.

(12) "Quantity not sufficient specimen" or "QNS specimen" means a specimen that the laboratory has partially tested but that does not have enough blood available to complete the full testing.

(13) "Unsatisfactory specimen" means an inadequate specimen.

R438-15-3. ~~Newborn Screening Advisory Committee.~~

~~(1) Newborn Screening Advisory Committee shall be composed of at least nine members as follows:~~

~~(a) an individual with an advanced degree in genetics or other relevant field, who will serve as chair;~~

~~(b) a representative from the Utah Hospital Association;~~

~~(c) a community pediatrician;~~

~~(d) the Deputy or Assistant Deputy of the Clinical Services Section;~~

~~(e) an advocate or a consumer of a newborn screening services;~~

~~(f) clinical consultants for the Newborn Screening program;~~

~~(g) a representative from the Utah Public Health Laboratory;~~

~~(h) a representative from the Newborn Screening Follow-up Program; and~~

~~(i) a representative with knowledge about disorders considered for future addition to the Newborn Screening Panel from the research community.~~

~~(2) The Department Executive Director shall approve committee membership with counsel from the advisory committee.~~

~~(3) The term of committee members shall be four years.~~

~~(a) Members may serve up to three additional terms as requested.~~

~~(b) If a vacancy occurs in the committee membership, a replacement shall be appointed for the unexpired term in the same manner as the original appointment.~~

~~(c) A majority of the committee constitutes a quorum at any meeting. If a quorum is present, the action of the majority of members shall be the action of the advisory committee.~~

~~(4) The committee shall:~~

~~(a) advise the department on policy issues related to newborn screening services;~~

~~(b) provide guidance to programs and functions within the department having to do with newborn screening services and~~

~~(c) evaluate potential tests that could be added to newborn or population screening and make recommendations to the department.~~

R438-15-4. Implementation.

(1) The health care provider shall submit a sample for each newborn in the state ~~[to the]~~for newborn screening testing, except as provided in Section R438-15-12.

(2) The department, after consulting with the Newborn Screening Advisory Committee, ~~[will]~~shall determine the disorders on the Newborn Screening Panel, based on demonstrated effectiveness and available funding. ~~[-Disorders for which the-]~~The laboratory [screens the] shall screen infant blood [are] for the following disorders:

~~(a) [biotinidase deficiency;~~

~~(b) congenital adrenal hyperplasia;~~

~~(c) congenital hypothyroidism;~~

NOTICES OF PROPOSED RULES

- ~~_____ (d) galactosemia;~~
- ~~_____ (e) hemoglobinopathy;~~
- ~~_____ (f) amino acid metabolism disorders:~~
- ~~_____ (i) [phenylketonuria]argininemia;~~
- ~~_____ (ii) [tyrosinemia type I];~~
- ~~_____ (iii) tyrosinemia type 2;~~
- ~~_____ (iv) tyrosinemia type 3;~~
- ~~_____ (v) maple syrup urine disease;~~
- ~~_____ (vi) homocystinuria;~~
- ~~_____ (vii) citrullinemia;~~
- ~~_____ (viii) argininosuccinic aciduria;~~
- ~~[_____ (ix) argininemia;~~
- ~~_____ (x) (iii) citrullinemia;~~
- ~~_____ (iv) homocystinuria;~~
- ~~_____ (v) hyperprolinemia type [2]II;~~
- ~~_____ (vi) maple syrup urine disease;~~
- ~~_____ (vii) phenylketonuria;~~
- ~~_____ (viii) tyrosinemia type I;~~
- ~~_____ (ix) tyrosinemia type II; and~~
- ~~_____ (x) tyrosinemia type III;~~
- ~~_____ (b) biotinidase deficiency;~~
- ~~_____ (c) congenital adrenal hyperplasia;~~
- ~~_____ (d) congenital hypothyroidism;~~
- ~~_____ (e) cystic fibrosis;~~
- ~~_____ (f) guanidinoacetate methyltransferase deficiency;~~
- ~~_____ (g) fatty acid oxidation disorders:~~
- ~~_____ (i) [medium]carnitine acylcarnitine translocase deficiency;~~
- ~~_____ (ii) carnitine palmitoyl transferase I deficiency;~~
- ~~_____ (iii) carnitine palmitoyl transferase II deficiency;~~
- ~~_____ (iv) long chain 3-OH acyl [eoA]CoA dehydrogenase deficiency;~~
- ~~_____ (ii) very long]v) medium chain acyl [eoA]CoA dehydrogenase deficiency;~~
- ~~_____ (iii) short chain]vi) multiple acyl [eoA]CoA dehydrogenase deficiency;~~
- ~~_____ (iv) long]vii) short chain 3-OH acyl [eoA]CoA dehydrogenase deficiency;~~
- ~~_____ (v) short chain [3-OH]acyl [eoA]CoA dehydrogenase deficiency;~~
- ~~_____ (vi)ix) primary carnitine deficiency;~~
- ~~[_____ (vii) carnitine palmitoyl transferase I deficiency;~~
- ~~_____ (viii) carnitine palmitoyl transferase 2 deficiency;~~
- ~~_____ (ix) carnitine acylcarnitine translocase deficiency;~~
- ~~]_____ (x) [multiple]very long chain acyl [eoA]CoA dehydrogenase deficiency;~~
- ~~_____ (h) galactosemia;~~
- ~~_____ (i) hemoglobinopathy;~~
- ~~_____ (j) mucopolysaccharidosis type I;~~
- ~~_____ (k) mucopolysaccharidosis type II;~~
- ~~_____ (l) organic acids disorders:~~
- ~~_____ (i) [propionic acidemia;~~
- ~~_____ (ii) methylmalonic acidemia;~~
- ~~_____ (iii) malonic aciduria;~~
- ~~_____ (iv) isovaleric acidemia;~~
- ~~_____ (v)]2-[methylbutyryl eoA]methyl-3-OH-butryl-CoA dehydrogenase deficiency;~~
- ~~_____ (ii) 2-methylbutyryl CoA dehydrogenase deficiency;~~
- ~~_____ (iii) 3-methylcrotonyl CoA carboxylase deficiency;~~
- ~~_____ (iv) 3-hydroxy-3-methyl glutaryl CoA lyase deficiency;~~
- ~~_____ (v) 3-ketothiolase deficiency;~~
- ~~_____ (vi) glutaric acidemia type I;~~
- ~~_____ (vii) holocarboxylase synthase deficiency;~~
- ~~_____ (viii) isobutyryl [eoA dehydrogenase deficiency;~~
- ~~_____ (vii) 2-methyl 3-OH-butryl eoA]CoA dehydrogenase deficiency;~~
- ~~_____ (viii) glutaric]ix) isovaleric acidemia[type I];~~
- ~~[_____ (ix) 3-methylcrotonyl eoA carboxylase deficiency;~~
- ~~]_____ (x) [3-ketothiolase deficiency]malonic aciduria;~~
- ~~[_____ (xi) 3-hydroxy 3-methyl glutaryl eoA lyase deficiency;~~
- ~~]_____ (xi) methylmalonic acidemia; and~~

- (xii) ~~[holocarboxylase synthase deficiency;]~~ propionic acidemia;
- ~~[(i) cystic fibrosis;~~
- ~~[(j) (m) pompe disease;~~
- ~~(n) severe combined immunodeficiency syndrome;~~
- ~~[(k) disorders of creatine metabolism;~~
- ~~[(l) (o) spinal muscular atrophy; and~~
- ~~[(m) p] x-linked adrenoleukodystrophy[;~~
- ~~(n) pompe disease; and~~
- ~~(o) mucopolysaccharidosis type I].~~

R438-15-[5]4. Responsibility for Collection of the First Specimen.

- (1) If the newborn is born in an institution, the institution ~~[must]~~shall collect and submit an appropriate specimen, unless the newborn is transferred to another institution ~~[prior to]~~before 24 hours of age.
- (2) If the newborn is born outside of an institution, the practitioner or other person primarily responsible for ~~[providing assistance to]~~assisting the mother at the birth ~~[must]~~shall arrange for the collection and submission of an appropriate specimen.
- (3) If there is no other person in attendance of the birth, the parent or legal guardian ~~[must]~~shall arrange for the collection and submission of an appropriate specimen.
- (4) If the newborn undergoes a transfer to another institution ~~[prior to]~~before 24 hours of age, the receiving health institution ~~[must]~~shall collect and submit an appropriate specimen.

R438-15-[6]5. Timing of Collection of First Specimen.

- (1) The first specimen shall be collected between 24 and 48 hours of the newborn's life, except as outlined in Subsection ~~[R438-15-6](2)~~.
- (2) If the newborn is discharged from an institution before 24 hours of age, a specimen ~~[must]~~shall be collected within two hours of discharge.
- (3)(a) If the newborn is to receive a blood transfusion or dialysis, a specimen ~~[must]~~shall be collected ~~[prior to]~~before the procedure, unless an emergency situation prevents sufficient time for collection.
- (b) If the newborn receives a blood transfusion or dialysis ~~[prior to]~~before collecting the appropriate specimen, the health care provider ~~[must]~~shall:
 - ~~[(a) repeat] (i) collect initial screen no later than the [collection and submission]seventh day of [an appropriate specimen 7-10]life;~~
 - (ii) collect second screen seven to ten days after last transfusion or dialysis for a second screening specimen; and
 - ~~[(b) repeat the collection and submission of an appropriate specimen 120 days after last transfusion or dialysis for a first screening specimen.~~
 - (iii) if a hemoglobin pattern is abnormal on the first screen, collect a repeat screen after 120 days of life to evaluate the hemoglobin pattern.

R438-15-[7]6. Parent Education.

The person who has responsibility under Section R438-15-5 shall:

- (1) inform and provide educational material to the parent or legal guardian of the required collection~~[-and]~~, submission, and the screened disorders~~[-screened. That person shall];~~
- (2) provide a copy of the privacy consent for retention form describing the purposes for retained dried blood spot and the newborn screening retention policy for the dried blood spot sample for parent or legal guardian signature;
- (3) return the signed consent for retention form to the Newborn Screening Program; and
- (4) give the second half of the newborn screening form to the parent or legal guardian with instructions on how to arrange for collection and submission of the second specimen.

R438-15-[8]7. Timing of Collection of the Second Specimen.

- (1) A health care provider shall collect a second specimen from the newborn between 7 and 16 days of age.
- (2) The parent or legal guardian shall arrange for the collection and submission of the appropriate second specimen through an institution, health care provider, or local health department.
- (3) If the health care provider obtains a newborn's first specimen ~~[prior to]~~before 24 hours of age, the second specimen must be collected by 14 days of age.
- (4) If the newborn is to be hospitalized beyond the seventh day of life, the institution must arrange for the collection and submission of the appropriate second specimen.

R438-15-[9]8. Criteria for Appropriate Specimen.

- (1) The institution or health care provider collecting the appropriate specimen~~[-must]~~:
 - (a) shall use only ~~[a]~~the newborn screening form purchased from the department;
 - (b) shall correctly store the newborn screening form in a cool, dry place, away from direct sunlight or heat source;
 - (c) ~~[not use]~~shall complete each part of the newborn screening form~~[-beyond the date of expiration];~~, except as described in Subsection (4);

NOTICES OF PROPOSED RULES

(d) shall collect blood in such a way as to not [alter] cause serum or tissue fluids to separate from the [newborn screening form in any way] blood;

(e) [complete all information on the newborn screening form;

(f) shall apply sufficient blood to the filter paper;

[(g) not contaminate the filter paper with any foreign substance;

(h) not tear, perforate, scratch, or wrinkle the filter paper;

(i) shall apply blood evenly to one side of the filter paper and ensure it soaks through to the other side;

(j) shall apply blood to the filter paper in a manner that does not cause caking;

[(k) collect the blood in such a way as to not cause serum or tissue fluids to separate from the blood;

(l) shall dry the specimen properly; [and]

[(m) may not alter the newborn screening form in any way;

(j) may not contaminate the filter paper with any foreign substance;

(k) may not tear, perforate, scratch, or wrinkle the filter paper;

(l) may not remove the filter paper from the newborn screening form; and

(m) may not use the newborn screening form beyond the form's date of expiration.

(2) The institution or health care provider shall submit the completed newborn screening form to the Utah Department of Health and Human Services, Newborn Screening Laboratory, 4431 South 2700 West, Taylorsville, Utah 84129.

(a) The newborn screening form shall be placed in an envelope large enough to accommodate [it] the form without folding the form.

(b) If mailed, the newborn screening form must shall be [placed in] provided to the [U.S.] US Postal [system] Service within 24 hours of the [time the] appropriate [specimen was collected] specimen's collection.

(c) If hand-delivered, the newborn screening form must shall be delivered within 48 hours of the [time the] appropriate [specimen was collected] specimen's collection.

(3) The Legislature sets the fee for newborn screening and the newborn screening form.

(4) If the infant is undergoing adoption, the following may be omitted from newborn screening form:

(a) infant's last name;

(b) birth mother's name;

(c) address; and

(d) [and] telephone number.

(5) The institution or health care provider shall include an identifying name and a contact person on the newborn screening form.

R438-15-~~14~~9. Abnormal Result.

(1)(a) If the department finds an abnormal result consistent with a disease state, the department shall send written notice to the health care provider noted on the newborn screening form.

(b) If the department finds an indeterminate result on the first screening, the department shall determine whether to send a notice to the health care provider based on the results on the second screening specimen.

(2) The department may require the health care provider to collect and submit additional specimens for screening or confirmatory testing. [-] The department may pay for the initial confirmatory testing on the newborn requested by the department. [-] The department may recommend additional diagnostic testing to the health care provider. [-] The cost of additional testing the department recommends is not covered by the department.

(3) The health care provider shall collect and submit specimens within the [time frame] timeframe and in the manner instructed by the department.

(4) As instructed by the department or the health care provider, the parent or legal guardian of a newborn identified with an abnormal test result shall promptly take the newborn to the health care provider to have an appropriate specimen collected.

(5) The health care provider who makes the final diagnosis shall complete a diagnostic form and return it to the department within 30 days of the notification letter from the department.

R438-15-1~~4~~0. Inadequate or Unsatisfactory Specimen~~[-]~~ or QNS Specimen.

(1) If the department finds an inadequate or unsatisfactory specimen~~[-]~~ or a QNS specimen, the department shall inform the institution or health care provider noted on the newborn screening form.

(2)(a) The institution or health care provider that submitted the inadequate or unsatisfactory~~[-]~~ specimen or QNS specimen~~[-]~~ shall submit an appropriate specimen, in accordance with Section R438-15-9.

(b) The responsible institution or health care provider shall collect and submit the new specimen within two days of notice, and the responsible institution or health care provider shall label the form for testing~~[-]~~ as directed by the department.

(3) The parent or legal guardian of a newborn identified with an inadequate or unsatisfactory specimen or QNS specimen shall promptly take the newborn to the institution or health care provider to have an appropriate specimen collected.

R438-15-1~~2~~1. Testing Refusal.

(1) A parent or legal guardian may refuse to allow the required testing for religious reasons.

(2) The health care provider or institution shall file in the newborn's record documentation of refusal, reason, education of family about the disorders, and a signed waiver by both parents or legal [guardian.] guardians.

(3) The practitioner or institution shall submit a copy of the refusal to the Utah Department of Health and Human Services, Newborn Screening Program, P.O. Box 144710, Salt Lake City, UT 84114-4710.

R438-15-1[3]2. Access to Medical Records.

(1) The department shall have access to the medical records of a newborn to identify the health care provider ~~or any reason an~~ appropriate specimen was not collected ~~or~~ to collect missing demographic information.

(2) The institution shall enter the newborn screening form number, also known as the Birth Record Number, into the Vital Records database and the Newborn Hearing Screening database.

R438-15-1[4]3. Noncompliance by Parent or Legal Guardian.

If the health care provider or institution has information that leads ~~to~~ the provider or institution to believe that the parent or legal guardian is not complying with this rule, the health care provider or institution shall report such noncompliance as medical neglect to the department.

R438-15-1[5]4. Confidentiality and Related Information.

(1) The department releases test results to the institution of birth for first specimens and to the health care provider for the second specimen, as noted on the newborn screening form.

(2) The department notifies the health care provider noted on the newborn screening form of any results that require follow up.

(3) The department releases information to the health care provider or other health practitioner on a need ~~to~~ ~~to~~ ~~know~~ basis. ~~Release may be oral, by a hard copy of results, or electronically by authorized access.~~

(4) Upon request ~~of~~ from the parent or guardian, the department may release results ~~as~~ as directed in the release form.

(5) ~~All requests~~ Each request for test results or records ~~are~~ is governed by Title 26B, Chapter 8, Part 4, Health Statistics.

(6) The department may release information in summary, statistical, or other forms that do not identify an individual.

(7) A testing laboratory that analyzes newborn screening samples for the department may not release information or samples without the department's express written direction.

R438-15-1[6]5. Blood Spots.

(1) Once received by the laboratory ~~the~~, each blood ~~spots become~~ spot becomes the property of the department.

(2) The department includes information about the department's policy on the retention and use of residual newborn blood spots in the parent education materials.

(3) The department may use residual blood spots for newborn screening quality assessment activities.

(4) The department may release blood spots for research to a person if the person ~~applies in writing~~ submits a written proposal to the department for approval.

(a) The proposal shall include a written protocol for the proposed research, the person's professional qualifications to perform the proposed research, and other information ~~if~~ if needed and requested by the department.

(b) The department shall de-identify each blood ~~spots it~~ spot that the department releases unless ~~it~~ the department obtains informed consent ~~of~~ from a parent or guardian to release identifiable samples.

(c) The department's internal review board shall approve ~~all~~ any blood spot research.

R438-15-1[7]6. Retention of Blood Spots.

(1) The department retains blood spots for a minimum of 90 days.

(2) ~~Prior to~~ Before disposal, the department shall de-identify ~~and autoclave~~ the blood spots.

(3)(a) On a form provided by the department, the parent or legal guardian shall indicate:

(i) consent to the storage of the specimen for seven years, after which the specimen shall be destroyed;

(ii) that the parent or legal guardian does not consent to the storage of the specimen, and the sample will be destroyed after 90 days.

(b) If the parent or legal guardian does not return the form or indicate a preference, as described in Subsection (3)(a), the department retains the blood spot for 90 days and destroys the blood spot after 90 days.

R438-15-1[8]7. Reporting of Disorders.

If a diagnosis is made for one of the disorders screened by the department that was not identified by the department, the health care provider shall report ~~it~~ the diagnosis to the department.

R438-15-1[9]8. Statutory Penalties.

Any health care provider or institution responsible for submission of a newborn ~~screen~~ screening that violates ~~any provision of~~ this rule may be assessed a civil money penalty, as provided in Subsection 26B-1-224(2).

KEY: health care, newborn screening

Date of Last Change: ~~November 6, 2023~~ 2025

Notice of Continuation: January 26, 2023

Authorizing, and Implemented or Interpreted Law: 26B-1-202; 26B-1-432

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R455-11

Filing ID: 57564

Agency Information

1. Title catchline:	Cultural and Community Engagement, History	
Street address:	3760 S Highland Dr	
City, state:	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:	
R455-11. Historic Preservation Tax Credit	
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 350 (2022 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of the change is to align with current statute.	
5. Summary of the new rule or change:	
The current rule is being repealed in its entirety to create a new rule and rule sections for the new office of the State Historic Preservation Office created by HB 350 in the 2022 General Session.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
No fiscal impact. This information is being moved to a new rule under Title R453.	
B. Local governments:	
No fiscal impact. This information is being moved to a new rule under Title R453.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
No fiscal impact. This information is being moved to a new rule under Title R453.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
No fiscal impact. This information is being moved to a new rule under Title R453.	
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. This information is being moved to a new rule under Title R453.	
F. Compliance costs for affected persons:	
No fiscal impact. This information is being moved to a new rule under Title R453.	

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 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 9-8-205	Section 59-7-609	Section 59-10-1006
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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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	10/17/2025
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R455. Cultural and Community Engagement, History.

~~R455-11. Historic Preservation Tax Credit.~~

~~R455-11-1. Authority.~~

~~_____ (1) Sections 59-7-609 and 59-10-1006 allow for a historic preservation tax credit by the Utah State Tax Commission and provide for certain duties of the Division of State History and the State Historic Preservation Office.~~

~~_____ (2) Section 9-8-205 provides that the Board of State History and the Division shall make policies and rules to direct the Division Director in the carrying out of their duties.~~

~~R455-11-2. Purpose.~~

~~_____ The purposes of this rule are: (1) to ensure an orderly process by the Division of State History and the State Historic Preservation Office, (2) to allow for appeal and judicial review of decisions, and (3) to ensure that rehabilitation work on historic preservation tax credit projects meets the Secretary of the Interior's "Standards for Rehabilitation."~~

~~R455-11-3. Applicability.~~

~~This rule applies to applications and proceedings under Sections 59-7-609 and 59-10-1006.~~

~~R455-11-4. Definitions.~~

~~As used in this rule:~~

~~(1) "State Historic Preservation Office" means the Office of Preservation within the Division of State History known hereafter as Office.~~

~~(2) "Director" means the Director of the Division of State History.~~

~~(3) "Office" means the Office of Historic Preservation within the Division of State History.~~

~~(4) "Division" means the Division of State History.~~

~~(5) "Historic Preservation Tax Credit" means any tax credit allowed by the Utah State Tax Commission pursuant to Section 59-7-609 or Section 59-10-1006.~~

~~(6) "Project" means the entire scope and course of work on any building and accompanying site for which an applicant is seeking the historic preservation tax credit.~~

~~(7) "Applicant" means any person or entity that is seeking a historic preservation tax credit.~~

~~(8) "Standards" means the Secretary of Interior's "Standards for Rehabilitation" as promulgated under the authority of the National Historic Preservation Act, 54 U.S.C. 300101 et seq.~~

~~(9) "National Register" means the National Register of Historic Places maintained pursuant to the National Historic Preservation Act, 54 U.S.C. 300101 et seq.~~

~~(10) "Anticipatory construction, demolition, or alteration" means any rehabilitation-related action that does not meet the "Standards" taken with prior knowledge and in intentional disregard of the "Standards" or after having received Division comments.~~

~~R455-11-5. Application for Historic Preservation Tax Credit.~~

~~(1) Any person or entity seeking the historic preservation tax credit shall, before completion of the rehabilitation project, apply to the Office for certification of historic significance and approval of the proposed or ongoing rehabilitation work. The applications shall be on forms approved by the Office. The applicant shall complete the applications in whole and shall provide other information requested relative to the project including adequate pre-rehabilitation photographs and other required documentation.~~

~~(2) The Office shall consult with the applicant and provide historic and technical advice and assistance subject to budgetary and management constraints, as necessary to assist the applicant in applying for the historic preservation tax credit. The Office shall review the application within 30 days of receipt to determine if the proposed or ongoing rehabilitation work meets the "Standards."~~

~~(3) If the Office determines the project meets the "Standards" and that no anticipatory construction, demolition, or alteration has occurred, the Office shall provide the applicant with written approval of the proposed or ongoing work along with any further comments or conditions deemed necessary.~~

~~(4) If after full consultation the Office determines the project does not meet the "Standards," that anticipatory construction, demolition, or alteration has occurred, or the building is not a certifiable historic building, the Office shall notify the applicant in writing of the decision, set forth the basis of the decision, and detail the process to appeal the decision. The applicant or other interested party may request a review of the decision as set forth in R455-11-9.~~

~~R455-11-6. Execution of Project.~~

~~(1) During the project, the Office shall be available for continuing consultation subject to budgetary and management constraints. If the applicant desires to change the approved work plan, the applicant shall make such request for a change on a form approved by the Office and shall be governed by Rule R455-11-5.~~

~~(2) The applicant shall allow access and observation of the project building at any reasonable time upon request of the Office.~~

~~R455-11-7. Certification of Completed Work.~~

~~(1) Upon completion of the project, the applicant shall request certification of completed work in writing on a form approved by the Office and shall provide other information requested by the Office relative to the project. The applicant shall allow access to the project for final observation by the Office if necessary in determining if the work conforms with the approved plan.~~

~~(2) At this time the applicant shall also submit a complete National Register nomination if the building is not already listed in the National Register as set forth in R455-11-10.~~

~~(3) The final Office review shall be in writing and shall be forwarded to the applicant within 30 days of receipt of a complete application.~~

~~R455-11-8. Issuance of Authorization Form and Certification Number.~~

~~If the Office determines the work was completed in accordance with the approved plan and meets the "Standards," the Office shall issue an authorization form provided by the Utah State Tax Commission, including the unique certification number. If any request for review is sought, the Office shall not issue the authorization form or unique certification number until the review results in approval of the project.~~

~~R455-11-9. Request for Review and Appeal Proceedings.~~

~~(1) All proceedings under Rule R455-11 with regard to the historic preservation tax credit are informal.~~

~~(2) The applicant or any interested person may seek review of the decision of the Office by filing a request for review with the Director. The request for review shall set forth in detail that portion of the decision of the Office for which review is sought, and on what basis~~

the decision was inconsistent with the facts or "Standards." Copies of the request for review shall be sent to the applicant and to any other party who has expressed interest in the proceeding as appropriate. Any such request for review must be filed with the Director within 30 days of the decision of the Office.

(3) The applicant or any interested person may file with the Director a response to the request for review within 15 days of notification.

(4) Review of the Office decision shall be made by the Director and shall be based on review of the project file, the request for review, and responses, if any. The Director may conduct an independent investigation and request further information from the Office staff, applicant, or any other party to the project. In addition, the Director may conduct an informal hearing on the review.

(5) Within 30 days of receipt of the request for review, the Director shall issue a decision based on review of the project file and the information received at a hearing or from other sources, if any. The Director shall set forth in writing a decision concerning the request for review and forward it to the applicant and other interested parties.

(6) Judicial review of the decision of the Director may be obtained by filing a complaint in the Third Judicial District Court in Salt Lake County seeking review by a trial de novo. The issue in the district court is whether the decision of the Director constituted an abuse of discretion. The person or entity seeking judicial review shall have the burden of proof that the decision of the Director constituted an abuse of discretion.

~~R455-11-10. Noncertified Historic Buildings.~~

(1) If the project building is not listed in the National Register when the application for certification of completed work is submitted, the applicant shall submit a complete National Register nomination form to the Office. The Office shall review the nomination for completeness and forward it to the Board of State History according to requirements of 36 CFR 60 and applicable policies for evaluation and action.

(2) If the project building is located in a National Register Historic District and the building has not been designated by the Division as being of significance to the district at the time of application for certification of completed work, the applicant shall submit a request for designation to the Office. The request shall be on a form approved by the Office. The Office shall review the request for completeness and determine if the project building is of significance to the district.

KEY: ~~preservation, tax credits, rehabilitation, housing~~

Date of Last Change: ~~March 31, 2022~~

Notice of Continuation: ~~March 25, 2024~~

Authorizing, and Implemented or Interpreted Law: ~~59-7-609; 59-10-1006; 9-8-205~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R455-12

Filing ID: 57565

Agency Information

1. Title catchline:	Cultural and Community Engagement, History	
Street address:	3760 S Highland Dr	
City, state:	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:	
R455-12. Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds	
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 350 (2022 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of the change is to align with current statute.	

5. Summary of the new rule or change:

The current rule is being repealed in its entirety to create a new rule for the new office of the State Historic Preservation Office created by HB 350 in the 2022 General Session.

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

No fiscal impact. This information is being moved to a new rule under Title R453.

B. Local governments:

No fiscal impact. This information is being moved to a new rule under Title R453.

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

No fiscal impact. This information is being moved to a new rule under Title R453.

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

No fiscal impact. This information is being moved to a new rule under Title R453.

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. This information is being moved to a new rule under Title R453.

F. Compliance costs for affected persons:

No fiscal impact. This information is being moved to a new rule under Title R453.

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 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 9-8-203

Subsection 9-8-203(3)(c)

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:

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:**

Donna Law, Executive Director

Date:

10/17/2025

R455. Cultural and Community Engagement, History.

~~**[R455-12. Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds.**~~

~~**R455-12-1. Scope and Applicability.**~~

~~To provide grants to assist cemeteries with digitizing their records, creating GIS maps and to help maintain, repair, and landscape cemeteries, grave sites and tombstones. Create and maintain a state coordinated database of burial plots and burial locations and cemeteries throughout the state in accordance with Subsection 9-8-203(3)(c).~~

~~**R455-12-2. Definitions.**~~

- ~~1. "Board" means the Board of State History.~~
- ~~2. "Burial locations" means locations of human burials outside of established cemeteries where written records exist on the deceased.~~
- ~~3. "Burial Plot" means the burial location of an individual within a cemetery.~~
- ~~4. "Cemeteries" means formal groupings of burial locations, including public and private facilities, whether abandoned or currently used and maintained.~~
- ~~5. "Director" means the Director of the Division of State History.~~
- ~~6. "Division" means the Division of State History.~~
- ~~7. "Eligible Organizations" means cemeteries, genealogical associations, and other nonprofit groups interested in cemeteries and burial locations.~~
- ~~8. "GIS" means Geographic Information System. A system that links information to geographic locations.~~
- ~~9. "In kind" matches include volunteer hours, labor, or equipment to match grant contributed.~~
- ~~10. "Matching grants" means grants made to eligible organizations that are matched, using a county classification tier that allows matches with cash or in kind.~~
- ~~11. "Record" means existing record of name and other available information on the interred individual.~~
- ~~12. "Computerized record" means an electronic version of a record meeting the standards established by the Division.~~

~~**R455-12-3. Application and Distribution of Funds.**~~

~~(1) Eligible organizations may apply for matching grants on a form approved by the Division. Matching grants shall be provided to the extent that funding is available. No grant will be awarded to any single cemetery for more than \$10,000. Funds will be distributed to grant recipients after the contract is signed. Final reports are required to successfully complete the grant.~~

~~(2) Grants will be awarded at the beginning of the fiscal year. The Division will award the grants and provide a list of successful applicants to the Board.~~

~~**R455-12-4. Reports and Deliverables.**~~

~~A final report shall be completed by the grantee in a format designated by the Division. The report shall include a summary of the project, an accounting of matching share contributions, and when applicable a digital file of burial plots or photos of completed preservation projects.~~

~~**KEY: burial, cemetery, plots**~~

~~**Date of Last Change: April 21, 2022**~~

~~**Notice of Continuation: January 10, 2022**~~

~~**Authorizing, and Implemented or Interpreted Law: 9-8-203(3)(c)**~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R455-16

Filing ID: 57566

Agency Information

1. Title catchline:	Cultural and Community Engagement, History	
Street address:	3760 S Highland Dr	
City, state:	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:	
R455-16. Cultural Site Stewardship Program Volunteer Selection, Training, and Certification Procedures	
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 350 (2022 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of the change is to align with current statute.	
5. Summary of the new rule or change:	
The current rule is being repealed in its entirety to create a new rule for the new office of the State Historic Preservation Office created by HB 350 in the 2022 General Session.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
No fiscal impact. This information is being moved to a new rule under Title R453.	
B. Local governments:	
No fiscal impact. This information is being moved to a new rule under Title R453.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
No fiscal impact. This information is being moved to a new rule under Title R453.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
No fiscal impact. This information is being moved to a new rule under Title R453.	
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. This information is being moved to a new rule under Title R453.	
F. Compliance costs for affected persons:	
No fiscal impact. This information is being moved to a new rule under Title R453.	

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 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 9-8-208		
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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:	12/15/2025
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10. This rule change MAY become effective on:	12/22/2025
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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:	10/17/2025
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R455. Cultural and Community Engagement, History.

~~**R455-16. Cultural Site Stewardship Program Volunteer Selection, Training, and Certification Procedures.**~~

~~**R455-16-1. Purpose and Authority.**~~

~~Under the Authority of Section 9-8-208, the Utah Division of State History shall create and maintain a Cultural Site Stewardship Program. This rule provides procedures on how the Division will select, train and certify volunteers to participate in the Stewardship Program.~~

~~**R455-16-2. Selection of Volunteers.**~~

~~A. The Division shall engage in public outreach activities to announce stewardship opportunities for potential volunteers.~~

~~B. Volunteers will self select interest in the program and will fill out a volunteer application created by the Division and submit to the Stewardship Coordinator.~~

~~C. The Utah Cultural Site Stewardship Coordinator or designee will review each volunteer's application and supporting materials and contact the volunteer to move forward on their involvement in the program.~~

NOTICES OF PROPOSED RULES

R455-16-3. Training of Volunteers.

- ~~A. After acceptance as a potential Cultural Site Stewardship volunteer, but before that volunteer service begins, the volunteer will participate in a training session held by the Division and agency partners.~~
- ~~B. Training includes the following components:~~
- ~~a. review of Volunteer Services Agreement, Code of Ethics, Photographic Release, and other required forms;~~
 - ~~b. orientation to the conditions of volunteer service and the volunteer's specific assignment;~~
 - ~~c. archaeological and cultural ethics and law;~~
 - ~~d. archaeological methods and expectations of volunteer service; and~~
 - ~~e. agency point of contact and vandalism reporting procedures (pursuant to R455-17).~~
- ~~C. Training will be of an appropriate duration to cover above topics.~~

R455-16-4. Certification of Volunteers.

- ~~A. After successful completion of the training program as established by the Division, its agency partners, and the description in Section R455-16-2, the volunteer will sign appropriate forms, including the Volunteer Services Agreement, Code of Ethics, and Photographic Release.~~
- ~~B. The Division shall retain a copy of these agreements for the duration of the volunteer's service.~~

R455-16-5. De-Certification of Volunteers.

- ~~A. If a volunteer quits the Utah Cultural Site Stewardship Program at any time, the volunteer will lose certification upon such termination of service and must return any training or archaeological site location information obtained through the Utah Cultural Site Stewardship Program.~~
- ~~B. If a volunteer has been convicted of a crime under the "Cultural Sites Protection Act" under Section 76-6-903, the Division may de-certify that volunteer.~~
- ~~C. If a volunteer has been convicted of a civil or criminal penalty under the federal Archeological Resources Protection Act, under Section 16 U.S.C 470, the Division may de-certify that volunteer.~~
- ~~D. If a volunteer has otherwise breached a provision of the Volunteer Services Agreement or Code of Ethics the Division may terminate and de-certify the volunteer.~~

R455-16-6. Documentation of Volunteer Hours and Supervision of Volunteers.

- ~~A. The Division shall require a volunteer to document the hours donated by the volunteer.~~
- ~~B. The Division shall ensure that volunteers are adequately supervised for the work they are asked to perform. Supervisors may include, Division personnel, federal or state agency personnel, and archaeologists holding a Public Lands Policy Coordinating Office Principal Investigator permit.~~

KEY: cultural stewardship, archaeology, volunteers, public lands

Date of Last Change: April 5, 2021

Authorizing, and Implemented or Interpreted Law: 9-8-208]

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R455-17

Filing ID: 57567

Agency Information

1. Title catchline:		Cultural and Community Engagement, History	
Street address:		3760 S Highland Dr	
City, state:		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:	
R455-17. Cultural Site Stewardship Program Vandalism Reporting Procedures	
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 350 (2022 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of the change is to align with current statute.	
5. Summary of the new rule or change:	
The current rule is being repealed in its entirety to create a new rule for the new office of the State Historic Preservation Office created by HB 350 in the 2022 General Session.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:					
A. State budget:					
No fiscal impact. This information is being moved to a new rule under Title R453.					
B. Local governments:					
No fiscal impact. This information is being moved to a new rule under Title R453.					
C. Small businesses ("small business" means a business employing 1-49 persons):					
No fiscal impact. This information is being moved to a new rule under Title R453.					
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):					
No fiscal impact. This information is being moved to a new rule under Title R453.					
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. This information is being moved to a new rule under Title R453.					
F. Compliance costs for affected persons:					
No fiscal impact. This information is being moved to a new rule under Title R453.					
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

NOTICES OF PROPOSED RULES

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 9-8-208		

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:	12/15/2025

10. This rule change MAY become effective on:	12/22/2025
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:	Donna Law, Executive Director	Date:	10/17/2025
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R455. Cultural and Community Engagement, History.

~~**[R455-17. Cultural Site Stewardship Program Vandalism Reporting Procedures.**~~

~~**R455-17-1. Purpose and Authority.**~~

~~Under the authority of Section 9-8-208 the Utah Division of State History shall create and maintain a Cultural Site Stewardship Program (the "Program"). This rule provides procedures on how the Division shall report vandalism of a cultural site to the appropriate land managing authority.~~

~~**R455-17-2. Definitions.**~~

~~All definitions in this Rule are found within UCA 9-8-208(1) and its subparts.~~

~~**R455-17-3. Vandalism Reporting Responsibilities.**~~

~~Under Section 9-8-208, the Division and its volunteers under the Utah Cultural Site Stewardship Program have a responsibility to report vandalism to appropriate land managing authority.~~

~~A. Safety of volunteers and staff is of primary concern, thus any act of vandalism either in the past or in progress shall be reported to appropriate land managing agencies by Program staff or volunteers promptly.~~

~~B. Each federal or state agency participating in the Program will maintain an active point of contact at the agency for reports of vandalism.~~

~~C. Each Program volunteer and staff shall provide a report of vandalism to the appropriate land managing agency point of contact in a timely fashion. The report may include written description, photographs, and locational information.~~

~~D. A copy of the report shall be provided to the Utah Cultural Site Stewardship Program Coordinator or designee at the Utah Division of State History.~~

~~**R455-17-4. Records.**~~

~~A. The Division shall maintain records of any reported vandalism and make those reports available to the appropriate land managing agency point of contact upon request.~~

~~B. Records of vandalism may not be publicly accessible if they contain private, controlled, or protected information about archaeological site locations, consistent with Government Records and Management Act under Section Utah Code 63G-2-3.~~

~~**KEY: cultural stewardship, vandalism, public lands, preservation**~~

~~**Date of Last Change: April 5, 2021**~~

~~**Authorizing, and Implemented or Interpreted Law: 9-8-208]**~~

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** New**Rule or section number:****R512-207****Filing ID: 57580****Agency Information**

1. Title catchline:	Health and Human Services, Child and Family Services	
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:
Corey Blythe	801-891-9068	coblythe@utah.gov
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 or section catchline:	
R512-207. Child Protective Services, False Report	
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 33 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of this new rule is to comply with HB 33 passed in the 2025 General Session, which implements a requirement under Section 80-2-611 for the Division of Child and Family Services (division) to define in rule the process for determining whether good cause exists for not informing an alleged perpetrator about a false report of abuse or neglect.	
5. Summary of the new rule or change:	
This rule specifies the requirements for when there is good cause not to inform an alleged perpetrator of child abuse and neglect of a false report filed against the alleged perpetrator.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
There is no anticipated cost or savings to the state budget as a result of this rule.	
The provisions of this rule have previously been implemented through division policy, and the existing state budget covers costs associated with this requirement.	
B. Local governments:	
There is no anticipated cost or savings to local governments, as this rule does not apply to them.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
There is no anticipated cost or savings to small businesses, as this rule does not apply to them.	

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

There is no anticipated cost or savings for non-small businesses, as this rule does not apply to 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*):

There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities, as this rule does not add requirements or restrictions that apply to other persons.

Any indirect fiscal impact of these provisions to an alleged perpetrator, against whom a false report was made but who was not informed of the report, is impossible for the division to determine, as the division does not have access to the private financial information of an alleged perpetrator.

Further, this new rule implements provisions that already exist in division policy into rule, meaning that any inestimable indirect fiscal impact already exists and would not be new based on the implementation of this rule.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons, as the provisions have already been implemented through policy and this rule does not add, modify, or remove existing requirements and 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
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 80-2-611

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:**

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:

10/21/2025

R512. Health and Human Services, Child and Family Services.**R512-207. Child Protective Services, False Report.****R512-207-1. Purpose and Authority.**(1) Subsection 80-2-611(4)(b)(ii) authorizes this rule.(2) This rule specifies when there is good cause not to inform an alleged perpetrator of child abuse or neglect of a false report filed against that person.**R512-207-2. Definitions.**"Alleged perpetrator" means a person for whom a report of child abuse or neglect, as defined in Rule R512-80, has been accepted by the Division of Child and Family Services (division).**R512-207-3. Good Cause.**(1) The division may not inform an alleged perpetrator of a false report of child abuse and neglect when there is good cause not to inform that person.(2) Good cause exists when informing an alleged perpetrator of a false report would jeopardize:(a) a law enforcement investigation; or(b) the health and safety of an individual.**KEY: social services, child welfare, child abuse****Date of Last Change: 2025****Authorizing, and Implemented or Interpreted Law: 80-2-611(4)(b)(ii)****NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Repeal and Reenact**Rule or section number:****R523-17****Filing ID: 57582****Agency Information****1. Title catchline:**

Health and Human Services, Substance Use and Mental Health

Building:

Cannon Health Building

Street address:

288 N 1460 W, 3rd Floor

City, state:

Salt Lake City, UT

Mailing address:

288 N 1460 W, 3rd Floor

City, state and zip:

Salt Lake City, UT 84116

Contact persons:**Name:****Phone:****Email:**

Thomas Dunford

801-538-4181

tdunford@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:	
R523-17. Behavioral Health Crisis Response Systems 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:	SB 45 (2022 General Session), SB 41 (2023 General Session)
4. Purpose of the new rule or reason for the change:	
<p>The proposed changes in this filing are necessary to update statutory citations as a result of legislative changes, align standards for statewide mental health crisis warm lines with current practices, and align this rule with the standards of the Rulewriting Manual for Utah and the Governor's Executive Order No. 2021-12.</p> <p>Based on agency review, the Department of Health and Human Services (department) also determined it is necessary to remove from rule items that the department will implement through contract rather than administrative rule.</p>	
5. Summary of the new rule or change:	
<p>This filing updates statutory citations and provides more clarity to the reader.</p> <p>This filing also allows crisis workers to obtain training through state universities or colleges and remove from rule standards for the statewide crisis line and update standards for the statewide warm line.</p> <p>Other changes include updating wording related to certification requirements for crisis workers due to a large number of changes in that area and in oversight of the program, as well as the previous version of this rule repeating statute.</p> <p>Finally, this filing updates statute citations and makes grammatical, style, and formatting changes to provide clarity to the reader and align this rule with the standards of the Rulewriting Manual for Utah and other rules under the department.</p>	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>The Office of Substance Use and Mental Health may see savings as a result of this filing.</p> <p>The office provides services for crisis worker certification at no charge to participants, and through this filing, crisis workers may alternatively opt to get their certification through a college or university instead.</p> <p>Conversely, state universities or colleges may incur costs due to adding this certification to their curriculum. Utah State University, Weber State University, the University of Utah, and Utah Valley University have either added or have plans to add this certification to their curriculum.</p> <p>However, there is no available estimate for the cost or savings, as it is not possible to predict to how many crisis line employees will choose to do their certification at one of these institutions of higher education instead of through the office, how these institutions will staff the new certification courses, or the exact cost of implementing these new courses, among other variables.</p>
B. Local governments:
<p>Crisis lines run by local governments may see savings, as they are now only required to stay open from 8 a.m. to 11 p.m. instead of 24 hours a day, though some may choose to continue operating 24 hours a day.</p> <p>Other potential savings come from lessened requirements when operating the crisis lines.</p> <p>The office is unable to calculate the data as to how much this savings would be until a year after this filing has been made effective because the office cannot predict how many crisis lines will change their operating hours or what changes a crisis line may need to make to abide by the lessened requirements.</p>
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule has no fiscal impact on small businesses, as this rule only regulates crisis lines run by local authorities.

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

This rule has no fiscal impact on non-small businesses, as this rule only regulates crisis lines run by local authorities.

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 amendment is not anticipated to result in a cost or savings to other persons.

The filing alters standards for crisis lines and allows local authority employees who are crisis workers to obtain certification through a university program as an alternative to going through the Office of Substance Use and Mental Health for certification.

The addition of this option is intended to support workers who are in college and want to obtain a crisis worker certification, but going through an institution of higher education for certification is not a requirement.

Any difference in cost or savings between seeking certification through the office or through an institution of higher education is unknown at this time, as that difference would be dependent on individual institution costs.

F. Compliance costs for affected persons:

Though there may be a potential cost as noted in the boxes above, any compliance cost to affected persons as a result of this filing is inestimable, as the changes to standards for crisis hotline hours may affect each entity differently.

Additionally, the filing adds a new option for obtaining certification for crisis workers but does not add to or take away previous requirements for certification and should therefore not result in a compliance cost to crisis workers.

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:**

Subsection 26B-5-610(3)(b)	Subsection 26B-5-610(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:

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:

10/21/2025

R523. Health and Human Services, Substance [Abuse]Use and Mental Health.

~~R523-17. Behavioral Health Crisis Response Systems Standards.~~

~~R523-17-1. Authority.~~

~~_____ (1) This rule establishes procedures and standards for administration of substance use disorder and mental health services as granted by Section 62A-15-1302.~~

~~R523-17-2. Purpose.~~

~~_____ (1) This rule establishes standards of care and practice for statewide behavioral health crisis response system, crisis line services and a certification for crisis workers.~~

~~R523-17-3. Intent.~~

~~_____ (1) Create standards of care and practice and certification of crisis workers for statewide behavioral health crisis response system, statewide and local mental health crisis lines.~~

~~_____ (2) Agencies and individuals impacted by this rule have until June 30, 2019 to come into compliance.~~

~~R523-17-4. Definitions.~~

~~_____ (1) "Bridging Strategies" are transition strategies that include brief patient education that helps the patient understand his or her condition and what treatment options exist to facilitate patient and family follow through;~~

~~_____ (a) Provides assistance with understanding and navigating the system of potential supports, preferably from a peer;~~

~~_____ (b) May include counseling by staff from a community-based organization who can then see the patient for follow up care after discharge and giving the patient a copy of their safety plan and making sure it is relevant to their current level of care; and~~

~~_____ (c) Sometimes called peer or community bridging. Also providing onsite counseling.~~

~~_____ (2) "Caring Connection" is defined as a follow up phone call, mailed note, text or e-mail checking back in with the caller. This can be done by crisis staff or other support staff.~~

~~_____ (3) "Caring Contacts" Caring contacts are brief communications with patients during care transitions such as discharge from treatment or when patients miss appointments or drop out of treatment. These contacts, through which care providers continue to show support for a patient, can promote patient's feeling of connection to treatment and increase their participation in collaborative treatment. Caring contacts may be especially helpful for patients who have barriers to outpatient care or are unwilling to access outpatient care.~~

~~_____ (4) "Certified Crisis Worker" means an individual who:~~

~~_____ (a) meets the standards of qualification or certification that the Division of Substance Abuse and Mental Health (division) sets, in accordance with Section 62A-15-1302; and~~

~~_____ (b) staffs the statewide mental health crisis line or a local mental health crisis line under the supervision of at least one mental health therapist.~~

~~_____ (5) "Local Mental Health Crisis Line" means the same as that term is defined in Subsection 63C-18-102(2).~~

~~_____ (6) "Mental Health Crisis" is defined as any intense behavioral, emotional, or psychiatric situation perceived to be a crisis by the individual experiencing the crisis, family, or others who closely observe the individual. The crisis may include a mental health condition that manifests itself by symptoms of sufficient severity that a prudent layperson who possesses an average knowledge of mental health issues could reasonably expect the absence of immediate attention of intervention to result in:~~

~~_____ (a) serious jeopardy to the individual's health or well-being; or~~

~~_____ (b) a danger to others; or~~

~~_____ (c) significantly reduced levels of functioning in primary activities of daily living.~~

~~_____ (7) "Mental Health Therapist" is an individual licensed in Utah under the mental health professional practice act as defined in Subsection 58-60-102(5).~~

~~_____ (8) "Statewide mental health crisis line" means the same as that term is defined in Subsection 63C-18-102(3).~~

~~_____ (9) "Rapid Follow up and Referral" involves taking steps during an emergency department visit or before discharge from inpatient care to facilitate immediate access to an outpatient treatment appointment for the patient, preferably within 24-48 hours after discharge. To facilitate rapid referral, it may be helpful to establish agreements with outpatient providers to accept rapid follow up referrals.~~

~~(10) "Warm Hand Off" has a goal to increase the likelihood that a patient will follow up on a referral to one provider from another. Rather than simply providing the name and phone number of a provider, a warm hand off connects the patient with the new provider before the first appointment.~~

~~R523-17-5. General Provisions.~~

- ~~(1) The Behavioral Health Crisis Response System is based on the following principles:~~
 - ~~(a) cultural competence;~~
 - ~~(b) strong community relationships;~~
 - ~~(c) the use of peer supports;~~
 - ~~(d) the use of evidence based practices;~~
 - ~~(e) building on existing foundations with an eye towards innovation;~~
 - ~~(f) utilization of an integrated system of care;~~
 - ~~(g) outreach to students through school-based clinics;~~
 - ~~(h) trauma Informed; and~~
 - ~~(i) de-escalation.~~
- ~~(2) Each component within the behavioral health crisis response system must be capable of serving individuals in the context of a behavioral health crisis including:~~
 - ~~(a) children, adolescents, adults and older adults;~~
 - ~~(b) individuals with co-occurring conditions; including:~~
 - ~~(i) mental health conditions;~~
 - ~~(ii) substance use disorders;~~
 - ~~(iii) medical needs;~~
 - ~~(iv) intellectual/developmental disabilities;~~
 - ~~(v) physical disabilities;~~
 - ~~(vi) traumatic brain injuries; and/or~~
 - ~~(vii) Dementia and related neurological disorders.~~
 - ~~(c) individuals demonstrating aggressive behavior;~~
 - ~~(d) individuals who are uninsured or unable to pay for services; and~~
 - ~~(e) individuals who may lack Utah residency or legal immigration status.~~
- ~~(3) Each modality of service within the Behavioral Health Crisis Response System is encouraged to incorporate peer support into the services they provide, when clinically appropriate.~~

~~R523-17-6. Certification Requirements of Crisis Workers.~~

- ~~(1) The division shall certify that a crisis worker is qualified by training, experience, and certification. Certification will require successful completion of training provided by the division.~~
- ~~(2) Individuals eligible to apply for crisis worker certification include the following:~~
 - ~~(a) Individuals licensed under Utah Department of Professional Licensing for any health or behavioral health license;~~
 - ~~(b) Individuals with a minimum of bachelors degree in a human service related field;~~
 - ~~(c) Individuals certified as a Certified Peer Support Specialist for a minimum of one year;~~
 - ~~(d) Individuals certified as Case Managers for a minimum of one year; or~~
 - ~~(e) Individuals certified as Family Resource Facilitator for a minimum of one year.~~
- ~~(3) The training curriculum shall provide at least forty (40) hours of training and shall include, didactic information and skill practice using the following components as they relate to crisis intervention:~~
 - ~~(a) Attitudinal Outcomes:~~
 - ~~(i) acceptance of persons as different from oneself, and a non-judgmental response toward sensitive issues;~~
 - ~~(ii) balances and realistic attitude toward self in the helper role meaning not expecting to "save" all potential suicides by one's own single effort, or to solve all the problems of the distressed person;~~
 - ~~(iii) a realistic and humane approach to death, dying;~~
 - ~~(iv) self-destructive behavior and other human issues; and~~
 - ~~(v) coming to terms with one's own feelings about death and dying in so far as these feelings might deter one from helping others.~~
 - ~~(b) Knowledge Areas:~~
 - ~~(i) basic suicidology, including suicide assessment of desire, intent, capability, and buffers;~~
 - ~~(ii) intervention strategies including active engagement, active rescue, and collaboration, emphasize safety and prevention;~~
 - ~~(iii) risk of assaulting others;~~
 - ~~(iv) community resources;~~
 - ~~(v) consultation process;~~
 - ~~(vi) record system and program policies;~~
 - ~~(vii) cultural/diversity awareness;~~
 - ~~(viii) voluntary and involuntary hospitalization criteria and procedures; and~~
 - ~~(ix) psychopathology, psychiatric diagnosis, psychotropic medication, and substance abuse.~~
 - ~~(c) Skill Areas:~~
 - ~~(i) ability to assess in life threatening situations, including risk of suicide and/or homicide;~~

NOTICES OF PROPOSED RULES

- _____ (ii) ability to actively engage;
- _____ (iii) ability to mobilize community resources in an efficient and effective manner;
- _____ (iv) ability to respond with respect and effectiveness and render assistance to individuals in crisis and distress with appropriate regard to their cultural, racial or ethnic background; their religion or language; their socioeconomic status; or other diversity factors;
- _____ (v) provide efficient record keeping and policy implementation (e.g. recording essential notes in succinct form within the same work shift so they are useful to the next worker); and
- _____ (vi) use of the consultative process, e.g. knowing who to call under what conditions.
- _____ (3) The curriculum methodology shall include but not be limited to:
- _____ (a) role playing and other experiential based methods;
- _____ (b) use of audiovisual materials, such as simulated recorded calls and videotape;
- _____ (c) an opportunity to function as a co-crisis worker with experienced staff before assignment and to work on an independent basis; and
- _____ (d) didactic presentation and reading assignments.
- _____ (4) In order to maintain crisis worker certification an individual must:
- _____ (a) Complete at least 8 hours of continuing education (CEUs) every two (2) years pertaining specifically to crisis services;
- _____ (b) shall maintain adequate documentation as proof of compliance with this section, such as a certificate of completion, school transcript, course description, or other course materials;
- _____ (c) shall retain this proof for a period of three years after the end of the renewal cycle for which the continuing education is due; and
- _____ (d) at a minimum, the documentation shall contain the following:
- _____ (i) date of the course;
- _____ (ii) name of the course provider;
- _____ (iii) name of the instructor;
- _____ (iv) course title;
- _____ (v) number of hours of continuing education credit; and
- _____ (vi) course objectives.

R523-17-7. Corrective Action of Certified Crisis Worker Certification.

- _____ (1) Each Certified Crisis Worker shall abide by the Provider Code of Conduct pursuant to Section R495-876, and as also found in the Department of Human Services Provider Code of Conduct Policy.
- _____ (a) Each employer that becomes aware of a Certified Crisis Worker engaging in unprofessional or unlawful conduct, or has violated the provider code of conduct shall:
- _____ (i) immediately take action to review the allegations;
- _____ (ii) take steps to ensure that all individuals involved with the allegation are protected; and
- _____ (iii) notify the Division within 30 days.
- _____ (b) Termination of certification shall be made effective immediately if the alleged violation(s) results in one or more of the following:
- _____ (i) personal financial gain through deception, or a business transaction with a client, by the Certified Crisis Worker;
- _____ (ii) physical or emotional harm to a person that is caused by the Certified Crisis Worker; or
- _____ (iii) a financial loss to a client, the State, or another employee that is caused by the Certified Crisis Worker.
- _____ (c) The division shall take the following actions when it becomes aware of a Certified Crisis Worker in violation of the provider code of conduct that does not result in immediate termination:
- _____ (i) Within 30 days of becoming aware of the violation(s), the division shall notify the Certified Crisis Worker, in writing, through a Notice of Agency Action specifying the area(s) of noncompliance.
- _____ (ii) Within 30 days of receiving a notice of Agency Action, the Certified Crisis Worker shall submit an acceptable written plan to the division explaining how they will achieve compliance.
- _____ (iii) All plans shall demonstrate how the Certified Crisis Worker shall be in compliance within 30 days after receiving the Notice of Agency Action.
- _____ (iii) If an acceptable plan of action is not received by the division within 30 days of sending the Notice of Agency Action, the Certified Crisis Worker shall be notified that their certification has been suspended until an acceptable plan is submitted to the Division.
- _____ (iv) A Certified Crisis Worker shall cease providing any and all case management services until a suspension is lifted.
- _____ (d) The division shall revoke the certification of any Certified Crisis Worker for the following reasons:
- _____ (i) The Certified Crisis Worker fails to provide the division with written evidence of compliance to a plan of action within 30 days after the receiving a Notice of Agency Action that their certification has been suspended.
- _____ (ii) The Certified Crisis Worker continues to provide case management services during the period of a suspension; or
- _____ (iii) The Certified Crisis Worker receives more than two notices of noncompliance with the Provider Code of Conduct in a one-year period.
- _____ (e) Any Certified Crisis Worker whose certification has been revoked may request an informal hearing with the division director or designee, in writing, within 10 business days of receiving notice of revocation.
- _____ (f) The division director or designee shall review the request and determine to uphold, amend or reverse the action within 10 business days, and the division shall inform the Certified Crisis Worker of the decision in writing.
- _____ (g) Any Certified Crisis Worker with a revoked certification may not reapply for recertification for a period of twelve months.
- _____ (2) If a Certified Crisis Worker fails to complete the requirements for CEUs, their certificate will be revoked or allowed to expire, and shall not be renewed until the required CEUs have been completed and submitted to the division for approval.

- ~~_____ (3) The crisis worker's certification status shall be posted and available upon request through the division.~~

~~R523-17-8. Standards for Local Authority Mental Health Crisis Lines.~~

- ~~_____ (1) If a Local Mental Health Authority (Local Authority) provides for a local mental health crisis line the Local Authority shall:~~
- ~~_____ (a) maintain a 24 hour/7 days per week comprehensive telephonic system capable of assessing any individual experiencing a self-defined crisis situation, leading to appropriate crisis stabilization and making appropriate referrals;~~
 - ~~_____ (b) collaborate with the statewide mental health crisis line;~~
 - ~~_____ (c) ensure that each individual who answers calls to the local mental health crisis line:~~
 - ~~_____ (i) is a mental health therapist and/or Certified Crisis Worker, or~~
 - ~~_____ (ii) individuals employed by a Local Authority or the Statewide Crisis Line who is not yet a certified crises worker, and has been hired to provide crisis services as outlined in this rule, can provide crisis services if:~~
 - ~~_____ (A) they are working under the supervision of a licensed mental health therapist who is a certified crisis worker, and~~
 - ~~_____ (B) they are within 3 months of receiving the certification training required to become a Certified Crisis Worker,~~
 - ~~_____ (iii) meets the standards of care and practice established by this rule, and~~
 - ~~_____ (iv) has access to a licensed mental health clinician by direct transfer of the call that does not require a call back to the person in crisis if the non licensed crisis worker cannot stabilize the caller;~~
 - ~~_____ (d) ensure that, based on inability to meet needs based on capacity, the calls are immediately routed to the statewide mental health crisis line;~~
 - ~~_____ (e) ensure that local authorities have a plan for roll over calls;~~
 - ~~_____ (f) ensure that regardless of the time, date, number of individuals trying to simultaneously access the local mental health crisis line, a mental health therapist or crisis worker answers the call:~~
 - ~~_____ (i) without the caller waiting on hold;~~
 - ~~_____ (ii) being screened by an individual other than a mental health therapist or crisis worker, and~~
 - ~~_____ (iii) within 5 rings or 30 seconds, and~~
 - ~~_____ (g) ensure the discounted call abandonment rate will not exceed more than 5% of the total volume of calls.~~
- ~~_____ (2) If a Local Mental Health Authority does not provide for a local mental health crisis line they shall use the statewide crisis line as a local resource.~~
- ~~_____ (3) Local Authorities and the statewide crisis line shall develop and implement a plan for collaboration and coordination of care for ongoing support for individuals accessing the statewide crisis line. This plan should:~~
- ~~_____ (a) be created collaboratively between the Local Authority and the statewide crisis line, and~~
 - ~~_____ (b) shall include the following components at a minimum:~~
 - ~~_____ (i) policies and procedures for coordination;~~
 - ~~_____ (ii) timeline for care transitions that includes process for warm hand off, appointment scheduling, and follow up;~~
 - ~~_____ (iii) clear expectations of communication between agencies including contact lists and shared resources lists, and~~
 - ~~_____ (iv) a plan for regular review of data to ensure collaboration and quality of continuity of care.~~

~~R523-17-9. Minimum Standards of Care and Practice.~~

- ~~_____ (1) Certification or accreditation standards for crisis lines shall include:~~
- ~~_____ (a) The crisis line providing proof of certification/accreditation from one of the following:~~
 - ~~_____ (i) American Association of Suicidology (AAS);~~
 - ~~_____ (ii) CONTACT USA;~~
 - ~~_____ (iii) Alliance of Information and Referral Systems (AIRS);~~
 - ~~_____ (iv) The Joint Commission;~~
 - ~~_____ (v) Commission on Accreditation of Rehabilitation Facilities (CARF);~~
 - ~~_____ (vi) Council on Accreditation (COA);~~
 - ~~_____ (vii) Utilization Review Accreditation Commission (URAC); or~~
 - ~~_____ (viii) DNV Healthcare, Inc.~~
 - ~~_____ (b) Agencies shall provide State/county licensure, as approved by the division Administrator or designee.~~
 - ~~_____ (c) The telephone crisis service must provide:~~
 - ~~_____ (i) screening and triage;~~
 - ~~_____ (ii) psycho-social support;~~
 - ~~_____ (iii) connection to appropriate resources;~~
 - ~~_____ (iv) follow up capability to callers as clinically appropriate.~~
 - ~~_____ (d) 24 hour/7 days per week telephone crisis services that are staffed by skilled professionals capable of assessing and making culturally competent, appropriate referrals;~~
 - ~~_____ (e) the use trauma-informed screenings and assessments, and incorporate this information into safety planning, referrals and follow-up interventions; and~~
 - ~~_____ (f) the initiation of mobile crisis services when available that are linked with walk-in crisis service facilities when available.~~
- ~~_____ (2) Suicide Risk Assessment Standards shall include the National Suicide Prevention Lifeline Suicide Risk Assessment Standards minimum requirements.~~
- ~~_____ (3) Imminent Risk Policies shall include:~~

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~~_____ (a) Crisis lines shall adopt the adoption of the National Suicide Prevention Lifeline Policy for Helping Callers at Imminent Risk of Suicide~~

~~_____ (4) Follow Up Policies that shall include:~~

~~_____ (a) crisis lines maintaining and implementing a policy detailing follow-up procedures including but not limited to:~~

~~_____ (i) safe care transitions,~~

~~_____ (ii) rapid referrals,~~

~~_____ (iii) caring contacts, and~~

~~_____ (iv) care bridging strategies.~~

~~_____ (b) This policy shall detail how crisis lines will work with community partners and the statewide crisis line.~~

~~_____ (5) Warm Hand Off Policies shall include:~~

~~_____ (a) agencies maintaining written procedure defining and detailing a "warm hand off" process that allows for unique adaptations for each Local Authority crisis service structure, in collaboration with the statewide crisis line.~~

~~_____ (b) This initial procedure for a Warm Hand Off shall read as follows:~~

~~_____ (i) if clinically indicated, provide a warm handoff to Local Authorities providers or other identified providers of care or care managers with an identified health plan. A warm handoff may include:~~

~~_____ (A) a conference call or other direct communication with the Local Authority provider, other provider or care manager to arrange immediate crisis support and scheduling an appointment for follow up support,~~

~~_____ (B) if other needs are expressed by callers then additional resources may be offered to help access local recovery oriented support services as needed,~~

~~_____ (C) coordination with each local authority, regarding preferred communication and resources access as uniquely adapted to each local community, and~~

~~_____ (D) a warm hand off will be done via conference call to facilitate a personal introduction between a Lifeline caller and their local behavioral health treatment providers or care managers, as well as the exchange of pertinent information, to promote the continuity of care.~~

~~_____ (ii) The elements of a successful warm hand off shall include:~~

~~_____ (A) orienting the caller as to what to expect,~~

~~_____ (B) a positive provider to provider communications, and~~

~~_____ (C) provision of accurate information regarding the caller's current condition, treatment and service needs, and safety goals.~~

~~_____ (iii) The steps to initiate a warm hand off include:~~

~~_____ (A) assessing callers for their level of acuity and need,~~

~~_____ (B) offer to provide a person to person introduction to a representative in their local area,~~

~~_____ (C) explain the conference call process to the caller,~~

~~_____ (D) contact the predetermined designated number for provider in their local area,~~

~~_____ (E) communicate the caller's situation and needs,~~

~~_____ (F) introduce the caller and remain on the line as needed to facilitate the conversation, and~~

~~_____ (G) in the event that a warm handoff is clinically indicated and the individual is not able to receive a warm handoff for any reason, a minimum of one follow up "Caring Connection" shall be provided within 72 hours of initial contact, if contact information was able to be collected for the caller.~~

~~_____ (6) Crisis Line Community Collaboration and Coordination Policies shall include:~~

~~_____ (a) a published plan in place that outlines community resources available,~~

~~_____ (b) a collaboratively created plan published that outlines the plan for community collaboration with the following partners at minimum:~~

~~_____ (i) Law Enforcement,~~

~~_____ (ii) hospitals (Emergency Departments),~~

~~_____ (iii) local mental health and substance abuse authorities,~~

~~_____ (iv) schools, and~~

~~_____ (v) any other crisis services in the local community.~~

R523-17-10. Statewide Mental Health Crisis Line Standards.

~~_____ (1) The 24 hour/7 days per week statewide crisis Line shall adhere to the following standards:~~

~~_____ (a) collaborate with Local Authorities running local crisis line,~~

~~_____ (b) the statewide crisis line shall develop, and implement a plan for collaboration and coordination of care for ongoing support for individuals accessing services with Local Authorities,~~

~~_____ (c) plans should be created collaboratively between the Local Authority and the statewide crisis line,~~

~~_____ (d) plans shall include the following components at a minimum:~~

~~_____ (i) policies and procedures for coordination,~~

~~_____ (ii) timelines for care transitions that includes process for warm hand off, appointment scheduling, and follow up,~~

~~_____ (iii) clear expectations of communication between agencies including contact lists and shared resources lists,~~

~~_____ (iv) a plan for regular review of data to ensure quality of continuity of care.~~

~~_____ (v) assurance that each individual who answers calls to the statewide crisis line:~~

~~_____ (A) is a mental health therapist and/or Certified Crisis Worker,~~

~~_____ (B) meets the standards of care and practice established by this rule, and~~

- _____ (C) has access to a licensed mental health clinician by direct transfer of the call that does not require a call back to the person in crisis if the non licensed crisis worker cannot stabilize the caller.
- _____ (vi) assurance that regardless of the time, date, number of individuals trying to simultaneously access the local mental health crisis line a mental health therapist or crisis worker answers the call:
- _____ (A) without the caller waiting on hold,
- _____ (B) being screened by an individual other than a mental health therapist or crisis worker, and
- _____ (C) within 5 rings or 30 seconds,
- _____ (vii) the discounted call abandonment rate will not exceed more than 5% of the total volume of calls,
- _____ (viii) 90% of statewide crisis line calls shall be answered in state as reported by the National Suicide Prevention Lifeline call data, and
- _____ (ix) assurance that the statewide crisis line has the capacity to accept all calls that local mental health crisis lines route to the statewide crisis line.

R523-17-11. Minimum Standards of Care and Practice for the Statewide Crisis Line.

- _____ (1) Certification or accreditation shall include:
- _____ (a) proof of certification/accreditation from one of the following:
- _____ (i) American Association of Suicidology (AAS);
- _____ (ii) CONTACT USA;
- _____ (iii) Alliance of Information and Referral Systems (AIRS)
- _____ (iv) The Joint Commission on Accreditation of Rehabilitation Facilities (CARF);
- _____ (v) Council on Accreditation (COA);
- _____ (vi) Utilization Review Accreditation Commission (URAC), or
- _____ (vii) DNV Healthcare, Inc.
- _____ (b) State/county licensure, as approved by the division Administrator or designee,
- _____ (c) telephone crisis service must provide:
- _____ (i) screening and triage,
- _____ (ii) psycho-social support, and
- _____ (iii) connection to appropriate resources.
- _____ (d) follow-up capability to callers as clinically appropriate,
- _____ (e) services that are staffed by skilled professionals capable of assessing and making culturally competent, appropriate referrals,
- _____ (f) the use of trauma-informed screenings and assessments and incorporating this information into safety planning, referrals and follow-up interventions,
- _____ (g) the initiation of mobile crisis services when available that are linked with walk-in crisis service facilities when available.
- _____ (2) Suicide Risk Assessment Standards shall include the adoption of the National Suicide Prevention Lifeline Suicide Risk Assessment Standards minimum requirements.
- _____ (3) Imminent Risk Policies shall include the adoption of the National Suicide Prevention Lifeline Policy for Helping Callers at Imminent Risk of Suicide
- _____ (4) Follow Up Policies shall include:
- _____ (a) maintaining and implementing a policy detailing follow-up procedures including but not limited to:
- _____ (i) safe care transitions,
- _____ (ii) rapid referrals,
- _____ (iii) caring contacts, and
- _____ (iv) care bridging strategies.
- _____ (b) This policy shall detail how the Statewide Crisis Line will work with community partners and the local crisis lines.
- _____ (5) Warm Hand off Policies shall include:
- _____ (a) maintaining written procedure defining and detailing a "warm hand off" process that allows for unique adaptations for each LA crisis service structure, in collaboration with the statewide crisis line.
- _____ (b) This initial procedure for a Warm Hand Off shall read as follows:
- _____ (i) If clinically indicated, provide a warm handoff to LA providers.
- _____ (ii) A warm handoff may include:
- _____ (A) a conference call or other direct communication with the LA provider to arrange immediate crisis support and scheduling an appointment for follow-up support,
- _____ (B) if other needs are expressed by callers then additional resources may be offered to help access local recovery-oriented support services as needed; and
- _____ (C) coordination with each local authority regarding preferred communication and resources access as uniquely adapted to each local community.
- _____ (iii) A warm hand off will be done via conference call to facilitate a personal introduction between a Statewide Crisis Line caller and their local behavioral health treatment providers, as well as the exchange of pertinent information, to promote the continuity of care.
- _____ (iv) The elements of a successful warm hand off include:
- _____ (A) orienting the caller as to what to expect,
- _____ (B) positive provider to provider communications, and Providing accurate information regarding the caller's current
- _____ (C) condition, treatment and service needs, and safety goals.

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- ~~(v) The steps to initiate a warm hand off includes:~~
- ~~(A) assessing callers for their level of acuity and need;~~
- ~~(B) offer to provide a person to person introduction to a representative in their local area;~~
- ~~(C) explain the conference call process to the caller;~~
- ~~(D) contact the predetermined designated number for provider in their local area;~~
- ~~(E) communicate the caller's situation and needs; and~~
- ~~(F) introduce the caller and remain on the line as needed to facilitate the conversation.~~
- ~~(vi) In the event that a warm handoff is clinically indicated and the individual is not able to receive a warm handoff for any reason, a minimum of one follow up "Caring Connection" shall be provided within 72 hours if contact information was able to be collected for the caller.~~
- ~~(6) Crisis Line Community Collaboration and Coordination plan shall include:~~
- ~~(a) a published plan in place that outlines community resources available;~~
- ~~(b) a plan published that outlines the plan for community collaboration with the following partners at minimum:~~
- ~~(i) Local Authorities including Mobile Crisis Outreach Teams;~~
- ~~(ii) law enforcement;~~
- ~~(iii) hospitals (Emergency Departments);~~
- ~~(iv) health plans;~~
- ~~(v) schools; and~~
- ~~(vi) any other crisis services in the local community.~~
- ~~(c) The Statewide Crisis Line shall enter into MOU's with each Local Authority operating a Crisis Line and/or Mobile Crisis Outreach Teams and shall make good faith efforts to enter into MOU's with parties described in R523-17-11 (6b).~~

R523-17-12. Division Oversight of Program.

- ~~(1) The division may enter and survey the physical facility, program operation, and review curriculum and interview staff to determine compliance with this rule or any applicable contract to provide such services.~~
- ~~(2) Participating organizations including Local Authorities and the statewide crisis line shall also allow representatives from the division and from the local authorities as authorized by the division to monitor services. Such visits may be announced or unannounced.~~

]R523-17. Behavioral Health Crisis Response Systems Standards.

R523-17-1. Authority and Purpose.

- ~~(1) Subsections 26B-5-610(3)(b) and 26B-5-610(5) authorize this rule.~~
- ~~(2) This rule establishes:~~
- ~~(a) the training and minimum standards for the qualification or certification of crisis workers and certification of peer support specialists, as described in Subsection 26B-5-610(3); and~~
- ~~(b) the hours and days of operation for the statewide warm line, as described in Subsection 26B-5-610(5).~~

R523-17-2. Definitions.

- ~~(1) Terms used in this rule are defined in Section 26B-5-610. Additionally:~~
- ~~(2) "Office" means the Office of Substance Use and Mental Health, under the Department of Health and Human Services.~~

R523-17-3. Certification Requirements for Crisis Workers.

- ~~(1) The office shall certify an individual who:~~
- ~~(a) is 18 years of age or older;~~
- ~~(b)(i) is qualified by training and experience upon successful completion of training provided by the office; or~~
- ~~(ii) is qualified by completing a crisis worker course through a college or university that has been approved by the office; and~~
- ~~(c) has passed the required test for the course.~~
- ~~(2) The certification process is initiated when an employer refers an individual to the office or when an individual contacts the office directly and requests to participate in the certification process.~~
- ~~(3)(a) The training curriculum shall:~~
- ~~(i) provide at least 40 hours of training; and~~
- ~~(ii) include didactic information and skill practice using components related to crisis intervention as provided or approved by the office.~~
- ~~(b) The curriculum methodology shall include:~~
- ~~(i) an opportunity to function as a co-crisis worker with experienced staff before assignment;~~
- ~~(ii) an opportunity to work on an independent basis;~~
- ~~(iii) didactic presentation and reading assignments; and~~
- ~~(iv) role playing and other experiential based methods.~~
- ~~(4) To qualify for crisis worker certification renewal, each crisis worker shall:~~
- ~~(a) complete at least eight hours of continuing education every two years pertaining specifically to crisis services; and~~
- ~~(b) maintain and keep adequate documentation for three years after the end of the renewal cycle in which the continuing education is due as proof of compliance with this section, such as a certificate of completion, school transcript, course description, or other course materials, which at minimum, shall contain the:~~
- ~~(i) course objectives;~~

- _____ (ii) course provider's name;
- _____ (iii) course title;
- _____ (iv) date of the course;
- _____ (v) instructor's name; and
- _____ (vi) number of hours of continuing education credit.
- _____ (5) An individual who receives a crisis worker certification:
- _____ (a) shall comply with Rule R380-80;
- _____ (b) shall follow each relevant federal, state, and local law; and
- _____ (c) may not receive a criminal charge or violation resulting in separation from employment with the individual's employer.

R523-17-4. Corrective Action of Crisis Worker Certification.

_____ (1) If the office becomes aware that a crisis worker is noncompliant with this rule, the office shall immediately review the noncompliance.

_____ (a) The office shall revoke or suspend the crisis worker's certification, based on the severity of the noncompliance, if the crisis worker's conduct:

- _____ (i) results in a financial loss to a client, the state or another employee;
- _____ (ii) results in personal financial gain through:
 - _____ (A) a business transaction with a client; or
 - _____ (B) deception;
- _____ (iii) results in physical or emotional harm to a person; or
- _____ (iv) is determined by the office to be severe enough that immediate action shall be taken to protect others.

_____ (b)(i) If the office becomes aware of a crisis worker's conduct in violation of Subsection R523-17-4(1) that does not result in immediate revocation or suspension, within 30 days of becoming aware of the conduct, the office shall notify the crisis worker through a notice of violation specifying the area of noncompliance.

_____ (ii)(A) Within 30 days after receiving the notice of violation, the crisis worker shall submit a written plan to the office explaining how the crisis worker will achieve compliance.

_____ (B) If the office finds the submitted plan does not describe how the crisis worker will be compliant with the noncompliance that led to this action or does not receive the plan within 30 days of sending the notice of violation, the office shall suspend the crisis worker's certification until that individual submits an acceptable plan.

_____ (c) The office shall revoke the certification of a crisis worker if the crisis worker:

- _____ (i) fails to provide the office with satisfactory written evidence of compliance to a plan of action within 30 days after the case manager receives a notice of suspension; or
- _____ (ii) receives more than two notices of violation of this rule within one year.

_____ (2) An individual with a revoked crisis worker certification may not reapply for recertification for one year.

_____ (3) Notice that an individual's crisis worker certification has been revoked shall include instruction on how to appeal the decision as provided in Title 63G, Chapter 4, Administrative Procedures Act and Rule R410-14.

_____ (4) If a crisis worker fails to complete the requirements for continuing education in Subsection R523-17-3(4), the office shall allow the crisis worker's certificate to expire and may not renew the certification unless, within 30 days of expiration, that individual submits proof of completion of the required continuing education.

_____ (5) If an individual's crisis worker certification expires as described in Subsection (4), that individual may submit a new application for office certification no sooner than 60 days after the expiration date.

R523-17-5. Standards for Statewide Mental Health Crisis Warm Lines.

_____ Agencies providing a statewide mental health crisis warm line shall maintain a comprehensive telephonic system that is:

- _____ (1) open between the hours of 8 a.m. to 11 p.m., seven days a week, 365 days a year; and
- _____ (2) capable of assessing any individual experiencing a self-defined crisis situation, leading to appropriate crisis stabilization and making appropriate referrals.

KEY: crisis response services, crisis worker certification, statewide crisis line standards

Date of Last Change: 2025~~April 22, 2019~~

Notice of Continuation: November 22, 2023

Authorizing, and Implemented or Interpreted Law: ~~62A-45-1302(2)~~ 26B-5-610(3)(b); 26B-5-610(5)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R590-267	Filing ID: 57626

Agency Information

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 or section catchline:
R590-267. Personal Injury Protection Relative Value Study Rule
4. Purpose of the new rule or reason for the change:
The change updates the conversion factors and publications for use in 2026 and 2027.
5. Summary of the new rule or change:
The change adds conversion factors and publications for physicians, dentists, and chiropractors to use when determining the reasonable value of services provided to patients on or after 01/01/2026, and removes the factors and publications that were to be used through 2025.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The list price for the Relative Values for Physicians (RVP) 2025 is \$1,500 and for the 2025 Relative Values for Dentists (RVD) is \$1,000.
The Department of Insurance (Department) has arranged a 50% discount for purchasers with a Utah address.
The Department will be required to purchase two electronic copies of the RVP 2025 at \$750 each and two electronic copies of the RVD 2025 at \$500 each.
These publications are incorporated by reference into this rule. One copy will be maintained by the Department and one copy will be maintained by the Office of Administrative Rules, per rulemaking requirements.
Estimated cost to State Government: two purchases of RVP (\$750) + two purchases of RVD (\$500) = \$2,500.
B. Local governments:
There will be no cost or savings to local governments.
This rule covers the method by which providers determine the reasonable value of services they provide to consumers, and does not involve local governments in any way.
C. Small businesses ("small business" means a business employing 1-49 persons):
Medical, dental, and chiropractic offices that provide services for individuals insured in auto accidents may purchase the RVP 2025 or RVD 2025 publication that is incorporated by reference in this rule.

The list price for the RVP 2025 is \$1,500 and for the 2025 RVD is \$1,000. The Department has arranged a 50% discount for purchasers with a Utah address.

After the discount, the cost of the RVP 2025 is \$750 for an electronic copy, and the cost of the RVD 2025 is \$500 for an electronic copy. Hard copies are no longer available.

By using the publication with the conversion factors in this rule, providers will be able to determine the reasonable charges or services they provide to those injured in automobile accidents.

Estimated costs to small business: Purchases of RVP (\$750) x 2,492 Physician and Chiropractor Offices + Purchases of RVD (\$500) x 1,838 Dental Offices = \$2,788,000.

It is likely that many, if not most, small business provider offices will have already purchased the RVP or RVD as a normal business expense, and not as required by this rule.

The Department cannot accurately estimate how many small business providers will already possess copies; therefore, this fiscal analysis assumes that all offices will need to make the purchase, fully recognizing that this analysis is an overestimate.

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

Medical, dental, and chiropractic offices that provide services for individuals insured in auto accidents may purchase the RVP 2025 or RVD 2025 publication that is incorporated by reference in this rule.

The list price for the RVP 2025 is \$1,500 and for the 2025 RVD is \$1,000. The Department has arranged a 50% discount for purchasers with a Utah address.

After the discount, the cost of the RVP 2025 is \$750 for an electronic copy, and the cost of the RVD 2025 is \$500 for an electronic copy. Hard copies are no longer available.

By using the publication with the conversion factors in this rule, providers will be able to determine the reasonable charges or services they provide to those injured in automobile accidents.

Estimated costs to non-small business: Purchases of RVP (\$750) x 121 Physician Offices + Purchases of RVD (\$500) x 8 Dental Offices = \$94,750.

It is likely that many, if not most, non-small business provider offices will have already purchased the RVP or RVD as a normal business expense, and not as required by this rule.

The Department cannot accurately estimate how many non-small business providers will already possess copies; therefore, this fiscal analysis assumes that all offices will need to make the purchase, fully recognizing that this analysis is an overestimate.

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**):

Auto insurers, or those they contract with to service their claims, and health care providers may purchase the RVP 2025 or RVD 2025 publication that is incorporated by reference in this rule.

The list price for the RVP 2025 is \$1,500 and for the 2025 RVD is \$1,000. The Department has arranged a 50% discount for purchasers with a Utah address.

After the discount, the cost of the RVP 2025 is \$750 for an electronic copy, and the cost of the RVD 2025 is \$500 for an electronic copy. Hard copies are no longer available.

By using the publication with the conversion factors in the rule, auto insurers will be able to determine the reasonable charges of medical and dental services they are required to reimburse providers for treatment under personal injury protection coverage in Utah.

Estimated costs to Auto Insurers = Purchases of both RVP and RVD (\$1,250) x 133 Property and Casualty Insurers = \$166,250.

The Department expects that all health care providers will already have copies of the RVP and RVD.

Optum, the company that sells the RVP 2025 and RVD 2025, may benefit from increased sales of these products.

Estimated sales to Optum: Purchases of RVP (\$750) x 2,748 Physician, Chiropractor, and Insurer businesses + Purchases of RVD (\$500) x 1,981 Dental and Insurer businesses = \$3,051,500.

It is likely that many, if not most, auto insurers will have already purchased the RVP or RVD as a normal business expense, and not as required by this rule.

The Department cannot accurately estimate how many auto insurers will already possess copies; therefore, this fiscal analysis assumes that all insurers will need to make the purchase, fully recognizing that this analysis is an overestimate.

F. Compliance costs for affected persons:

Affected persons may purchase the RVP 2025 or RVD 2025 publication that is incorporated by reference in this rule.

The Department is sensitive to this compliance cost and has arranged a 50% discount for purchasers with a Utah address, as has been arranged in prior years, to help ameliorate any adverse costs on small businesses.

After the discount, the cost of the RVP 2025 is \$750 for an electronic copy, and the RVD 2025 is \$500 for an electronic copy. Hard copies are no longer available.

Additionally, as required by rulemaking guidelines, both publications will be available for review by affected persons at the Insurance Department and the Office of Administrative Rules at no charge.

Small businesses (physicians, dentists, chiropractors) are likely to purchase one publication or the other, depending on their specialization. The net one-time cost for small businesses as a whole may be \$2,788,000.

The net one-time cost for larger businesses as a whole may be \$94,750.

Other persons (auto insurers) may purchase both publications. The net-one time cost for other persons may be \$166,250. The net one-time cost for all affected persons (small businesses and large businesses and insurers) may be \$3,170,500.

It is likely that many, if not most, affected persons will have already purchased the RVP or RVD as a normal business expense, and not as required by this rule.

The Department cannot accurately estimate how many affected persons will already possess copies; therefore, this fiscal analysis assumes that all affected persons will need to make the purchase, fully recognizing that this analysis is an overestimate.

It is also important to note that the Department makes its copies of the RVD and RVP available to any affected parties for free viewing in the Department's offices.

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	\$2,500	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$2,788,000	\$0	\$0	\$0	\$0
Non-Small Businesses	\$94,750	\$0	\$0	\$0	\$0
Other Persons	\$166,250	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$3,051,500	\$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	\$3,051,500	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$3,051,500	\$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 Insurance Department, Jonathan T. Pike, 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 31A-2-201

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

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

Official Title of Materials Incorporated (from title page)	Relative Values for Dentists
Publisher	Optum
Issue or Version	2025

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

Official Title of Materials Incorporated (from title page)	Relative Values for Dentists
Publisher	Optum
Issue or Version	2023

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

Official Title of Materials Incorporated (from title page)	Relative Values for Physicians
Publisher	Optum
Issue or Version	2025

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

Official Title of Materials Incorporated (from title page)	Relative Values for Physicians
Publisher	Optum
Issue or Version	2023

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: 12/15/2025

10. This rule change MAY become effective on: 01/01/2026

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:	Steve Gooch, Public Information Officer	Date:	10/22/2025
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R590. Insurance, Administration.

R590-267. Personal Injury Protection Relative Value Study Rule.

R590-267-1. Authority.

This rule is promulgated by the commissioner pursuant to Section 31A-2-201.

R590-267-2. Purpose and Scope.

(1) The purpose of this rule is to establish a reasonable value of services and accommodations for the diagnosis, care, recovery, or rehabilitation of an injured person under automobile personal injury protection coverage under Subsection 31A-22-307(1)(a).

(2) This rule applies to services and accommodations provided under automobile personal injury protection coverage under Subsection 31A-22-307(1)(a) on or after January 1, 2014.

R590-267-3. Definitions.

Terms used in this rule are defined in Section 31A-1-301. Additional terms are defined as follows:

(1) "Conversion factor" means a multiplier used to convert the relative value unit or units of a service or a procedure to a reimbursement rate.

(2) "Relative value unit" means a numerical value assigned to a medical or dental procedure as published in an edition of the RVP or RVD.

(3) "RVD [2023]2025" means [2023]2025 Edition of the Relative Values for Dentists published by Optum, website: www.optumcoding.com, and incorporated by reference within this rule.

(4) "RVD [2024]2023" means [2024]2023 Edition of the Relative Values for Dentists published by Optum, website: www.optumcoding.com, and incorporated by reference within this rule.

(5) "RVP [2023]2025" means [2023]2025 Edition of the Relative Values for Physicians published by Optum, website: www.optumcoding.com, and incorporated by reference within this rule.

(6) "RVP [2024]2023" means [2024]2023 Edition of the Relative Values for Physicians published by Optum, website: www.optumcoding.com, and incorporated by reference within this rule.

R590-267-4. Conversion Factors.

(1)(a) The following conversion factors shall be used with RVP [2023]2025 to determine the reasonable value of each medical service or accommodation provided on or after January 1, [2024]2026:

(i) anesthesia, [~~116.11~~]127.29;

(ii) surgery, [~~248.75~~]266.92;

(iii) radiology, [~~37.50~~]38.34;

(iv) pathology, [~~25.00~~]24.67;

(v) medicine, [~~13.81~~]14.67;

(vi) evaluation and management, [~~16.81~~]21.41.

(b) The conversion factor used with RVD [2023]2025 to determine the reasonable value of each dental service or accommodation provided on or after January 1, [2024]2026 shall be [~~75.00~~]86.88.

(2)(a) The following conversion factors shall be used with RVP [2024]2023 to determine the reasonable value of each medical service or accommodation provided from January 1, [2022]2024 through December 31, [2023]2025:

(i) anesthesia, [~~109.20~~]116.11;

(ii) surgery, [~~232.50~~]248.75;

(iii) radiology, [~~36.76~~]37.50;

(iv) pathology, [~~24.00~~]25.00;

(v) medicine, [~~13.33~~]13.81; and

(vi) evaluation and management, [~~16.07~~]16.81.

(b) The conversion factor used with RVD [2024]2023 to determine the reasonable value of each dental service or accommodation provided from January 1, [2022]2024 through December 31, [2023]2025 shall be [~~68.33~~]75.00.

R590-267-5. Fee Schedule.

The reasonable value of any service or accommodation shall be calculated by multiplying the relative value unit assigned to the service or accommodation by the applicable conversion factor prescribed in Section R590-267-4.

R590-267-6. Severability.

If any provision of this rule, Rule R590-267, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: relative value study

Date of Last Change: ~~2025~~**January 1, 2024**

Notice of Continuation: October 13, 2023

Authorizing, and Implemented or Interpreted Law: 31A-2-201(3); 31A-22-307(2)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or section number:	R590-291	Filing ID: 57607

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 or section catchline:	
R590-291. Use of Fire Hazard Data in Rating and Underwriting	
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 48 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being promulgated because Subsection 31A-22-1310(2)(b) requires the Insurance Commissioner to enact a rule that allows the use of additional fire hazard data beyond the wildfire risk assessment mapping tool maintained by the Division of Forestry, Fire, and State Lands.	
5. Summary of the new rule or change:	
This rule requires a property and casualty insurer offering insurance in a wildland urban interface area to prove that its use of additional fire hazard data complies with the boundary provided in the wildfire risk assessment mapping tool maintained by the Division of Forestry, Fire, and State Lands.	

Fiscal Information	
6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
There is no anticipated cost or savings to the state budget.	
The Department expects enforcement of this rule to be absorbed by current employees as part of their regular workload.	

B. Local governments:

There is no anticipated cost or savings to local governments.

Local governments will not be impacted by this rule in any way.

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

There is no anticipated cost or savings to small businesses.

All affected property and casualty insurance companies active in the state have more than 50 employees. Small businesses will not be impacted by this rule in any way.

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

There is no anticipated cost or savings to non-small businesses.

This rule implements a statutory requirement and therefore imposes no cost on non-small businesses (property and casualty insurance companies) beyond the statutory requirement.

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

There is no anticipated cost or savings to any other persons.

The rule only applies to property and casualty insurance companies and will not impact any other persons.

F. Compliance costs for affected persons:

There is no compliance cost for any affected persons.

An insurance company that chooses to use additional fire hazard data may incur minor costs when submitting proof to the Department of Insurance (Department).

However, these costs are expected to be extremely minor, verging on nonexistent, as the proof can be submitted electronically.

The only cost will be an employee's time spent submitting the required proof to the Department. This will likely be absorbed as part of an employee's regular work.

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 Insurance Department, Jonathan T. Pike, 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 31A-2-201	Section 31A-22-1310	

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:	12/15/2025
10. This rule change MAY become effective on:	
01/01/2026	
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:	Steve Gooch, Public Information Officer	Date:	10/22/2025
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R590. Insurance, Administration.**R590-291. Use of Fire Hazard Data in Rating and Underwriting.****R590-291-1. Authority.**

This rule is promulgated by the commissioner pursuant to Sections 31A-2-201 and 31A-22-1310.

R590-291-2. Purpose and Scope.

(1) The purpose of this rule is to identify the circumstances under which a property and casualty insurer may use fire hazard data other than the wildfire risk assessment mapping tool maintained by the Division of Forestry, Fire, and State Lands.

(2)(a) This rule applies to a property and casualty insurer doing business in Utah.

(b) This rule does not apply to:

(i) an inland marine insurer; or

(ii) a surplus lines insurer.

R590-291-3. Definitions.

Terms used in this rule are defined in Sections 31A-1-301 and 31A-22-1310. Additional terms are defined as follows:

(1) "Boundary determination" means the boundary provided in the wildfire risk assessment mapping tool maintained by the Division of Forestry, Fire, and State Lands in accordance with Subsection 65A-8-203(8).

(2) "Insurer" means an insurer that issues property or casualty insurance for property located within the boundary of high risk wildland urban interface as designated by the wildfire risk assessment tool in Subsection 65A-8-203(8)(a) and defined by rule made in accordance with Subsection 65A-8-402(5)(a).

(3) "Mapping tool" means the wildfire risk assessment mapping tool maintained by the Division of Forestry, Fire, and State Lands in accordance with Subsection 65A-8-203(8).

R590-291-4. Use of Fire Hazard Data in Rating and Underwriting.

(1) In rating or underwriting high risk wildland urban interface property, an insurer may use fire hazard data other than the boundary determination provided in the mapping tool.

(2) Other fire hazard data may only be used if an insurer objectively demonstrates, in a reasonable manner acceptable to the commissioner, that the data are compliant with the mapping tool.

(3) An insurer shall provide to the commissioner, upon request, evidence and information demonstrating compliance with Subsection (2).

(4) Nothing in this rule affects the requirements of the Utah Rate Regulation Act, Title 31A, Chapter 19a.

R590-291-5. Effective Date.

The commissioner will begin enforcing this rule February 15, 2026.

NOTICES OF PROPOSED RULES

R590-291-6. Severability.

If any provision of this rule, R590-291, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule which can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: property and casualty insurance, wildfire

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-22-1310

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R592-1

Filing ID: 57609

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 or section catchline:
R592-1. Title Insurance Licensing
4. Purpose of the new rule or reason for the change:
The Department discovered that this rule conflicts with Subsection 31A-2-404(1)(c)(ii).
This rule is being repealed to remove this conflict.
The Title and Escrow Commission approved this repeal in its 10/20/2025 meeting by a vote of 5 to 0.
5. Summary of the new rule or change:
This filing repeals this rule in its entirety.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the state budget.
The requirement for the Insurance Commissioner to seek concurrence with the Title and Escrow Commission remains in statute, and the Commissioner will continue to seek such concurrence.
B. Local governments:
There is no anticipated cost or savings to local governments.

This rule governs the relationship between the Department and the Title and Escrow Commission, and does not involve local governments in any way.

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

There is no anticipated cost or savings to small businesses.

This rule governs the relationship between the Department and the Title and Escrow Commission, and does not involve small businesses in any way.

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

There is no anticipated cost or savings to non-small businesses.

This rule governs the relationship between the Department and the Title and Escrow Commission, and does not involve non-small businesses in any way.

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

There is no anticipated cost or savings to any other persons.

The requirement for the Insurance Commissioner to seek concurrence with the Title and Escrow Commission remains in statute, and the Commissioner will continue to seek such concurrence.

F. Compliance costs for affected persons:

There are no compliance costs for any affected persons.

Concurrence between the Insurance Commissioner and Title and Escrow Commission is discussed during the regular Title and Escrow Commission meetings. These meetings will continue and concurrence will still be sought.

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 Insurance Department, Jonathan T. Pike, 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 31A-2-404(2)(a)(ii)

Subsection 31A-2-404(2)(b)

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:

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:

Steve Gooch, Public Information Officer

Date:

10/22/2025

R592. Insurance, Title and Escrow Commission.

~~[R592-1. Title Insurance Licensing.~~

~~R592-1-1. Authority.~~

~~_____ This rule is promulgated by the Title and Escrow Commission pursuant to Subsections 31A-2-404(2)(a)(ii) and 31A-2-404(2)(b).~~

~~R592-1-2. Purpose and Scope.~~

~~_____ (1) The purpose of this rule is to establish the Commission's preliminary concurrence in the commissioner's decision to issue or renew a title license under Subsection 31A-2-404(2)(b).~~

~~_____ (2) This rule applies to a title licensee and an applicant for a title insurance license.~~

~~R592-1-3. Definitions.~~

~~_____ Terms used in this rule are defined in Sections 31A-1-301 and 31A-2-402.~~

~~R592-1-4. Licensing.~~

~~_____ The Commission grants preliminary concurrence to the commissioner for the issuing or renewing of title insurance licenses, subject to final concurrence as specified in Section R592-1-5, to an applicant that:~~

~~_____ (1) complies with Sections 31A-23a-104, 31A-23a-105, 31A-23a-106, 31A-23a-107, 31A-23a-108, and 31A-23a-204 for initial application;~~

~~_____ (2) complies with Section 31A-23a-202 for renewal of a license; and~~

~~_____ (3) meets each requirement for the issuance of a license.~~

~~R592-1-5. Commission Concurrence with License Issuance or Renewal.~~

~~_____ (1) The commissioner will report to the Commission, at an interval and in a format acceptable to the commissioner and the Commission, the name of each title licensee and applicant who is issued:~~

~~_____ (a) an initial license; or~~

~~_____ (b) a renewal license.~~

~~_____ (2) In an open and public meeting, the Commission shall:~~

~~_____ (a) give final concurrence; or~~

~~_____ (b) not concur with the licensing decision of the commissioner.~~

~~_____ (3) If the Commission does not concur with a licensing decision of the commissioner, the commissioner shall commence an administrative proceeding under the Utah Administrative Procedures Act to deny, revoke, suspend, limit, or place on probation the license.~~

~~R592-1-6. Severability.~~

~~_____ If any provision of this rule, Rule R592-1, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.~~

KEY: title insurance

Date of Last Change: August 23, 2021

Notice of Continuation: August 18, 2025

Authorizing, and Implemented or Interpreted Law: 31A-2-402]

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R612-300-2****Filing ID:** 57620**Agency Information**

1. Title catchline:	Labor Commission, Industrial Accidents	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 3rd Floor	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Ronald Dressler	801-530-6841	rdressler@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R612-300-2. Obtaining Medical Care for Injured Workers
4. Purpose of the new rule or reason for the change:
The purpose of this amendment is to modify the language of this rule in Subsection R612-33-2(H) Payor's right of medical examination.
5. Summary of the new rule or change:
This rule modifies who is entitled to receive a copy of the medical report of an exam requested by the Payor.
Now all parties to the matter are entitled to a copy of the report.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The new rule language does not impose any costs or savings because it only involves a procedural change and not a new requirement.
B. Local governments:
The new rule language does not impose any costs or savings because it only involves a procedural change and not a new requirement.
C. Small businesses ("small business" means a business employing 1-49 persons):
The new rule language does not impose any costs or savings because it only involves a procedural change and not a new requirement.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The new rule language does not impose any costs or savings because it only involves a procedural change and not a new requirement.

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 new rule language does not impose any costs or savings because it only involves a procedural change and not a new requirement.

F. Compliance costs for affected persons:

The new rule language does not impose any costs or savings because it only involves a procedural change and not a new requirement.

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 Utah Labor Commission, Jaceson Maughan, has reviewed and approved this regulatory impact analysis.

There are no compliance costs since these charges will be incorporated into already existing systems.

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 34A-2-407

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:

12/15/2025

10. This rule change MAY become effective on:

01/01/2026

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:

Jaceson R Maughan, Commissioner

Date:

10/27/2025

R612. Labor Commission, Industrial Accidents.**R612-300. Workers' Compensation Rules - Medical Care.****R612-300-2. Obtaining Medical Care for Injured Workers.**

A. Right of payor to designate initial health care provider.

1. A Payor may adopt managed health care programs. Such programs may designate specific health care providers as "preferred providers" for providing initial medical care for injured workers.

2. A preferred provider program must allow an injured worker to select from two or more health care providers to obtain necessary medical care. At the time a preferred provider program is established, the payor must notify employees of the requirements of the program.

3. If the requirement of subsection A.2. are met, an injured worker subject to a preferred provider program must seek initial medical care from a preferred provider unless:

a. No preferred provider is available;

b. The injured worker believes in good faith that his or her medical condition is not a workplace injury; or

c. Travel to a preferred provider is unduly burdensome.

4. If an injured worker who is subject to a preferred provider program fails to obtain initial medical care from a preferred provider, the payor's liability for the cost of such initial medical care is limited to the amount the payor would have paid a preferred provider. The injured worker may be held personally liable for the remaining balance.

B. Liability for medical expense incurred at payor's direction. If a payor directs an injured worker to obtain an initial medical assessment of a possible work injury, the payor is liable for the cost of such assessment.

1. A medical provider performing an initial assessment must obtain the payor's preauthorization for any diagnostic studies beyond plain x-rays.

C. Injured worker's right to select provider after initial medical care. After an injured worker has received initial care from a preferred provider, the injured worker may obtain subsequent medical care from a qualified provider of his or her choice. The payor is liable for the expense of such medical care.

1. An injured worker's right to select medical providers is subject to subsection D. of this rule, "Limitations to Injured Worker's Right to Change Physicians."

D. Limitations on injured worker's right to change physicians.

1. An injured worker may change health care providers one time without obtaining permission from the payor. The following circumstances DO NOT constitute a change of health care provider:

a. A treating physician's referral of the injured worker to another health care provider for treatment or consultation;

b. Transfer of treatment from an emergency room to a private physician, unless the emergency room was designated as the payor's preferred provider;

c. Medically necessary emergency treatment;

d. A change of physician necessitated by the treating physician's failure or refusal to rate a permanent partial impairment.

2. The injured worker shall promptly report any change of provider to the payor.

3. After an injured worker has exercised his or her one-time right to change health care providers, the worker must request payor approval of any subsequent change of provider. If the payor denies or fails to respond to the request, the injured worker may request approval from the Director of the Division of Industrial Accidents. The Director will authorize a change of provider if necessary for the adequate medical treatment of the injured worker or for other reasonable cause.

4. An injured worker who changes health care providers without payor or Division approval may be held personally liable for the non-approved provider's fees.

E. Hospital or surgery pre-authorization. Except when immediate surgery or hospitalization is medically necessary on an emergency basis, surgery or hospitalization must be pre-authorized by the payor.

1. Within two working days of receipt of a request for authorization, the payor shall notify the physician and injured worker that the request is either approved or denied, or is undergoing medical review.

2. Any medical review of a pending request for authorization must be conducted promptly.

F. Notification required from injured workers leaving Utah. Section 34A-2-604 of the Workers' Compensation Act requires injured workers receiving medical care for a workplace injury to notify the Industrial Accidents Division before leaving the state or locality. Division forms 043 and Form 044 are to be used to provide such notice.

G. Injured worker's right to privacy. No agent of the payor may be present during an injured worker's medical care without the consent of the injured worker. However, if the payor's agent is excluded from a medical visit, the physician and the injured worker shall meet with the agent at the conclusion of the visit or at some other reasonable time so as to communicate regarding medical care and return-to-work issues.

H. Payor's right of medical examination. The payor may arrange for the medical examination of an injured worker at any reasonable time and place. [A copy of the medical examination report shall be made available to the Commission upon request.] Upon request, the finalized medical examination report must be provided to the Commission, the injured worker, or their council (if represented). If the report is of a sensitive nature, and the medical examiner stated it should not be provided to the injured worker, it must be provided to the Commission, their counsel or a medical provider designated by the injured worker.

KEY: workers' compensation, fees, medical practitioners, nurse practitioners

Date of Last Change: [January 1,] 2025

Notice of Continuation: September 26, 2022

Authorizing, and Implemented or Interpreted Law: 34A-1-104; 34A-2-201

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R612-300-4****Filing ID:** 57619**Agency Information**

1. Title catchline:		Labor Commission, Industrial Accidents	
Building:		Heber M Wells Building	
Street address:		160 E 300 S, 3rd Floor	
City, state:		Salt Lake City, UT 84111	
Mailing address:		PO Box 146600	
City, state and zip:		Salt Lake City, UT 84114-6600	
Contact persons:			
Name:	Phone:	Email:	
Ronald Dressler	801-530-6841	rdressler@utah.gov	
Chris Hill	801-530-6113	chill@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R612-300-4. General Method For Computing Medical Fees
4. Purpose of the new rule or reason for the change:
The purpose of this amendment is to adopt, with modifications, the Optum 2025 Essential Resource-Based Relative Value Schedule (RBRVS), 2025 1st Quarter Update and to adjust certain conversion factors.
5. Summary of the new rule or change:
The surgery codes conversion factors listed in this rule, including all surgery codes and other surgery codes, will be increasing from \$72 to \$74.
This will be a slight increase to medical providers in Workers' Compensation.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendment changes the medical conversion factor and doesn't impose any costs.
These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.
B. Local governments:
The amendment changes the medical conversion factor and doesn't impose any costs.
These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers
C. Small businesses ("small business" means a business employing 1-49 persons):
These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.
Insurance carriers may see a small increase to costs related to paying medical expenses on workers' compensation benefits and may or may not pass the cost onto their insureds.

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

These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.

Insurance carriers may see a small increase to costs related to paying medical expenses on workers' compensation benefits and may or may not pass the cost onto their insureds.

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 amendment changes the medical conversion factor and doesn't impose any costs.

These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.

F. Compliance costs for affected persons:

There are no compliance costs.

The rule changes the medical conversion factor and doesn't impose any 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 Utah Labor Commission, Jackson Maughan, has reviewed and approved this regulatory impact analysis.

There are no compliance costs since these charges will be incorporated into already existing systems.

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 34A-2-407

Incorporation by Reference Information

8. Incorporation by Reference:	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Current Procedural Coding Expert CPT Codes
Publisher	Optum
Issue or Version	2025

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	The Essential RBRVS Data File User Guide
Publisher	Optum
Issue or Version	2025

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:	12/16/2025

10. This rule change MAY become effective on:	01/01/2026
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:	Jaceson R Maughan, Commissioner	Date:	10/23/2025
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R612. Labor Commission, Industrial Accidents.**R612-300. Workers' Compensation Rules - Medical Care.****R612-300-4. General Method For Computing Medical Fees.**

A. Adoption of "CPT" and "RBRVS." The Labor Commission incorporates by reference: CPT 202[4]5 and Optum Essential RBRVS 202[4]5 annual 1st Quarter Update," edition includes RBRC 23/1120 (RBRVS).

B. Medical fees calculated according to the RBRVS relative value unit assigned to each CPT code. Unless some other provision of Title R612 specifies a different method, the RBRVS is to be used in conjunction with the "conversion factors" established in Subsection (C) of this rule to calculate payments for medical care provided to injured workers.

C. Conversion Factors. Fees for medical care of injured workers shall be computed by determining the relative value unit (RVU) assigned by the RBRVS to a CPT code and then multiplying that RVU by the following conversion factors for specific medical specialties:

1. Anesthesiology, 1 unit per 15 minutes of anesthesia: \$75;
2. Medicine, Evaluation and Medicine codes 99203-99204 and 99213-99214: \$62;
3. Medicine, all other Evaluation and Medicine codes: \$59;
4. Pathology and Laboratory: \$63;
5. Radiology: \$65;
6. Restorative Services: \$56;
7. Surgery, all 20000 codes, codes 49505 thru 49525, and all 60000 codes: \$7[2]4;
8. Other Surgery: \$7[2]4.

D. Fees for Medical care not addressed by CPT/RBRVS, or requiring unusual treatment.

1. The payor and medical provider may establish and agree to a reasonable fee for medical care of an injured worker if:

- a. neither the CPT/RBRVS or Title R612 address the medical care in question; or
- b. application of CPT/RBRVS or Title R612 would result in an inadequate fee due to extraordinary difficulty of treatment.

2. If the medical provider and payor cannot agree to a reasonable fee in such cases, the provider can request a hearing before the Commission's Adjudication Division to establish a reasonable fee.

KEY: workers' compensation, fees, medical practitioners, nurse practitioners

Date of Last Change: ~~January 1,~~ 2025

Notice of Continuation: September 26, 2022

Authorizing, and Implemented or Interpreted Law: 34A-1-104; 34A-2-201

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R612-300-6

Filing ID: 57625

Agency Information

1. Title catchline:	Labor Commission, Industrial Accidents	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 3rd Floor	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Ronald Dressler	801-530-6841	rdressler@utah.gov
Chris Hill	801-530-6113	chill@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R612-300-6. Limitations on Fees for Specific Medical Providers and Non-Physicians
4. Purpose of the new rule or reason for the change:
The purpose is to amend reimbursement rates for certain medical providers.
5. Summary of the new rule or change:
Reimbursement for Physician Assistants, Nurse Practitioners, Physical Therapy Assistants is increasing from 75% to 85% of the amount that would otherwise be allowed by these rules.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendment changes the percentage paid to specific Medical providers and doesn't impose any costs.
These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.
B. Local governments:
The amendment changes the percentage paid to specific Medical providers and doesn't impose any costs.
These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.
C. Small businesses ("small business" means a business employing 1-49 persons):
These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.
Insurance carriers may see a small increase in costs related to paying medical expenses on workers' compensation benefits and may or may not pass the cost onto their insureds.

The Labor Commission is unable to determine the exact cost because it does not know to what extent these providers will be utilized.

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

These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.

Insurance carriers may see a small increase in costs related to paying medical expenses on workers' compensation benefits and may or may not pass the cost onto their insureds.

The Labor Commission is unable to determine the exact cost because it does not know to what extent these providers will be utilized.

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 amendment changes the percentage paid to specific Medical providers and doesn't impose any costs.

These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.

F. Compliance costs for affected persons:

There are no compliance costs.

The amendment changes the percentage paid to specific Medical providers and doesn't impose any costs.

These medical costs are borne by the insurance carriers when paying benefits on behalf of injured workers.

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 Utah Labor Commission, Jaceson Maughan, has reviewed and approved this regulatory impact analysis.

There are no compliance costs since these charges will be incorporated into already existing systems.

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 34A-2-407

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:

12/15/2025

10. This rule change MAY become effective on:

01/01/2026

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 R. Maughan, Commissioner

Date:

10/28/2025

R612. Labor Commission, Industrial Accidents.

R612-300. Workers' Compensation Rules - Medical Care.

R612-300-6. Limitations on Fees for Specific Medical Providers and Non-Physicians.

A. Physician Assistants, Nurse Practitioners, Medical Social Workers, Nurse Anesthetists, and Physical Therapy Assistants. ~~[Fees for services performed by physician assistants, nurse practitioners, medical social workers, nurse anesthetists, and physical therapy assistants are set at 75% of the amount that would otherwise be allowed by these rules and shall be billed using an 83 modifier.] Fees for services performed by physician assistants, nurse practitioners, and physical therapy assistants are set at 85% and medical social workers are set at 75% of the amount that would otherwise be allowed by this rule. Reimbursement for certified nurse anesthetists will follow Medicare guidelines. All shall include an 83 modifier.~~

B. Assistant Surgeons. Fees for assistant surgeons are limited as follows:

1. Medical doctors, osteopaths and podiatrists, designated with an -80 modifier, are to be paid 20% of the primary surgeon's fee;

2. Minimum paramedicals, designated with an -81 modifier, are to be paid 15% of the primary surgeon's value or 75% of the amount allowed under ~~[s]Subsection (B)(1)[B, 1., above]~~.

3. When a qualified resident surgeon is not available, 20% of the primary surgeon's fee;

4. Other paramedical assistants, such as surgical assistants, are not billed separately.

C. Home health care. The following fees, which include mileage and travel time, are payable for Home Health Codes 99500 through 99602:

1. RN: \$100/ 2 hours;

2. LPN: \$75 / 2 hours;

3. Home Health Aide: \$25 / hour + \$6 additional 30 min.;

4. Speech Therapists: \$80 / visit;

5. Physical Therapy: \$125/ hour;

6. Occupational Therapy: \$125/ hour; and

7. Home Infusion Providers are to be paid according to contract between the payor and home infusion provider. If no contract is established, the payor shall pay the amount specified in Days Guidelines and pay UCR or Cost + 15% for the drugs and supplies.

D. Acupuncturists, naturopathic providers and massage therapy. Payor preauthorization is required for any services provided by acupuncturists and naturopaths. Payment for massage therapy is only allowed when administered by a medical provider and billed according to the requirements of ~~[Rule]Subsection R612-300-5(C)[-5-C]~~, "Restorative Services."

E. Ambulance. Ambulance charges are limited to the rates set by the State Emergency Medical Service Commission.

KEY: workers' compensation, fees, medical practitioners, nurse practitioners

Date of Last Change: ~~[January 1,] 2025~~

Notice of Continuation: September 26, 2022

Authorizing, and Implemented or Interpreted Law: 34A-1-104; 34A-2-201

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R612-300-7

Filing ID: 57637

Agency Information

1. Title catchline:	Labor Commission, Industrial Accidents	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S, 3rd Floor	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Ronald Dressler	801-530-6841	rdressler@utah.gov
Chriss Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R612-300-7. Billing and Payment
4. Purpose of the new rule or reason for the change:
<p>The purpose of this amendment is to modify the rate at which durable medical equipment, prosthetics, orthotics, supplies, materials, or drugs shall be reimbursed.</p> <p>This ties the reimbursement to Medicare rates to make the reimbursement more equitable as it is tied to a national reimbursement program.</p>
5. Summary of the new rule or change:
Durable medical equipment, prosthetics, orthotics, supplies, materials, or drugs will be reimbursed at Medicare rates instead of a flat fee as long as those rates are available.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Labor Commission doesn't know if there will be an anticipated cost or savings since the rates will fluctuate, it could be higher or lower compared to the set rate.
B. Local governments:
The Labor Commission doesn't know if there will be an anticipated cost or savings since the rates will fluctuate, it could be higher or lower compared to the set rate.
C. Small businesses ("small business" means a business employing 1-49 persons):
The Labor Commission doesn't know if there will be an anticipated cost or savings since the rates will fluctuate, it could be higher or lower compared to the set rate.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The Labor Commission doesn't know if there will be an anticipated cost or savings since the rates will fluctuate, it could be higher or lower compared to the set rate.

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 Labor Commission doesn't know if there will be an anticipated cost or savings since the rates will fluctuate, it could be higher or lower compared to the set rate.

F. Compliance costs for affected persons:

The Labor Commission doesn't know if there will be an anticipated cost or savings since the rates will fluctuate, it could be higher or lower compared to the set rate.

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 Utah Labor Commission, Jaceson Maughan, has reviewed and approved this regulatory impact analysis. There are no compliance costs since these charges will be incorporated into already existing systems.

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 34A-2-407

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: 12/15/2025

10. This rule change MAY become effective on: 01/01/2026

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:	Jaceson R Maughan, Commissioner	Date:	10/27/2025
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R612. Labor Commission, Industrial Accidents.

R612-300. Workers' Compensation Rules - Medical Care.

R612-300-7. Billing and Payment.

A. Billing Limitations.

1. Except as otherwise provided by a specific provision of the Workers' Compensation Act or ~~[these rules]~~ this rule, an injured worker may not be billed for the cost of medical care necessary to treat ~~[his or her]~~ workplace injuries.

2. A health care provider may not submit a bill for medical care of an injured worker to both the employer and the insurance carrier.

B. Discounting and down-coding.

1. Discounting or reducing the fees established by ~~[these rules]~~ this rule is permitted only pursuant to a specific written contract between the medical provider and payor^[4] or guarantor, or an agent of the payor^[4] or guarantor, through a bona fide provider network arrangement, and is disclosed to the provider. A third party administrator or claims processing agency may not apply a discount absent a specific written contract with the provider.

2. A payor may change the CPT code submitted by a health care provider under the following circumstances:

a. The submitted code is incorrect;

b. Another code more closely identifies the medical care;

c. The medical provider has not submitted the documentation necessary to support the code; or

d. The medical care is part of a larger procedure and included in the fee for that procedure.

3. If a payor changes a code number, the payor shall explain the reason for the change and provide the name and phone number of the payor's claims processor to the medical provider ~~(in order)~~ to allow further discussion.

C. Place of Treatment. A medical provider's billing for a medical procedure must identify the setting where a procedure was performed.

1. In an office or clinic: Fees for procedures performed in an office or clinic are to be computed using the Non-Facility Total RVU.

2. In a facility setting: Fees for physician services for procedures performed in a facility are to be computed using the "Facility Total RVU," as the facility will be billing for the direct and indirect costs related to the service.

D. Separate Bills. Separate bills must be presented by each medical provider within one year of the date of service on a HCFA 1500 billing form. All bills must contain the federal ID number of the provider submitting the bill.

E. Hospital Fees.

1. Fees covering hospital care shall be separate from those for professional services and shall not extend beyond the ~~[actual]~~ necessary hospital care.

2. All billings must be submitted on a UB92 form, properly itemized and coded, and shall include all documentation, including discharge summary, necessary to support the billing. No separate fee may be charged for billing or documentation of hospital services.

3. Fees charged by health care providers for services performed in a hospital are subject to the Commission's fee rules.

F. Charges for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies, Materials, or Drugs.

1. Ordinary supplies, materials or drugs used in treatment shall not be charged separately but shall be included in the amount allowed for the underlying medical care.

2. Special or unusual durable medical equipment, prosthetics, orthotics, and supplies, materials, or drugs not included as a normal and usual part of the service or procedure ~~may~~ shall be [billed] paid at Medicare rates if available and if not then at cost plus 15% restocking fees and any taxes paid. Discounts shall not apply [to supplies].

G. Miscellaneous.

1. A physician may bill the new patient E and M code when seeing an established patient for a new work injury.

2. Payment for hospital care is limited to the bed rate for semi-private room unless a private room is medically necessary.

3. Non-facility RVS total unit values apply, except that procedures provided in a facility setting shall be reimbursed at the facility total unit value and the facility may bill a separate facility charge.

4. Items that are a portion of an overall procedure are NOT to be itemized or billed separately.

5. Payors may round charges to the nearest dollar. If this is done on some charges, it must be done with all charges.

H. Prompt Payment and Interest.

1. All bills for medical care of injured workers must be paid within 45 days of submission to the payor unless the bill or some portion of the bill is in dispute. Any portion of the bill not in dispute remains payable within 45 days of billing.

2. As required by Section 34A-2-420 of the Utah Workers' Compensation Act, any award for medical care made by the Commission shall include interest at 8% per annum from the date of billing for such medical care.

I. Billing Disputes. Payors and health care providers shall use the following procedures to resolve billing disputes.

1. The provider shall submit a bill for services with supporting documentation to the payor within one year of the date of service.

2. The payor shall evaluate the bill and pay the appropriate fee as established by ~~[these rules]~~ this rule.

3. If the provider believes the payor has improperly computed the fee, the provider may submit a written request for reevaluation to the payor. The request shall describe the specific areas of disagreement and include all appropriate documentation. Any such request for reevaluation must be submitted to the payor within one year of the date of the original payment.

4. Within 30 days of receipt of the request for re-evaluation, the payor shall either pay the additional fee due the provider or respond with a specific written explanation of the basis for its denial of additional fees. The payor shall maintain proof of transmittal of its response.

5. A payor seeking reimbursement from a provider for overpayment of a bill shall, within one year of the overpayment, submit to the provider a written request for repayment that explains the basis for request. Within 90 days of receipt of the request, the provider shall either make appropriate repayment or respond with a specific written denial of the request.

6. If the provider and payor continue to disagree regarding the proper fee, either party may request informal review of the matter by the Division. Any party may also file a request for hearing on the dispute with the Adjudication Division.

KEY: workers' compensation, fees, medical practitioners, nurse practitioners

Date of Last Change: ~~January 1,~~ 2025

Notice of Continuation: September 26, 2022

Authorizing, and Implemented or Interpreted Law: 34A-1-104; 34A-2-201

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R612-400-5

Filing ID: 57621

Agency Information

1. Title catchline:	Labor Commission, Industrial Accidents	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 3rd Floor	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Ronald Dressler	801-530-6841	rdressler@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R612-400-5. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund
4. Purpose of the new rule or reason for the change:
The Workers' Compensation Advisory Council meet yearly to consider the premium assessment amount.
5. Summary of the new rule or change:
The effective date will be amended from 01/01/2025 to 01/01/2026.
The Uninsured Employers' Fund (UEF) Premium Assessment Rate will decrease from 0.45% to 0.40%.
The Workers' Compensation Council meets annually regarding the rate changes.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The reduction in the premium assessment is a small savings to insurance carriers who may pass this savings, or a portion thereof, to their insureds.
B. Local governments:
The reduction in the premium assessment is a small savings to insurance carriers who may pass this savings, or a portion thereof, to their insureds.

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

The reduction in the premium assessment is a small savings to insurance carriers who may pass this savings, or a portion thereof, to their insureds.

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

The reduction in the premium assessment is a small savings to insurance carriers who may pass this savings, or a portion thereof, to their insureds.

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 reduction in the premium assessment is a small savings to insurance carriers who may pass this savings, or a portion thereof, to their insureds.

F. Compliance costs for affected persons:

The reduction in the premium assessment is a small savings to insurance carriers who may pass this savings, or a portion thereof, to their insureds.

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 Utah Labor Commission, Jaceson Maughan, 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 59-9-101

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:**

12/15/2025

10. This rule change MAY become effective on:	01/01/2026
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:	Jaceson R Maughan, Commissioner	Date:	10/27/2025
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R612. Labor Commission, Industrial Accidents.**R612-400. Workers' Compensation Insurance, Self-Insurance and Waivers.****R612-400-5. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.**

A. Pursuant to Subsection 59-9-101(2), Sections 59-9-101.3 and 34A-2-202 the workers' compensation premium rates effective January 1, 202[5]6, as established by the Labor Commission, shall be:

1. 0.4[5]0% for the Uninsured Employers' Fund; and
2. 0.0% for the Employers' Reinsurance Fund.

B. The premium rates are a percentage of the total workers' compensation insurance premium income as detailed in Subsection 59-9-101(2)(a).

KEY: workers' compensation, insurance, rates, waivers

Date of Last Change: ~~January 1,~~ 2025

Notice of Continuation: September 26, 2022

Authorizing, and Implemented or Interpreted Law: 59-9-101(2)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or section number:	R616-2-15	Filing ID: 57610

Agency Information

1. Title catchline:		Labor Commission, Boiler, Elevator and Coal Mine Safety	
Building:		Heber M Wells Building	
Street address:		160 E 300 S, 3rd Floor	
City, state:		Salt Lake City, UT 84111	
Mailing address:		PO Box 146600	
City, state and zip:		Salt Lake City, UT 84114-6600	
Contact persons:			
Name:	Phone:	Email:	
Rick Sturm	801-530-6850	rsturm@utah.gov	
Chris Hill	801-530-6113	chill@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:	
R616-2-15. Deputy Boiler/Pressure Vessel inspectors	
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 8 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being changed to make it consistent with SB 8, passed in the 2025 General Session, by changing the new inspector fee to \$30 and the renewal fee to \$24.	
5. Summary of the new rule or change:	
In SB 8 (2025), fees were raised by 20%.	

These fees include Deputy renewal annually.

Subsection R616-2-15(B)(1)(c) states new application fee of \$25.

Subsections R616-2-15(C)(1)(d) and (D)(2)(C)(iii) state the older fee for renewal of \$20.

Fiscal Information

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

A. State budget:

No cost to the state budget.

These fees are for Deputy Inspectors employed by Insurance Companies.

B. Local governments:

There is no cost to local governments.

These fees are for Deputy Inspectors employed by Insurance Companies.

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

There will be increased costs to insurance companies that provide boiler and pressure vessel inspection, as well as the owner/user inspection programs.

However, this increased cost is due solely to SB 8 (2025) and all fiscal impacts were accounted for in the fiscal note of this bill.

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

There will be increased costs to insurance companies that provide boiler and pressure vessel inspection, as well as the owner/user inspection programs.

However, this increased cost is due solely to SB 8 (2025) and all fiscal impacts were accounted for in the fiscal note of this bill.

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 only cost will be to insurance companies that provide Boiler and Pressure Vessel inspections in the state, as well as the Owner/User Inspection programs.

F. Compliance costs for affected persons:

An extra \$4 for renewals per year and \$5 per new applicants.

The total will depend on the number of new applicants and renewals needed.

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

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

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

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

The Commissioner of the Utah Labor Commission, Jaceson R. Maughan 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 34A-7-101

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:**

12/15/2025

10. This rule change MAY become effective on:

01/01/2026

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:	Jaceson R Maughan, Commissioner	Date:	10/29/2025
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R616. Labor Commission, Boiler, Elevator and Coal Mine Safety.**R616-2. Boiler and Pressure Vessel Rules.****R616-2-15. Deputy Boiler/Pressure Vessel Inspectors.**

A. Purpose -- Section 34A-7-10 of the Safety Act ("the Act"; Title 34A, Chapter 7, Part One, Utah Code Annotated) permits the Division of Boiler, Elevator and Coal Mine Safety ("the Division") to authorize qualified individuals to inspect boilers and pressure vessels as "deputy inspectors." This rule sets forth the Division's procedures and standards for authorizing deputy inspectors, monitoring their performance, and suspending or revoking such authority when appropriate.

B. Initial appointment of deputy inspectors.

1. An applicant for initial Division authorization to inspect boilers and pressure vessels as a deputy inspector must satisfy the following requirements in the order listed below:

a. A company insuring boilers and pressure vessels in Utah ("sponsoring employer" hereafter) must submit a letter to the Division certifying that:

i. the applicant is employed by the sponsoring employer; and

ii. the sponsoring employer requests the Division authorize the applicant to inspect boilers and pressure vessels insured by that employer;

b. The applicant or sponsoring employer must submit to the Division a current, valid certification from the National Board of Boiler and Pressure Vessel Certification ("National Board") that the applicant is qualified to inspect boilers and pressure vessels;

c. The applicant or sponsoring employer must submit an application fee of \$[25]30 to the Division;

d. The applicant must complete training for deputy inspectors provided by the Division;

e. The applicant must pass an oral examination administered by the Division pertaining to boiler and pressure vessel inspection standards and processes; and

f. The applicant must pass a written, closed-book examination administered by the Division on the Division's boiler/Pressure Vessel Compliance Manual, Rules, and codes adopted;

2. Upon successful completion of the foregoing requirements, the Division will appoint the applicant as a deputy inspector and will issue credentials to that effect. The Division will also notify the sponsoring employer of the appointment.

NOTICES OF PROPOSED RULES

3. Initial appointment as a deputy inspector terminates at the end of the calendar year in which such appointment is made unless a deputy inspector qualifies for reappointment under paragraph C of this rule.

C. Annual reappointment of deputy inspectors.

1. Effective January 1 of each year, the Division will renew the appointment of each deputy inspector for an additional year if the inspector satisfies the following requirements:

- a. The individual was authorized to serve as a deputy inspector as of December 31 of the previous year;
- b. A sponsoring employer has submitted a letter to the Division certifying that:
 - i. the individual is employed by the sponsoring employer; and
 - ii. The sponsoring employer requests the Division to reappoint that individual as a deputy inspector to inspect boilers and pressure vessels for that employer;
- c. The individual or sponsoring employer has submitted to the Division a current, valid certification from the National Board establishing that the individual is qualified as a boiler and pressure vessel inspector;
- d. The individual or sponsoring employer has submitted to the Division the required renewal fee of \$[~~20~~]24;
- e. The individual has completed the Division's required training for deputy inspectors.

2. An individual who does not meet each of the foregoing requirements is not eligible for reappointment as a deputy inspector and must instead meet each of the requirements for initial appointment under paragraph B of this rule.

D. Lapse, change of employment and loss of National Board certification.

1. Lapse. An individual's appointment as a deputy inspector will lapse if the individual:

- a. Does not renew the appointment by satisfying the requirements of paragraph C of this rule;
- b. Does not perform and submit to the Division at least one boiler or pressure vessel inspection during the previous calendar year; or
- c. Fails to inform the Division of any change in status of employment with his or her sponsoring employer as required in the following paragraph D.2. of this rule.

2. Change in employment.

- a. A deputy inspector must immediately notify the Division in writing of any change in the status of the inspector's employment with his or her sponsoring employer.
- b. If the Division determines that an individual previously appointed as a deputy inspector is no longer employed by a company authorized to insure boilers and pressure vessels in Utah, the Division will immediately revoke that individual's appointment.
- c. If the Division determines that a deputy inspector has changed employment to another company that insures boilers and pressure vessels in Utah, the Division will require the new employer or deputy inspector to submit the following:

i. A letter from the new employer:

- AA. certifying that the individual is employed by that sponsoring employer; and
 - BB. requesting that the individual's appointment as a deputy inspector be continued;
- ii. A current, valid certification as a boiler/pressure vessel inspector from the National Board; and
 - iii. Payment to the Division of the required fee of \$[~~20~~]24.

3. National Board Certification.

- a. Every deputy inspector shall at all times hold a current valid certification as a boiler/pressure vessel inspector from the National Board.
- b. Each deputy inspector shall immediately notify the Division if his or her National Board certification has been revoked or suspended.
- c. If the Division has reason to believe that a deputy inspector's National Board certification has been revoked or suspended, the Division will obtain written verification from the National Board. If the National Board has in fact revoked or suspended the deputy inspector's certification, the Division will revoke the inspector's appointment as a deputy inspector.

E. Scope of authority. Appointment as a deputy inspector has the limited effect of authorizing the deputy inspector to inspect boilers and pressure vessels insured by his or her sponsoring employer for compliance with engineering codes and other standards adopted by the Division in Utah Administrative Code Rule R616-2. The Division expressly does not confer any other authority to deputy inspectors. Deputy inspectors remain employees of their respective sponsoring employers and are not employees of the Division or agents of the Division for any other purpose. A deputy inspector's right to inspect any particular boiler or pressure vessel, including the deputy inspector's right of entry on the premises where the boiler or pressure vessel is located, is subject to the agreement between the sponsoring employers and the owner or operator of the boiler or pressure vessel. Appointment as a deputy inspector by the Division does not confer any right of entry independent from the terms of such agreement.

F. Inspection Standards

1. In inspecting any boiler or pressure vessel, a deputy inspector shall apply the standards and engineering codes adopted in Utah Administrative Code R616-2 - Boiler and Pressure Vessel Rules.

2. Each deputy inspector must use the Division's web-based applications to accurately record and submit all information regarding boilers and pressure vessels, including;

- a. inspection reports;
- b. scrapped and inactive items;
- c. information changes other than those requiring submission of a Change of Insurance Status Form (NB4); and
- d. a Web Issue Form (Form WIF-01) to identify any error or other issue resulting from the deputy inspector's use of the Division's web-based applications.

G. Quality Control. The Division will evaluate the performance of each deputy inspector to assure compliance with the Division's standards for boiler and pressure vessel inspections.

1. The Division's Business Analyst will review each inspection report submitted by a deputy inspector and will report any serious errors to the Chief Boiler and Pressure Vessel Inspector ("Chief Inspector") for appropriate action.

2. Each year, the Chief Inspector will evaluate a sample of each deputy inspector's inspections performed during that year for compliance with Division standards.

3. In addition to the reviews undertaken pursuant to paragraph G.2. of this rule, the Chief Inspector will also investigate any observation or report of an inspection deficiency to determine whether the deputy inspector complied with Division standards and rules in performing and reporting the inspection.

H. Corrective Action, Revocation and Right to Hearing.

1. If the Chief Inspector concludes that a deputy inspector does not satisfy requirements of this rule for continued appointment as a deputy inspector or has performed an inspection in a manner that is inconsistent with Division standards, the Chief Inspector will submit a written report and may recommend corrective action to the Division Director.

2. Depending on the circumstances and the seriousness of the situation, corrective action may include;

a. warning letter;

b. requirements for additional training;

c. requirements for retesting;

d. request review by the National Board;

e. additional supervision; and

f. revocation of appointment as a deputy inspector.

3. The Division Director shall forward a copy of the Chief Inspector's written report and any recommendation for corrective action to the deputy inspector and the sponsoring employer. If the deputy inspector or sponsoring employer dispute the report or recommended corrective action, the Division Director shall schedule time and place to conduct a hearing on the matter, such hearing to be conducted as an informal adjudicative proceeding under the Utah Administrative Procedures Act. After conducting such hearing, the Division Director will issue a written decision setting forth the material facts and ordering appropriate corrective action, if any. The Division Director shall forward a copy of the decision to the deputy inspector, sponsoring employer, and the National Board.

4. If the deputy inspector or sponsoring employer is dissatisfied with the Division Director's decision, the inspector or sponsoring employer may seek judicial review as provided by the Utah Administrative Procedures Act.

KEY: boilers, certification, safety

Date of Last Change: 2025~~May 22, 2024~~

Notice of Continuation: September 29, 2025

Authorizing, and Implemented or Interpreted Law: 34A-7-101 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R671-101

Filing ID: 57591

Agency Information

1. Title catchline:	Pardons (Board of), Administration	
Street address:	448 E Winchester St, #300	
City, state:	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Robert Steed	801-618-9812	robertesteed@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R671-101. Rules
4. Reason for the change:
The Board of Pardons is consolidating definitions that apply broadly into Rule R671-101.

5. Summary of the change:

This change streamlines the rules, avoids duplication, and makes maintenance easier.

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

There is no anticipated impact on state budgets, as this rule consolidates all definitions into one location in administrative rule but does not add any workload requirements.

B. Local governments:

This amendment does not have an impact on local governments because it does not affect local governments.

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

This amendment does not have an impact on small businesses because it does not affect small businesses.

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

This amendment does not have an impact on non-small businesses because it does not affect non-small businesses.

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

This amendment does not have an impact on other persons as listed above.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

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

Regulatory Impact Summary Table

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

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

The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 77-27-9(5)

Title 63G, Chapter 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:

12/15/2025

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:

12/10/2025

Time:

3:00 PM

Place (physical address or URL):

448 E Winchester Ave
Suite 300
Murray, UT

10. This rule change MAY become effective on:

12/22/2025

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:**

Blake Hills, Chair

Date:

10/22/2025

R671. Pardons (Board of), Administration.

R671-101. ~~Definitions~~ [Rules].~~[R671-101-1. Rules.~~

~~Board of Pardons rules shall be processed according to state rulemaking procedures. The Board shall determine if the rule is to be submitted through the regular rulemaking or emergency rulemaking procedure. Rules shall then be distributed as necessary.~~

~~Any error, defect, irregularity or variance in the application of these rules which does not affect the substantial rights of a party may be disregarded. Rules are to be interpreted with the interests of public safety in mind so long as the rights of a party are not substantially affected.]~~

R671-101-1. Definitions.

Unless otherwise provided, as used in Rule R671:

(1) "Commutation" means the change or reduction of the severity of a crime; the change or reduction of an imposed sentence; or the change or reduction of the type or level of offense. Commutation is an act of clemency. Commutation is not a conditional or unconditional pardon.

(2) "Confinement" means a person is held in a jail or a prison or otherwise in the custody of a peace officer pursuant to a lawful arrest. Confinement does not mean an involuntary hold pursuant to a civil order or proceeding.

(3)(a) "Conviction" means a plea or conviction of:

(i) guilty;

(ii) guilty with a mental illness; or

(iii) no contest.

(b) "Conviction" includes a plea that is held in abeyance pursuant to a plea in abeyance agreement as defined in Utah Code Section 77-2a-1;

(c) "Conviction" does not include:

(i) a withdrawn or dismissed plea; or

(ii) a diversion agreement.

(4) "Correctional facility" means any of the Utah prison facilities operated by the Department or any portion of a county jail contracted with the Department to house offenders.

(5) "Custody"; except when the rule provides a distinction between "custody" and "provisional custody," means that a person is held in jail or prison, and includes a person who is:

(a) in the custody of a peace officer pursuant to a lawful arrest;

(b) a minor confined in a facility operated by the Division of Juvenile Justice and Youth Services, following conviction as an adult in district court, when the district court obtained jurisdiction over the minor pursuant to Utah Code Sections 78A-6-450, 78A-6-451, or 80-6-501 et. Seq.; or

(c) committed to the Department of Corrections, but who is housed at the Utah State Hospital or other medical facility.

(6) "Department." Unless otherwise stated in an individual rule, "department" means the Utah Department of Corrections.

NOTICES OF PROPOSED RULES

(7) "Effective date," as used in a Board decision, means the event or action shall occur on or before 11:59 p.m. on the designated day. Whenever a calendar date is identified in a Board decision, it shall be the "effective date."

(8) "Health and Human Services" means the Department of Health and Human Services, including the Division of Correctional Health Services.

(9) A "hearing official" is a Board member, a Board member pro tempore, or a hearing officer.

(10) "Incompetent to proceed" means the offender is suffering from a mental disorder or intellectual disability resulting in either:

(a) an inability to have a rational and factual understanding of a pending Board hearing; or

(b) an inability to consult with counsel and participate in a hearing with a reasonable degree of rational understanding.

(11) "Maximum Parole Term" is the expiration date of an offender's combined sentences, or the last day of the offender's legislative parole term, as set forth in Utah Code Section 76-3-202, whichever occurs first.

(12) "Media" means a bona fide newspaper, magazine, or broadcast media enterprise, whether conducted on a for-profit or nonprofit basis, engaged in the business of providing news and information to the general public, per Section 53-25-101.

(13) "Mentally decompensating offender" means an individual who is in the custody of the Department of Corrections (Department), who has not been adjudicated as a mentally ill offender by a court, but whose mental health has decompensated to the point that admission to the State Hospital is necessary to ensure adequate mental health treatment.

(14) "Mentally ill offender" means an individual who has been adjudicated guilty with a mental illness, including an individual who has an intellectual disability, pursuant to Utah Code Section 77-16a-202.

(15) "Public hearing" means a hearing that is available to be viewed by a member of the public, whether in person or by live internet streaming. Public hearing includes "hearing" as discussed in Utah Code Subsection 77-38-2(5)(g). Every personal appearance hearing is a public hearing.

(16) A "pardon" is an act of grace that forgives a criminal conviction and restores the rights and privileges forfeited by or because of the criminal conviction. A pardon releases an applicant from the punishment prescribed for a criminal offense and from disabilities, to the extent allowable by law, that are a result of the criminal conviction. A pardon reinstates any civil rights lost as a result of conviction or punishment for a criminal offense, to the extent allowable by law.

(17) "Provisional custody" means a minor confined in a facility operated by the Division of Juvenile Justice and Youth Services, following conviction as an adult in district court, when the district court obtained jurisdiction over the minor pursuant to Utah Code Section 78A-6-450, 78A-6-451, or 80-6-501 et. Seq.

(18) "Remit" or "remission" means to forgive or to excuse, in whole or in part, any unpaid amount of a criminal accounts receivable, as in Utah Code Section 77-32b-102.

(17) "Sentence" means:

(a) A judgment, sentence, or commitment issued by a district court pursuant to Utah Code Subsection 77-18-105(2) for a criminal conviction.

(b) When a person is sentenced to prison after being convicted of multiple counts in the same criminal case, or after being convicted in multiple cases, credit for time served will be calculated separately for each sentence.

(18) "State Hospital" means the Utah State Hospital or other facilities designated by the Utah State Hospital where offenders may be housed for mental health treatment.

(19) "Victim" means:

(a) a person against whom the offender committed an offense over which the Board has jurisdiction;

(b) the victim's family if the victim is deceased as a result of the offense over which the Board has jurisdiction;

(c) For the purposes of a revocation hearing or other hearing where the Board is adjudicating whether conduct occurred a victim includes a person against whom the offender allegedly committed an offense or other parole violation; or

(d) Except for purposes of notification and in the Board's discretion, a victim may also include a natural person originally named as an alleged victim in an allegation of criminal conduct who is not a victim of the offense of Board jurisdiction to which the defendant entered a negotiated plea of guilty or no contest.

(20) "Victim representative" means a person designated by a victim or by this rule to represent a victim during Board processes, hearings, or communications.

KEY: pardons, parole

Date of Last Change: 2025|August 24, 2024|

Notice of Continuation: August 28, 2021

Authorizing, and Implemented or Interpreted Law: 77-27-9(5); 63G-3

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R671-201

Filing ID: 57592

Agency Information

1. Title catchline:

Pardons (Board of), Administration

Street address:

448 E Winchester St, #300

City, state:	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Robert Steed	801-618-9812	robertesteed@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R671-201. Original Hearing Schedule and Notice
4. Reason for the change:
The Board of Pardons is consolidating definitions that apply broadly into Rule R671-101.
5. Summary of the change:
This change streamlines the rules, avoids duplication, and makes maintenance easier.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:					
A. State budget:					
There is no anticipated impact on state budgets, as this rule consolidates all definitions into one location in administrative rule but does not add any workload requirements.					
B. Local governments:					
This amendment does not have an impact on local governments because it does not affect local governments.					
C. Small businesses ("small business" means a business employing 1-49 persons):					
This amendment does not have an impact on small businesses because it does not affect small businesses.					
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):					
This amendment does not have an impact on non-small businesses because it does not affect non-small businesses.					
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):					
This amendment does not have an impact on other persons as listed above.					
F. Compliance costs for affected persons:					
There are no compliance costs for affected persons.					
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)					
Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Article VII, Section 12	Section 77-27-5	Section 77-27-7
Section 77-27-9		

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:		12/15/2025
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):
12/10/2025	3:00 PM	448 E Winchester Ave Suite 300, Murray, UT

10. This rule change MAY become effective on:	12/22/2025
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:	Blake Hills, Chair	Date:	10/22/2025
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R671. Pardons (Board of), Administration.**R671-201. Original Hearing Schedule and Notice.****R671-201-1. Schedule and Notice.**

(1)(a) The Board shall conduct a scheduling review to determine the month and year of an offender's original hearing, and provide timely notice to the offender, within six months of the offender's commitment to prison, and provide notice in accordance with [Utah Administrative] Rule R671-203 Victim Input and Notification.

(b)(i) No original hearing may be scheduled for any offender whose prison commitment includes a sentence of death.

(ii) No original hearing will be scheduled for any offender whose sentence includes a commitment of life without the possibility of parole. The Board will not consider parole for any offender whose prison commitment includes a sentence of life without parole, unless the requirements of Utah Code Subsection 77-27-9(7) are met.

(iii) Every other offender will be scheduled for an original hearing as described in this rule.

(2) For purposes of this rule, "scheduling review" means the process by which the Board schedules the month and year for an offender's original hearing.

(3) The date of the original hearing or scheduling review may be adjusted if:

- (a) an offender requests a delay or continuance;
- (b) an offender has unadjudicated criminal charges pending at the time a hearing would normally be held;
- (c) a Class A misdemeanor commitment has expired before an original hearing; or
- (d) the Board determines that other unusual or extraordinary circumstances impact the scheduling of an original hearing; or
- (e) calendar constraints exist.

(4)(a) When scheduling an original hearing by scheduling review, the Board may consider the following, guideline date, pre-sentence report (including victim impact statements), nature of the offense, rehabilitative needs, and any relevant documentation provided.

(b) If the Board obtains and considers additional information which was not available to the offender before or at the time of sentencing, the additional information shall be provided to the offender. The offender may provide a response to any of the disclosed materials before or at the original hearing.

(5) When scheduling an original hearing by scheduling review, if the offender was less than 18 years of age at the time of the commitment offense, the original hearing shall be scheduled:

(a) no later than 6 months before the individual's 25th birthday, so long as the individual is in secure care, in the provisional custody of the Division of Juvenile Justice and Youth Services, at the time of the hearing.

(b) no later than 10 years after the individual's transfer to the custody of the Utah Department of Corrections if the individual is transferred to the custody of the department before their 25th birthday, so long as the total amount of time after the date of sentencing does not exceed 15 years.

(6) When the Board sets an original hearing in Subsection (5), the Board shall make a referral to the victim advocate at [the Department of] Health and Human Services to provide support and assistance should the victims of record choose to participate in any Board hearings to which they are entitled to participate.

(7) An offender may request in writing that their original appearance and hearing before the Board be continued. The request shall specify the reasons supporting the request. The Board may grant or deny the offender's request in its sole discretion.

KEY: parole, inmates, hearings

Date of Last Change: 2025|August 14, 2024|

Notice of Continuation: September 17, 2024

Authorizing, and Implemented or Interpreted Law: Art. VII Sec. 12; 77-27-5; 77-27-7; 77-27-9

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R671-204

Filing ID: 57594

Agency Information

1. Title catchline:		Pardons (Board of), Administration
Street address:		448 E Winchester St, #300
City, state:		Murray, UT 84107
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Robert Steed	801-618-9812	robertesteed@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R671-204. Hearing Continuances
4. Purpose of the new rule or reason for the change:
The Board of Pardons is consolidating definitions that apply broadly into Rule R671-101.

5. Summary of the new rule or change:

This change streamlines the rules, avoids duplication, and makes maintenance easier.

This amendment also adjusts the reasons for Board hearings to be continued and removes limitations to rescheduling or continuing hearings.

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

There is no anticipated impact on state budgets, as this rule consolidates all definitions into one location in administrative rule but does not add any workload requirements.

B. Local governments:

This amendment does not have an impact on local governments because it does not affect local governments.

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

This amendment does not have an impact on small businesses because it does not affect small businesses.

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

This amendment does not have an impact on non-small businesses because it does not affect non-small businesses.

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

This amendment does not have an impact on other persons as listed above.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

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

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

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

The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Article VII, Section 12	Subsection 63G-3-201(3)	Section 77-27-5
Section 77-27-7	Section 77-27-9	

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:		12/15/2025
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):
12/10/2025	3:00 PM	448 E Winchester Ave Suite 300 Murray, UT

10. This rule change MAY become effective on:	12/22/2025
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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:	Blake Hills, Director	Date:	10/22/2025
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R671. Pardons (Board of), Administration.**R671-204. Hearing Continuances.****R671-204-1. Permissible Hearing Continuances.**

Board hearings may be continued:

- (1) to inquire into, investigate, assess, or respond to any issue associated with a:
 - (a) possible lack of competency of the offender, pursuant to ~~[Utah Code Ann.]~~ Utah Code Sections 77-15-2, 77-27-7.1~~[77-15-3]~~ or Utah Admin. Rule R671-206; or
 - (b) mentally ill offender ~~or a mentally decompensating offender~~ whose mental health has deteriorated to a point where the offender has been transferred to the state hospital, or whose mental illness renders the offender unable to attend, understand, or appropriately participate in a hearing, pursuant to ~~[Utah Code Ann.]~~ Utah Code Section ~~[s. 62A-15-605, 62A-15-605.5,]~~ 77-16a-204~~[, Utah]~~ ~~[R. Admin. P. R207-1, R207-2 or]~~ Rule R671-207;
 - (2) when the offender is not available for the hearing ~~for reasons the offender cannot control~~~~[due to medical or mental health reasons];~~
 - (3) to allow an offender who has been determined by the Board to be unable to effectively represent themselves to obtain assistance at the hearing, pursuant to ~~[Utah R. Admin. P.]~~ Rule R671-308;
 - ~~[(4) to allow for the personal appearance of the offender if the offender is unable to appear at the hearing as scheduled;]~~
 - ~~(4)~~ (5) upon the request of a victim of record who desires to participate in the hearing, pursuant to ~~[Utah R. Admin. P.]~~ Rule R671-203, but who cannot reasonably attend the hearing as scheduled;
 - ~~(5)~~ (6) to await the adjudication or resolution of new or additional criminal charges;
 - ~~(6)~~ (7) to conduct a parole violation evidentiary hearing, pursuant to ~~[Utah R. Admin. P.]~~ Rule R671-517;
 - ~~(7)~~ (8) at the motion or request of the offender or an attorney representing the offender, with a written waiver and stipulation for the continuance, and a minimum notice to the Board of ~~[3]~~ three business days;
 - ~~(8)~~ (9) when the Board determines that new, additional, critical, or material information necessary for a full, fair, accurate, and complete hearing has not been received and will not be received by the scheduled hearing; or
 - ~~(9)~~ (10) when the Board finds that a continuance is in the interest of justice, procedural economy, or is necessary because of transportation, technical, security, or other issues beyond the control of the Board.

~~[R671-204-2. Limitations.~~

- ~~(1) Staff may not reschedule or continue original hearings, rescission hearings, or rehearings beyond 90 days unless a majority of the Board concurs with the continuance.~~

~~(2) No hearing may be continued beyond an offender's sentence expiration date.]~~

KEY: continuances, hearings, parole

Date of Last Change: ~~2025~~~~[October 31, 2016]~~

Notice of Continuation: August 15, 2025

Authorizing, and Implemented or Interpreted Law: Art. VII, Sec. 12; 63G-3-201(3); 77-27-5; 77-27-7; 77-27-9

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R671-205

Filing ID: 57595

Agency Information

1. Title catchline:		Pardons (Board of), Administration	
Street address:		448 E Winchester St, #300	
City, state:		Murray, UT 84107	
Contact persons:			
Name:		Phone:	Email:
Jennifer Yim		801-261-6464	jmyim@utah.gov
Robert Steed		801-618-9812	robertesteed@agutah.gov
Zarah Borja		385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R671-205. Credit for Time Served
4. Reason for the change:
The Board of Pardons is consolidating definitions that apply broadly into Rule R671-101.
5. Summary of the change:
This change streamlines the rules, avoids duplication, and makes maintenance easier.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated impact on state budgets, as this rule consolidates all definitions into one location in administrative rule and clarifies Board process, but does not add any workload requirements.
B. Local governments:
This amendment does not have an impact on local governments because it does not affect local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This amendment does not have an impact on small businesses because it does not affect small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This amendment does not have an impact on non-small businesses because it does not affect non-small businesses.

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

This amendment does not have an impact on other persons as listed above.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

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

Regulatory Impact Summary Table

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

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

The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Article VII, Section 12	Section 77-18-105	Section 77-27-5
Section 77-27-7	Section 77-27-9	

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:		12/15/2025
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):
12/10/2025	3:00 PM	448 E Winchester Ave Suite 300 Murray, UT

10. This rule change MAY become effective on: 12/22/2025

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:	Blake Hills, Chair	Date:	10/22/2025
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R671. Pardons (Board of), Administration.**R671-205. Credit for Time Served.****[R671-205-1. Definitions.**

- ~~(1) "Custody" for purposes of this rule, means that a person is held in jail or prison, and includes a person who is:~~
- ~~(a) in the custody of a peace officer pursuant to a lawful arrest;~~
 - ~~(b) a minor confined in a facility operated by the Division of Juvenile Justice Services, following conviction as an adult in district court, when the district court obtained jurisdiction over the minor pursuant to Section 78A-6-450, 78A-6-451, or 80-6-501 et. Seq.; or~~
 - ~~(c) committed to the Department of Corrections, but who is housed at the Utah State Hospital or other medical facility.~~
- ~~(2)(a) "Sentence" for purposes of this rule, means a judgment, sentence, or commitment issued by a district court pursuant to Subsection 77-18-105(2) for a criminal conviction and over which the Board has prison release jurisdiction.~~
- ~~(b) When a person is sentenced to prison after being convicted of multiple counts in the same criminal case, or after being convicted in multiple cases, credit for time served will be calculated separately for each sentence.]~~

R671-205-1. [2. Credit for Time Served.] General Provisions.

(1) Credit for time served is applied to reducing the statutory expiration date of a sentence and shall be granted by the Board against an offender's prison sentence for time an offender served in custody if, before being sentenced to prison, the offender was held in custody in connection with the specific sentence:

- (a) while awaiting trial, conviction, or imposition of the sentence, including any time spent in confinement, detention, or hospitalization in the custody of ~~[the Department of]~~ Health and Human Services or the Utah State Hospital awaiting competency evaluation or restoration;
 - (b) while on probation or parole and awaiting a hearing or decision regarding the probation or parole violation allegations;
 - (c) as a condition of probation following the imposition of a suspended prison sentence, if the offender is later committed to prison on or after October 1, 2015;
 - (d) as a sanction for a violation of probation, following the revocation and re-start or re-imposition of probation, if the offender is later committed to prison on or after October 1, 2015;
 - (e) as a response to a violation of probation, pursuant to the Response and Incentive Matrix, if the offender is later committed to prison on or after October 1, 2015;
 - (f) that is reversed, vacated, or otherwise set aside, if a subsequent prison sentence is imposed for the same criminal conduct;
 - (g) at the Utah State Hospital following a "guilty and mentally ill" conviction; or
 - (h) outside the state based solely on a Utah warrant issued in connection with the sentence under Board jurisdiction.
- (2) The Board may, in its discretion, grant credit for time served in other, extraordinary circumstances.

R671-205-2[3]. Exclusions.

Credit for time served may not be granted for any period of custody served:

- (1) for an arrest, pre-trial detention, probation, commitment, case, conviction, or sentence over which the Board has no jurisdiction;
- (2) at the Utah State Hospital or comparable non-prison, psychiatric facility while an offender, before commitment to prison is under a civil commitment order or other similar order to remain in the facility;
- (3) in a medical or other treatment facility while under court ~~jurisdiction~~[supervision];
- (4) under home-confinement, house arrest, in a community correctional center, or in any other treatment facility while under court ~~jurisdiction~~[supervision]; ~~or~~
- (5) for an arrest, pre-trial detention, probation, commitment, or sentence while in the custody~~[under the jurisdiction]~~ of any other jurisdiction, including other states and the federal government; or~~[-]~~
- (6) for time served pre-sentence for a subsequent conviction, over which the Board has jurisdiction, that occurred during a period of incarceration while under the Board's jurisdiction.

R671-205-3[4]. Concurrent and Consecutive Sentencing.

- (1) If an offender is committed to prison for more than one sentence, credit for time served shall be calculated for each sentence separately.
- (2) If an offender is committed to prison to serve consecutive sentences, only the credit for time served attributable to the consecutive sentence shall be granted against that sentence, and the consecutive sentence shall begin only following the expiration of any prior sentences.
- (3) If an offender is serving one or more prison sentences, and a subsequent prison sentence is imposed concurrently, credit for time served shall begin on the date the subsequent prison sentence is imposed.
- (4) If an offender is serving one or more prison sentences, and a subsequent prison sentence is imposed consecutively, credit for time served may not be granted toward the consecutive sentence, and the consecutive sentence shall begin only following the expiration of any prior sentences.

R671-205-4[5]. Verification of Time Served Required.

(1) The Board shall only grant credit for time served if the time in custody is documented in official records of the court or facility of custody.

(2) If an offender desires credit in addition to that granted by the Board, the offender bears the burden to petition for, and provide copies of records supporting, the additional credit.

KEY: credit for time served, prison release, parole

Date of Last Change: ~~2025~~~~[June 9, 2022]~~

Notice of Continuation: November 10, 2021

Authorizing, and Implemented or Interpreted Law: Art. VII Sec. 12; 77-18-105; 77-27-5; 77-27-7; 77-27-9

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R671-206	Filing ID: 57596

Agency Information		
1. Title catchline:	Pardons (Board of), Administration	
Street address:	448 E Winchester St, #300	
City, state:	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Robert Steed	801-618-9812	robertesteed@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information	
2. Rule or section catchline:	R671-206. Competency of Offenders
4. Reason for the change:	The Board of Pardons is consolidating definitions that apply broadly into Rule R671-101.
5. Summary of the change:	This change streamlines the rules, avoids duplication, and makes maintenance easier. It also clarifies that a hearing officer may question an offender's competency.

Fiscal Information	
6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
There is no anticipated impact on state budgets, as this rule consolidates all definitions into one location in administrative rule but does not add any workload requirements.	
B. Local governments:	
This amendment does not have an impact on local governments because it does not affect local governments.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
This amendment does not have an impact on small businesses because it does not affect small businesses.	

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

This amendment does not have an impact on non-small businesses because it does not affect non-small businesses.

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

This amendment does not have an impact on other persons as listed above.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

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

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

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

The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 77-15-2	Section 77-15-3	Section 77-15-5
Section 77-27-2	Section 77-27-7	

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

A. Comments will be accepted until:		12/15/2025
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):
12/10/2025	3:00 PM	448 E Winchester Ave Suite 300 Murray, UT

10. This rule change MAY become effective on:	12/22/2025
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:	Blake Hills, Chair	Date:	10/22/2025
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R671. Pardons (Board of), Administration.**R671-206. Competency of Offenders.****~~R671-206-1. Incompetence for Board Proceedings Defined.~~**

~~For purposes of the proceedings of the Board of Pardons and Parole (Board) an offender is incompetent to proceed if the offender is suffering from a mental disorder or intellectual disability resulting in either:~~

- ~~(1) an inability to have a rational and factual understanding of a pending Board hearing; or~~
~~(2) an inability to consult with counsel and participate in a hearing with a reasonable degree of rational understanding.]~~

R671-206-1[2]. Stay to Determine Offender Competence.

(1) If an offender's competency is questioned by a ~~[Board member or]~~ hearing official, Department of Corrections (Department), counsel for the State, or counsel for an offender, as defined in this rule or as defined in Utah Code Section 77-15-2, then all proceedings shall be stayed pending a decision by the Board regarding the offender's competence.

(2) A stay of proceedings under this rule does not toll any time served nor does it affect an offender's sentence expiration date.

R671-206-2[3]. Proceedings When Competence Is Questioned.

If there is reason to believe that an offender is or may be incompetent, the Board may:

- (1) request a mental health evaluation from the Department or a private mental health expert to assist in determining whether the offender is competent or is likely to become competent while housed in the custody of the Department;
- (2) appoint one or more contract psychologists to examine the offender and report in writing to the Board, specifically addressing the issue of competency, as defined in this rule and pursuant to Utah Code Subsection 77-27-7(5); or
- (3) request that the Board's counsel from the Attorney General's office file a petition on behalf of the Board with the district court for a competency hearing pursuant to Utah Code Section 77-15-3.

R671-206-3[4]. Determination of Competence.

If the Board or the district court, pursuant to Utah Code Section 77-15-3, determines the offender is competent, the Board shall proceed with scheduled hearings or other actions.

KEY: criminal competency

Date of Last Change: 2025[August 21, 2025]

Notice of Continuation: October 3, 2022

Authorizing, and Implemented or Interpreted Law: 77-15-2; 77-15-3; 77-15-5; 77-27-2; 77-27-7

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or section number:	R671-315	Filing ID: 57604

Agency Information

1. Title catchline:	Pardons (Board of), Administration	
Street address:	448 E Winchester St, #300	
City, state:	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Robert Steed	801-618-9812	robertesteed@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

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

R671-315. Pardons

4. Reason for the change:

The Board of Pardons is consolidating definitions that apply broadly into Rule R671-101.

5. Summary of the change:

This change streamlines the rules, avoids duplication, and makes maintenance easier.

It also clarifies that pardons are not available for pleas in abeyance.

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

There is no anticipated impact on state budgets, as this rule consolidates all definitions into one location in administrative rule but does not add any workload requirements.

B. Local governments:

This amendment does not have an impact on local governments because it does not affect local governments.

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

This amendment does not have an impact on small businesses because it does not affect small businesses.

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

This amendment does not have an impact on non-small businesses because it does not affect non-small businesses.

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

This amendment does not have an impact on other persons as listed above.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

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

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

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

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

The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Article VII, Section 12	Subsection 77-27-1(16)	Section 77-27-5
Section 77-27-5.1	Section 77-27-9	Section 77-41-113

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:**

12/15/2025

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):
12/10/2025	3:00 PM	448 E Winchester Ave Suite 300 Murray, UT

10. This rule change MAY become effective on:

12/22/2025

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:	Blake Hills, Chair	Date:	10/22/2025
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R671. Pardons (Board of), Administration.**R671-315. Pardons.****R671-315-1. Pardons.**

~~[(1)] (1) A pardon is an act of grace that forgives a criminal conviction and restores the rights and privileges forfeited by or because of the criminal conviction. A pardon releases an applicant from the punishment prescribed for a criminal offense and from disabilities, to the extent allowable by law, that are a result of the criminal conviction. A pardon reinstates any civil rights lost as a result of conviction or punishment for a criminal offense, to the extent allowable by law.~~

~~(1)(2)(a)~~ (a) The Board may consider an application for a pardon from any individual who has been convicted of an offense in Utah, after the applicant has exhausted judicial remedies, including expungement, in an effort to ameliorate the effects of the conviction.

(b) Absent extraordinary circumstances, the Board will accept and consider a pardon application only after at least five years have passed since the sentence for the conviction and any enhancement period has terminated or expired.

(c) The Board will not consider pardons for infractions or successfully completed pleas in abeyance.

~~(2)(3)(a)~~ (a) A person seeking a pardon from the Board must complete and submit, to the Board's satisfaction, an application in a form approved by the Board. Every requirement of this rule is subject to reasonable accommodations when requested by the applicant.

(b) No pardon application will be accepted unless it has been signed by the person whose convictions are sought to be pardoned.

(c) Posthumous pardon applications will not be accepted or considered.

(d) A pardon application will not be considered unless the applicant is willing to personally attend the pardon hearing.

~~(3)(4)~~ (4) In addition to the completed application, the applicant shall provide to Board staff, where possible, other relevant information including:

(a) any police reports concerning the conviction for which the applicant is seeking a pardon;

(b) any pre- or post- sentence reports prepared in connection with any sentence served in jail or prison, and for any conviction for which the applicant is seeking a pardon;

NOTICES OF PROPOSED RULES

- (c) the applicant's inmate files;
 - (d) a recent Bureau of Criminal Identification (BCI) report, National Crime Information Center (NCIC) report, and Interstate Identification Index (III) report concerning the applicant;
 - (e) verification from the applicant or a third party, including the Office of State Debt Collection, that imposed restitution, fines, fees, or surcharges have been satisfied; and
 - (f) verification from the applicant that the applicant completed therapy programs ordered by any court or by the Board.
- (4[5])(a) Board staff shall summarize information collected or submitted regarding the application and provide the application and additional information to the Board.
- (b) As allowable by law, Board staff shall disclose to the applicant, before the hearing, any information obtained or received by the Board regarding the pardon application which is not from the applicant.
- (c) The Board may request additional information from staff or from the applicant.
- (5[6]) Once complete, and if otherwise compliant with Board rules, the pardon application and any available relevant information will be considered by the Board, which shall vote to grant or deny a pardon hearing.
- (6[7]) If a pardon hearing is granted:
- (a) notice of the hearing shall be published on:
 - (i) the Board's website; and
 - (ii) the Utah Public Notice website; and
 - (b) for each conviction which is the subject of the pardon hearing, notice of the hearing shall be mailed or otherwise sent to:
 - (i) any victim of record, if the victim can be located;
 - (ii) the arresting or investigating agency;
 - (iii) the sentencing court; and
 - (iv) the respective prosecuting agency.
- (7[8]) In furtherance of the Board's obligation to conduct a full and fair hearing, the following pardon hearing procedures apply:
- (a) The pardon applicant shall personally appear and shall be required to testify. The applicant may designate a few family members or other supporters to offer testimony at the hearing, if time allows.
- (b) Any victim of a conviction for which a hearing has been scheduled may offer testimony, or may submit written material concerning the pardon request. Any victim may designate a representative to testify on the victim's behalf at a pardon hearing.
- (c) An authorized representative of the arresting or investigating agency, sentencing court or prosecuting agency for each conviction which is the subject of the hearing may offer testimony or may submit written material concerning the pardon request.
- (d) The Board may subpoena any person to attend and testify at a pardon hearing if it determines that such testimony will aid the Board in making a decision regarding the pardon request.
- (e) Any person not otherwise specified in this rule may submit letters in support of or in opposition to a pardon request.
- (f) Any testimony or written material regarding a pardon request must be relevant, and must comply with other Board administrative rules.
- (g) Statements or other material submitted regarding a pardon application or hearing may not be submitted anonymously.
- (h) The Board may refuse to accept, remove from an applicant's file or pardon application, or refuse to consider any statement or material submitted which is irrelevant, inflammatory, defamatory, hearsay, or which does not otherwise conform to Board rules.
- (i) The Board may manage the hearing as appropriate to promote efficiency.
- (8[9]) A pardon hearing may be conducted by the full Board, or by a panel or a single Board Member assigned by the Board Chair. If conducted by a panel of the Board, the Board Chair may appoint members to the panels in any combination.
- (9[49]) The Board may deny a pardon, grant a conditional pardon, or grant an unconditional pardon. The applicant will be notified in writing of the results as soon as practicable.
- (10[44]) Pardon decisions must be made by a majority vote. Pardon decisions are final and are not subject to judicial review.
- (11[42]) Upon granting a pardon, the Board shall issue an expungement order, directing any criminal justice agency to remove the recipient's identifying information relating to the expunged convictions from its records.
- (a) An expungement order, issued by the Board, has the same legal effect and authority as an order of expungement issued by a court, pursuant to Utah Code Title 77, Chapter 40, Utah Expungement Act.
- (b) The Board shall provide clear written directions to the pardon recipient along with a list of agencies known to be affected by the expungement order.
- (c) If the offense that was pardoned subjected the applicant to a registration requirement pursuant to Title 77, Chapter 41, Sex and Kidnap Offender Registry, the Board shall issue notification to the Department of Corrections of the pardon and direct that the applicant be removed from the registry.
- (12[43]) The Board may dispense with any requirement created by this rule for good cause.

KEY: pardons

Date of Last Change: 2025[June 9, 2022]

Notice of Continuation: November 10, 2021

Authorizing, and Implemented or Interpreted Law: Art. VII Sec. 12; 77-27-1(16); 77-27-5; 77-27-5.1; 77-27-9; 77-41-113

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R671-405****Filing ID:** 57606**Agency Information**

1. Title catchline:		Pardons (Board of), Administration	
Street address:		448 E Winchester St. #300	
City, state:		Murray, UT 84107	
Contact persons:			
Name:		Phone:	Email:
Jennifer Yim		801-261-6464	jmyim@utah.gov
Robert Steed		801-618-9812	robertesteed@agutah.gov
Zarah Borja		385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R671-405. Parole Termination
4. Purpose of the new rule or reason for the change:
The Board of Pardons is consolidating definitions that apply broadly into Rule R671-101.
5. Summary of the new rule or change:
This change streamlines the rules, avoids duplication, and makes maintenance easier.
This rule now requires that Early Termination Requests include a full report on offender identification, supervision activities, risk, treatment, compliance and finances and that Mandatory Termination Requests add details on new criminal conduct, violations or warrants, and public safety risk.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated impact on state budgets, as this rule clarifies what information is required in the three types of termination requests made to the Board to better reflect current practice.
B. Local governments:
This amendment does not have an impact on local governments because it does not affect local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This amendment does not have an impact on small businesses because it does not affect small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This amendment does not have an impact on non-small businesses because it does not affect non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This amendment does not have an impact on other persons as listed above.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

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

Regulatory Impact Summary Table

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

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

The Board Administrator of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Article VII, Section 12	Subsection 64-13-21(7)	Section 76-3-202
Subsection 77-27-1(24)	Section 77-27-5	Subsection 77-27-7(4)
Section 77-27-9	Section 77-27-11	Section 77-27-12

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:		12/15/2025
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):
12/10/2025	3:00 PM	448 E Winchester Ave Suite 300 Murray, UT

10. This rule change MAY become effective on:	12/22/2025
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:	Blake Hills, Chair	Date:	10/22/2025
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R671. Pardons (Board of), Administration.**R671-405. Parole Termination.****R671-405-1. General Provisions.**

- (1) When an offender is granted parole, the offender shall remain on parole until:
- (a) the offender's maximum parole term has been served;
 - (b) the Board grants a parole termination and discharge of the offender's sentence, pursuant to the Utah Adult Sentencing, Release & Supervision Guidelines (Guidelines) and Utah Code[Subsection 64-13-21(7) and] Section 76-3-202;
 - (c) the Board revokes the offender's parole; or
 - (d) the offender is confined during the parole period.
- ~~[(2) "Maximum Parole Term" for purposes of this rule is the expiration date of an offender's combined sentences, or the last day of the offender's legislative parole term, as set forth in Section 76-3-202, whichever occurs first.~~

R671-405-2. Termination Request Reports.

(1) Earned Compliance Credit Requests or notices by the Department of Corrections (Department) shall include or be accompanied by a report which includes:

~~[(2) Parole termination requests or notices submitted by the Department of Corrections (Department) shall include or be accompanied by a report which includes:~~

- (a)[1] The offender's identification information, supervising agent information, and agent contact information;
- (b)[2] Any incentives granted to, or sanctions imposed on the offender by the Department during the term of parole supervision;
- (c)[3] The date the offender was placed on parole, the offender's sentence expiration date, and the number of total months on parole during which the offender was compliant with conditions of parole and the offender's case action plan;
- (d)[4] A current risk assessment, score, and risk reduction information;
- (e)[5] The results of a current sex offender treatment exit polygraph, if the offender is on parole for a sex offense or if requested by the Board;
- (f)[6] An update on the offender's case action plan progress, compliance, and completion and a recommendation from the Department whether parole should be extended to allow successful completion of any necessary treatment program identified in the case action plan which has not yet been completed;

- (g)[7] An update regarding the offender's compliance with or completion of any special conditions of parole; and
- (h)[8] A summary which details the offender's payment of restitution and other financial obligations[or orders, and if restitution has not been paid in full, an explanation of the non-payment, and the efforts the Department has made to collect restitution].

(2) Early Termination Requests submitted by the Department shall include or be accompanied by a report which includes:

- (a) The offender's identification information, supervising agent information, and agent contact information;
- (b) Any incentives granted to, or sanctions imposed on the offender by the Department during the term of parole supervision;
- (c) The date the offender was placed on parole and the offender's sentence expiration date;
- (d) The supervision length guidelines, the early review termination date, and the mandatory review date;
- (e) A current risk assessment, score, and risk reduction information;
- (f) The results of a current sex offender treatment exit polygraph, if the offender is on parole for a sex offense or if requested by the Board;

(g) Information on the offender's completion of ordered assessments and any recommended treatment, or if no treatment was ordered, information that this requirement has been met;

(h) Information on the offender's stability and compliance, including special conditions of parole, in accordance with the early termination review process outlined in the Guidelines; and

(i) A summary which details the offender's payment of restitution and other financial obligations.

(3) Mandatory Termination Requests submitted by the Department shall include or be accompanied by a report which includes:

- (a) The offender's identification information, supervising agent information, and agent contact information;
- (b) Any incentives granted to, or sanctions imposed on the offender by the Department during the term of parole supervision;
- (c) The date the offender was placed on parole and the offender's sentence expiration date;
- (d) The supervision length guidelines and the mandatory review date;
- (e) A current risk assessment, score, and risk reduction information;
- (f) The results of a current sex offender treatment exit polygraph, if the offender is on parole for a sex offense or if requested by the Board;

(g) Information on the offender's completion of ordered assessments and any recommended treatment, or if no treatment was ordered, information that this requirement has been met, and if relevant, the remaining amount of time until completion will occur;

(h) Information on the offender's stability and compliance, including special conditions of parole, in accordance with the mandatory review process outlined in the Guidelines;

(i) A summary which details the offender's payment of restitution and other financial obligations;

(j) If there is a new criminal conviction or new criminal conduct;

(k) Whether AP&P has submitted notice of violations or a request for a warrant to be issued; and

(l) Whether the offender poses a substantial risk to public safety, as defined in the Guidelines.

NOTICES OF PROPOSED RULES

R671-405-3. Discretionary Termination of Parole.

(1) The Department may request that the Board terminate any offender's parole at any time before the final day of the offender's maximum parole term.

(2) The Department shall submit, with the request for early termination of parole, a termination report which contains the information set forth in Section R671-405-2.

(3) Written notification of the Board's decision regarding the request for parole termination shall be provided to the offender through the Department.

(4) In extraordinary circumstances, the Board may consider a termination request from an offender or offender's counsel. The Board may seek a recommendation from the Department on any parole termination request not submitted by the Department.

R671-405-4. Termination of Parole Pursuant to Earned Compliance Credit.

(1) This section is only applicable to individuals placed on parole on or after October 1, 2015, but before January 1, 2019.

(2) When the Department determines that an offender has met the requirements for an early termination of parole, pursuant to Utah Code Subsection 64-13-21(7), it shall notify the Board within 30 days and request that the Board terminate the parole of the offender.

(3) The Department shall submit, with the request for early termination of parole, a termination report which contains the information set forth in Section R671-405-2.

(4) Upon receipt and verification of the Department's early termination request, the Board shall terminate the offender's parole, unless the Board determines that:

(a) the offender is currently in violation of parole; or

(b) the offender violated the terms and conditions of parole at any point during parole, and the violation was not reported to the Board;

(c) the Board determines that the offender was awarded credit toward the early termination for a month in which the offender violated the terms and conditions of parole; or

(d) the Board determines that early parole termination would interrupt the completion of a necessary treatment program, identified in the offender's case action plan.

(5) Written notification of the Board's decision regarding the request for early parole termination shall be provided to the offender through the Department.

KEY: sentencing, parole

Date of Last Change: 2025[June 9, 2022]

Notice of Continuation: November 10, 2021

Authorizing, and Implemented or Interpreted Law: Art. VII, Sec. 12; 64-13-21(7); 76-3-202; 77-27-1(24); 77-27-5; 77-27-7(4); 77-27-9; 77-27-11; 77-27-12

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R704-4

Filing ID: 57617

Agency Information

1. Title catchline:	Public Safety, Emergency Management	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	4315 S 2700 W, 2nd Floor, Suite 2200	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Janna Wilkinson	385-214-5857	jannawilkinson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R704-4. Response, Recovery, and Post-disaster Mitigation Grant Funding

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 239 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>This rule filing is being submitted because of the passage of HB 239 during the 2025 General Session to reflect changes made in the bill.</p> <p>This rule is authorized by Section 53-2a-1305.</p>	
5. Summary of the new rule or change:	
<p>HB 239 (2025) renamed the account, changed available distribution and amount of the account; and enacted that the account can be granted for pre-disaster mitigation.</p> <p>This rule was rewritten to distinguish between the post-disaster procedures and criteria, and the pre-disaster mitigation procedures and criteria.</p> <p>Substantive provisions that were repealed are:</p> <ol style="list-style-type: none"> 1) the limitations of the application window are removed; 2) the Division of Emergency Management (division) is no longer required to consult specifically with the National Weather Service; 3) expanded the definition of incident to all disasters, not only natural disasters; 4) removed requirement that applications be submitted online only; and 5) removed specific list of eligible costs that qualify for grants. <p>The new substantive provisions in this rule are:</p> <ol style="list-style-type: none"> 1) the eligibility of pre-disaster mitigation funding; 2) funding criteria and account limits for pre-disaster mitigation grants; and 3) established a definition for essential utility services. 	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>There are no anticipated costs or savings to the state budget as a result of this rule filing because this rule only establishes requirements, procedures, and standards for administering the Disaster Response, Recovery, and Mitigation Restricted Account.</p> <p>Costs of funding the account were included in the fiscal note for HB 239 (2025).</p> <p>Administrative costs to Division of Emergency Management for receiving, evaluating and processing grants are expected to be absorbed into the current operating budget; however, the division was granted authority under Subsection 53-2a-1304(2) to expend money from the account to pay necessary costs of evaluating and administering grants under Title 53, Chapter 2a, Part 13, Disaster Response, Recovery and Mitigation Restricted Account.</p> <p>https://le.utah.gov/Session/2025/bills/static/HB0239.html</p>
B. Local governments:
<p>It is anticipated that the potential impact to local governments would be minimal to cover costs of employee hours to gather and submit documentation to the division as part of the grant request.</p> <p>Savings to local governments would be directly related to the amount of the grant they receive reimbursing them for money spent on pre or post disaster mitigation.</p> <p>Costs and savings are inestimable because the division is not able to anticipate who will submit applications for grant funding, or the amount they will be applying for.</p>

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

There are no anticipated costs or savings to small businesses because governmental entities are the only entities permitted to apply for the grant.

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

There are no anticipated costs or savings to non-small businesses because governmental entities are the only entities permitted to apply for the grant.

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

There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local entities because governmental entities are the only entities permitted to apply for the grant.

F. Compliance costs for affected persons:

There are no anticipated compliance costs to affected persons because governmental entities are the only entities permitted to apply for the grant.

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 53-2a-102	Section 53-2a-1031	Section 53-2a-1302
Section 53-2a-1303	Section 53-2a-1304	Section 53-2a-1305

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: 12/15/2025

10. This rule change MAY become effective on:	12/22/2025
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:	Kris Hamlet, Division of Emergency Management Director	Date:	10/24/2025
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R704. Public Safety, Emergency Management.

~~[R704 4. Response, Recovery, and Post-disaster Mitigation Grant Funding.~~

~~R704 4.1. Authority.~~

~~This rule is authorized by Section 53-2a-1305.~~

~~R704 4.2. Purpose.~~

~~The purpose of this rule is to establish requirements, procedures, and standards for administering the Response, Recovery, and Post-disaster Mitigation Restricted Account described in Title 53, Chapter 2a, Part 13.~~

~~R704 4.3. Definitions.~~

~~(1) Terms used in this rule are defined in Sections 53-2a-102 and 53-2a-1301.~~

~~(2) Additional terms are defined as follows:~~

~~(a) "affected community member support services" means actions taken by a governing body to support their affected community members that are intended to support the affected community member to make their home or business safe, sanitary, and functional, and are not covered by insurance;~~

~~(b) "facility" means a building or system, built or manufactured, or an improved and maintained natural feature;~~

~~(c) "governing body" means the same as defined in Subsection 53-2a-602(2)(f);~~

~~(d) "incident" means a natural disaster event that causes damage of sufficient severity and magnitude to warrant disaster assistance to supplement the efforts and available resources of the state, a local government, or a disaster relief organization in alleviating the damage, loss, hardship, or suffering caused thereby, including:~~

~~(i) earthquake;~~

~~(ii) storm;~~

~~(iii) flood;~~

~~(iv) tornado;~~

~~(v) landslide;~~

~~(vi) mudslide;~~

~~(vii) snowstorm;~~

~~(viii) wildfire; or~~

~~(ix) drought;~~

~~(e) "incident period" means the time interval during which the disaster-causing incident occurs as established by the division in consultation with the National Weather Service or other disaster event expertise agency;~~

~~(f) "post-disaster mitigation integrated repairs" means disaster mitigation measures directly related to recovery damage repair projects that directly reduce the potential of future damage to the facility that was damaged in the incident; and~~

~~(g) "recovery damage repair" means the restoration of disaster-damaged publicly owned infrastructure and facilities.~~

~~R704 4.4. Application.~~

~~(1) A governing body of an affected community wishing to apply for disaster response, recovery and post-disaster grant funding shall submit to the division:~~

~~(a) an application in a form approved by the division;~~

~~(b) documentation of an official damage assessment as described in Section R704 4.8; and~~

~~(c) documentation of financial records, supporting documents, statistical records, and any other records pertinent to costs associated with response, recovery, and post-disaster mitigation.~~

~~(2) Applications shall be submitted to the division's recovery section at <https://recovery.utah-em.hub.aresis.com/>:~~

~~(a) at least 60 days after the end of the incident period; and~~

~~(b) before 90 days after the end of the incident period.~~

~~R704 4.5. Eligibility Review.~~

~~(1) The Division shall:~~

~~(a) review applications received for any eligible incident periods for eligibility, completeness, applicability, and feasibility;~~

~~(b) confirm that the applicant is an eligible governing body of an affected community; and~~

~~(c) score, rank, and prioritize applications for equitable and cost-effective grant award distribution.~~

~~(2) The costs submitted in the application shall:~~

~~(a) be the responsibility of the governing body of the affected community, or an individual or entity as allowed in Subsections 53-2a-1304(1)(a) through (e);~~

NOTICES OF PROPOSED RULES

- ~~_____ (b) have resulted from the disaster-causing incident which took place during the incident period or have occurred in anticipation of that incident;~~
- ~~_____ (c) meet eligible costs for emergency disaster services under Section R704-4-9; and~~
- ~~_____ (d) not be eligible for and not have been covered by any other available sources of funding, such as:~~
 - ~~_____ (i) insurance coverage;~~
 - ~~_____ (ii) FEMA public assistance or individual assistance programs;~~
 - ~~_____ (iii) other state funding sources;~~
 - ~~_____ (iv) other relevant federal disaster grant funding; or~~
 - ~~_____ (v) services as provided by voluntary or non-profit disaster organizations.~~

R704-4-6. Prioritization of Awards for Grant Applications.

~~_____ In accordance with Sections 53-2a-1302 and 53-2a-1305, the division shall consider the following criteria in prioritizing and awarding disaster response, recovery, and post-disaster hazard mitigation grant funding:~~

- ~~_____ (1) the total balance available in the account;~~
- ~~_____ (2) other sources of funding that might be available to the governing body for the purpose of disaster response, recovery, and post-disaster mitigation;~~
- ~~_____ (3) the severity or scale of the disaster or emergency that has been declared, including:~~
 - ~~_____ (a) the severity of the impact on an affected community that submitted a grant application; and~~
 - ~~_____ (b) the number of affected communities that submit a grant application; and~~
 - ~~_____ (4) the reasonableness, allocability, and allowability of costs submitted with the application.~~

R704-4-7. Grant Awards.

- ~~_____ (1) Grant funds shall be obligated after applications and corresponding documents are submitted, processed, validated, approved, and appropriately signed by the applicant and the director.~~
- ~~_____ (2) Disbursement of grant proceeds to the grantee shall take place within 10 business days of final approval of the grant application and corresponding documentation.~~
- ~~_____ (3) Grant funds awarded shall be based on a cost match of 75% to the state and 25% to the governing body.~~
- ~~_____ (4) A governing body cost share may be provided as:~~
 - ~~_____ (a) a contribution of cash;~~
 - ~~_____ (b) third-party in-kind services;~~
 - ~~_____ (c) materials; or~~
 - ~~_____ (d) a combination of items listed under Subsections R704-4-7(4)(a) through (c).~~

R704-4-8. Official Damage Assessment Requirement.

- ~~_____ (1) A governing body shall conduct an official damage assessment as required in Section R704-4-4.~~
- ~~_____ (2) Damage assessments shall include:~~
 - ~~_____ (a) a completed Preliminary Damage Assessment Cover Sheet as provided by the division; and~~
 - ~~_____ (b) associated documentation to support the damage and costs identified in the assessment.~~

R704-4-9. Eligible Costs.

- ~~_____ (1) Costs eligible to be submitted for consideration under the Response, Recovery, and Post-disaster Mitigation Restricted Account grant application include:~~
 - ~~_____ (a) emergency disaster services as defined in Subsection 53-2a-602(2)(d);~~
 - ~~_____ (b) recovery damage repair of:~~
 - ~~_____ (i) roads and bridges;~~
 - ~~_____ (ii) transportation systems;~~
 - ~~_____ (iii) utilities;~~
 - ~~_____ (iv) water control facilities;~~
 - ~~_____ (v) parks and recreation systems; and~~
 - ~~_____ (vi) other relevant facilities;~~
 - ~~_____ (c) post-disaster mitigation integrated repairs; and~~
 - ~~_____ (d) affected community member support services, if the grant funds are managed and distributed by the governing body of the affected community.~~
- ~~_____ (2) Grant funding for affected community member support services is not guaranteed to be awarded for each applicant in each disaster.~~
- ~~_____ (3) Eligible costs for affected community member support service actions may include:~~
 - ~~_____ (a) relevant costs associated with emergency disaster services as defined in Subsection 53-2a-602(2)(d);~~
 - ~~_____ (b) costs for services provided to assist affected community members with debris removal from their home or property; and~~
 - ~~_____ (c) costs for services provided to assist affected community members with repair or replacement of critical utility services.]~~

R704-4. Disaster Response, Recovery, and Mitigation Grant Funding.

R704-4-1. Authority.

~~_____ This rule is authorized by Section 53-2a-1305.~~

R704-4-2. Purpose.

This rule establishes requirements, procedures, and standards for administering the account described in Title 53, Chapter 2a, Part 13, Disaster Response, Recovery, and Mitigation Restricted Account.

R704-4-3. Definitions.

- (1) Terms used in this rule are defined in Sections 53-2a-102 and 53-2a-1301.
- (2) Additional terms are defined as follows:
 - (a) "affected community member support services" means actions taken by a governing body to support their affected community members that are intended to support the affected community member to make their home or business safe, sanitary, and functional, and are not covered by insurance;
 - (b) "essential utility services" means an appliance and its utility connection providing electricity, sanitation, heat, or climate control systems necessary to make a structure habitable or for medical necessity;
 - (c) "facility" means a building or system, built or manufactured, or an improved and maintained natural feature;
 - (d) "governing body" means the same as defined in Section 53-2a-602;
 - (e) "incident" means a disaster event that causes damage of sufficient severity and magnitude to warrant disaster assistance to supplement the efforts and available resources of the state, a local government, or a disaster relief organization in alleviating the damage, loss, hardship, or suffering;
 - (f) "incident period" means the time interval during which the disaster-causing incident occurs as established by the division in consultation with other agencies as necessary;
 - (g) "post-disaster mitigation integrated repairs" means disaster mitigation measures directly related to recovery damage repair projects that directly reduce the potential of future damage to the facility that was damaged in the incident; and
 - (h) "recovery damage repair" means the restoration of disaster-damaged publicly owned infrastructure and facilities.

R704-4-4. Eligibility After Declared Disaster.

- A governing body of an affected community requesting funding under this rule after a declared disaster shall:
- (1) have experienced a disaster in the affected community that results in a local, state, or presidential disaster declaration;
 - (2) submit an official damage assessment as described in Section R704-4-6 to the division; and
 - (3) develop a disaster recovery plan in consultation with and as outlined by the division.

R704-4-5. Eligibility for Pre-disaster Mitigation Funds.

A governing body of an affected community requesting pre-disaster mitigation funding shall have an identified pre-disaster mitigation project that supports:

- (1) mitigation strategies identified in their local hazard mitigation plan; or
- (2) the Utah Enhanced State Hazard Mitigation Plan.

R704-4-6. Application for Funds After Declared Disaster.

A governing body of an affected community applying for disaster response, recovery, and mitigation grant funding shall submit to the division:

- (1) an application in a form approved by the division;
- (2) documentation of:
 - (a) financial records;
 - (b) supporting documents;
 - (c) statistical records; and
 - (d) any other records pertinent to costs associated with response, recovery, and mitigation; and
- (3) an official damage assessment including:
 - (a) a completed preliminary damage assessment form provided by the division; and
 - (b) associated documentation supporting the damage and costs identified in the assessment.

R704-4-7. Application for Funds for Pre-disaster Mitigation.

- (1) A governing body of an affected community applying for pre-disaster mitigation grant funding shall submit to the division:
 - (a) an application in a form approved by the division;
 - (b) documentation of:
 - (i) financial records;
 - (ii) other funding eligible or applied for;
 - (iii) supporting documents including:
 - (A) a hazard mitigation plan;
 - (B) construction plans;
 - (C) records of historical damage for the planned area; and
 - (D) any other records pertinent to costs associated with response, recovery, and mitigation; and
 - (c) a statement justifying why the affected community did not accept or seek funding from other sources if applicable.
 - (2)(a) Pre-disaster mitigation projects shall only be considered when the balance of the account is in excess of \$10,000,000 at the end of the fiscal year; and

- (b) up to 25% of the excess balance may be dispersed for pre-disaster mitigation.

R704-4-8. Application Review After Declared Disaster.

- (1) The division shall:
 - (a) confirm that the applicant is an eligible governing body of an affected community;
 - (b) review applications received for eligibility, completeness, applicability, and feasibility; and;
 - (c) score, rank, and prioritize applications for equitable and cost-effective grant award distribution.
- (2) The costs submitted in the application shall:
 - (a) be the responsibility of the governing body of the affected community, or an individual or entity as allowed in Subsections 53-2a-1304(1)(a) through (c);
 - (b) have resulted from the disaster-causing incident which took place during the incident period, have occurred in anticipation of that incident, or be necessary to an eligible disaster mitigation measure;
 - (c) meet the requirements for eligible costs under Section R704-4-12; and
 - (d) not be eligible for and not have been reimbursed by any other available sources of funding, such as:
 - (i) insurance coverage;
 - (ii) FEMA public assistance or individual assistance programs;
 - (iii) other relevant federal disaster grant funding; or
 - (iv) services as provided by voluntary or non-profit disaster organizations.

R704-4-9. Application Review for Pre-disaster Mitigation Funds.

- (1) If there are funds available in accordance with Subsection R704-4-7(2), the division shall:
 - (a) confirm that the applicant is an eligible governing body;
 - (b) review applications received for eligibility, completeness, applicability, and feasibility; and;
 - (c) score, rank, and prioritize applications for equitable and cost-effective grant award distribution.
- (2) The costs requested in the application shall:
 - (a) be the responsibility of the governing body;
 - (c) meet eligible costs under Section R704-4-12; and
 - (d) not be eligible for and not have been reimbursed by any other available sources of funding.

R704-4-10. Prioritization of Awards for Grant Applications.

In accordance with Sections 53-2a-1302 and 53-2a-1305, the division shall consider the following criteria in prioritizing and awarding grant funding:

- (1) the available balance in the account;
- (2) other sources of funding for disaster response, recovery, and mitigation the governing body may be eligible for;
- (3) for a declared disaster, the severity or scale of the disaster, including:
 - (a) the severity of the impact on an affected community that submitted a grant application; and
 - (b) the number of affected communities that submit a grant application;
- (4) for a pre-disaster mitigation project, the anticipated severity or scale of the disaster without the mitigation including:
 - (a) the potential impact on an affected community that submitted a grant application; and
 - (b) the number of affected communities that submit a grant application; and
- (5) the reasonableness, allocability, and allowability of costs submitted with the application.

R704-4-11. Grant Awards.

- (1) Grant funds shall be obligated after applications and corresponding documents are submitted, processed, validated, approved, and appropriately signed by the applicant and the director.
- (2) Disbursement of grant proceeds to the grantee shall take place within 10 business days of final approval of the grant application and corresponding documentation.
- (3) Pre-disaster mitigation awards must be approved and noticed as required by Subsection 53-2a-1302(7).

R704-4-12. Eligible Costs.

- (1) Costs eligible for consideration under the Disaster Response, Recovery, and Mitigation Restricted Account grant application, in addition to allowed uses under Section 53-2a-1304, include:
 - (a) emergency disaster services as defined in Section 53-2a-602;
 - (b) necessary and reasonable pre-disaster mitigation activities and post-disaster mitigation integrated repairs; and
 - (c) affected community member support services, if the grant funds are managed and distributed by the governing body of the affected community.
- (2) Eligible costs for affected community member support service actions may include:
 - (a) relevant costs associated with emergency disaster services as defined in Section 53-2a-602; and
 - (b) costs for services provided to assist affected community members with repair or replacement of essential utility services.
- (3) The division may exclude any expenses or portion of expenses not deemed necessary, required, appropriate, equitable, or beneficial.

KEY: response grant funding; recovery grant funding; post-disaster mitigation grant funding; pre-disaster mitigation grant funding

Date of Last Change: ~~September 21, 2023~~ 2025

Authorizing, and Implemented or Interpreted Law: 53-2a-102; 53-2a-1301; 53-2a-1302; 53-2a-1303; 53-2a-1304; 53-2a-1305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R722-350

Filing ID: 57636

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

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R722-350. Certificate of Eligibility	
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 297 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
HB 297, passed in the 2025 General Session, made changes to Section 77-40a-104 by adding a new Subsection (4) that authorizes the Department of Public Safety to make rules to specify the procedure for notification of an order of expungement under Subsection 77-40a-306(5)(b).	
In addition, there were changes made to statutory references used in this rule that have been updated.	
5. Summary of the new rule or change:	
This amendment adds a new Section R722-350-7 to this rule that specifies procedures for notification of an order of expungement by a person, an authorized representative, or the court, to the bureau.	
In addition, statutory references to Section 77-40a-105 have been updated to Section 77-40a-302 throughout this rule text.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the state budget as a result of this rule filing because this rule only specifies the manner in which orders of expungement may be submitted to the bureau.
Any associated costs to the state budget because of the passage of HB 297 (2025) were identified in the fiscal note.
https://le.utah.gov/Session/2025/bills/static/HB0297.html

B. Local governments:

There are no anticipated cost or savings to local governments because this rule only specifies the manner in which orders of expungement may be submitted to the bureau, which should not result in any associated costs.

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 only specifies the manner in which orders of expungement may be submitted to the bureau, which should not result in any associated costs.

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 only specifies the manner in which orders of expungement may be submitted to the bureau, which should not result in any associated costs.

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 only specifies the manner in which orders of expungement may be submitted to the bureau, which should not result in any associated costs.

F. Compliance costs for affected persons:

There no anticipated compliance costs to affected persons because this rule only specifies the manner in which orders of expungement may be submitted to the bureau, which should not result in any associated 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 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 77-40a-101	Section 77-40a-104	Section 77-40a-302
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Section 77-40a-304

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:**

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:

10/27/2025

R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.**R722-350. Certificate of Eligibility.****R722-350-1. Purpose.**

The purpose of this rule is to establish procedures by which a petitioner may seek a certificate of eligibility pursuant to Title 77 Chapter 40a, Expungement of Criminal Records.

R722-350-2. Authority.

This rule is authorized under Section 77-40a-104.

R722-350-3. Definitions.

Terms used in this rule are defined in Section 77-40a-101.

R722-350-4. Application for a Certificate of Eligibility.

(1)(a) An application for a certificate of eligibility must be made in writing to the bureau by filling out the application form established by the bureau.

(b) An application form must be accompanied by a payment of the application fee established by the bureau in the form of cash, check, money order, or credit card.

(c) If the petitioner believes the court will find them to be indigent, to request a fee waiver, the petitioner shall:

(i) state on the application form that they are indigent; and

(ii) submit with the application form, the first two pages of the completed court form entitled Motion to Waive Fees for Expungement -- Criminal.

(d) If the petitioner has any pending agency actions with the bureau, including outstanding payments for past certificates, the new application ~~will~~ shall be denied until any such agency actions are fully resolved.

(2)(a) Upon receipt of a completed application form and payment of the application fee, the bureau shall review each criminal episode contained on the petitioner's criminal history, in its entirety, to determine whether the petitioner meets the requirements for a certificate of eligibility found in Sections ~~77-40a-105~~ 77-40a-302 and 77-40a-303.

(b) In making its determination, the bureau shall also review any federal, state and local criminal records, to which it has access.

(3) If the bureau has insufficient information to determine if the petitioner meets the requirements for a certificate of eligibility, the bureau may request that the petitioner submit additional information.

(4) If the bureau cannot obtain disposition information regarding the petitioner's criminal history or cannot determine whether the petitioner meets the requirements for a certificate of eligibility found in Sections ~~77-40a-105~~ 77-40a-302 and 77-40a-303, the bureau shall send a letter to the petitioner, at the address indicated on the application form, indicating that the petitioner may obtain a special certificate for each criminal episode upon the payment of the issuance fee established by the bureau, per special certificate.

(a) If the petitioner requests a fee waiver as described in Subsection R722-350-4(1)(c), the bureau ~~will~~ may not charge an issuance fee for the special certificate.

(b) If the court does not find a petitioner to be indigent after a petitioner requests a fee waiver as described in Subsection R722-350-4(1)(c), the petitioner ~~will be required to~~ shall pay each issuance fee before the bureau will process an expungement order.

(5) If the bureau determines that the petitioner meets the requirements for the issuance of a certificate of eligibility found in Sections ~~77-40a-105~~ 77-40a-302 and 77-40a-303, the bureau shall send the certificate of eligibility to the petitioner, at the address or email indicated on the application form, unless the charges were dismissed pursuant to a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance, or a diversion agreement under Title 77, Chapter 2, Prosecution, Screening, and Diversion.

(6) If the bureau determines that the petitioner meets the requirements for the issuance of a certificate of eligibility under any other circumstances, the bureau shall send a letter to the petitioner, at the address or email indicated on the application form, indicating that the petitioner must pay the issuance fee established by the bureau for each certificate of eligibility.

(a) If the petitioner requests a fee waiver as described in Subsection R722-350-4(1)(c), the bureau ~~will~~ may not charge an issuance fee for a certificate of eligibility.

NOTICES OF PROPOSED RULES

(b) If the court does not find a petitioner to be indigent after a petitioner requests a fee waiver as described in Subsection R722-350-4(1)(c), the petitioner ~~[will be required to]~~shall pay an issuance fee for each certificate of eligibility before the bureau will process an expungement order.

(7) The bureau may not issue a certificate of eligibility for an offense that does not require a certificate of eligibility for expungement unless the petitioner makes a specific request for a certificate of eligibility for the offense.

(8) If the bureau determines that the petitioner does not meet the criteria for the issuance of a certificate of eligibility, the bureau shall send a letter to the petitioner, at the address or email indicated on the application form, which describes the reasons why the petitioner's application was denied and notifies the petitioner that the petitioner may seek agency review of the bureau's decision by following the procedures outlined in Section R722-350-5.

R722-350-5. Agency Review of a Decision to Deny an Application for a Certificate of Eligibility.

(1) A petitioner may seek review of the denial of an application for a certificate of eligibility, as provided by Section 63G-4-301, by mailing or emailing a written request for review to the bureau within 30 days from the date the denial letter is issued.

(2) The request for review must:

- (a) be signed by the petitioner or the corresponding third party;
- (b) state the specific grounds upon which relief is requested;
- (c) state the date upon which it was mailed; and
- (d) include documentation which supports the petitioner's request for review.

(3) An employee of the bureau shall be designated to review the petitioner's written request, any accompanying documents supplied by the petitioner, and the materials contained in the application file to determine whether the petitioner meets the requirements for the issuance of a certificate found in Sections ~~[77-40a-105]~~77-40a-302 and 77-40a-303.

(4) Within a reasonable time after receiving the request for review, the bureau shall issue a final written order on review, which shall be mailed to the petitioner at the address or email indicated on the application.

(5) If upon further review the bureau cannot determine whether the petitioner meets the requirements for a certificate of eligibility found in Sections ~~[77-40a-105]~~77-40a-302 and 77-40a-303, the bureau shall send a letter to the petitioner, at the address indicated on the application form, indicating that the petitioner may obtain a special certificate for each criminal episode upon the payment of the issuance fee established by the bureau, per special certificate.

(a) If the petitioner requests a fee waiver as described in Subsection R722-350-4(1)(c), the bureau ~~[will]~~may not charge an issuance fee for the special certificate.

(b) If the court does not find a petitioner to be indigent after a petitioner requests a fee waiver as described in Subsection R722-350-4(1)(c), the petitioner ~~[will be required to]~~shall pay each issuance fee before the bureau will process an expungement order.

(6) If further review indicates that the petitioner meets the requirements for the issuance of a certificate of eligibility found in Sections ~~[77-40a-105]~~77-40a-302 and 77-40a-303, the bureau shall send a certificate of eligibility to the petitioner, unless the charges were dismissed pursuant to a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance, or a diversion agreement under Title 77, Chapter 2, Prosecution, Screening, and Diversion.

(7) If further review indicates that the petitioner meets the requirements for the issuance of a certificate of eligibility under any other circumstances, the order shall state that the petitioner must pay the issuance fee established by the bureau for each certificate of eligibility.

(a) If the petitioner requests a fee waiver as described in Subsection R722-350-4(1)(c), the bureau ~~[will]~~may not charge an issuance fee for a certificate of eligibility.

(b) If the court does not find a petitioner to be indigent after a petitioner requests a fee waiver as described in Subsection R722-350-4(1)(c), the petitioner ~~[will be required to]~~shall pay an issuance fee for each certificate of eligibility before the bureau will process an expungement order.

(8) If further review indicates that the petitioner does not meet the requirements for the issuance of a certificate, the order shall describe the reasons why the bureau's decision was upheld and notify the petitioner that the petitioner's opportunity to review the bureau's decision is limited to review by the district court as described in Section R722-350-6.

R722-350-6. Judicial Review.

A petitioner may seek judicial review of the bureau's final written order on review denying an application for a certificate of eligibility, as provided by Section 63G-4-402, by filing a complaint in the district court within 30 days from the date that the bureau's final written order is issued.

R722-350-7. Submission of Expungement Orders.

(1) An expungement order may be submitted to the bureau by the petitioner or authorized representative:

(a) by mail or in person at UTAH BUREAU OF CRIMINAL IDENTIFICATION, 4315 South 2700 West, Suite 1300 Taylorsville, Utah 84129; or

(b) by email at bcexpungements@utah.gov.

(2) If the expungement order is being submitted by the court, it shall be transmitted through the secure expungement portal established between the Administrative Office of the Courts and the bureau.

(3)(a) The bureau may not accept court-submitted expungement orders through email, mail, or in person delivery.

(b) Expungement orders submitted by the court that are not submitted through the secure portal described in Subsection (2) will be returned to the court with instructions for proper submission.

KEY: expungement, certificate of eligibility

Date of Last Change: ~~2025~~~~December 30, 2024~~

Notice of Continuation: August 6, 2025

Authorizing, and Implemented or Interpreted Law: 77-40a-101; 77-40a-104; ~~77-40a-105~~77-40a-302; 77-40a-303; 77-40a-304

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R746-318

Filing ID: 57639

Agency Information

1. Title catchline:		Public Service Commission, Administration	
Building:		Heber M Wells Building	
Street address:		160 E 300 S, 4th Floor	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 144558	
City, state and zip:		Salt Lake City, UT 84114-4558	
Contact persons:			
Name:		Phone:	Email:
Michael Hammer		801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:	
R746-318. Large Scale Electric 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:	SB 132 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>On 03/25/2025, SB 132, Electric Utility Amendments (the "Act"), was signed into law, codified at Title 54, Chapter 26, Large-Scale Electric Service Requirements.</p> <p>The Act establishes alternatives for providing electric service to customers with large electrical loads, establishes requirements for contracts between large-scale generation providers and large load customers to submit contracts to the Public Service Commission (PSC) for review, requires certain large-scale generation providers to register with the PSC, and requires the PSC to review certain contracts contemplated under the Act.</p> <p>The Act also requires the PSC to issue certain rules by 01/01/2026, and authorizes it to implement other rules, see, e.g., Subsection 54-26-901(1).</p> <p>This new rule is proposed to comply with the Act's requirements.</p>	
5. Summary of the new rule or change:	
<p>This rule:</p> <ol style="list-style-type: none"> 1) establishes requirements regarding transmission cost allocation required to be issued by 01/01/2026; 2) establishes processes and filing requirements for the PSC's review of contracts as the Act requires; 3) establishes a process for large-scale generation providers to register with the PSC as the Act requires; and 4) establishes additional processes for preserving the confidentiality of information large-scale generation providers submit to the PSC in connection with seeking approval of a contract or registration. 	

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

The rule is not anticipated to affect the state budget.

The Division of Public Utilities (DPU) and Office of Consumer Services (OCS) will have an opportunity to participate in certain dockets arising out of the PSC's review of contracts under the Act, but the costs of such participation are expected to be nominal and subsumed within the costs these agencies incur in their frequent and ordinary participation in PSC dockets.

While the Act requires the PSC and allows DPU and OCS to retain an independent consultant to be funded through a fee on applications for approval of contracts, the PSC is in the process of evaluating a fee structure and this rule does not establish any such fee.

The PSC, however, expects any costs associated with retaining independent consultants under the Act will be funded through such a fee under the Act.

B. Local governments:

This rule does not pertain to local governments and is not anticipated to affect local governments.

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

This rule does not pertain to small businesses and is not anticipated to affect small businesses except to the extent the small business seeks to become party to a large load contract as a large-scale generation provider or large load customer.

Entities that enter such contracts, involving very large amounts of electricity, are not likely to be small businesses.

Regardless, this rule imposes no costs aside from those attendant to registration with the PSC and filing contracts with the PSC for review as the Act requires.

This rule imposes no such costs beyond those already imposed by the Act.

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

This rule may affect any non-small business that seeks to become party to a large load contract as a large-scale generation provider or large load customer.

These non-small businesses may incur administrative costs to file contracts for the PSC's review or to register with the PSC as the Act requires.

However, this rule imposes no such costs beyond those already imposed by the Act.

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 affect any person, entity, or organization that seeks to become party to a large load contract as a large-scale generation provider or large load customers.

These persons may incur administrative costs to file contracts for the PSC's review or to register with the PSC as the Act requires.

However, this rule imposes no such costs beyond those already imposed by the Act.

F. Compliance costs for affected persons:

This rule imposes no compliance costs on affected persons other than those that stem from obligations expressly created in the Act.

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 Chair of the Public Service Commission, Jerry Fenn, 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 54-26-302(5)	Subsection 54-26-503(3)	Subsection 54-26-504(4)
Subsection 54-26-901(1)(a)		

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: 12/15/2025

10. This rule change MAY become effective on: 01/01/2026

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:	Jerry D. Fenn, PSC Chair	Date:	10/31/2025
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R746. Public Service Commission, Administration.

R746-318. Large-Scale Electric Requirements.

R746-318-101. Definitions.

As used in this rule:

(1) "Applicant" means a person who files an application for Commission approval of a large load contract or private generation contract.

(2) "Application" means an application for Commission approval of a large load contract or private generation contract.

(3) "Closed private generation system" is defined as in Subsection 54-26-101(1).

(4) "Commission" means the Public Service Commission.

(5) "Connected generation system" is defined as in Subsection 54-26-101(2).

(6) "Large load contract" is defined as in Subsection 54-26-101(4).

(7) "Large load construction contract" is defined as in Subsection 54-26-101(5).

NOTICES OF PROPOSED RULES

- (8) "Large load customer" is defined as in Subsection 54-26-101(6).
- (9) "Large load facilities" is defined as in Subsection 54-26-101(7).
- (10) "Large load incremental costs" is defined as in Subsection 54-26-101(9).
- (11) "Large-scale generation provider" is defined as in Subsection 54-26-101(11).
- (12) "Large-scale service request" is defined as in Subsection 54-26-101(12).
- (13) "Private generation contract" is defined as in Subsection 54-26-101(13).
- (14) "Qualified electric utility" is defined as in Subsection 54-26-101(14).
- (15) "Qualifying generation resources" is defined as in Subsection 54-26-101(15).

R746-318-102. Authority and Scope.

- (1) This rule is adopted under Section 54-1-1 and Title 54, Chapter 26, Large-Scale Electric Service Requirements.
- (2) This rule governs:
 - (a) the allocation of transmission costs between large load customers and retail customers for large load contracts for all purposes contemplated under Title 54, Chapter 26, Large-Scale Electric Service Requirements;
 - (b) the Commission's review of an application for approval of a large load contract; and
 - (c) a large-scale generation provider's registration and registration status with the Commission.

R746-318-103. Confidentiality and Access to Information.

- (1) An applicant may designate information it submits to the Commission as confidential or highly confidential pursuant to the procedures set forth in Section R746-1-601.
- (2) To the extent an applicant believes it necessary to restrict access to sensitive information from persons otherwise entitled to review confidential or highly confidential information under Section R746-1-602, the applicant may designate information as regulator access only by:
 - (a) placing the information on a document with a pink background;
 - (b) highlighting the information with shading, text boxes, borders, asterisks, or other conspicuous formatting; and
 - (c) including the following designation on each page containing the commercially sensitive information: "Regulator Access Only -- Highly Confidential -- Subject to Utah Public Service Commission Rule 746-318-103."
- (3) An applicant that files a document containing information designated as regulator access only shall:
 - (a) file a redacted version for public access and
 - (b) ensure that the line numbering and formatting in the redacted version match, as closely as practicable, that appearing in the unredacted version.
- (4) Information an applicant designates as regulatory access only shall be treated as confidential or highly confidential information for purposes of applying the sections of Rule R746-1 that refer to confidential or highly confidential information except the categories of persons entitled to receive or review the information enumerated in Section R746-1-602.
- (5) Only the following persons are entitled to receive and review information the applicant designates as regulator access only:
 - (a) the Commission, including its counsel, staff, and the independent consultant retained as contemplated by Subsection 54-26-901(1)(b);
 - (b) the Division of Public Utilities, Utah Department of Commerce, including its counsel, staff, and any independent consultant it retains as contemplated under Subsection 54-26-901(5)(a); and
 - (c) the Office of Consumer Services, Utah Department of Commerce, including its counsel, staff, and any independent consultant it retains as contemplated under Subsection 54-26-901(5)(a).
- (6)(a) A qualified electric utility or other intervenor may challenge an applicant's designation of information as regulator access only consistent with Section R746-1-604 and may propose alternative protections it believes are adequate to protect the commercially sensitive information, including restricting access to persons who execute non-disclosure agreements, as contemplated under Section R746-1-602.
- (b) To the extent the applicant wishes to restrict the challenging party's access to the information, notwithstanding its proposed alternative protections, the applicant bears the burden of demonstrating that access could be used to the competitive disadvantage of the applicant.
- (7) A rebuttable presumption exists that the following categories of information are commercially sensitive and appropriately designated regulator access only: credit terms, pricing terms, and other commercial terms related to implementing pricing and credit terms.
- (8) A rebuttable presumption exists that a qualified electric utility may receive and review the following categories of information: the specific locations of both the load and generation; size of the load; size of the generation; the resource type of the generation; the contract duration; the parties' present or future intent to interconnect the load or generation to the grid; and the existence of utility service at the site.

R746-318-201. General Requirements for Filing an Application for Approval of a Large Load Contract.

- (1) Within 15 days of executing a large load contract, a qualified electric utility or large-scale generation provider shall file with the Commission an application for approval of the large load contract, including a full and unredacted copy of the large load contract and shall include any additional appropriately redacted version to the extent the applicant has designated information confidential, highly confidential, or regulator access only.
- (2) An application for Commission approval of a large load contract may be filed by a qualified electric utility or large-scale generation provider.

(3) An appropriately redacted version of the application for Commission approval of a large load contract to which the qualified electric utility is not a party shall be served upon the qualified electric utility on the same day an unredacted, complete version is filed with the Commission.

(4) An application to the Commission for approval of a large load contract shall be accompanied by:

(a) evidence that demonstrates the large load customer meets the requirements of Title 54, Chapter 26, Large-Scale Electric Service Requirements;

(b) a copy of the fully executed large load contract at issue;

(c) a description of how the addition of the applicant's use will impact the qualified electric utility's system, including the increase in electricity demand the qualified electric utility is projected to experience, if any, to serve the large load customer;

(d) information describing the large load incremental costs necessary for the large load customer to receive electric service, including distribution costs, transmission costs, generation costs, contractual costs for providing electrical service, reasonable contribution to long-term operation and maintenance costs for large load facilities, and as applicable, any of the following as allowed by the Federal Energy Regulatory Commission:

(i) transmission system improvements, including network upgrades;

(ii) interconnection facilities;

(iii) transmission service; and

(iv) other necessary infrastructure.

(5) For large load contracts with a large-scale generation provider, the applicant shall provide:

(a) certification from the large load customer that the requirements of Subsection 54-26-402(1) are met; and

(b) sufficient information for the Commission to find that the requirements of Title 54, Chapter 26, Large-Scale Electric Service Requirements, have been satisfied.

(6) For large load contracts with the qualified electric utility, the application shall include a methodology for how the qualified electric utility will maintain separate accounting records with sufficient detail to demonstrate that costs will be directly assigned to the large load customer. This methodology will be provided by the qualified electric utility. Costs to be directly assigned to large load customers include those identified in Subsection R746-318-201(4)(d).

(7) The qualified electric utility will provide any information identified in Subsection 54-26-602(4) that is available when filing.

(8) Spreadsheets provided in support of an application should have each formula intact.

R746-318-202. The Commission's Review of Large Load Contracts.

(1) The Commission shall approve or disapprove an application for approval of a large load contract within 60 days of the application being filed.

(2) The Commission shall approve an application for a large load contract if the Commission finds:

(a) the contract complies with Title 54, Chapter 26, Large-Scale Electric Service Requirements;

(b) the large load customer bears each just and reasonable incremental cost attributable to receiving the requested electric service; and

(c) existing ratepayers do not bear costs justly and reasonably attributable to providing electric service for the large load customer.

R746-318-301. Allocation of Transmission Costs.

(1) To the fullest extent allowable under applicable federal law and regulations, each interconnection and transmission-related study and any identified interconnection upgrades, transmission upgrades, network upgrades, distribution system upgrades, and system upgrades a qualified electric utility or large-scale generation provider will incur or pay to provide service to a large load customer shall be directly assigned to the large load customer.

(2) If a large load customer will be provided transmission service using a project that was previously identified as a part of the qualified electric utility's long-term transmission plan, the large load customer's share of project costs will be assigned to the large load customer giving consideration to the size of the project, project scope, the proportion of the project's transmission capacity the large load customer will use, and any impact on the transmission plan.

(3) To carry out this policy, an application for Commission approval of a large load contract that includes large load customer transmission costs shall provide:

(a) evidence sufficient to allow the Commission to determine whether each incremental transmission cost is allocated to the large load customer, including:

(i) a description of costs for transmission upgrades associated with providing service to a large load customer;

(ii) a description of how the addition of the applicant's use will impact the qualified electric utility's transmission system, including:

(A) the projected increase in electricity demand from the large load customer;

(B) the transmission upgrades needed to meet the large load customer's transmission service needs;

(iii) an explanation of if and how the qualified electric utility proposes to recover from ratepayers any transmission costs that are in excess to, and should not be directly assigned to, the large load customer; and

(iv) a description of how each incremental cost allocated to the large load customer can reasonably be expected to be recovered from the large load customer given the duration of the large load contract and any contractually required security or guarantees.

(4) To determine whether the large load customer bears each incremental cost attributable to receiving the requested electric service, the Commission may consider the following non-exclusive list of factors:

(a) the timing and extent of the relevant generation resources, distribution system upgrades, and any other costs that would not occur absent the large load contract;

- (b) the extent to which the large load contract will change the costs, timing, and efficacy of any project that was already planned; and
- (c) how each of these factors might affect rate base and customer rates.

R746-318-401. Registration Requirements for Large-Scale Generation Providers.

- (1) To register with the Commission, a large-scale generation provider shall submit to the Commission notice of its registration, including the information and documentation that Subsection 54-26-501(2) requires.
- (2) When submitting a notice of registration, the large-scale generation provider will be considered an applicant under Section R746-318-103 and may designate information as confidential, highly confidential, or regulator access only.
- (3) The Commission will assign each notice of registration a unique docket number, post the filing to the Commission's website under that docket number, and distribute electronic copies to stakeholders consistent with its standard practice.
- (4) To the extent the large-scale generation provider elects to designate any information contained in its notice of registration as confidential, highly confidential, or regulator access only, it shall include an additional, redacted version of the information for inclusion in the publicly accessible docket.
- (5) Any person may submit notice to the Commission, at any time, that a registered large-scale generation provider has failed or is failing to comply with the requirements of Title 54, Chapter 26, Large-Scale Electric Service Requirements, after which the Commission may initiate an investigation or issue a notice of deficiency.
- (6) If, at any time, the Commission determines that a registered large-scale generation provider has failed or is failing to comply with any requirement of Title 54, Chapter 26, Large-Scale Electric Service Requirements, the Commission will provide notice of the deficiency to the registered large-scale generation provider.
- (7) A notice of deficiency will allow the large-scale generation provider 90 days to remedy the deficiency and may impose reasonable conditions on the large-scale generation provider's registration status during that 90-day period.
- (8) If the large-scale generation provider fails to remedy any deficiency within the 90 days allowed after a notice of deficiency, the Commission may suspend or revoke the large-scale generation provider's registration status.
- (9) To protect system reliability and Utah ratepayers in accordance with the law, the Commission may direct a large-scale generation provider to provide information regarding any material changes to its credit worthiness or technical capabilities, since the time of its registration, when reviewing any large load contract or private generation contract.

R746-318-402. Notice to Large Load Customers.

- (1) A registered large-scale generation provider shall provide notice to any potential large load customer of any conditions imposed on its registration by the Commission.
- (2) A registered large-scale generation provider shall include in each large load contract or private generation contract notice to the large load customer of the following:
 - (a) if the large-scale generation provider fails to comply with its legal requirements under Title 54, Chapter 26, Large-Scale Electric Service Requirements, the Commission may suspend or revoke the large-scale generation provider's registration and prohibit it from continuing to provide service after the large load customer is given reasonable opportunity to secure alternative service;
 - (b) the large load customer's load is subject to curtailment if the large load customer's demand exceeds the real-time dispatch of the large-scale generation provider's resources under the large load contract, net of transmission losses;
 - (c) except as explicitly provided in a large load contract, the qualified electric utility has no duty to serve a large load customer that has entered into a large load contract with a large-scale generation provider; and
 - (d) except as explicitly provided in a large load contract, the qualified electric utility is not required to provide backup power to a large load customer that has entered into a large load contract with a large-scale generation provider.

R746-318-501. Additional Filing Requirements for Large-Scale Generation Providers with a Connected Generation System.

- (1) This section applies to electric service a large-scale generation provider provides to a large load customer through a connected generation system.
- (2) In addition to the requirements of Section R746-318-201, an application for approval of a large load contract between a large-scale generation provider and a large load customer shall include:
 - (a) evidence showing the large-scale generation provider satisfies the requirements of Subsection 54-26-505(2);
 - (b) evidence showing the large load customer has met the requirements of Subsection 54-26-402(1);
 - (c) evidence showing the large-scale generation provider will serve the large load customer using only qualifying generation resources;
 - (d) evidence showing the large-scale generation provider has delivered the notices Section R746-318-402 requires;
 - (e) a declaration from the large-scale generation provider, including a summary of supporting evidence, attesting that either:
 - (i) no costs associated with large load facilities will be incurred by the qualified electric utility in conjunction with the large load contract; or
 - (ii) the large-scale generation provider or large load customer has entered a large load construction agreement to reimburse the costs of any necessary large load facilities;
 - (f) a declaration from the qualified electric utility, including a summary of supporting evidence that either:
 - (i) no electric service is requested at this time to be provided by the qualified electric utility in conjunction with the large load contract; or

(ii) the large-scale generation provider or large load customer has entered a large load service agreement for the provision of any necessary electric services from the qualified electric utility in conjunction with the large load contract; and

(iii) the qualified electric utility has had an opportunity to review an appropriately redacted version of the large load contract and the qualified electric utility concurs with the applicant that the conditions contemplated in Subsections R746-318-501(2)(b) through (c) are satisfied.

(g) evidence the large-scale generation provider has established curtailment processes with the large load customer in the large load contract if the large load customer's demand exceeds the real-time dispatch of the large-scale generation provider's resources under the large load contract, net of transmission losses.

(3) If an applicant cannot get the declaration required by Subsection R746-318-501(2)(f), after making a reasonable and good faith effort to do so, the applicant may submit a petition to the Commission to require the qualified electric utility to show cause as to the basis for withholding the required declaration, and the Commission may waive the filing requirement under Subsection R746-318-501(2)(f) if the qualified electric utility fails to demonstrate a reasonable basis for the withholding.

R746-318-601. Additional Filing Requirements for Large-Scale Generation Providers with a Closed Private Generation System.

(1) This section applies to electric service a large-scale generation provider provides to a large load customer through a closed private generation system.

(2) In addition to the requirements of Section R746-318-201, a large-scale generation provider shall submit a copy of the private generation contract for the Commission's approval and the following:

(a) evidence the large-scale generation provider is registered consistent with Section 54-26-501 and Section R746-318-401;

(b) evidence the large-scale generation provider satisfies the requirements of Subsection 54-26-505(2);

(c) evidence the large-scale generation provider will serve the large load customer using only qualifying generation resources;

(d) a declaration from the qualified electric utility, including a summary of supporting evidence, that the closed private generation system will operate with complete separation from the qualified electric utility's system; and

(e) evidence the large-scale generation provider has delivered the notices Section R746-318-402 requires and has provided the large load customer additional notice of the following:

(i) the closed private generation system is not connected to and operates independently from the transmission system of the qualified electric utility, cooperative utility, municipal utility, or any other utility;

(ii) the qualified electric utility has no duty to provide electric service including any ancillary services;

(iii) no backup power is available in the event of an outage; and

(iv) any request for interconnection to the qualified electric utility, for any level of service, requires the large load customer to submit a large-scale service request to the qualified electric utility and adhere to the process, cost allocations, and timelines set forth in Title 54, Chapter 26, Large-Scale Electric Service Requirements.

(3) If an applicant cannot get the declaration required by Subsection R746-318-601(2)(d), after making a reasonable and good faith effort to do so, the applicant may submit a petition to the Commission to require the qualified electric utility to show cause as to the basis for withholding the required declaration, and the Commission may waive the filing requirement under Subsection R746-318-601(2)(d) if the qualified electric utility fails to demonstrate a reasonable basis for the withholding.

(4) The Commission shall conduct a limited and expedited review and shall approve a private generation contract if the Commission finds:

(a) the large-scale generation provider is registered with the Commission;

(b) the large load customer is requesting service that is expected to reach a cumulative demand of 100 megawatts or greater within five years of the requested initial start date; and

(c) the generation, transmission, and related facilities remain wholly separate from facilities owned or operated by any qualified electric utility, cooperative utility, municipal utility, or other utility.

KEY: public utilities, large-scale electric service requirements

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 54-26-302(5); 54-26-503(3); 54-26-504(4); 54-26-901(1)(a)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R911-11

Filing ID: 57568

Agency Information

1. Title catchline:	Public Safety, Emergency Medical Services
Building:	Calvin Rampton Building
Street address:	4501 S 2700 W
City, state:	Taylorsville, UT 84129

Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-965-4018	kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R911-11. Blood Draw Permits	
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 209 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
This new rule is being enacted in response to SB 209, passed during the 2025 General Session.	
The bill clarified that a blood draw permit is now issued by the Department of Public Safety (DPS) rather than the Department of Health and Human Services (DHHS), and Section 41-6a-523 authorizes the Bureau of Emergency Medical Services (BEMS) to designate by rule which emergency medical service personnel are authorized to draw blood under Subsection 41-6a-523(1)(a)(vi) based on the type of license under Section 53-2d-402.	
5. Summary of the new rule or change:	
The BEMS is responsible for the issuance of blood draw permits, SB 209 (2025), which moved the language related to blood draw permits from the DHHS to the DPS because it was not included in SB 64 from the 2023 General Session, when BEMS transitioned from DHHS to DPS.	
This rule establishes, under the DPS' section of the administrative code, qualifications for individuals permitted to draw blood under Sections 41-6a-523, 53-10-450, 72-10-502, and 77-23-213, and qualifications to issue permits to qualified individuals as required under Subsection 53-2d-103(1)(d)(vii).	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The proposed rule is not anticipated to have a fiscal impact on the state budget because this rule does not change current processes.
It only establishes, under the DPS code, existing requirements for an individual to obtain or renew a blood draw permit and establishes due process for an individual when the bureau denies issuance of a permit, or revokes or denies renewal of a permit.
B. Local governments:
The proposed rule is not anticipated to have a fiscal impact on local governments because this rule does not change current processes.
It only establishes, under the DPS code, existing requirements for an individual to obtain or renew a blood draw permit and establishes due process for an individual when the bureau denies issuance of a permit, or revokes or denies renewal of a permit.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule is not anticipated to have a fiscal impact on small businesses because this rule does not change current processes.
It only establishes, under the DPS code, existing requirements for an individual to obtain or renew a blood draw permit and establishes due process for an individual when the bureau denies issuance of a permit, or revokes or denies renewal of a permit.

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

The proposed rule is not anticipated to have a fiscal impact on non-small businesses because this rule does not change current processes.

It only establishes, under the DPS code, existing requirements for an individual to obtain or renew a blood draw permit and establishes due process for an individual when the bureau denies issuance of a permit, or revokes or denies renewal of a permit.

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

The proposed rule is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local governments because this rule does not change current processes.

It only establishes, under the DPS code, existing requirements for an individual to obtain or renew a blood draw permit and establishes due process for an individual when the bureau denies issuance of a permit, or revokes or denies renewal of a permit.

F. Compliance costs for affected persons:

There are no compliance costs associated with this rule because this rule does not change current processes.

It only establishes, under the DPS code, existing requirements for an individual to obtain or renew a blood draw permit and establishes due process for an individual when the bureau denies issuance of a permit, or revokes or denies renewal of a permit.

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 53-2d-103	Section 53-10-405	Section 41-6a-523
Section 72-10-502	Section 77-23-213	

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:**

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:**

Erik Bornemeier, Director

Date:

10/18/2025

R911. Public Safety, Emergency Medical Services.**R911-11. Blood Draw Permits.****R911-11-1. Purpose.**This rule establishes the process and qualifications required for an individual to obtain or renew a blood draw permit.**R911-11-2. Authority.**This rule is authorized by Sections 53-2d-103, 53-10-405, 41-6a-523, 72-10-502, and 77-23-213.**R911-11-3. Definitions.**(1) Terms used in this rule are defined in Section 53-2d-101 and Section R911-1-200.(2) In addition, "blood draw permit" means the authorization to draw blood for law enforcement purposes.**R911-11-4. Blood Draw Permit.**A blood draw permit is not a right or license but is a verification that the individual possesses the training necessary to conduct an evidentiary blood draw for law enforcement purposes.**R911-11-5. Individuals Authorized to Draw Blood Without a Permit.**A licensed Advanced Emergency Medical Technician may draw blood upon the request of a peace officer.**R911-11-6. Requirements to Obtain a Blood Draw Permit.**(1) An individual who seeks to obtain a blood draw permit shall submit to the bureau:(a) an application on a bureau provided form;(b) documentation showing successful completion of bureau approved venipuncture training that is completed no more than one year before submitting the application; and(c) applicable permit fees.(2) Approved venipuncture training includes the following:(a) successful completion and passing of a college or university course for credit, that includes training in blood withdrawal procedures;(b) successful completion of a training course that prepares individuals to function in routine clinical or emergency medical situations and includes training in blood withdrawal procedures; or(c) successful completion of training that consists of no less than three weeks in blood withdrawal procedures and is performed under the guidance of a licensed physician.(3) Permit holders must notify the bureau within 15 days of a change in name or mailing address.(4) Permits are valid for three calendar years and expire December 31st of the third calendar year after issuance.**R911-11-7. Permit Renewal Requirements for Blood Draws.**(1) An individual seeking to renew a blood draw permit shall submit to the bureau before October 1st:(a) a renewal application on a bureau provided form; and(b) a certificate of completion of bureau approved training that is completed no more than one year before submitting an application.(2) An individual may submit one of the following in lieu of the certificate of completion:(a) an affidavit affirming the applicant engaged in performing blood draws in the last license period; or(b) a letter signed by a physician, physician assistant, or licensed nurse practitioner attesting to the applicant's competence to draw blood.(3) An application submitted after October 1st may result in a delay in issuance of the permit.**R911-11-8. Exemptions.**Individuals with an AEMT or paramedic license described in Section R911-5-201, are not required to obtain a blood draw permit and may perform a blood draw upon the request of a peace officer.

R911-11-9. Published List of Individuals Permitted to Draw Blood.

The bureau may publish a list of individuals permitted to draw blood for determination of its alcohol or drug content on the bureau's website.

R911-11-10. Denial or Revocation of a Permit.

- (1) The bureau may deny issuance of a permit, deny to renew a permit, or revoke a permit if the applicant or permit holder:
- (a) engages in an act of gross negligence while performing a blood draw;
 - (b) fails to successfully complete bureau approved venipuncture training less than one year before submitting an application or renewal application; or
 - (c) fails to submit all required documents to obtain a blood draw permit or renew a permit.
- (2) The bureau may investigate complaints against an individual issued a permit if there are allegations of gross negligence.
- (3) An individual whose permit has been denied or revoked may seek agency reconsideration within 20 days of the notice of denial or revocation.

KEY: blood draw permit

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 53-2d-103; 53-10-405; 41-6a-523; 72-10-502; 77-23-213

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:	R911-12	Filing ID: 57612
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Agency Information

1. Title catchline:	Public Safety, Emergency Medical Services	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-965-4018	kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R911-12. Emergency Medical Service Personnel Providing Medical Services in Non-911 Settings	
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 14 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
Section 53-2d-210, enacted in HB 14 during the 2025 General Session, requires the bureau to make rules.	
5. Summary of the new rule or change:	
This rule defines the scope of practice for an emergency medical service (EMS) employee employed by a company, corporation, partnership, or other entity that complies with Subsection 53-2d-210(2) and establishes minimum standards for the requirements listed in Subsection 53-2d-210(2).	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The proposed rule is not anticipated to have a fiscal impact on the state budget because this rule only clarifies situations in which individuals who are already licensed may use their license to perform non-911 services as EMS personnel.

B. Local governments:

The proposed rule is not anticipated to have a fiscal impact on local governments because this rule only clarifies situations in which individuals who are already licensed may use their license to perform non-911 services as EMS personnel.

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

The proposed rule is not anticipated to have a fiscal impact on small businesses because this rule only clarifies situations in which individuals who are already licensed may use their license to perform non-911 services as EMS personnel.

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

The proposed rule is not anticipated to have a fiscal impact on non-small businesses because this rule only clarifies situations in which individuals who are already licensed may use their license to perform non-911 services as EMS personnel.

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

The proposed rule is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this rule only clarifies situations in which individuals who are already licensed may use their license to perform non-911 services as EMS personnel.

F. Compliance costs for affected persons:

There are no compliance costs associated with this rule because this rule only clarifies situations in which individuals who are already licensed may use their license to perform non-911 services as EMS personnel.

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 53-2d-210

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:**

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:**

Erik Bornemeier, Director

Date:

10/20/2025

R911. Public Safety, Emergency Medical Services.**R911-12. Emergency Medical Service Personnel Providing Medical Services in Non-911 Settings.****R911-12-1. Purpose.**

This rule establishes the scope of practice for an individual licensed by the bureau who is employed in a non-911 capacity and the minimum standards necessary to comply with Subsection 53-2d-210(2).

R911-12-2. Authority.

This rule is authorized by Section 53-2d-210.

R911-12-3. Definitions.

(1) Terms used in this rule are defined in Sections 53-2d-101 and 53-2d-210 and Rule R911-1.

(2) In addition:

(a) "EMS employee" means the same as "emergency medical service employee" who is working in a non-911 setting.

(b) "Employer" means a company, corporation, partnership, or other entity that employs an EMS employee.

(c) "Scope of practice" means activities or duties an individual may perform based on their level of licensure as provided in Section R911-5-200.

R911-12-4. Minimum Standards.

(1) An employer seeking to provide non-911 emergency medical services shall:

(a) maintain insurance meeting or exceeding the amounts in Section R911-3-5;

(b) employ a medical director; and

(c) establish protocols as required under Section R911-4-500.

(2) In a non-911 setting, an EMS employee shall initiate 911 emergency services when they encounter:

(a) a situation that presents an imminent or potential threat to the patient's health or safety;

(b) a patient that shows signs of serious injury or illness; or

(c) a patient that requires transport to a higher level of care.

(3) An EMS employee is not required to initiate 911 emergency services under Subsection (2) if the patient is in a facility equipped and staffed to provide adequate treatment.

(4)(a) An employer that employs an EMS employee under this rule shall maintain medical documentation as required in Subsection 53-2d-210(2)(c) for at least seven years from the date of patient discharge.

(b) Records shall be accessible during normal business hours within 24 hours of the request by the bureau.

R911-12-5. Emergency Medical Service Employee Scope of Practice in Non-911 Medical Services.

(1) An EMS employee may perform the skills within their scope of practice for their level of licensure.

(2) An EMS employee may provide non-911 emergency medical services outside the EMS employee scope of practice if:

(a) the non-911 emergency medical service is approved by the EMS employee's medical director;

(b) the EMS employee has been trained by the non-911 employer seeking to provide non-911 emergency medical services to perform the medical service;

(c) the EMS employee is otherwise complying with the requirements of this section; and

(d) the employer accepts liability and responsibility for any act the employer authorizes the EMS employee to perform if the service is beyond the EMS employee's scope of practice for their level of licensure.

(3) This section does not expand or limit the scope of practice for an EMS employee when the EMS employee is responding to an emergency or providing 911 ambulance services.

KEY: non-911; minimum standards**Date of Last Change: 2025****Authorizing, and Implemented or Interpreted Law: 53-2d-210**

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends December 15, 2025.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through March 17, 2026, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** CPR (Change in Proposed Rule)**Rule or section number:****R66-6****Filing ID: 57487****Date of previous publication (only for CPRs):** 10/01/2025**Agency Information**

1. Title catchline:		Agriculture and Food, Specialized Products	
Building:		TSOB, South Bldg, Floor 2	
Street address:		4315 S 2700 W	
City, state:		Taylorsville, UT 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:**

R66-6. Home Delivery and Courier

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

After reviewing public comments, the Department of Agriculture and Food (department) is filing this change to remove the signature requirement, aligning this rule with best practices for general prescription delivery in Utah.

This amendment removes an unnecessary operational burden and instead ensures the product reaches the correct individual through mandated pharmacy policies and identity verification at the point of delivery.

5. Summary of the new rule or change:

This amendment updates the home delivery operating standards in Section R66-6-4.

A new provision, Subsection R66-6-4(1)(d), now requires that a pharmacy or courier's operating plan must include written policies for verifying the identity of the person receiving the medical cannabis.

Correspondingly, Subsection R66-6-4(2)(b) is revised to remove the requirement for a signature, instead directing the delivery agent to actively verify the identity of the medical cannabis cardholder, or caregiver facility employee at the time of delivery.

Finally, Subsection R66-6-4(7)(b) is updated to reflect this change, clarifying that a failed delivery attempt occurs when the intended recipient is unavailable or their identity cannot be verified.

(EDITOR'S NOTE: The original proposed repeal and reenact upon which this change in proposed rule (CPR) was based was published in the October 1, 2025, issue of the Utah State Bulletin, on page 29. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed repeal and reenact together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

The proposed change will not have an impact on the state's budget because the changes revise a procedural process for industry that results in no changes to the costs or savings for the program.

B. Local governments:

The proposed change will not have an impact on the local governments because they do not administer or participate in the program.

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

Small businesses can absorb the costs associated with this change through their current operational policies, resulting in no new impact.

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

Non-small businesses can absorb the costs associated with this change through their current operational policies, resulting in no new 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**):

The proposed change is a change in a procedural step and relies on identity verification methods that companies likely already use; it does not create any new costs that would be passed on to a person.

F. Compliance costs for affected persons:

The compliance costs for the program are not changing.

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

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

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

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 4-41a-1202(1)		
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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:**

12/15/2025

10. This rule change MAY become effective on:

12/22/2025

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:

10/28/2025

R66. Agriculture and Food, Specialized Products.**R66-6. Home Delivery and Courier.****R66-6-1. Authority and Purpose.**

(1) Subsection 4-41a-1202(1) authorizes this rule.

(2) This rule establishes medical cannabis home delivery operating standards, home delivery agent operating standards, courier agent application procedures, courier agent renewal application procedures, and courier agent certification standards.

R66-6-2. Definitions.

(1) "DHHS" means the Utah Department of Health and Human Services.

(2) "Manifest" means the document required under Subsection 4-41a-404(2) to be in the possession of any individual transporting medical cannabis that does not have a valid medical cannabis card.

R66-6-3. Home Delivery Service.

A medical cannabis pharmacy may offer home delivery if it maintains an updated written operating plan for home delivery service that includes procedures to:

(1) ensure accurate record keeping of delivery information in the ICS;

(2) transport medical cannabis in a fully enclosed box, container, or cage, that is secured inside a delivery vehicle, and is held at an appropriate storage temperature throughout the delivery process to maintain the integrity of the product; and

(3) provide the department with information regarding any vehicle used for the delivery service, including the vehicle's make, model, color, vehicle identification number, and license plate number.

R66-6-4. Home Delivery Operating Standards.

(1) A medical cannabis delivery pharmacy or courier's operating plan shall meet the requirements described in Sections R66-6-3 and 4-41a-12 and include security measures containing the following information:

(a) a communication plan detailing the ability of couriers to communicate with a central dispatch or security team during delivery routes;

(b) emergency procedures with clear protocols for handling emergencies, including accidents, attempted theft, or security breaches;[
and]

(c) an inventory management system that tracks medical cannabis from pharmacy to patient, ensuring accountability for all products[.]; and

(d) policies for verifying the identity of the individual receiving the medical cannabis to ensure the product is delivered to the correct medical cannabis cardholder or caregiver facility employee.

(2) Each home delivery pharmacy or courier shall:

(a) utilize a system for real time tracking of deliveries;

- (b) ~~[obtain electronic or physical signatures upon delivery, including the time and date]~~ verify the identity of the medical cannabis cardholder or caregiver facility employee at time of delivery;
- (c) keep accurate records of delivery information for documentation in the inventory control system;
- (d) lock medical cannabis in a fully enclosed box, container, or cage when transporting and maintain appropriate storage temperature throughout the delivery process;
- (e) ensure that the manifest is not modified in any way after they depart from a home delivery medical cannabis pharmacy facility with the shipment appearing on the manifest; and
- (f) ensure that no person other than a pharmacy agent or courier agent is in a delivery vehicle during delivery or during the time medical cannabis is in the vehicle.
- (3) When delivering medical cannabis to a cardholder's home, a pharmacy agent or courier agent may not:
 - (a) deliver medical cannabis to anyone other than a medical cannabis cardholder or a caregiver facility employee;
 - (b) perform a home delivery before 6 a.m. or after 10 p.m.;
 - (c) leave medical cannabis unattended in a delivery vehicle for more than 60 minutes unless the courier agent or pharmacy agent is staying overnight in the process of conducting a delivery;
 - (d) make a change in dosage or quantity at the request of the cardholder during delivery;
 - (e) consume medical cannabis while delivering medical cannabis; or
 - (f) transport medical cannabis beyond the locations that appear on the manifest.
- (4) When delivering medical cannabis, a pharmacy agent or courier agent shall:
 - (a) wear an identification tag or similar form of identification that clearly identifies them to a cardholder and includes their position; and
 - (b) provide each cardholder or facility caregiver with printed material that includes a home delivery medical cannabis pharmacy's contact information and hours for counseling over the phone with a Pharmacy Medical Provider (PMP).
- (5) If medical cannabis goes missing during a home delivery route, the pharmacy agent or courier agent shall:
 - (a) notify the home delivery medical cannabis pharmacy's supervising PMP within 24 hours of when the medical cannabis pharmacy agent first became aware of the missing product;
 - (b) provide details about the missing product to both the department and local law enforcement; and
 - (c) log the missing products into the inventory control system.
- (6) The department may inspect any vehicle used for home delivery at any time.
- (7) A courier may store medical cannabis at its facility for up to ten business days if the courier:
 - (a) has an approved operating plan for the facility that meets the requirements of Subsection 4-41a-1205(3);
 - (b) has a record~~[showing the patient was unable to sign for the product]~~ documenting a failed delivery attempt because the intended recipient was unavailable or could not verify their identity; and
 - (c) tracks the product while it is in their possession.

R66-6-5. Change in Operating Plans.

A medical cannabis courier shall submit a notice, on a form provided by the department, before making any changes to the courier's operating plans.

R66-6-5. 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; or
 - (d) failure to maintain home delivery standards.
- (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 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.
- (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) 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.

NOTICES OF CHANGES IN PROPOSED RULES

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

KEY: medical cannabis, medical cannabis courier agent, medical cannabis home delivery, changes in operating plans, violation categories

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 4-41a-1202

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: CPR (Change in Proposed Rule)

Rule or section number: R392-302 **Filing ID:** 57238

Date of previous publication (only for CPRs): 07/01/2025

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Environmental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142102	
City, state and zip:	Salt Lake City, UT 84114-2102	
Contact persons:		
Name:	Phone:	Email:
Karl Hartman	801-538-6191	khartman@utah.gov
Sarah Cheshire	801-538-6191	scheshire@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R392-302. Public Pool Design, Construction, and Operation
4. Purpose of the new rule or reason for the change:
The Department of Health and Human Services (department) is filing this change in proposed rule (CPR) in response to public comments on the original repeal and reenact filing to this rule, published in the Utah State Bulletin on July 1, 2025.
5. Summary of the new rule or change:
This CPR filing incorporates amendments that have been made to improve clarity, ease of use, and reflect current public pool sanitation, construction, and operation practices.
Specific amendments made to address feedback collected during the original repeal and reenact filing's public comment period include:
1) an update to the definitions of vehicle slide and water slide;
2) correction of inaccurate references throughout this rule;
3) reorganization of rule text originally found in Subsection R392-302-23(12) to Subsection R392-302-6(4);
4) an update to incorporation by reference citations found in Subsections R392-302-9(3)(a) and R392-302-9(3)(b); and
5) clarification of diving sign requirements found in Subsection R392-302-12(2)(b).
Addition of a provision that pedestal pavers shall be provided with adequate drainage to prevent damage to the surface under the pavers in Subsection R392-302-15(3).
Updated provisions specific to the overhang of handholds in Subsection R392-302-16(3)(b).

Rearrangement and renumbering of Section R392-302-17 to provide clarity and make it easier to read.

Clarification of Subsection R392-302-19(1)(a) to separate intent from Subsection R392-302-19(1)(g).

Changing pump strainer opening size from 1/8 inch to 3/16 inch to align with industry manufacturers.

Changing the catchline of Sections R392-302-20 and R392-302-21 to clarify the content.

Clarification of Subsection R392-302-23(6) to use manufacturer guidelines on minimum and maximum filter media rates instead of a specific rate.

Clarification of Subsection R392-302-23(7) for use of variable frequency drives.

Clarification of Subsection R392-302-23(8) for requirements for continuous feed systems for precoat media filters.

Matching of Subsection R392-302-25(2)(b) with cyanuric acid maximum concentration numbers to Table 2.

Correction of Table 2 to allow for a 0 ppm minimum concentration of cyanuric acid in a pool.

Addition of a handwashing sink to the minimum requirements for a restroom in Section R392-302-28.

As requested by the Conference of Local Environmental Health Administrators (CLEHA), lifeguarding requirements, as described in Subsection R392-302-30(1) and R392-302-30(2), have different criteria (financial transaction vs. risk-based) for plans approved before January 1, 2026, and on or after January 1, 2026.

Clarification of handrail requirements described in Subsection R392-302-37(1)(d).

Clarification of shared pool wall markings in Subsection R392-302-37(1)(e).

An update and clarification to the spa pool stair and bench depth requirements found in Subsection R392-302-37(11).

Clarification of attendant requirements for cold plunge pools in Subsection R392-302-38(2)(c).

Simplification and clarification of the term collection reservoir throughout Section R392-302-42.

Changing the requirement for 250 square feet of surface area for each skimmer in a lazy river to match the 500 square feet of surface area for each skimmer in a pool. This was also updated in Table 1 for skimmer placement.

(EDITOR'S NOTE: The original proposed repeal and reenact upon which this change in proposed rule (CPR) was based was published in the July 1, 2025, issue of the Utah State Bulletin, on page 112. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed repeal and reenact together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

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

A. State budget:

This CPR filing is not expected to impact state government revenues or expenditures because what this CPR does is clarify existing standards or better align standards with those already in practice within the industry.

The department does not anticipate any impact to existing operations at the state level.

B. Local governments:

This rule will continue to be enforced by the 13 local health departments in Utah.

This CPR filing is not expected to have any impact on local governments' revenues or expenditures because it does not affect existing operations at the local level.

This CPR makes no changes to permitting, inspections, or plan review requirements, which are the expected local government operations.

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

This CPR filing may have some inestimable fiscal impact on small businesses, as there may be a requirement to provide lifeguard services depending on the type and use of the facility.

The department was unable to estimate the fiscal impact for the following reasons:

- 1) Utah Department of Workforce Services does not have an industry group title for swimming pools, so it is not possible to determine the number of pools in the state or differentiate them based on size or function.
- 2) There are multiple variables that the department is unable to predict, such as the number of lifeguard staff that will be needed, if any; full-time/part-time employee status; hours of facility operation; length of pool season; whether the business pays for employee lifeguard training and certification; and employee salary.
- 3) The cost of providing lifeguards may be an unforeseen expense to developers as they work on projects that may require lifeguarding under the new provision, which is why the department has elected to push the change of lifeguard criteria starting date to January 1, 2026.

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

This CPR filing may have some inestimable fiscal impact on non-small businesses, as there may be a requirement to provide lifeguard services depending on the type and use of the facility.

The department was unable to estimate the fiscal impact for the following reasons:

- 1) Utah Department of Workforce Services does not have an industry group title for swimming pools, so it is not possible to determine the number of pools in the state or differentiate them based on size or function.
- 2) There are multiple variables that the department is unable to predict, such as the number of lifeguard staff that will be needed, if any; full-time/part-time employee status; hours of facility operation; length of pool season; whether the business pays for employee lifeguard training and certification; and employee salary.
- 3) The cost of providing lifeguards may be an unforeseen expense to developers as they work on projects that may require lifeguarding under the new provision, which is why the department has elected to push the change of lifeguard criteria starting date to January 1, 2026.

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 CPR filing may have some inestimable fiscal impact on other persons, as there may be a requirement to provide lifeguard services depending on the type and use of the facility.

The department was unable to estimate the fiscal impact for the following reasons:

- 1) Utah Department of Workforce Services does not have an industry group title for swimming pools, so it is not possible to determine the number of pools in the state or differentiate them based on size or function.
- 2) There are multiple variables that the department is unable to predict, such as the number of lifeguard staff that will be needed, if any; full-time/part-time employee status; hours of facility operation; length of pool season; whether the business pays for employee lifeguard training and certification; and employee salary.
- 3) The cost of providing lifeguards may be an unforeseen expense to developers as they work on projects that may require lifeguarding under the new provision, which is why the department has elected to push the change of lifeguard criteria starting date to January 1, 2026.

F. Compliance costs for affected persons:

There may be an inestimable compliance cost for some affected persons as a result of this CPR filing. The cost of providing lifeguards may be an unforeseen expense to developers as they work on projects that may require lifeguarding under the new provision.

The department is unable to provide an estimate on this impact for reasons described in Boxes 5C through E.

Additionally, substantive changes reflect current industry practice. Section R392-302-4 contains a grandfather clause which states that, except in the case of an imminent health hazard, this rule does not require a construction change in any portion of a public pool if the facility was constructed in compliance with the law in effect when the facility was constructed.

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-7-124
Section 26B-7-412		

Incorporation by Reference Information

8. Incorporation by Reference:

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

Official Title of Materials Incorporated (from title page)	Fiberglass Reinforced Plastic Pool Shells
Publisher	International Association of Plumbing and Mechanical Officials (IAPMO)
Issue Date	May 2019
Issue or Version	IAPMO IGC 158-2019

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

Official Title of Materials Incorporated (from title page)	Prefabricated Plastic Spa Shells
Publisher	International Association of Plumbing and Mechanical Officials (IAPMO)
Issue Date	February 2013
Issue or Version	IAPMO/ANSI Z124.7-2013 (R2023)

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: 12/15/2025

10. This rule change MAY become effective on: 12/22/2025

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:	10/21/2025
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R392. Health and Human Services, Population Health, Environmental Health.

R392-302. Public Pool Design, Construction, and Operation.

R392-302-1. Authority and Purpose.

(1) Sections 26B-1-202, 26B-7-113, 26B-7-124, and 26B-7-402 authorize this rule.

(2) This rule establishes minimum standards for the sanitation, design, construction, operation, and maintenance of public pools and provides for the prevention and control of hazards associated with public pools that are likely to adversely affect public health and wellness, including risk factors contributing to injury, sickness, death, disability, and the spread of disease.

R392-302-2. Definitions.

(1) "Action river" means a channeled flow of water that combines the elements of a lazy river and a wave pool in which the water is moved by pumps or other means of propulsion to provide a river-like flow combined with a series of cyclically generated waves to transport a bather over a defined path that does not have a consistent depth due to the continuous wave action.

(2) "Automated controller" means a system of at least one chemical probe, a controller, and an auxiliary or integrated component that senses the level of one or more water parameters and provides a signal to chemical feed equipment to maintain the parameter within a user-established range.

(3) "Backwash" means the process of cleaning a certain type of pool filter by reversing the flow of water through the filter.

(4)(a) "Bather" means a person at a pool who has contact with water either through spray or partial or total immersion.

(b) Bather also includes a staff member and refers to a user who may be exposed to contaminated water as well as potentially contaminate the water.

(5) "Bather load" means the number of persons using the pool water at any one time.

(6) "Breakpoint chlorination" means the conversion of inorganic combined chlorine compounds or chloramines to nitrogen gas by a reaction of the inorganic combined chlorine compound with the addition of a certain amount of free available chlorine.

(7) "Building code" means any code as incorporated and amended under Title 15A, State Construction and Fire Codes Act.

(8)(a) "Circulation system" means the mechanical components that are part of a recirculation system on a pool.

(b) Circulation equipment includes a drain, filter, gauge, hair and lint strainer, heater, inlet, meter, outlet fitting, pump, skimmer, valve, or chemical feeding device that facilitates water movement through connected piping to promote water flow and maintain pool water in a clean and sanitary condition.

(9) "Clinical setting" means a clinic, department, hospital, or outpatient facility with a primary purpose of aquatic therapy, physical therapy, rehabilitation, sports medicine, or delivery of supervised medical treatment to treat a diagnosed injury, illness, or medical condition.

(10) "Cold plunge pool" means a special purpose pool that is maintained at a temperature lower than 70 degrees Fahrenheit.

(11) "Cold shock" means an involuntary physical response due to exposure to water that is less than 70 degrees Fahrenheit, including symptoms such as a significant change in breathing, a sudden spike in heart rate and blood pressure, and cognitive impairment resulting in an increased risk of drowning.

(12) "Cold water" means water at a temperature equal to or less than 70 degrees Fahrenheit.

(13) "Collection tank" means a water holding vessel used in a surge system.

- (14) "Collection zone" means the area of an interactive water feature where water from the feature is collected for treatment.
- (15) "Combined chlorine" means the portion of the total chlorine that is combined with other molecules such as ammonia, sweat, urine, or other environmental contaminants, as calculated by determining the difference between the total available chlorine residual and the free available chlorine residual. Combined chlorine, commonly known as "chloramines," is responsible for the chlorine odor often associated with an indoor pool.
- (16) "CPR" means cardiopulmonary resuscitation.
- (17) "Department" means the Utah Department of Health and Human Services.
- (18) "Diving area" means the area of a pool that is designed for diving.
- (19) "Executive committee" means the applicable Governance executive committee.
- (20) "Executive director" means the executive director of the Utah Department of Health and Human Services or a designee.
- (21) "Facility" means the building, equipment, premises, and accessory objects related to the operation of a public pool.
- (22) "Float tank" means a tub or tank containing a saturated solution of salt having:
 - (a) a specific gravity high enough to allow the user to float on the surface;
 - (b) a temperature typically maintained between 92 to 96 degrees Fahrenheit; and
 - (c) a design intended for:
 - (i) solitary use; and
 - (ii) light and sound sensory deprivation for the user.
- (23) "Flume" means the riding channel of a water slide that directs the path of travel and rate of descent of the bather.
- (24) "Free available chlorine" or "free chlorine residual" means the portion of the total available chlorine that is not combined with other molecules and is present as hypochlorous acid (HOCl) and hypochlorite ion (OCl).
- (25) "Governance" means the committee described in Subsection 26B-1-207(3).
- (26) "Gravity drain system" means a mechanism in which:
 - (a) the circulation system is connected to at least one pool drain through a surge system rather than drawing directly from the pool drains; and
 - (b) the water contained in the surge system is maintained at atmospheric pressure.
- (27) "Hot water" means water at a temperature greater than or equal to 110 degrees Fahrenheit.
- (28) "Hyperchlorination" means the intentional and specific raising of chlorine levels for a prolonged period to inactivate pathogens following a fecal or vomit release in a pool or in response to a cryptosporidium outbreak warning.
- (29)(a) "Instructional pool" means a pool used solely for providing water safety and survival instruction taught by a certified instructor.
 - (b) An instructional pool does not include a private residential pool.
- (30) "Imminent health hazard" means a significant threat or danger to health that exists when there is evidence sufficient to show that a circumstance, event, practice, or product creates a situation that can cause disease transmission, hazardous condition, infection, or pest infestation that requires immediate correction or cessation of operation to prevent injury, illness, or death.
- (31)(a) "Infinity edge" means a pool wall structure and adjacent pool deck that is designed in such a way that:
 - (i) the top of the pool wall and adjacent deck are not visible from certain vantage points in the pool; and
 - (ii) water from the pool flows over the edge and is captured and adequately treated for reuse to meet the required turnover rate.
- (b) An infinity edge pool is often referred to as a "vanishing edge," "negative edge," or "zero edge" pool.
- (32) "Interactive water feature" means a public use indoor or outdoor installation such as a splash pad, spray pad, wet deck, or other water feature that includes:
 - (a) jetted, sprayed, or other water sources contacting bathers;
 - (b) recirculating water;
 - (c) a drainage system that prevents ponding or captured water in the bather activity area; and
 - (d) a collection reservoir in which the interactive water feature completely drains when the feature pump turns off.
- (33) "Lazy river" means a channeled flow of water where the water is moved by pumps or other means to provide a flow to transport a bather over a defined path and is generally consistent in depth throughout the channel of water.
- (34) "Lifeguard" means an attendant who actively supervises the safety of any bather in the lifeguard's assigned zone of surveillance and is certified according to the requirements of Subsection R392-302-30(6).
- (35) "Living unit" means a room or space that is temporarily or permanently occupied by an individual, group of individuals, or a family for residential or overnight lodging purposes. A living unit includes:
 - (a) a campground site;
 - (b) a condominium unit;
 - (c) a manufactured home;
 - (d) a recreational vehicle;
 - (e) a room in a public lodging facility;
 - (f) a single-family home;
 - (g) an individual unit in a multiple-unit housing complex; or
 - (h) any other type of dwelling.

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- (36) "Local health officer" means the health officer, or the health officer's designated representative, of the local health department having jurisdiction.
- (37) "Local health department" means the same as defined in Subsection 26A-1-102(6).
- (38) "Manager" means a person, or the person's designated representative, who controls, manages, or owns a public pool.
- (39) "mg/L" means milligrams per liter and is an equivalent measure to ppm.
- (40) "Onsite wastewater system" means an underground wastewater dispersal system designed, constructed, and operated in accordance with Rule R317-4.
- (41) "Overflow gutter system" means a method to remove water from a pool surface to return the water to the circulation system for filtration using a level structure along the pool perimeter. An overflow gutter system requires a surge system to facilitate a consistent water level in the pool to allow for the removal of surface water.
- (42) "Oxidation" means the process of changing the chemical structure of a water contaminant that allows the contaminant to be more readily removed from the water or made more soluble in the water.
- (43) "Oxidation reduction potential" or "ORP" means a measure of the tendency for a solution to either gain or lose electrons. Higher, or more positive, oxidation reduction potential indicates more potential for oxidation. This technology is commonly used in automatic disinfectant feed controllers.
- (44) "Parts per million" or "ppm" means a measurement commonly used for chemical testing in pools and is an equivalent measure to mg/L.
- (45) "Peak occupancy" means the anticipated maximum number of bathers in the pool water.
- (46) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.
- (47) "Plumbing fixture" means a receptacle or device that:
- (a) is connected to the water supply system of the premises; or
 - (b) discharges wastewater, liquid-borne waste materials, or sewage to the drainage system of the premises.
- (48)(a) "Pool" means an artificially constructed structure or modified natural structure designed for total or partial bather contact with or immersion in water, intended for a recreational or therapeutic purpose.
- (b) A pool may include a:
- (i) swimming pool; or
 - (ii) special purpose pool.
- (49) "Pool deck" means the horizontal surface area immediately adjacent to and extending from the pool edge a minimum distance as described in Section R392-302-15 and Subsection R392-302-39(2).
- (50) "Pool shell" means the rigid encasing structure of a pool that confines the pool water.
- (51) "Private residential pool" means a pool that:
- (a) is not a public pool;
 - (b) is designated or intended for private residential use by an individual, family, or a living unit member or guest; and
 - (c) serves three or fewer associated living units.
- (52) "Public cold bath" means the same as defined in Section 26B-7-124.
- (53)(a) "Public pool" means a pool used by the general public regardless of whether there is a charge or payment for facility use.
- (b) A private residential pool is not a public pool.
- (54) "Qualified pool operator" means an individual:
- (a) responsible for the onsite operation and maintenance of the water and air quality systems and the associated infrastructure of the pool; and
 - (b) who is certified according to the requirements of Subsection R392-302-33(1)(a).
- (55) "Recessed steps" means a way of entry or exit for a pool similar to a ladder but with the individual treads recessed into the pool wall.
- (56) "Requestor" means a person who requests a variance on behalf of an individual, business, or entity that is regulated by a local health department.
- (57) "Saturation index" means a mathematical value for indicating the corrosive or scale-forming nature of pool water as determined by the application of the formula provided in Table 3, which is based on the interrelation of pH, total alkalinity, calcium hardness, temperature, and total dissolved solids (TDS).
- (58) "Shower" means a device that sprays non-recirculated, potable water on the body to remove biological, chemical, or physical contaminants from a bather.
- (a) "Cleansing shower" means cleaning the entire body surface in a shower within a hygiene facility using warm water and soap. The purpose of a cleansing shower is to remove contaminants, including dirt, perianal fecal material, personal care products, sweat, and skin cells, before a bather enters the pool.
- (b) "Rinse shower" means a shower typically located on the pool deck area with ambient temperature water. The primary purpose of a rinse shower is to remove dirt, organic material, or sand before a bather enters the pool to reduce the introduction of contaminants and the formation of disinfection byproducts.
- (59)(a) "Skimmer" means a device installed in the pool wall to remove floating debris and surface water to return the water to the circulation system for filtration.

- (b) A skimmer may be used as one device or as a system of devices located periodically along the top of the pool wall.
- (60) "Slide runoff" means a part of a water slide consisting of a continuation of a water slide flume surface where a bather is intended to decelerate, stop, and exit the water slide.
- (61) "Slide splash pool" means the area of water located at the ending point of a water slide or vehicle slide designed to receive a bather emerging from a flume to end the slide action and provide a means of exit to a deck or walkway area.
- (62) "Spa pool" means a special purpose pool that is maintained at a temperature higher than 70 degrees Fahrenheit and is designed for relaxation or recreational use where the bather is typically at rest, reclining, or sitting and includes bubbles produced by air induction, jetted circulation, or a mineral bath.
- (63) "Special purpose pool" means a pool that is regulated with certain exemptions or additional requirements described in this rule under sections with "special purpose pool" in the section catchline.
- (64) "Sports medicine" means a branch of medicine that deals with physical fitness and the treatment and prevention of injuries related to sports and exercise.
- (65) "Sun shelf" means an area of a pool that adjoins the pool edge and creates a shallow area for a bather to lounge and play.
- (66) "Surf pool" means a pool designed to generate waves dedicated to the activity of surfing on a surfing device, including a surfboard or body board, commonly used in the ocean and intended for sport as opposed to general play intent for a wave pool.
- (67)(a) "Surge system" means a gutter, tank, or other technology designed to promote continuous skimming in any operating condition.
- (b) A surge system receives the gravity flow of water from an overflow gutter system and water from the suction outlet system or main drain.
- (c) A circulation system pump receives water from the surge system for treatment and filtration.
- (68) "Swimming pool" means a pool used primarily for recreational, sporting, or instructional purposes in bathing, swimming, or diving activities.
- (69) "Teaching platform" means a permanently affixed or portable, flat, horizontal surface that reduces the water depth to provide an area for bather instruction and practice.
- (70) "Temporary pool" means a body of water that operates as a pool for a period of no more than 14 consecutive days in conjunction with a single celebration or event.
- (71) "Therapy pool" means a special purpose pool primarily used for supervised treatment.
- (72) "Turnover" means the circulation of a quantity of water equal to the pool volume through the circulation system.
- (73) "Unblockable drain" means a drain that meets the requirements described in the Virginia Graeme Baker Pool and Spa Safety Act of 2008, Pub. L. 110 140, 121 Stat. 1794.
- (74) "Underwater rest ledge" means a continuous step in the pool wall that allows a bather to rest by standing without treading water.
- (75) "Vacation rental" means a furnished living unit that is temporarily rented out as an alternative to a public lodging facility, as defined in Rule R392-502.
- (76) "Variance" means a written document issued by the department that authorizes a modification or waiver of a requirement of a rule promulgated under Title R392 if, in the opinion of the department, a health hazard or nuisance will not result from the modification or waiver.
- (77) "Vehicle slide" means a ~~[pool]~~water slide where a bather rides a vehicle, including a sled, toboggan, or tube, ~~[on a water slide]~~ into a slide splash pool or slide runoff.
- (78) "Wading area" means any area within a pool used for wading or a water play activity with a shallow depth as described in Subsection R392-302-40(1)(b).
- (79) "Wading pool" means a pool that is primarily used for wading or a water play activity that meets the requirements of Section R392-302-40.
- (80) "Wastewater" means:
 - (a) pool filter backwash water;
 - (b) salt-laden pool water; or
 - (c) sewage, industrial waste, or another liquid substance that might cause pollution of waters of the state.
- (81) "Water slide" means ~~a recreational pool consisting of~~ a flume lubricated by water flow upon which a bather slides into a slide splash pool or slide runoff.
- (82) "Water watcher" means a responsible person:
 - (a) whose sole responsibility is to monitor, without distraction, a swimming lesson group;
 - (b) who has the ability, knowledge, and skill to recognize a bather in distress; and
 - (c) who can immediately alert a lifeguard of a bather in distress.
- (83) "Wave pool" means a pool designed to simulate breaking or cyclic waves for general play.

R392-302-3. Applicability.

- (1) Unless exempt by Subsection (2), this rule applies to any person or entity who owns or operates a public pool facility or a public pool.
- (2) This rule does not apply to:
 - (a) a body of water that is:

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- (i) a drainage system;
- (ii) an irrigation system;
- (iii) a lake;
- (iv) a pond;
- (v) a spring;
- (vi) a stream;
- (vii) a watercourse;
- (viii) a waterway; or
- (ix) a well;
- (b) a body of water that is already regulated by another rule under Title R392 based on the body of water's primary intention;
- (c) a body of water that is drained, cleaned, sanitized, and refilled after each individual use;
- (d) a body of water that is larger than 30,000 square feet of surface area;
- (e) a float tank;
- (f) a private residential pool, including any that is:
 - (i) not operated or intended for public use;
 - (ii) used for swim instruction;
 - (iii) rented to guests for hourly or daily use; or
 - (iv) included as an amenity in a single-unit vacation rental;
- (g) a public cold bath; or
- (h) a short-term public recreation activity involving a body of water that is temporary in nature.

R392-302-4. General Requirements.

- (1) Any public pool regulated under Section R392-302-[2]3 shall meet the requirements of this rule.
- (2) This rule does not require a construction or operational change in any portion of a pool facility if the facility was installed in compliance with the law in effect when the facility was installed, except as specifically provided in this rule.
- (3) If the local health officer determines that any facility is dangerous, unsafe, unsanitary, a nuisance, or a menace to life, health, or property, the local health officer may order construction or operational changes consistent with the requirements of this rule to existing facilities.
- (4) Requirements of this rule supersede the requirements of building code pertaining to standards for specialized buildings, as described in Section 15A-1-208.

R392-302-5. Design Requirements and Plan Approval.

- (1) The manager must submit plans to the local health department that are certified, stamped, and signed by the designing engineer or architect who is licensed by the Utah Division of Professional Licensing (DOPL) before:
 - (a) construction of a new pool;
 - (b) modification of the originally approved design plans of an existing pool; or
 - (c) replacement of equipment that is different from the equipment approved by the local health officer.
- (2) The manager shall ensure that:
 - (a) new pool construction or a modification project of an existing pool does not begin until the requirements of Subsection (4) have been met;
 - (b) plans submitted, as required in Subsection (1), contain verifications that:
 - (i) the structure is stable;
 - (ii) the shape of a pool and location of appurtenances are designed such that there is no impairment to:
 - (A) pool water circulation;
 - (B) pool water quality; and
 - (C) bather safety;
 - (iii) a pool is designed with a circulation system, meeting the requirements of Section R392-302-19, that incorporates treatment and filtration equipment, as required in Sections R392-302-23 and R392-302-24;
 - (iv) the facility is protected from damage due to freezing; and
 - (v) the facility has adequate dressing areas, fencing and barriers, hand sinks, showers, and toilets; and
 - (c) the pool is constructed in accordance with approved plans.
- (3) The local health officer shall:
 - (a) conduct a review of the plans described in Subsection (1) within 30 days of submission;
 - (b) send a letter of review with any plan review findings to the manager; and
 - (c) approve plans that meet the requirements of this rule.
- (4) If the manager can satisfactorily demonstrate to the local health officer that the modification will not adversely affect facility operations, public health, or wellness, Subsection (1)(b) does apply.

R392-302-6. Water Supply.

The manager shall ensure that:

(1) the water supply serving a public pool and any plumbing fixture, including any drinking fountain, hand washing sink, and shower, is designed, installed, and operated according to the requirements set forth by:

- (a) Plumbing Code;
- (b) Title R309; and
- (c) local health department regulations;
- (2) any portion of the water supply, recirculation, and distribution system serving the facility is protected against backflow; and
- (3) water introduced into the pool, either directly or through the circulation system, is supplied through a backflow preventer that:
 - (a) protects against contamination from back-siphonage or backpressure in accordance with Plumbing Code, such as an air gap or backflow prevention assembly; and
 - (b) is not connected to the pool recirculation system on the discharge side of the pool recirculation pump.
- (4) The manager shall ensure that each hose bibb is equipped with a vacuum breaker listed by the International Association of Plumbing and Mechanical Officials (IAPMO), the American Society of Sanitary Engineering (ASSE), or other nationally recognized standard.

R392-302-7. Wastewater and Discharged Pool Water.

The manager shall ensure that:

(1) the public sanitary sewer system or onsite wastewater system serving a public pool facility is designed, installed, and operated according to the requirements set forth by:

- (a) Plumbing Code;
- (b) Title R317; and
- (c) local health department regulations;
- (2) wastewater, as defined in this rule, is discharged to:
 - (a) a public sanitary sewer system when practicable; or
 - (b) an onsite wastewater system when a public sanitary sewer system is not practicable;
- (3) pool water is discharged to:
 - (a) a public sanitary sewer system when practicable; or
 - (b) an area where the pool water will not flow into a storm drain or surface water, if the disinfectant level is reduced to less than one mg/L before discharge; and

(4) pool water or wastewater is discharged in a manner that will not create an imminent health hazard.

R392-302-8. Solid Waste.

The manager shall ensure that solid waste generated at a pool is:

- (1) stored in a leak-proof, non-absorbent container; and
- (2) disposed of with sufficient frequency and in a manner that prevents a health hazard.

R392-302-9. Construction Materials.

(1) The manager shall ensure that:

- (a) a public pool and the appurtenances necessary for the pool's proper function and operation are constructed of materials that are:
 - (i) durable;
 - (ii) impervious;
 - (iii) inert;
 - (iv) non-toxic to humans; and
 - (v) resistant to the effects of wear and deterioration from chemical, mechanical, physical, and radiological actions;
- (b) a pool shell:
 - (i) has an interior surface designed and constructed in a manner that provides a smooth, easily cleanable, non-abrasive, and slip-resistant surface;

(ii) has a surface free of cracks, damage, or open joints except for structural expansion joints and the surface is in good repair;

(iii) with a vinyl liner is:

- (A) bonded to the pool form; and
- (B) a minimum of 60 mil thickness; and
- (iv) withstands the stresses associated with normal use and regular maintenance, including completely emptying the pool without shoring or additional support;

(c) except for Subsection (2), the floor and wall of a pool below the waterline is white or a light color so that from the pool deck, a bather is visible on the pool floor and any of the following items can be identified:

- (i) algae growth, debris, or dirt within the pool;
- (ii) cracks in the surface finish of the pool; and
- (iii) markings, as required in Section R392-302-14; and
- (d) the floor or wall of a pool is not constructed of clay, earth, sand, or wood.
- (2) Subsection (1)(c) does not apply to:
 - (a) competitive lane markings;

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- (b) dedicated competitive diving well floors;
 - (c) a pool less than 24 inches deep;
 - (d) waterline tiles or equivalent scum line protection material;
 - (e) floor slope change indicator tiles;
 - (f) step or bench edge markings; or
 - (g) other designs where the manager can demonstrate to the local health officer that the requirements of Subsection (1)(c) are met.
- (3) The manager shall ensure and demonstrate to the local health officer upon request that a non-cementitious pool shell is made of surface material that meets one of the following standards or criteria:
- (a) for a fiberglass reinforced plastic spa pool, the International Association of Plumbing and Mechanical Officials (IAPMO) ~~[standard]~~ IAPMO/ANSI ~~[Z124]~~ Z124.7-2013 ~~[.]~~ (R2023) version of Prefabricated Plastic Spa Shells, incorporated by reference in this rule;
 - (b) for a fiberglass reinforced plastic swimming pool, the IAPMO IGC 158-~~[2000 standard]~~ 2019 version of Fiberglass Reinforced Plastic Pool Shells, incorporated by reference in this rule;
 - (c) for pools built with prefabricated pool sections, the International Organization for Standardization (ISO) standard ISO 19712-1:2008 - Plastics -- Decorative solid surfacing materials -- Part 1: Classification and specifications, incorporated by reference in this rule;
 - (d) stainless steel that complies with section four (Swimming Pool Water Contact Materials) of the NSF/ANSI/CAN 50 - 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities, incorporated by reference in this rule; or
 - (e) a modular stainless steel panel laminated with a durable layer of PVC waterproofing.
- (4) The manager shall ensure that submitted plans, as required in Subsection R392-302-5(1), include documentation that the surface material has been tested and passed according to Subsection (3) for a pool shell that is constructed at least partially of non-cementitious materials.

R392-302-10. Floor Slopes.

The manager shall ensure that:

- (1) the floor slope is:
 - (a) designed to drain without leaving puddles or trapped standing water; and
 - (b) uniform in design;
- (2) except for a pool used exclusively for scuba diving training:
 - (a) the floor slope of any portion of a pool having a water depth of five feet or less may not exceed a ratio of one-foot vertical change to ten-foot horizontal change; and
 - (b) the floor slope of any portion of a pool having a water depth greater than five feet may not exceed a ratio of one-foot vertical change to three-foot horizontal change; and
- (3) the floor slope of the pool in a diving area is consistent with the requirements for minimum water depths for diving areas, as specified in Section R392-302-12.

R392-302-11. Walls.

- (1) The manager shall ensure that each pool wall is vertical or within plus three degrees of vertical to a depth of at least two feet and nine inches.
- (2) If a pool wall transitions from the wall to the floor using a radius, the manager shall ensure that the wall transition radius meets the following requirements:
 - (a) at water depths of three feet or less, a transitional radius from wall to floor:
 - (i) does not exceed six inches;
 - (ii) is tangent to the wall; and
 - (iii) is tangent to or intersects the floor;
 - (b) at a water depth between three feet to five feet, the maximum transitional radius from the wall to the floor is determined by calculating the radius as it varies progressively from a maximum six-inch radius at a three-foot depth to a maximum of two feet radius at five feet of depth; and
 - (c) at a water depth greater than five feet, the maximum transitional radius from the wall to the floor is equivalent or less than the water depth of the pool minus three feet.
- (3) If a pool wall transitions from the wall to the floor using an angle, the manager shall ensure that the transitional angle meets the following requirements:
 - (a) at water depths of three feet or less, a transitional angle from the wall to the floor starts no more than three inches above the floor and intersects the floor at an angle equal to or steeper than 45 degrees from horizontal;
 - (b) at a water depth between three feet to five feet, the transitional angle from the wall to the floor varies progressively starting no more than three inches above the floor at a three-foot depth to no more than 18 inches above the floor at a five-foot depth and intersects the floor at an angle equal to or steeper than 45 degrees from horizontal; and
 - (c) at water depths greater than five feet, the transitional angle from the wall to the floor is equivalent to the water depth of the pool minus three feet six inches and intersects the floor at an angle:
 - (i) equal to or steeper than 45 degrees from horizontal; or

- (ii) equal to or a shallower angle than the one to three floor slope ratio required in Subsection R392-302-10(2).
- (4) The manager shall ensure that any outside corner created by adjoining walls or floor is rounded or chamfered.
- (5) The manager shall ensure a pool contains no sun shelves in any area of a pool designed for diving.
- (6) When a pool contains a sun shelf, the manager shall ensure that:
 - (a) a line, at least one inch wide and in a contrasting dark color for maximum visual distinction, marks the extent of the edge of a sun shelf within two inches of the sun shelf's leading edge on both the horizontal and vertical surfaces, except for a sun shelf that terminates with a sloping floor surface;
 - (b) the maximum depth of a sun shelf is 24 inches;
 - (c) the turnover rate in the wading area of a sun shelf is one hour; and
 - (d) the floor of the sun shelf meets the requirements of Section R392-302-10.
- (7) The manager shall ensure that if a pool has an underwater rest ledge, the underwater rest ledge:
 - (a) is constructed of slip-resistant, easily cleanable materials;
 - (b) provides for proper water circulation;
 - (c) has a maximum horizontal tread depth of no greater than four inches;
 - (d) is visible from the deck if the underwater rest ledge projects past the vertical plane of the pool wall;
 - (e) is at least four feet under water; and
 - (f) is located outside of the minimum diving water envelope.
- (8) The manager shall ensure that an underwater seat or bench:
 - (a) if not located on a perimeter wall of the pool, the back of the seat or the bench:
 - (i) extends above the operating level of the pool;
 - (ii) is clearly visible to any user; and
 - (iii) meets the requirements of Subsections (2) or (3) and (4);
 - (b) has a maximum water depth to the horizontal surface of 20 inches below the waterline~~[-]~~, except as provided in Subsection R392-302-37(1)(a);
 - (c) has an unobstructed surface that is a minimum of ten inches, a maximum of 20 inches from front to back, and a minimum of 24 inches wide;
 - (d) does not transverse a pool depth change of more than 24 inches;
 - (e) has a minimum horizontal separation between each section of seats and benches of five feet;
 - (f) has a leading edge, or vertical face, that is flush with the pool wall under the seat or bench and meets the requirements of Subsection (1);
 - (g) does not replace the ladder or stairs required in Section R392-302-13 but is allowed in conjunction with pool stairs;
 - (h) is outside of the minimum water envelope for diving equipment if a seat or bench is in the deep area of the pool where diving equipment is installed; and
 - (i) is marked with a line that:
 - (i) is at least one inch in width;
 - (ii) is a contrasting color for maximum visual distinction; and
 - (iii) marks the extent of the seat or bench within two inches of the seat or bench's leading edge.

R392-302-12. Diving Areas.

- (1) The manager shall ensure that:
 - (a) where diving is permitted and at least one diving board or platform is equal to or over 3.28 feet, or one meter, from the normal water level, the diving area design, equipment placement, and clearances meet the minimum standards of:
 - (i) the 2015-2017 USA Diving Official Technical Rules, Appendix B -- FINA Dimensions for Diving Facilities, incorporated by reference in this rule;
 - (ii) Rule 1, Section 1, Article 4 and Rule 1, Section 2, Article 4 of the NCAA Men's and Women's Swimming and Diving 2014-2015 Rules and Interpretations, incorporated by reference in this rule; or
 - (iii) Table 4.8.2.2, Figure 4.8.2.2.1, and Figure 4.8.2.2.2 of the 2018 Model Aquatic Health Code, incorporated by reference in this rule;
 - (b) where diving is permitted from a height of ~~[less than]~~ 3.28 feet, or one meter, or less from the normal water level, the diving area design, equipment placement, and clearances meet the minimum standards of Section 402.12, Table 402.12, and Figure 402.12 of the 2018 International Swimming Pool and Spa Code, incorporated by reference in this rule, for type VI, VII and VIII pools such that:
 - (i) type VI is a maximum of 26 inches, or 2/3 meter, above the normal water level;
 - (ii) type VII is a maximum of 30 inches, or 3/4 meter, above the normal water level; or
 - (iii) type VIII is a maximum of 3.28 feet, or one meter, above the normal water level;
 - (c) each diving board, platform, and appurtenance related to a diving area is maintained in a good condition;
 - (d) any area of a pool where diving is not permitted has a "no diving" warning with a contrasting color located on the horizontal surface of the deck or coping as close to the water's edge as practical and spacing between each warning no greater than 25 feet;
 - (e) the use of a starting platform is restricted to competitive swimming events or supervised training for competitive swimming events; and

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- (f)(i) if a starting platform is used for competitive swimming or training, the water depth is at least four feet; or
- (ii) if a starting platform is not being used for competitive or training, the starting platform is removed or secured with a starting platform safety cover.
- (2) To meet the "no diving" warning requirement specified in Subsection (1)(d), the manager may use:
 - (a) a "no diving" sign in block letters at least four inches in height;
 - (b) the international no diving icon, which ~~[must include at least one "no diving" sign posted vertically in plain view within the pool enclosure with lettering]~~ is at least four inches in height ~~[and a stroke width of at least one-half inch]~~; or
 - (c) both a sign and an icon.

R392-302-13. Pool Entry and Exits.

- (1) The manager shall ensure that:
 - (a) each pool is equipped with a minimum of two points of entry or exit meeting the requirements of this section, including:
 - (i) at least one point located within ten feet of the shallowest area of the pool; and
 - (ii) at least one point located within 15 feet of the deepest area of the pool, if applicable;
 - (b) an acceptable means of pool entry and exit as described in Subsection (1)(a) includes:
 - (i) a set of stairs with a handrail;
 - (ii) recessed steps with grab rails;
 - (iii) a ladder; or
 - (iv) a sloped entry; and
 - (c) for a pool wider than 30 feet, an acceptable means of entry and exit as described in Subsection (1)(b) is:
 - (i) provided on opposite sides of the pool; and
 - (ii) not more than 75 feet apart.
- (2) If stairs with handrails are used for pool entry and exit, the manager shall ensure that stairs consisting of one or more stair risers:
 - (a) have at least one handrail as described in Subsection (3);
 - (b) are constructed of slip-resistant material that is easily cleanable and of a safe design;
 - (c) have a minimum run of ten inches;
 - (d) have a maximum rise of 12 inches;
 - (e) have a minimum width of 18 inches as measured at the leading edge of the step; and
 - (f) have a line at least one inch in width of a contrasting dark color within two inches of the leading edge of each step.
- (3) If stairs with handrails are used for pool entry and exit, the manager shall ensure that the handrails:
 - (a) are rigidly installed and constructed in such a way that the handrails can only be removed with tools;
 - (b) are constructed of corrosion-resistant materials;
 - (c) do not have an outside diameter exceeding two inches;
 - (d) meet building code requirements;
 - (e) are free of sharp edges;
 - (f) are mounted:
 - (i) on the deck; or
 - (ii) on the shallowest walking surface at the top of the stairs, if stairs transition water depths within a pool; and
 - (g) extend to the bottom step of the stairs or to the pool floor by either an attachment at or a cantilever to the bottom step of the stairs or pool floor.
- (4) If recessed steps are used for pool entry and exit, the manager shall ensure that recessed steps:
 - (a) have a set of grab rails as described in Subsection (5);
 - (b) are easily cleanable and provide drainage into the pool;
 - (c) have a minimum run of five inches;
 - (d) have a maximum rise of 12 inches; and
 - (e) have a minimum width of 14 inches.
- (5) If grab rails are used for pool entry and exit, the manager shall ensure that grab rails:
 - (a) are mounted to the pool deck, coping, or gutter walking surface;
 - (b) extend to or beyond the edge of the pool above the water;
 - (c) are attached at the top of both sides of the recessed steps;
 - (d) have a horizontal space between grab rails that is between 18 and 24 inches;
 - (e) are rigidly installed and constructed in such a way that the grab rails can only be removed with tools;
 - (f) are constructed of corrosion-resistant materials;
 - (g) do not have an outside diameter exceeding two inches;
 - (h) have a uniform profile; and
 - (i) are free of sharp edges.
- (6) If a ladder is used for pool entry and exit, the manager shall ensure that each ladder is:
 - (a) constructed of corrosion-resistant material that is easily cleanable;
 - (b) designed to provide a handhold;

- (c) rigidly installed;
- (d) maintained in a safe working condition; and
- (e) equipped with slip-resistant rungs that:
 - (i) maintain a horizontal clear space between the ladder rung and the pool wall between three and five inches;
 - (ii) have a maximum rise of 12 inches;
 - (iii) have a minimum width of 14 inches; and
 - (iv) have a minimum horizontal ladder tread depth of 1.5 inches.
- (7) If a sloped entry is used for pool entry and exit, the manager shall ensure that a sloped entry:
 - (a) is constructed of slip-resistant materials; and
 - (b) has a floor slope that meets the requirements described in Subsections R392-302-10(1) and R392-302-10(2).

R392-302-14. Depth Markings, Safety Markings, and Safety Ropes.

- (1) The manager shall ensure that:
 - (a) pool water depth is plainly marked at the point of:
 - (i) minimum pool water depth;
 - (ii) maximum pool water depth; and
 - (iii) demarcation between the diving area and any other area of the pool, as described in Subsection (1)(d);
 - (b) pool water depths are marked at water depth increments not to exceed:
 - (i) one foot if the pool water depth is five feet or less; or
 - (ii) two feet if the pool water depth is greater than five feet;
 - (c) depth markings:
 - (i) are spaced no more than 25 feet from each other;
 - (ii) are located above the waterline or within two inches from the coping on the vertical wall of the pool;
 - (iii) are located on the horizontal surface of the deck or coping as close as practical to the pool water's edge; and
 - (iv) have numerals that are four-inches in height;
 - (d) a pool constructed with a change in the slope of the pool floor from a shallower area to a deeper area has:
 - (i) a line of demarcation on the pool floor marked in a contrasting dark color that is:
 - (A) at least one inch in width; and
 - (B) located 12 inches toward the shallow end from the point of change in slope; and
 - (ii) a floating safety rope designating a change in slope of the pool floor that meets the requirements of Subsection(1)(e) and is placed directly above and parallel to the line of demarcation on the pool floor;
 - (e) except for special activities including swimming contests or training exercises where the full unobstructed length of a pool is used, a pool with a diving area has a floating safety rope that:
 - (i) is securely fastened to wall anchors that are:
 - (A) made of corrosion-resistant materials; and
 - (B) recessed with no projections that could be a safety hazard if the floating safety rope is removed;
 - (ii) is marked with visible floats spaced at intervals of seven feet or less;
 - (iii) is at least 1/2 inch in diameter and of sufficient strength to support the loads imposed on the rope during normal bathing activities;
- and
 - (iv) separates the diving area from any other area of the pool; and
- (2) A pool used exclusively for diving is exempt from the requirements of a safety rope as described in Subsection (1)(d)(ii).

R392-302-15. Decks and Walkways.

- (1) Except as described in Subsections (6) and (7), the manager shall ensure that a continuous, unobstructed pool deck extends at least five feet around the entire pool as measured from:
 - (a) the poolside edge of the coping if the coping is flush with the pool deck; or
 - (b) the deck-side edge of the pool coping if the coping is elevated from the pool deck.
- (2) If the coping is elevated from the pool deck, the manager shall ensure that the elevation difference between the top of the coping surface and the surrounding deck is between four and 19 inches.
- (3) The manager shall ensure that:
 - (a) each pool has coping that is a minimum of 12 inches wide;
 - (b) the deck area is maintained clear of obstructions for at least a four-foot width around the entire pool unless otherwise allowed by this rule;
- (c) except as specified in Subsection (4), the pool deck slopes away from the pool [~~to a deck drain~~] at a grade of 1/4 inch to 3/8 inch per linear foot;
- (d) each deck and walkway:
 - (i) is constructed to drain standing water in a way that prevents the water from returning to the pool or circulation system;
 - (ii) has non-slip surfaces;
 - (iii) is not constructed of wood; and

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- (iv) is maintained in a sanitary condition free from litter; and
- (e)(i) carpeting is not installed within five feet of the water side edge of the coping; and
- (ii) carpet is wet vacuumed as often as necessary to keep the carpet clean and free of accumulated water or debris.
- (4) The pool deck may slope toward the pool if:
 - (a) water draining toward the pool will not adversely affect pool water quality;
 - (b) the pool deck slopes toward the pool for a maximum distance of five feet from the water's edge;
 - (c) the portion of the pool deck that slopes toward the pool does so at a grade of 1/4 inch to 3/8 inch per linear foot; and
 - (d) a minimum of three feet of additional deck that meets the requirements of Subsection (3) is provided beyond the high point of the slope.
- (5) Pedestal paver tiles do not need to meet the requirement of Subsection (3)(c[~~]-~~)] if adequate drainage is provided underneath the paver.
- (6) A deck may be obstructed by a diving board, ladder, platform, slide, or stairs if there is at least five feet of deck area provided around the deck side of the obstruction;
- (7)(a) Other types of deck obstructions are allowed if the obstructions meet the following criteria:
 - (i) no more than 15 linear feet of pool perimeter is obstructed in any one location;
 - (ii) the combined total length of the deck obstructions may not exceed 10% of the total linear pool perimeter;
 - (iii) multiple obstructions are separated by at least five feet; and
 - (iv) the design of any obstruction does not endanger the health or safety of a bather.
- (b) A spa and pool that share a common wall that meets the requirements of Subsection R392-302-37(1)(e) is not considered a deck obstruction.
- (8)(a) The manager shall ensure that stairs serving decks have uniform stair risers that measure:
 - (i) a minimum rise of four inches;
 - (ii) a maximum rise of seven inches;
 - (iii) a minimum run of ten inches; and
 - (iv) a minimum width of 18 inches;
- (b) The bottom riser of stairs may vary in height, within the range described in Subsection (8)(a), in locations along the width of the stair as needed to join with uneven or sloped surfaces at the base of the stairs.

R392-302-16. Handholds.

- (1) Except in areas of a pool that are zero-depth or where water depth does not exceed 24 inches, the manager shall ensure that there is a continuous handhold around the entire perimeter of the pool that:
 - (a) is installed not more than nine inches above the normal operating water level of the pool;
 - (b) has rounded edges; and
 - (c) is slip-resistant.
- (2) If an overflow gutter is provided, the manager shall ensure that the construction of the overflow gutter allows for use of the overflow gutter as a continuous handhold, as described in Subsection (1).
- (3)(a) Where an overflow system is not provided, a pool coping, decking, or other material used on a skimmer type pool may be used as a continuous handhold.
- (b) The manager shall ensure that if the continuous handhold is created by an overhang of the coping[~~,-~~] or decking[~~,-~~ or other material used as a continuous handhold is] the overhang is:
 - (i) a maximum thickness of four inches;
 - (ii) a minimum of one inch beyond the vertical pool wall; and
 - (iii) a maximum of two inches beyond the vertical pool wall, unless accommodating an automatic pool cover track system; and
- (c) If an overhang of the pool coping, decking, or other material used as a continuous handhold is accommodating an automatic pool cover, the pool coping, decking, or other material may extend up to three inches beyond the vertical pool wall.

R392-302-17. Fencing and Barriers.

- (1) To prevent unauthorized entry, a manager shall ensure that the complete perimeter of the pool, pool deck, and additional decking area, if provided, is enclosed with a fence or other barrier that:
 - (a) is at least six feet in height measured from the exterior side of the barrier;
 - (b) does not allow passage of a four-inch diameter sphere through any fence or barrier opening, including below the barrier;
 - ~~[(c) the vertical clearance between a surface below the barrier is constructed of a solid surface such as concrete, paving stones, or other appropriate solid surface material;~~
 - ~~[(d) (c) if the fence or barrier has horizontal members, the horizontal members are at least 45 inches apart from each other;~~
 - ~~[(e) if] (d) when~~ the fence or barrier includes a gate or door to access the pool enclosure, the gate or door is self-closing, is self-latching, and:
 - (i) has a self-latching mechanism that includes a self-locking mechanism installed between 34 inches and 48 inches above the ground;

(ii) has a self-latching mechanism that does not include a self-locking mechanism installed 54 inches above the ground, with a lock such as a keyhole, electronic sensor, or combination dial installed between 34 inches and 48 inches above the ground;

(iii) has no opening greater than 1/2 inch within 18 inches of the self-latching mechanism;

(iv) is designed in such a way that the gate or door does not prevent egress in the event of an emergency; and

(v) is constructed to prevent unauthorized entry from the perimeter of the facility~~[-and].~~

~~[(vi) has at least one exit gate for each pool enclosure that opens outward from the pool area.~~

~~(2) The manager shall ensure that the vertical clearance between a surface below the barrier described in Subsection (1) is constructed of a solid surface such as concrete, paving stones, or other appropriate solid surface material.~~

~~(3) If one or more of the pools is closed and not being maintained for use, the manager shall ensure that:~~

~~(a) any pool enclosure accessible to the public has a sign identifying each closed pool; and~~

~~(b) access to each closed pool is prevented by:~~

~~(i) a safety cover that restricts bather access and meets the 2018 version of Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs (ASTM Standard F1346-91), incorporated by reference in this rule; or~~

~~(ii) a secondary barrier approved by the local health officer.~~

~~[(3)4] A pool does not need to meet the requirements of Subsection (1) if the manager can demonstrate to the local health officer that unauthorized access to the pool is prohibited and bather safety is ensured due to the presence of alternative but equally protective measures, such as architectural or landscaping features.~~

~~[(4)5] Subsection (1)(e) does not apply to any pool enclosure entrance that is staff-supervised during hours of pool operation and locked when the facility or pool area is not open to the public.~~

~~(6) For emergency egress, the manager shall ensure that the pool enclosure has at least one exit gate that opens outward from the pool area.~~

R392-302-18. Lighting, Ventilation, and Electrical Requirements.

(1) Except for Subsection (2), the manager shall ensure that a pool constructed after September 16, 1996, is not used for night swimming without underwater lighting.

(2) A pool does not need to meet the lighting requirement described in Subsection (1) if the manager can demonstrate to the local health officer that a six-inch diameter black disk on a white background placed in the deepest part of the pool can be clearly observed from the pool deck during nighttime hours, which are 30 minutes before sunset to 30 minutes after sunrise.

(3) Where night swimming is permitted and underwater lighting is used, the manager shall ensure that:

(a) artificial lighting is provided so that each area of the pool, including the deepest portion, is visible from the edge of the pool deck;

(b) area lighting is provided for the pool deck at not less than ten horizontal foot-candles, ten lumens per square foot, or 108 lux that is directed away from the pool surface as is practical to reduce glare;

(c) for outdoor pools, any combination of overhead and underwater lighting provides maintained illumination not less than ten horizontal foot-candles, ten lumens per square foot, or 108 lux at the pool water surface; and

(d) for indoor pools, any combination of overhead and underwater lighting provides maintained illumination of not less than 30 horizontal foot-candles, 30 lumens per square foot, or 323 lux at the pool water surface.

(4) The manager shall ensure that electrical wiring conforms with Article 680 of the NFPA 70, NEC, 2023 Edition, incorporated by reference in this rule.

(5) The manager shall ensure that any facility with an indoor pool, pool equipment room, access space, dressing room, shower room, and toilet space is ventilated in accordance with the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 62.1-2016, incorporated by reference in this rule.

R392-302-19. Circulation Systems.

(1) The manager shall ensure that:

(a) each individual pool has ~~[a]~~an independent circulation system that is in continuous operation;

(b) when the pool is open for bathing, the normal waterline of the pool is maintained to promote continuous skimming for any surge condition;

(c) when an overflow gutter system is used, the water is maintained at the overflow rim of the gutter;

(d) when a skimmer is used, the water is maintained at the midpoint of the skimmer opening;

(e) the circulation system meets the minimum turnover time listed in Table 1;

(f) if a single pool circulation system incorporates more than one of the pool types listed in Table 1:

(i) the entire pool circulation system is designed with the shortest turnover rate required in Table 1 for the incorporated pool types;

or

(ii) the pool circulation system is designed with multiple circulation zones that each meet the recirculation flow rate required in Table

1;

(g) the circulation equipment is operated continuously except for any period of maintenance;

(h) a rate of flow indicator, reading in gallons per minute, is:

(i) functioning; and

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- (ii) properly installed:
 - (A) according to manufacturer recommendations; and
 - (B) in a place and position where authorized personnel can easily read the indicator;
- (i) the pump room, or the area housing the circulation equipment, is:
 - (i) designed and maintained:
 - (A) according to manufacturer recommendations; and
 - (B) with adequate working space for equipment maintenance, including disassembly, removal, and replacement;
 - (ii) protected from environmental conditions, including UV radiation; and
 - (iii) secured from unauthorized personnel;
- (j) at least one valve:
 - (i) regulates the control of water flow in the system of circulation pipes; and
 - (ii) is located to be easily accessible for maintenance or replacement;
- (k) written operational instructions for circulation equipment are made available upon request;
- (l) circulation equipment, including multiport valves, if used, comply with NSF/ANSI/CAN 50 - 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities, incorporated by reference in this rule; and
- (m) each pump or series of pumps used for pool water circulation under normal operating conditions:
 - (i) has adequate capacity to provide the minimum turnover rate specified in Table 1;
 - (ii) can provide flow adequate for the backwashing of filters; and
 - (iii) can maintain the required minimum circulation flow rate at a dynamic head that includes, in addition to fitting and friction losses:
 - (A) except as described in Subsection (10), an additional 15 feet of head for pool inlet orifices; and
 - (B)(aa) an additional 15 feet of head for rapid sand filters, vacuum precoat media filters, or vacuum cartridge filters; or
 - (bb) an additional 40 feet of head for pressure precoat media filters, high-rate sand filters, or cartridge filters.
- (2) A variable speed pump is permitted for pool water circulation if the manager ensures that:
 - (a) the minimum circulation flow rate in the approved design and the minimum turnover rate required in Table 1 is maintained; and
 - (b) the requirements of Section R392-302-25 are met.
- (3) The manager shall ensure that:
 - (a) piping is:
 - (i) tested to meet:
 - (A) NSF/ANSI/CAN 50 - 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities; or
 - (B) NSF/ANSI Standard 14 -- 2021 Plastics Piping System Components and Related Materials standards;
 - (ii) made of non-toxic material;
 - (iii) resistant to corrosion;
 - (iv) able to withstand normal operating pressures;
 - (v) identified by a color code or label; and
 - (vi) maintained in good condition; and
 - (b) the maximum water velocity in:
 - (i) discharge piping is eight feet per second; and
 - (ii) suction piping is six feet per second.
- (4) The manager shall ensure that the circulation system includes a pump strainer that:
 - (a) prevents hair, lint, and other debris from reaching the pump;
 - (b) is corrosion-resistant;
 - (c) has openings not more than ~~1/8~~ 3/16 inch in size;
 - (d) provides a free flow capacity of at least four times the area of the pump suction line;
 - (e) is easily accessible for frequent cleaning;
 - (f) is maintained in a clean and sanitary condition; and
 - (g) is provided with necessary valves to facilitate cleaning of the system without excessive flooding.
- (5)(a) The manager shall ensure that a pool facility has a vacuum-cleaning system that facilitates access to any pool area through hoses less than 50 feet in length.
- (b) Except for a vacuum system operated from a skimmer, each vacuum connection in a vacuum system that depends on the pool circulation system is:
 - (i) installed at least eight inches below the designed water line; and
 - (ii) equipped with a finish fitting that requires tools to open and close the fitting.
- (6) The manager shall ensure that any heat exchanger, pool water boiler, and pressure vessel:
 - (a) has a fixed thermometer mounted in the pool circulation line downstream from the heater outlet; and
 - (b) is provided with a heatsink, as required by the manufacturer's instructions.
- (7) The manager shall ensure that any pool water boiler or pressure vessel meets the requirements of Rule R616-2.
- (8) The manager shall ensure that each air induction system is designed and maintained to prevent:
 - (a) any possibility of water backup that could cause electrical shock hazards;

and (b) an air intake from introducing contaminants, such as noxious chemicals, fumes, deck water, dirt, or other debris into the pool;

(c) the circulation line of a jet system or other form of water agitation from connecting to the pool water circulation, filtration, or heating system.

(9) The manager shall ensure that each chemical feed system includes two layers of interlocking protection for a low- or no-flow condition so that the operation of any chemical feeder is dependent upon the operational flow of the main circulation system; and

(a) the functionality of the interlocking mechanism is verified and documented to the local health department; and

(b) the interlocking mechanism is accomplished through an electrical interlock consisting of:

(i) a flow meter or flow switch at the chemical controller if a controller is being used; and

(ii) a differential pressure switch, a pump power monitor, or other suitable means that is wired electrically to both the chemical feeder and the circulation pump.

(10) The local health officer may require the manager to demonstrate that the circulation system is performing in accordance with the approved design.

(11) The head loss requirement for pool inlet orifices may be reduced as described in Subsection (1)(m)(iii)(A) if the manager can demonstrate to the local health officer, through a licensed design professional, that at least a six to one pressure ratio from the pool inlet orifice to the return loop is maintained.

TABLE 1 Circulation		
Pool Type	Minimum Number of Skimmers per 3,500 square feet of Surface Area or Less	Minimum Turnover Rate
Instructional pool	One per 500 square feet of surface area or fraction thereof	Six hours
Swimming pool	One per 500 square feet of surface area or fraction thereof	Six hours
Wading pool or wading area	One per 500 square feet of surface area or fraction thereof	One hour
Spa pool	One per 100 square feet of surface area or fraction thereof	1/2 hour
Wave pool	One per 500 square feet of surface area or fraction thereof	Six hours
Slide splash pool	One per 500 square feet of surface area or fraction thereof	One hour
Vehicle slide	One per 500 square feet of surface area or fraction thereof	One hour
Special purpose pool unless otherwise described	One per 500 square feet of surface area or fraction thereof	One hour
Lazy river	One per 2 500 square feet of surface area or fraction thereof	Two hours
Surf pool	Spaced according to manufacturer recommendations	Manufacturer recommended turnover rate

R392-302-20. ~~[Return]~~Inlets.

(1) The manager shall ensure that:

(a) ~~[return]~~inlets for potable or treated water are:

(i) located to facilitate:

(A) uniform circulation of water; and

(B) a uniform disinfectant residual throughout the entire pool; and

(ii) hydraulically sized to provide the designed flow rate for each zone of multi-zoned pools based on the designed turnover rate for each zone; and

(b) if wall inlets from the circulation system are used, each wall inlet is:

(i) flush with the pool wall and located:

(A) at least five feet below the normal water level; or

(B) at the bottom of the vertical wall surface tangent to the arc forming the transition between the vertical wall and the floor of the pool;

(ii) except as provided in Subsections R392-302-37(4) and R392-302-40(1)(~~[f]~~a)(iv), spaced no more than every ten feet around the pool perimeter; and

(iii) designed as a directionally adjustable and lockable orifice, or a drilled orifice, with sufficient head loss to ensure balancing of flow through each wall inlet as related to the other wall inlets such that:

(A) the return loop piping is sized to provide less than 2-1/2 feet of head loss to the most distant orifice to ensure equal water flow through every orifice; and

(B) wall inlets are locked in place once adjusted for uniform circulation.

(2) If floor inlets are installed in addition to wall inlets, the manager shall ensure there is at least one row of floor inlets centered in the pool width with piping installed in accordance with Subsection R392-302-19(3) such that:

(a) individual floor inlets and rows of floor inlets are spaced a maximum of 15 feet from each other; and

(b) floor inlets are at least 20 feet from a pool wall with wall inlets.

(3) If floor inlets from the circulation system are used, the manager shall ensure each floor inlet is:

(a) flush with the floor;

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- (b) placed at no more than 20-foot intervals from other floor inlets;
- (c) spaced no more than 7-1/2 feet from the pool wall if there are no wall inlets on that wall;
- (d) designed such that the flow can be adjusted to provide sufficient head loss to ensure balancing of water flow through every floor inlet; and
- (e) designed such that the flow cannot be adjusted without the use of a tool such that:
 - (i) the return supply piping is sized to provide less than 2-1/2 feet of head loss to the most distant floor inlet to ensure equal water flow through every floor inlet; and
 - (ii) floor inlets are locked in place once adjusted for uniform circulation.
- (4) The manager shall install floor inlets if a pool has a width greater than 50 feet.

R392-302-21. [~~Suction~~]-Outlets.

- (1) The manager shall ensure that each water feature pump and pool circulation system pump that draws water directly from the pool is connected to at least two suction outlets, unless the pump is connected to:
 - (a) a gravity drain system; or
 - (b) an unblockable drain.
- (2) The manager shall ensure that:
 - (a) each grate or cover of a submerged suction outlet conforms to the standards of ANSI/APSP/ICC-16 2017, American National Standard for Suction Outlet Fitting Assemblies (SOFA) for Use in Pools, Spas, and Hot Tubs along with the provisional amendment approved on March 19, 2021, incorporated by reference in this rule;
 - (b) each suction outlet is constructed so that if one of the outlets is completely obstructed, the remaining outlets and related piping are capable of handling 100% of the maximum design circulation flow;
 - (c) each suction outlet connected to a pump through a single common suction line is connected to branch piping at the suction outlet that connects to the common suction line:
 - (i) through pipes of equal diameter;
 - (ii) with a fitting that is located about midway between the suction outlets; and
 - (iii) without an isolation valve or other means to cut any individual suction outlet out of the system;
 - (d) at least one of the suction outlets is located at the deepest point of the pool; and
 - (e) when the pool has multiple main drain suction outlets, the center of each suction outlet cover or grate is spaced:
 - (i) no more than 30 feet apart; and
 - (ii) no less than three feet apart.
- (3) Multiple pumps may connect to the same suction outlets only if:
 - (a) the outlets are sized to accommodate 100% of the total design flow from all pumps combined; and
 - (b) the flow characteristics of the system meet the requirements of Subsections (4), (5), and (6);
- (4) The manager shall ensure that:
 - (a) there is one main drain suction outlet for each 30 feet of pool width;
 - (b) the center of the outlet cover or grate of any outermost main drain suction outlet is located within 15 feet of a side wall;
 - (c) any device or method used for draining a pool does not overcharge the sanitary sewer; and
 - (d) the pool is not open to any bather if a suction outlet grate or cover is broken, damaged, missing, or not securely fastened.
- (5) The manager shall ensure that:
 - (a) a pool drain, drain cover, or drain grate is installed according to the manufacturer's instructions; and
 - (b) a pool is not operated with a drain, drain cover, or drain grate that is positioned or applied in a manner that conflicts with any mandatory markings on the drain, drain cover, or drain grate under the standard required in Subsection (2)(a), that includes:
 - (i) whether the drain is for single or multiple drain use;
 - (ii) the maximum water flow through the drain cover; and
 - (iii) whether the drain may be installed on a wall or a floor.
- (6) The manager shall ensure that each drain cover or drain grate is installed on a sump:
 - (a) recommended by the manufacturer;
 - (b) specifically designed for that drain by a Registered Design Professional, as defined in ANSI/APSP/ICC-16 2017, American National Standard for ~~[ICC]~~Suction Outlet Fitting Assemblies (SOFA) for Use in Pools, Spas, and Hot Tubs along with the provisional amendment approved on March 19, 2021; or
 - (c) that meets the ANSI/APSP/ICC-16 2017, American National Standard for Suction Outlet Fitting Assemblies (SOFA) for Use in Pools, Spas, and Hot Tubs along with the provisional amendment approved on March 19, 2021.
- (7) When installed on a pool, the manager shall ensure that any entrapment release system, including a safety vacuum release system:
 - (a) is inspected and tested as specified by the manufacturer at least once a week but no less often than established by the manufacturer;
 - (b) includes a notification system that:
 - (i) alerts any bather and the pool operator when the safety vacuum release system has inactivated the circulation system; and
 - (ii) activates a continuous clearly audible alarm that can be heard in each area of the pool or a continuous clearly visible alarm that can be seen in each area of the pool;
 - (c) has a sign that:

- (i) states, "Do not use the pool if this alarm is activated";
- (ii) is posted next to the audible or visible alarm source; and
- (iii) provides the phone number of the pool operator.
- (8) The manager shall close to any bather a pool that has a single main drain with a malfunctioning safety vacuum release system.

R392-302-22. Overflow Gutter System and Skimming Devices.

- (1) The manager shall ensure that:
 - (a) a pool with a surface area greater than 3,500 square feet has an overflow gutter system; and
 - (b) a pool with a surface area equal to or less than 3,500 square feet has an overflow gutter system or one or more skimmers.
- (2) Subsection (1)(a) does not apply to any pool in which sufficient skimming of the pool is demonstrated to a local health officer by a licensed design professional.
- (3) If the pool has an overflow gutter system, the manager shall ensure that the overflow gutter system:
 - (a) except as described in Subsection (4), extends completely around the pool perimeter;
 - (b) ensures continuous uniform skimming of the pool water;
 - (c) is capable of continuously removing pool water at 100% of the maximum flow rate;
 - (d) is connected to the circulation system by a surge system that:
 - (i) has a surge capacity of no less than one gallon for each square foot of surface area;
 - (ii) has water level sensors and controls built in to maintain the pool water level; and
 - (iii) promotes continuous skimming in each surge condition; and
 - (e) is designed and constructed:
 - (i) to prevent entrapment of any part of a bather's body;
 - (ii) with the opening into the gutter system beneath the coping or grating that:
 - (A) is at least three inches in height; and
 - (B) has a depth of at least three inches;
 - (iii) with a handhold as described in Subsection R392-302-16(2);
 - (iv) with ~~suction~~ outlet pipes that are at least two inches in diameter; and
 - (v) with the total combined area of all unobstructed openings in the outlet grates being equal to or greater than a minimum of 1-1/2 times the total cross-sectional area of all connected suction outlet pipes.
- (4) Gaps in the pool perimeter overflow gutter system requirement described in Subsection (3)(a) are allowed for a pool with design features such as stairs, recessed steps, ladders, or shared walls between two separate pools if:
 - (a) the manager can demonstrate compliance with Subsections (3)(b) through (3)(e); and
 - (b) any overflow gutter system gap does not extend more than 15 continuous feet.
- (5) If the pool has a skimmer, the manager shall ensure that each skimmer:
 - (a) complies with NSF/ANSI/CAN 50-2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities;
 - (b) is installed on any pool with a surface area equal to or less than 3,500 square feet;
 - (c) has at least one skimming device provided for each 500 square feet of water surface area or fraction thereof, except as provided in Subsections R392-302-37(1)(g) and R392-302-43(2)(e);
 - (d) is spaced to provide an effective skimming action over the entire surface of the pool if two or more skimmers are required;
 - (e) is installed with the normal operating level of the pool water at the midpoint of the skimmer opening or in accordance with the manufacturer's instructions;
 - (f) is built into the pool wall;
 - (g) has piping and other components that are designed for a total capacity of at least 80% of the maximum flow rate of the circulation system;
 - (h) is designed with a minimum flow rate of 25 gallons per minute and a maximum flow rate of 55 gallons per minute; and
 - (i) is equipped with a weir that:
 - (i) is maintained properly for continuous skimming of the surface water;
 - (ii) moves freely and automatically adjusts to variations in water level over a range of at least four inches; and
 - (iii) operates at any flow variation.
- (6) A higher maximum flow rate through a skimmer up to the skimmer's NSF rating is allowed if the manager can demonstrate to the local health officer, through a licensed design professional, that the piping system is designed to accommodate the higher flow rate.
- (7) The manager shall ensure that an easily removable and cleanable basket or screen through which any overflow water passes:
 - (a) is provided to trap large solids;
 - (b) is maintained in good working condition;
 - (c) does not allow disinfection products to be stored or circulated; and
 - (d) is emptied as often as necessary to prevent clogging and buildup of potentially infectious debris.
- (8) The manager shall ensure that if an equalizer pipe is used to prevent air-lock, the equalizer pipe is:
 - (a) sized to meet the capacity requirements for the filter and pump;
 - (b) not less than two inches in diameter;

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- (c) designed to control velocity through the pipe in accordance with Subsection R392-302-19(3)(b)(ii);
 - (d) located at least one foot below a valve or float assembly that prevents suction from the equalizer pipe under normal operating conditions;
 - (e) protected with a cover or grate that meets the requirements of ANSI/APSP/ICC-16 2017, American National Standard for Suction Outlet Fitting Assemblies (SOFA) for Use in Pools, Spas, and Hot Tubs along with the provisional amendment approved on March 19, 2021; and
 - (f) sized to accommodate the design flow requirements described in Subsection (4).
- (9) The manager shall maintain proper operation of each valve and float assembly.

R392-302-23. Filtration.

- (1) The manager shall ensure that a filter system:
 - (a) has a way to isolate each individual filter for backwashing or other service; and
 - (b) is designed to allow the pool operator to easily observe the discharged filter backwash water to determine if the filter system is clean.
- (2) The manager shall ensure that a pool uses one of the following filters:
 - (a) a rapid rate sand filter;
 - (b) a high-rate sand filter;
 - (c) a precoat filter; or
 - (d) a cartridge filter.
- (3) The manager shall ensure that each filter complies with the standard NSF/ANSI/CAN 50 -- 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities.
- (4) The manager shall ensure that a gravity and pressure rapid rate sand filter system is:
 - (a) designed for a filter media rate of three gallons or less per minute per square foot of bed area during maximum head loss;
 - (b) equipped with a filter bed surface area that is sufficient to meet the design rate of flow required by Table 1 for the required turnover;
 - (c) equipped with an influent pressure gauge, vacuum gauge, or compound gauge, as determined by the filter type, to show the condition of each filter;
 - (d) equipped with an air-relief valve at or near the high point of the filter or piping system; and
 - (e) designed with any necessary valve and piping to allow:
 - (i) filtering of pool water;
 - (ii) individual backwashing of each filter:
 - (A) to a system as required in Subsection R392-302-7(4); and
 - (B) at a minimum flow rate of 15 gallons per minute per square foot of filter area;
 - (iii) isolation of each individual filter;
 - (iv) complete drainage of the filtration system; and
 - (v) convenient maintenance, operation, and inspection.
- (5) The manager shall ensure that a pressure rapid rate sand filter system has an access opening of at least a standard size 11-inch by 15-inch manhole with a cover.
- (6) The manager shall ensure that each high-rate sand filter system is:
 - (a) designed with:
 - ~~(i) a minimum filter media rate of 13 gallons per minute per square foot of bed area; and~~
 - ~~(ii) a maximum filter media rate of 18 gallons per minute per square foot of bed area;~~

in accordance with the manufacturer's recommendations that allows for proper backwash rates;

 - (b) equipped with:
 - (i) a filter bed area sufficient to meet the design flow rate required by Table 1 for the required turnover;
 - (ii) an influent pressure gauge to show the condition of the filter; and
 - (iii) an air-relief valve at or near the high point of the filter; and
 - (c) installed in compliance with the manufacturer's recommendations for each system component.
- (7) The minimum filter media rate may be reduced as required in Subsection (6)(a)(~~i~~) if:
 - (a) more than one high-rate sand filter is installed and operating;
 - (b) the filter system includes a valve downstream of the filters that is designed to regulate the backwash flow rate; ~~and~~ or

~~(c) adequate backwash flow is maintained through each filter according to the manufacturer's requirements.~~

(c) the circulation system is equipped with a variable frequency drive to allow the system flow rate to be adjusted during a backwash cycle.
- (8) The manager shall ensure that each precoat filter system ~~is~~:
 - (a) is designed with:
 - (i) a filtering area that is compatible with the design pump capacity as required by Subsection R392-302-19(1)(m);
 - (ii) a filter media rate that:
 - (A) is a maximum of two gallons per minute per square foot of effective filtering surface without continuous precoat media feed; or

- (B) is a maximum of 2-1/2 gallons per minute per square foot with continuous precoat media feed;
- (b) ~~equipped~~ with a continuous feeder device that feeds precoat media:
 - (i) is accurate to within 10%;
 - (ii) is continuously within a calibrated range that is adjustable from two to six mg/L; and
 - (iii) is at the design capacity of the circulation pump;
- (c) is designed and constructed with materials that will withstand normal continuous use without significant deformation or deterioration that could adversely affect filter operations;
- (d) is supplied with potable water delivered through an air gap as required in Section R392-302-6;
- (e) is equipped with:
 - (i) an influent pressure gauge, vacuum gauge, or a compound gauge to show the condition of the filter; and
 - (ii) an air-relief valve at or near the high point of the filter or piping system; and
- (f) is designed to facilitate:
 - (i) cleaning by:
 - (A) backwashing;
 - (B) air-bump-assist backwashing;
 - (C) automatic or manual water spray; or
 - (D) agitation; and
 - (ii) complete and rapid draining of the filter system.
- (9) If fabric is used, the manager shall ensure that filtration area is determined based on effective filtering surfaces.
- (10) The manager shall ensure that:
 - (a) diatomaceous earth filter backwash water is discharged as required in Subsection R392-302-7(4) through a separation tank; and
 - (b) personal protective equipment suitable for preventing inhalation of diatomaceous earth or other filter aid material is provided for pool operator use.
- (11) In a vacuum filter system installation where the circulating pump is rated at two horsepower or higher, the manager shall ensure that an adjustable high vacuum automatic shut-off device is provided to prevent damage to the pump.
- ~~_____ (12) The manager shall ensure that each hose bib is equipped with a vacuum breaker listed by the International Association of Plumbing and Mechanical Officials (IAPMO), the American Society of Sanitary Engineering (ASSE), or other nationally recognized standard.~~
- ~~_____ (13)~~ (12) The manager shall ensure that a cartridge filter system is:
 - (a) designed and constructed with:
 - (i) sufficient filter area to meet the design pump capacity as required by Table 1;
 - (ii) a maximum filter media rate of 0.375 gallons per minute per square foot of effective filter area; and
 - (iii) materials that will withstand normal continuous use without significant deformation or deterioration that could adversely affect filter operations, such as polyester fiber;
 - (b) equipped with:
 - (i) an influent pressure gauge, vacuum gauge, or compound gauge to show the condition of the filter;
 - (ii) an extra set of cartridge filters; and
 - (iii) an air-relief valve at or near the high point of the filter system; and
 - (c) cleaned in accordance with the manufacturer's recommendations.

R392-302-24. Disinfectant and Chemical Feeders.

- (1) The manager shall ensure that:
 - (a) a pool is equipped with disinfectant dosing or disinfectant generating equipment that conforms to the NSF/ANSI/CAN 50 -- 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities; and
 - (b) chlorine dosing or disinfectant generating equipment is designed with a capacity to provide the following chlorine amounts:
 - (i) outdoor pools require four pounds of free available chlorine a day per 10,000 gallons of pool water; or
 - (ii) indoor pools require 2-1/2 pounds of free available chlorine a day per 10,000 gallons of pool water.
- (2) Where an automated controller, such as an ORP, is used, the manager shall ensure that:
 - (a) poolside water testing is performed to verify automated controller calibration at least weekly;
 - (b) an automated controller calibration check is completed as needed when poolside water testing results are inconsistent with the automated controller results; and
 - (c) inspection and cleaning of sensor probes and chemical injectors are performed in accordance with the manufacturer's recommendations and as needed to reconcile poolside water testing results with the automated controller results.
- (3) The manager shall ensure that positive displacement equipment and piping used to apply a chemical to the water is:
 - (a) designed and constructed of materials that can be cleaned and maintained free from clogging; and
 - (b) resistant to the damaging effects of the chemical in use.
- (4) The manager shall ensure that:
 - (a) each chemical feed system includes the following two layers of interlock protection for a low- or no-flow condition:
 - (i) a flow meter or flow switch at the chemical controller; and

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(ii) each chemical feeder wired electrically to the circulation system that may include the use of a differential pressure switch, a pump power monitor, or other suitable means; and

(b) the functionality of the interlocking protection mechanism is verified and documentation is prepared for the local health officer to review upon request.

(5) The requirements of Subsection (4)(a)(ii) do not apply to an erosion-type chemical feeder that does not rely on an electrical device to feed chemicals if an equivalent layer of interlock protection is provided, such as a check valve, to prevent chemical back-siphonage.

R392-302-25. Disinfection and Quality of Water.

(1) The manager shall ensure that:

(a) each pool is continuously disinfected by a product that:

(i)(A) is certified, listed, and labeled to meet NSF/ANSI/CAN 50 -- 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities;

(B) is certified, listed, and labeled to meet NSF/ANSI 60 -- 2016 Drinking Water Treatment Chemicals -- Health Effects, which is incorporated by reference; or

(C) has an EPA FIFRA registration, as applicable;

(ii) is used in accordance with the manufacturer's instructions;

(iii) imparts a disinfectant residual that may be easily and accurately measured by a field test procedure appropriate to the disinfectant in use;

(iv) is compatible for use with each chemical in use for pool water treatment;

(v) does not create an imminent health hazard for a bather if applied according to manufacturer's specifications; and

(vi) does not create an imminent health hazard if handled, stored, and used according to manufacturer's directions;

(b) the concentration of the active disinfectant within the pool water is consistent with:

(i) the manufacturer's directions for the disinfectant in use; and

(ii) the minimum concentration listed in Table 2;

(c) the concentration of free available chlorine does not exceed ten mg/L at any time a pool is open to a bather;

(d) the concentration of bromine does not exceed ten mg/L at any time a pool is open to a bather; and

(e) if the concentration of combined chlorine residual is greater than 0.5 mg/L, the combined chlorine level is reduced by:

(i) breakpoint chlorination; or

(ii) a full or partial exchange of the pool water with potable water.

(2) The manager shall ensure that each product used to treat or condition pool water is used according to the manufacturer's specifications and that the following chemical measurements are maintained:

(a) the total alkalinity measurement is within the range of:

(i) 100 to 125 mg/L for a pool lined with plaster;

(ii) 80 to 150 mg/L for a spa pool lined with plaster; and

(iii) 125 to 150 mg/L for a pool lined with another approved construction material;

(b) the concentration of cyanuric acid in the water does not exceed ~~90~~100 mg/L;

(c) the TDS does not exceed 1,500 mg/L over the startup total dissolved solid measurement; and

(d) a concentration of at least 200 mg/L of calcium hardness.

(3) The manager shall:

(a) provide an easy-to-operate, portable disinfectant test kit compatible with pool chemicals and the disinfectant in use, accurate to within 0.5 mg/L at each facility; and

(b) ensure that a test kit reagent is not used if the reagent is:

(i) expired;

(ii) adulterated; or

(iii) not stored according to the manufacturer's specifications.

(4) The manager shall ensure that:

(a) if cyanuric acid or a stabilized chlorine product is used to stabilize the free chlorine residual from the effects of UV light:

(i) the minimum free available chlorine residual is two mg/L; and

(ii) a test kit for cyanuric acid that is accurate to within 10.0 mg/L is provided; and

(b) cyanuric acid or a stabilized chlorine product is not used for any new construction, substantial alteration, or disinfection equipment replacement at:

(i) an indoor pool;

(ii) a spa pool; or

(iii) a therapy pool.

(5) The manager shall ensure that:

(a) the pool water has sufficient clarity to easily see the drain grate or cover in the deepest part of the pool, or that a black disk six inches in diameter on a white field is easily visible if placed in the deepest part of the pool;

(b) the minimum water temperature for a pool is 78 degrees Fahrenheit; and

(c) the maximum water temperature for a pool is 104 degrees Fahrenheit.

(6) The requirements of Subsection (5)(b) do not apply to a cold plunge pool.

TABLE 2 Disinfectant Levels and Chemical Parameters Under Normal Operating Conditions			
Stabilized Chlorine measured in mg/L, see note 2	Pools	Spa Pools	Special Purpose Pools
pH 7.2 to 7.6	2.0, see note 1	3.0, see note 1	2.0, see note 1
pH 7.7 to 7.8	3.0, see note 1	5.0, see note 1	3.0, see note 1
Non-Stabilized Chlorine measured in mg/L, see note 2			
pH 7.2 to 7.6	1.0, see note 1	2.0, see note 1	2.0, see note 1
pH 7.7 to 7.8	2.0, see note 1	3.0, see note 1	3.0, see note 1
Bromine measured in mg/L	4.0, see note 1	4.0, see note 1	4.0, see note 1
pH	7.2 to 7.8	7.2 to 7.8	7.2 to 7.8
Cyanuric acid measured in mg/L	[+0]0 to 100	[+0]0 to 100	[+0]0 to 100
Minimum water temperature measured in degrees Fahrenheit see Subsections R392-302-25(5)(b) and R392-302-25(6)	78	78	78
Maximum water temperature measured in degrees Fahrenheit see Subsection R392-302-25(5)(c)	104	104	104
Calcium Hardness measured in mg/L as calcium carbonate	200, see note 1	200, see note 1	200, see note 1
Total Alkalinity measured in mg/L			
Plaster pools	100 to 125	80 to 150	100 to 125
Painted or Fiberglass pools	125 to 150	80 to 150	125 to 150
Saturation Index see Table 3	-0.3 to +0.3	-0.3 to +0.3	-0.3 to +0.3
Chloramines or combined chlorine residual measured in mg/L	0.5, see note 3	0.5, see note 3	0.5, see note 3
Note 1: Minimum value			
Note 2: Maximum value of free chlorine is ten mg/L as described in Subsection R392-302-25(1)(c)			
Note 3: Maximum value of chloramines or combined chlorine residual as described in Subsection R392-302- 25(1)(g)			

(7) The manager shall ensure that:

- (a) the saturation index is calculated and recorded monthly in accordance with Table 3; and
- (b) the saturation index value of the pool water is within the range of -0.3 and +0.3.

TABLE 3 Chemical Values and Formula for Calculating Saturation Index					
The formula for calculating the saturation index is:					
SI = pH + TF + CF + AF -- TDSF					
SI means Saturation Index					
TF means temperature factor					
CF means calcium factor					
deg F means degrees Fahrenheit					
AF means alkalinity factor					
TDSF means total dissolved solids factor					
Temperature in deg F	TF	Calcium Hardness in mg/L	CF	Total Alkalinity in mg/L	AF
32	0.0	25	1.0	25	1.4
37	0.1	50	1.3	50	1.7
46	0.2	75	1.5	75	1.9
53	0.3	100	1.6	100	2.0
60	0.4	125	1.7	125	2.1
66	0.5	150	1.8	150	2.2
76	0.6	200	1.9	200	2.3
84	0.7	250	2.0	250	2.4
94	0.8	300	2.1	300	2.5
105	0.9	400	2.2	400	2.6
128	1.0	800	2.5	800	2.9
Total Dissolved Solids in mg/L			TDSF		
0 to 999			12.1		
1000 to 1999			12.2		

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2000 to 2999	12.3
3000 to 3999	12.4
4000 to 4999	12.5
5000 to 5999	12.55
6000 to 6999	12.6
7000 to 7999	12.65
Each additional 1000	Add 0.05
If the SATURATION INDEX is 0, the water is chemically in balance. If the INDEX is a minus value, corrosive tendencies are indicated. If the INDEX is a positive value, scale forming tendencies are indicated.	
EXAMPLE: Assume the following factors: pH 7.5; temperature 80 degrees F; calcium hardness 235; total alkalinity 100; and total dissolved solids 999. pH = 7.5 TF = 0.7 CF = 1.9 AF = 2.0 TDSF = 12.1 TOTAL: $7.5 + 0.7 + 1.9 + 2.0 - 12.1 = 0.0$ This water is chemically balanced.	

(8) The local health officer shall ensure:

(a) a pool water sample is collected from each pool at least once per month or at a more frequent interval as determined by the local health officer;

(b) the collected pool water sample is submitted to a laboratory approved under Rule R444-14 to perform total coliform and heterotrophic plate count testing; and

(c) the collected sample is analyzed in a laboratory for total coliform and heterotrophic plate count using methods allowed under Section R444-14-4.

(9) An individual who submits the collected sample to the analyzing laboratory shall ensure that the laboratory provides sample results within five working days to the local health department and the manager.

(10) The local health officer shall review the sample results to determine if the pool water has failed the bacteriological quality standard as determined by the following sample failure criteria:

(a) the sample contains more than 200 colony-forming units (CFUs) per milliliter, as determined by the heterotrophic plate count; or

(b) the sample indicates the presence of coliform bacteria or contains more than one CFU of coliform bacteria per 100 milliliters.

(11) If the local health officer determines that the sample fails as described in Subsection (10), an additional sample shall be collected and submitted as described in Subsection (8) not more than three laboratory receiving days after the sample report was received.

(12) Pool sampling, as described in Subsection (8), is not required if:

(a) the pool is closed; or

(b) the pool is temporarily closed for a continuous interval exceeding half a calendar month.

(13)(a) If any pool water sample required in Subsection (8) fails bacteriological quality standards as described in Subsection (10), the manager shall develop a corrective action plan.

(b) The local health officer may require the manager to submit a written corrective action plan.

(14) If more than one of three consecutive pool water samples required in Subsection (8) fail bacteriological quality standards as described in Subsection (10), the local health officer may require:

(a) more frequent water bacteriological sample collection;

(b) a health inspection;

(c) additional training for the qualified pool operator;

(d) more frequent water quality monitoring, including checking and recording:

(i) disinfectant residuals, pH, and pool water temperature up to four times a day; and

(ii) flow rate gauges and pool circulation rates up to four times a day;

(e) installation of automated controller technology, such as an ORP, as described in Subsection R392-302-24(2); or

(f) a written plan or conference with the local health department.

R392-302-26. Bather Load.

(1) The manager shall ensure that the peak bather load, as described in Subsection (3), is not exceeded.

(2) The manager shall ensure that a sign indicating the allowed peak bather load for each pool is posted within the pool enclosure.

(3) The peak bather load shall be determined as follows:

(a) ten square feet of pool water surface area per bather is provided in a spa pool;

- (b) ten square feet of surface area per bather is provided for an interactive water feature;
- (c) 20 square feet of pool water surface area per bather is provided for each bather in:
 - (i) a swimming pool;
 - (ii) a lazy river;
 - (iii) an instructional pool;
 - (iv) a therapy pool;
 - (v) a wading pool; or
 - (vi) a wave pool; and
- (d) 50 square feet of pool water surface area per bather is provided in:
 - (i) a slide splash pool; or
 - (ii) a slide runout.
- (4) The manager shall follow the manufacturer's established peak bather load in a surf pool.
- (5) The local health officer may reduce the peak bather load to ensure proper pool water quality and bather safety.

R392-302-27. Dressing Rooms.

The manager shall ensure that:

- (1) each area and fixture within a dressing room is maintained in an operable, clean, and sanitary condition;
- (2) where a dressing room is provided, the entrance and exit is designed to break the line of sight into the dressing area from any other location;
- (3) each dressing room is constructed of materials that have smooth, non-slip surfaces and are impervious to moisture;
- (4) each dressing room floor slopes to a drain and is constructed to prevent accumulation of water;
- (5) carpeting is not installed on a dressing room floor;
- (6) each junction between walls and floors is coved;
- (7) any wall or partition between dressing cubicles begins at a height no more than 12 inches from and extend no less than 60 inches above the finished floor surface or is placed on a continuous raised masonry or concrete base at least four inches high;
- (8) each locker is:
 - (a) set on:
 - (i) a solid masonry base no less than four inches high; or
 - (ii) legs elevating the bottom locker at least four inches above the floor; and
 - (b) equipped with passive ventilation; and
- (9) at least one covered waste receptacle is provided in each dressing room.

R392-302-28. Restroom and Shower Facilities.

- (1) The manager shall ensure that:
 - (a) a bather has access to a restroom with a cleansing shower facility, in accordance with Table 4 and Table 5, and the restroom and cleansing shower facility:
 - (i) is located with convenient access for any bather within the pool enclosure;
 - (ii) has a clearly identified location; and
 - (iii) is designed to break the line of sight into the restroom and cleansing shower facility from any other location;
 - (b) the minimum number of toilets provided is based upon the designed peak bather load with a minimum of two unisex facilities or one for each gender;
 - (c) the minimum number of toilet and cleansing shower fixtures is installed in accordance with Table 4 and Table 5, except as described in Subsection (2);
 - (d) where the peak bather load is 25 or fewer bathers, the minimum number may be one toilet and one cleansing shower fixture for a unisex restroom; and
 - (e) a handwashing sink is:
 - (i) installed at the ratio of one handwashing sink for each toilet up to four toilets, then one handwashing sink for every two additional toilets;
 - (ii) supplied with running hot water and cold water under pressure; and
 - (iii) located in or immediately adjacent to the restroom.
- (2) The minimum number of publicly available sanitary fixtures may be reduced to one toilet, one handwashing sink, and one cleansing shower fixture if the manager can demonstrate to the local health officer that there are sufficient fixtures conveniently located within or adjacent to the pool enclosure.

TABLE 4 Sanitary Fixture Minimum Requirements: Toilets	
Male	Female
1:1 to 25	1:1 to 25

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2:26 to 75	2:26 to 75
3:76 to 125	3:76 to 125
4:126 to 200	4:126 to 200
5:201 to 300	5:201 to 300
6:301 to 400	6:301 to 400
Over 400, add one fixture for each additional 200 males or 150 females	
Where urinals are installed, the manager may reduce the number of toilets by one toilet for each installed urinal, except that the number of toilets may not be reduced to fewer than 1/2 of the minimum number of toilets required.	

TABLE 5 Sanitary Fixture Minimum Requirements: Cleansing Shower Fixtures	
Male	Female
1:4,000 square feet of pool surface area or portion thereof	1:4,000 square feet of pool surface area or portion thereof

- (3) The manager shall ensure that each restroom is supplied with:
 - (a) soap and toilet tissue in suitable dispensers;
 - (b) individual disposable towels or another hand-drying fixture, such as an air dryer;
 - (c) one diaper-changing station that conforms with ASTM Standard F2285-22: Standard Consumer Safety Performance Specification for Diaper Changing Tables for Commercial Use, incorporated by reference in this rule; and
 - (d) a solid, durable, covered, and easily cleanable waste receptacle.
- (4) The manager shall ensure that each cleansing shower fixture:
 - (a) is enclosed for privacy;
 - (b) provides running hot water and cold water under pressure; and
 - (c) has liquid soap in a suitable dispenser.
- (5) The manager shall ensure that each plumbing fixture is:
 - (a) designed to be easily cleanable and withstand frequent cleaning and disinfecting; and
 - (b) maintained in an operable, clean, and sanitary condition.
- (6) The manager shall ensure that:
 - (a) each restroom is constructed of materials that have smooth, non-slip surfaces, and are impervious to moisture;
 - (b) the floor of a restroom and shower facility slopes to a drain and is constructed to prevent the accumulation of water;
 - (c) carpeting is not installed on any restroom or shower floor; and
 - (d) junctions between walls and floors are coved.

R392-302-29. Lifeguard and Safety Related Equipment.

- (1) The manager shall ensure that each pool enclosure has the following lifesaving equipment provided for each 2,000 square feet of pool water surface area or fraction thereof:
 - (a) a Coast Guard-approved ring buoy with an attached rope equal in length to the maximum width of the pool plus ten feet; and
 - (b) a rescue hook or shepherd's crook with blunted ends attached to a reaching pole with a minimum length of 12 feet.
- (2) The manager shall ensure that the lifesaving equipment required in Subsection (1) is:
 - (a) mounted in the pool area;
 - (b) readily accessible;
 - (c) conspicuously located;
 - (d) in good repair; and
 - (e) maintained in an operable condition.
- (3) Where lifeguard service is provided, the manager may substitute a rescue tube for the lifesaving equipment required in Subsection (1).
- (4) The manager shall ensure that each lifeguarded pool facility is equipped with a first aid kit that:
 - (a) is accessible to pool staff;
 - (b) is stored in a manner that prevents contamination;
 - (c) is restocked as needed; and
 - (d) includes a minimum of the following unexpired items:
 - (i) adhesive bandages of various sizes and applications;
 - (ii) compression bandages;
 - (iii) sterile gauze pads;

- (iv) medical tape;
- (v) scissors;
- (vi) instant cold packs;
- (vii) antiseptic wipes;
- (viii) sting relief wipes;
- (ix) eyewash solution;
- (x) single-use gloves; and
- (xi) tweezers.

(5) The manager shall ensure that each pool facility has a sign posted in the pool area that states an emergency telephone number, including 911 or other local emergency numbers.

(6) Where lifeguard service is provided as required in Section R392-302-30, the manager shall provide:

(a) a minimum number of elevated lifeguard stations, in accordance with Table 6, that:

- (i) are located to provide a lifeguard on duty with a clear, unobstructed view of the pool floor; and
- (ii) provide safe access and exit for the lifeguard;
- (b) at least one backboard designed with straps and head stabilization capability; and
- (c) a readily accessible area designated for first aid equipment and emergency first aid care.

(7) In each area of a pool with a water depth greater than six feet or a maximum width greater than 40 feet and a depth greater than four feet, the manager shall provide for a minimum number of elevated lifeguard stations, in accordance with Table 6, as applicable for a lifeguarded facility.

(8) Where lifeguard service is not provided, the manager shall ensure that:

- (a) a sign is posted that states: "Warning - No Lifeguard on Duty" in block letters at least four inches in height; and
- (b) in addition to the sign required in Subsection (8)(a), a sign is posted stating:
 - (i) "Bathers should not swim alone"; and
 - (ii) "Children aged 14 years and under shall not use the pool without responsible adult supervision."

TABLE 6 Lifesaving Equipment		
Safety Equipment	Pools with a Lifeguard	Pools with No Lifeguard
Elevated lifeguard station	One per 2,000 square feet of pool area or fraction thereof	None
Backboard	One per facility	None
Room for emergency care	One per facility	None
Ring buoy with an attached rope equal in length to the maximum width of the pool plus ten feet	None	One per 2,000 square feet or pool area or fraction thereof
Rescue tube used as a substitute for ring buoys and rescue hook or shepherd's crook attached to a reaching pole when a lifeguard is present	One per 2,000 square feet of pool area or fraction thereof	None
Rescue hook or shepherd's crook attached to a reaching pole	None	One per 2,000 square feet of pool area or fraction thereof
First aid kit	One per facility	None

R392-302-30. Lifeguard Requirements.

(1) For any pool ~~[built or]~~with plans approved by a local health officer, as described in Subsection R392-302-5(3)(c), before ~~[the enactment date of this rule]~~January 1, 2026, a manager shall ensure lifeguard service is provided at a pool if a direct fee is charged or if public funds support the operation of the pool.

(2) For any pool ~~[built or]~~with plans approved by a local health officer, as described in Subsection R392-302-5(3)(c), on or after ~~[the enactment date of this rule]~~January 1, 2026, a manager shall ensure that lifeguard service is provided if the pool:

- (a) charges a direct fee, or if public funds support the operation of the pool;
- (b) has an induced current or wave action that includes a dedicated water feature pump used to create the induced current or wave action;
- (c) has a design feature such as a tunnel, grotto, bulkhead, or other feature that creates a condition under normal use in which the line of sight of a bather is lost or obscured to an adult who is responsible for monitoring and supervising any child in the water;
- (d) has a moveable floating structure, such as inflatable or modular pool play equipment or a floating platform;
- (e) is being used for a group event, including competitive swimming, sports, or swimming lessons; or
- (f) has a slide with a dedicated water feature pump used for continuous water circulation on the slide surface.

(3) When a lifeguard is teaching swimming lessons in a pool, the manager may designate one or more water watchers instead of an additional lifeguard if the water watcher is stationed in the line of sight of each swimming lesson group.

(4) The manager shall ensure that if lifeguard service is not provided as required in Subsection (1) or (2), at least one sign is clearly posted indicating that lifeguard service is not provided.

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- (5) For a pool providing a temporary structure or temporary event, as described in Subsections (2)(d) and (2)(e), the manager shall ensure that lifeguard service is provided during the temporary period of use.
- (6) Each lifeguard shall obtain training and certification in:
 - (a) lifeguarding by the American Red Cross or an equivalent program accepted by the department, as described in Subsection (11);
 - (b) CPR, automated external defibrillator use, and other resuscitation skills consistent with the 2020 edition of the American Heart Association Guidelines, incorporated by reference in this rule; and
 - (c) first aid consistent with the American Heart Association Guidelines.
- (7) A lifeguard on duty shall only perform responsibilities related to the supervision, health, and safety of a bather.
- (8) Where lifeguard service is required, the manager shall ensure that the number of lifeguards is sufficient to allow for continuous supervision of each bather and surveillance over each pool floor area in use.
- (9) The manager shall ensure that a lifeguard:
 - (a) operates in a manner to provide an alternation of tasks such that no lifeguard conducts bather surveillance activities for more than 60 continuous minutes; and
 - (b) maintains coverage of the zone of bather surveillance during a lifeguard rotation.
- (10) An alternation of tasks, as described in Subsection (9)(a), may include:
 - (a) a change of bather surveillance zone where the lifeguard must walk or be transported to another bather surveillance zone; or
 - (b) a period of at least 10 minutes of non-bather surveillance activity, including:
 - (i) taking a break;
 - (ii) conducting maintenance; or
 - (iii) conducting slide or ride dispatch.
- (11) Each lifeguard training program provider shall apply to the department for acceptance before providing training or certification to a lifeguard by submitting:
 - (a) a completed application;
 - (b) a written summary describing how the training program meets each training objective listed in the application;
 - (c)(i) a copy of the course curriculum, including any slide, handout, talking point, script, video, brochure, or any additional information used during the course; or
 - (ii) full access to the online course; and
 - (d) a copy of the exam questions, if applicable.

R392-302-31. Supervision of Bathers.

- (1) The manager shall ensure that bather access to a pool is prohibited when the pool is not open.
- (2) The manager shall ensure that:
 - (a) any child under three years old, any child not toilet trained, or anyone who lacks control of defecation wears a water-resistant swim diaper and waterproof swimwear that has waist and leg openings fitted such that the swimwear is in contact with the bather's body around the entire circumference of the waist and leg;
 - (b) diapers are changed only in a restroom;
 - (c) any dish or container made of glass or crystal is not allowed within the pool enclosure;
 - (d) except for drinking water, food or drink is not prepared, served, sold, or consumed within ten feet of the pool edge;
 - (e) animals are not allowed within ten feet of the pool edge, except that a service animal is allowed on the pool deck, but not in the pool water or an interactive water feature; and
 - (f) a teaching platform is only used for instructional purposes.
- (3) The manager shall ensure that the following rules are in place:
 - (a) each bather using the facility shall take a cleansing shower before entering the pool enclosure;
 - (b) a bather with diarrhea within the last two weeks caused by an unknown source or from any communicable or fecal-borne disease may not use the pool;
 - (c) a bather diagnosed with a communicable disease transmissible by water may not use the pool;
 - (d) running, boisterous play, or rough play, except supervised water sports, are prohibited; and
 - (e) where no lifeguard service is provided, children aged 14 years and under shall not use a pool without responsible adult supervision.

R392-302-32. Cleaning Pools.

- (1) The manager shall ensure that:
 - (a) the bottom of each pool is cleaned as often as needed to keep the pool free of visible dirt;
 - (b) the surface of each pool is cleaned as often as needed to keep the pool free of visible scum or floating matter; and
 - (c) each pool facility is maintained clean, sanitary, and in good repair.
- (2) The manager shall respond to any known fecal matter release into a pool following the Centers for Disease Control and Prevention, Fecal Incident Response Recommendations for Aquatic Staff, released June 22, 2018, incorporated by reference in this rule.
- (3) The manager shall include a record as required in Subsection (2) with information about any fecal matter release into a pool, including:
 - (a) the date;

- (b) the time;
- (c) the location where the fecal matter was discovered;
- (d) whether the fecal matter was diarrheal or formed; and
- (e) the response taken by pool staff.

R392-302-33. Pool Operation and Record Keeping.

- (1) The manager shall ensure that:
 - (a) each pool is operated by a qualified pool operator who is certified or recertified by a program of training and testing accepted by the department;
 - (b) a copy of the qualified pool operator's certification and contact information is posted in a conspicuous location at the pool facility;
 - (c) a qualified pool operator is available onsite, or immediately available within two hours during hours of pool operation;
 - (d) a qualified pool operator records a visit to the facility at least weekly and provides assistance when needed; and
 - (e) a written plan regarding the operation, maintenance, and sanitation of the pool is developed that:
 - (i) includes the measurement frequency of the parameters specified in Subsection (2)(c);
 - (ii) specifies who is responsible to take and record the measurements;
 - (iii) includes the cleaning and disinfecting schedule of each pool deck, shower, restroom, and dressing room;
 - (iv) if lifeguards are required as described in Subsections R392-302-30(1) and R392-302-30(2), includes:
 - (A) a diagram of the zone of surveillance for each lifeguard; and
 - (B) a record of the date, time, and pool location of any bather accident or incident; and
 - (v) is available for inspection by a local health officer.
- (2) The qualified pool operator shall ensure that:
 - (a) written or digital records are maintained to include any information pertinent to the operation, maintenance, and sanitation of each pool;
 - (b) records are available for review and are easily accessible to the local health officer upon request;
 - (c) as written in the maintenance plan for each pool, records include:
 - (i) daily testing of the disinfectant residual in the pool water;
 - (ii) daily testing of the pH of the pool water;
 - (iii) daily record of water clarity;
 - (iv) combined chlorine concentrations in the pool water;
 - (v) the temperature of the pool water;
 - (vi) flow rate;
 - (vii) quantity of pool treatment chemicals used;
 - (viii) filter backwash or cartridge filter replacement schedule or other filter maintenance;
 - (ix) cyanuric acid levels, if applicable;
 - (x) occurrences of fecal release into the pool water or onto the pool deck;
 - (xi) bather load; and
 - (xii) other information required by the local health officer; and
 - (d) records are maintained and stored at the facility for at least two operating seasons.
 - (3) The local health officer may require more frequent testing based on previous records of sample testing results.
 - (4) The local health officer may determine the appropriate number of pools any one qualified pool operator may supervise using criteria based on pool compliance history, local considerations of time and distance, and the qualified pool operator's abilities.

R392-302-34. Signs.

- (1) The manager shall ensure that the signs required in this rule are:
 - (a) conspicuously located for bather viewing;
 - (b) written in a lettering style, stroke width, spacing, and contrast with the background such that the sign is clearly legible; and
 - (c) written to be viewed from a distance of at least ten feet from the sign.
- (2) The manager shall ensure that the following safety signs are posted, as applicable:
 - (a) "Warning -- No Lifeguard on Duty" as described in Subsection R392-302-29(8)(a);
 - (b) "Bathers should not swim alone" as described in Subsection R392-302-29(8)(b);
 - (c) "Children aged 14 years and under shall not use the pool without responsible adult supervision" as described in Subsection R392-302-29(8)(b);
 - (d) "Do not use the pool if this alarm is activated" as described in Subsection R392-302-21(7)(c);
 - (e) "No Diving" as described in Subsections R392-302-12(1)(d) and R392-302-12(2);
 - (f) "Pool Closed" as described in Subsection R392-302-17(2)(a);
 - (g) the peak bather load as described in Subsection R392-302-26(2);
 - (h) emergency telephone numbers, including 911, as described in Subsection R392-302-29(5);
 - (i) a spa pool safety sign as described in Subsection R392-302-37(9);
 - (j) a cold plunge pool safety sign as described in Subsection R392-302-38(4);

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- (k) slide instructions, warnings, and requirements as described in Subsection R392-302-41(10); and
- (l) an interactive water feature safety sign as described in Subsection R392-302-42(6).

(3) The manager shall ensure that a sign is posted in the pool enclosure and each dressing room stating, at a minimum, the rules described in Subsection R392-302-31(3).

R392-302-35. Cryptosporidiosis Outbreak Response.

(1) The local health officer may issue a cryptosporidiosis outbreak watch or warning in coordination with the department:

- (a) as a method of intervention for a likely or indicated outbreak of cryptosporidiosis;
- (b) if there is a heightened likelihood of a cryptosporidiosis outbreak; or
- (c) if there have been reports of cryptosporidiosis above the background level reported for the disease.

(2) For any issued cryptosporidiosis outbreak watch or warning, the local health officer, in coordination with the department, shall include:

- (a) the geographic area of the cryptosporidiosis outbreak watch or warning;
 - (b) each pool type affected by the cryptosporidiosis outbreak watch or warning; and
 - (c) any persons restricted from public pool use.
- (3)(a) If a cryptosporidiosis outbreak watch or warning has been issued, a manager shall post a notice sign.

(b) The manager shall ensure the notice sign states:

- (i) "Any bather with diarrhea in the past two weeks may not use the pool";
- (ii) "Each bather shall shower with soap before pool entry and after using the toilet";
- (iii) "Any bather wearing a diaper or any bather younger than three years old shall wear a water-resistant swim diaper and waterproof swimwear";

(iv) "Diapers shall only be changed in restrooms or changing stations"; and

(v) "Bathers shall avoid taking pool water into their mouth."

(c) The local health department or the department shall provide a digital or printed copy of a sign that meets the requirements of Subsection (3) to the manager upon request.

(4) If a cryptosporidium outbreak watch has been issued, each manager of a pool subject to the watch shall maintain the following pool water chemistry balance measures:

(a) disinfectant concentration is within the range of 2.0 ppm to 10.0 ppm for chlorine or 4.0 ppm to 10.0 ppm for bromine;

(b) pH is between 7.2 and 7.5; and

(c) the cyanuric acid level meets the requirement of Subsection R392-302-25(2)(b), except the maximum level shall be reduced to 30 ppm.

(5) If a cryptosporidium outbreak warning has been issued, in addition to the requirements listed in Subsection (4), the manager shall implement any of the following cryptosporidium countermeasures:

(a) hyperchlorination using a non-stabilized chlorine product such as sodium hypochlorite or calcium hypochlorite at least twice weekly to achieve a free chlorine residual concentration multiplied by a time value of 15,300 mg/L minutes as found in Table 7;

(b) a full-flow ultraviolet treatment system that meets the requirements of standard NSF/ANSI/CAN 50 -- 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities, for ultraviolet light process equipment;

(c) an ozone treatment system installed and operated according to the manufacturer's recommendations that meets the requirements of the NSF/ANSI/CAN 50 -- 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities, for ozone process equipment, and a flow-through rate at least four times the volume of the pool every three and a half days;

(d) a cryptosporidium oocyst-targeted filter system installed and operated according to the manufacturer's recommendations in addition to any installed filtration system as required in Section R392-302-23; or

(e) another engineered or operational cryptosporidium countermeasure approved by the local health officer.

(6) The manager shall ensure that the cryptosporidium countermeasure selected from Subsections (5)(b) through (5)(e) has manufacturer's documentation available for inspection at the request of the local health officer and is:

(a) installed and operated according to the manufacturer's recommendations;

(b) able to achieve a 99.9% inactivation of cryptosporidium oocysts at pool design flow rate and normal operating conditions; and

(c) operated to ensure the safety of each swimmer and pool operator.

(7)(a) If a pool continues to pose a cryptosporidium outbreak threat to the public after cryptosporidium countermeasures as described in Subsections (4) through (6) have been implemented, the local health officer shall order the pool to close.

(b) The manager may not reopen the pool until the local health officer has rescinded the pool closure order.

TABLE 7 Chlorine Concentration and Contact Time to Achieve CT for Cryptosporidium	
Chlorine Concentration	Contact Time
1.0 mg/L	15,300 minutes or 255 hours
10 mg/L	1,530 minutes or 25.5 hours
20 mg/L	765 minutes or 12.75 hours

R392-302-36. Variances.

(1) A person may request a variance when a technology, process, procedure, or other variation otherwise not allowed by this rule would provide alternative design, construction, or operational conditions that maintain protection of the health and safety of the public and the environment in a manner that is at least equivalent to the current requirements.

(2)(a) A person may not request a variance from the department for any alternative condition that is subject to the discretion of a local health officer under this rule.

(b) Any request for a variance shall follow the process outlined in this section.

(3)(a) The requestor shall provide data showing that any alternative technology, process, or procedure will be at least as protective of the health and safety of the public and the environment as the current requirements.

(b) Each variance request shall be submitted to the department and shall include at least:

- (i) the name of the business for which the variance is being requested;
- (ii) a designated point of contact and contact information of the business for which the variance is being requested;
- (iii) the location of the facility or establishment for which the variance is being requested;
- (iv) a citation of each rule section or subsection to which the variance is being requested;
- (v) a statement as to why the applicant cannot comply with the rule section or subsection to which the variance is being requested;
- (vi) the nature and duration of the variance being requested;
- (vii) a statement of how the intent of the rule will be met and the reasons why the health and safety of the public and the environment would not be endangered or jeopardized if the variance was granted;

(viii) technical justification or a detailed explanation of the variance conditions that provide the protection of the health and safety of the public and the environment for each applicable rule section or subsection;

(ix) a full description of any policies, procedures, or equipment that the applicant proposes to use to rectify any potential increase in risks to the health and safety of the public and the environment created by granting the variance; and

(x) any operation and maintenance requirements of the variance condition.

(4) Upon receiving a variance request that meets the requirements of Subsections (1), (2), and (3), the department shall:

(a) notify the local health officer of each affected jurisdiction that a variance request was received; and

(b) present the variance request to the executive committee.

(5) The executive committee may:

(a) make an immediate determination based on the information contained in the variance request; or

(b) form an ad hoc committee to:

- (i) evaluate the variance request; and
- (ii) produce a written report to be presented to the executive committee for consideration.

(6) After deliberation of the variance request information or ad hoc committee report, the executive committee shall provide a recommendation to Governance to:

- (a) reject the variance request with a written justification; or
- (b) approve the variance request with or without additional provisions.

(7) Governance may recommend to the executive director to:

- (a) reject the variance request without further consideration with a written justification; or
- (b) approve the variance request with provisions as recommended by the executive committee.

(8) The executive director may consider a variance after Governance makes a recommendation and when it reasonably appears that:

- (a) the health and safety of the public and the environment will not be endangered by granting the variance;
- (b) adequate alternative provisions have been made to protect the health and safety of the public and the environment;
- (c) the variance will result in protection of the health and safety of the public and the environment consistent with the design, construction, or operational standards and intent of current requirements; and
- (d) the variance does not adversely affect statewide regulation or cause increased health disparity.

(9) If the variance request is approved by the executive director:

(a) the department shall provide the requestor and each local health officer having jurisdiction with a variance approval letter signed by the executive director that includes:

- (i) a description of any condition pertaining to the variance; and
- (ii) a notice of any right to appeal the variance request approval decision as outlined in Section 63G-4-302;
- (b) the manager shall maintain a copy of the variance approval letter and shall make it available to the local health officer upon request;

(c) the manager shall ensure that the conditions of the variance are followed as described in the variance approval letter; and

(d) the department shall conduct a review of the associated rule to determine whether it should be amended to include any condition of the approved variance.

(10) If the variance request is denied by the executive director, the department shall provide the requestor and each local health officer having jurisdiction with a denial letter that includes:

- (a) the reason for the denial; and
- (b) a notice of any right to appeal the variance request denial decision as outlined in Section 63G-4-302.

(11) If the conditions upon which a variance was granted change, the manager shall notify the local health department; and:

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- (a) apply for a new variance; or
- (b) discontinue operating under the previously approved variance and come into full compliance with this rule.

R392-302-37. Special Purpose Pools: Spa Pools.

- (1) The manager shall ensure that each spa pool:
 - (a) meets any applicable requirement of this rule in addition to this section;
 - (b) meets the bather load requirement of Subsection R392-302-26(3)(a);
 - (c) does not exceed a maximum water depth of four feet;
 - (d) is equipped with at least one set of stairs with a handrail, as described in Subsection R392-302-13(3) ~~[for each 50 linear feet of perimeter, or portion thereof, evenly spaced around the perimeter to designate the point of entry and exit and provide an unobstructed entry and exit];~~
 - (e) that is constructed adjacent to another pool and shares a common pool sidewall separating the two pools is constructed such that:
 - (i) the top surface of the common pool sidewall does not exceed 18 inches in width;
 - (ii) the top surface of the common pool sidewall ~~[has a marking or icon sign indicating "No walking" provided in block letters at least four inches in height in a contrasting color on the horizontal surface of the common sidewall];~~ is marked with:
 - (A) a four inch "No walking" icon; or
 - (B) "No walking" written in block letters at least four inches in height in a contrasting color;
 - (iii) the deck space around the rest of the spa is a minimum of five feet and accounts for at least 25% of the spa pool perimeter; and
 - (iv) the common pool sidewall is not considered a deck obstruction under this rule;
 - (f) has a minimum of one turnover each 30 minutes as described in Table 1;
 - (g) has a minimum number of surface skimmers based on one skimmer for each 100 square feet of surface area or fraction thereof;
- and
- (h) is equipped with an automated controller that monitors chemical demands, including pH and disinfectant demands, and regulates the amount of chemical that feeds into the pool circulation system.
- (2) The manager may allow a pool deck to be included as part of the spa deck if the pools are separated by a minimum of five feet.
- (3) The manager shall ensure that each spa pool with an air induction system meets the requirements of Subsection R392-302-19(8), including jet or water agitation systems.
- (4) If wall inlets are used in a spa pool, the manager shall ensure the number of inlets is based on a minimum of one for each 20 feet, or fraction thereof, of pool perimeter.
- (5) If floor inlets are used in a spa pool, the manager shall ensure the floor inlets meet the requirements in Section R392-302-20 and that there are a minimum of two floor inlets regardless of spa pool size.
- (6) The manager shall ensure that each spa pool suction outlet meets the requirements of Section R392-302-21, except for each spa pool pump that uses multiple suction outlets, the outlets shall be spaced as follows:
 - (a) where two outlets are provided, the individual outlets are spaced at least three feet apart from each other as measured from the centers of the drain covers or grates; or
 - (b) where a third drain is provided, the separation distance between the three individual outlets is at the maximum possible spacing.
- (7) The manager shall ensure that the maximum water temperature for a spa pool is 104 degrees Fahrenheit.
- (8) The manager shall ensure that:
 - (a) water jets and air induction ports on a spa pool are controlled by an automatic timer that limits the duration of their use to 15 minutes per each cycle of operation;
 - (b) the timer switch is mounted in a location that requires a bather to exit the spa pool before the timer can be reset for another 15-minute cycle or part thereof;
 - (c) a clearly labeled emergency shutoff or a control switch that stops the motor providing power to the recirculation system, jet system, and water feature systems is installed:
 - (i) at a point readily accessible to a bather;
 - (ii) at least five feet away from the spa pool;
 - (iii) adjacent to the spa pool; and
 - (iv) within sight of the spa pool; and
 - (d) a non-lifeguarded spa pool has an audible alarm sound when the emergency shutoff or control switch is activated.
- (9) The manager shall post a sign that contains the following information:
 - (a) a sign heading with the safety signal word "Caution" centered at the top of the sign; and
 - (b) sign text that states:
 - (i) "Elderly persons and those suffering from heart disease, diabetes, or high blood pressure should consult a physician before using the spa pool";
 - (ii) "Persons suffering from a communicable disease transmissible via water may not use the spa pool";
 - (iii) "Persons using prescription medications should consult a physician before using the spa pool";
 - (iv) "Individuals under the influence of alcohol or other impairing chemical substances should not use the spa pool";
 - (v) "Bathers should not use the spa pool alone";
 - (vi) "Pregnant women should not use the spa pool without consulting a physician";

- (vii) "Bathers should not spend more than 15 minutes in the spa pool in any one session";
- (viii) "Children aged 14 years and younger must be accompanied and supervised by at least one responsible adult over the age of 18 years";
- (ix) "Children aged five years and younger are prohibited from bathing in a spa pool or hot tub"; and
- (x) "Running or engaging in unsafe activities or horseplay in or around the spa pool is prohibited."
- (10) A spa pool does not need to meet the:
 - (a) color requirements described in Subsection R392-302-9(1)(c);
 - (b) requirement of having two entry or exit points as described in Subsection R392-302-13(1)(a), but shall be equipped with a minimum of one entry or exit point;[
 - ~~(c) maximum stair rise requirement of 12 inches as described in Subsection R392-302-13(2)(d), but if the bottom step serves as a bench or seat, the bottom stair rise may be a maximum of 14 inches;~~
 - ~~(d)~~ (e) unobstructed pool deck requirement of five feet as described in Subsection R392-302-15(1) if the spa pool has a continuous unobstructed deck that is at least three feet wide around 25% or more of the spa pool perimeter and the remaining deck complies with Section R392-302-15;
 - (f) requirements in Section R392-302-29;
 - (g) the maximum water depth as described in Subsection (1)(c) if the spa pool is used for instruction, treatment, or therapy; and
 - (h) the requirement to locate outlets at the deepest point in the pool if the outlets are located on sidewalls within three inches of the pool floor and a wet vacuum is available onsite to remove any water left in the spa pool after draining.
- ~~(11)(a) A spa pool bench may have a maximum depth to the horizontal surface of 28 inches below the waterline; and~~
- ~~(b) If the bottom step of a spa pool serves as a bench or seat, the bottom stair rise may be a maximum of 14 inches instead of the maximum stair rise requirement of 12 inches described in Subsection R392-302-13(2)(d).~~

R392-302-38. Special Purpose Pools: Cold Plunge Pools.

- (1) The manager shall consult with a local health officer during a plan review of a cold plunge pool.
- (2) The manager shall ensure that each cold plunge pool:
 - (a) meets any applicable requirement of this rule in addition to this section;
 - (b) meets the requirements of a spa pool as described in Section R392-302-37;
 - (c) if under 70 degrees Fahrenheit and greater than 24 inches deep, has an ~~attendant certified in first aid, AED, and CPR, who can respond to a bather in distress within 30 seconds; and~~ onsite attendant:
 - ~~(i) certified in first aid, AED, and CPR;~~
 - ~~(ii) who actively monitors bathers; and~~
 - ~~(iii) that can respond to a bather in distress; and~~
 - (d) has a refrigeration system or other means to maintain a consistent temperature, such as a heat exchanger, chiller, or other mechanical unit.
- (3) The manager shall ensure the duration of cold exposure in the cold plunge spa pool is time-limited and may not exceed 15 minutes.
- (4) The manager shall post a sign that contains the following information:
 - (a) a sign heading with the safety signal word "Caution" centered at the top of the sign; and
 - (b) sign text that states:
 - (i) "Adverse health outcomes may result from intense and sudden changes in exposure temperature which may include immediate impaired coordination, loss of control of breathing, muscle cramps, or a loss of consciousness";
 - (ii) "Due to the risk of cold shock from total or partial immersion in cold water, any bather should consult a physician before using the cold plunge pool";
 - (iii) "Elderly persons, pregnant women, persons using prescription medications, and those suffering from heart disease, diabetes, or high blood pressure should consult a physician before using the cold plunge pool";
 - (iv) "Persons suffering from a communicable disease transmissible via water may not use the cold plunge pool";
 - (v) "Individuals under the influence of alcohol or other impairing chemical substances should not use the cold plunge pool";
 - (vi) "Bathers should not use the cold plunge spa pool alone";
 - (vii) "Bathers should not spend more than 15 minutes in the cold plunge pool in any one session";
 - (viii) "Children aged 14 years and younger are prohibited from bathing in a cold plunge pool"; and
 - (ix) "Running or engaging in unsafe activities or horseplay in or around the cold plunge pool is prohibited".
- (5) The manager shall ensure that the temperature of each cold plunge pool is readily visible so that any bather is alerted and informed before using the cold plunge pool.

R392-302-39. Special Purpose Pools: Therapy Pools.

- (1) The manager shall consult with a local health officer during a plan review of a therapy pool.
- (2) A therapy pool is exempt from any requirement of this rule if the therapy pool is used exclusively in a clinical setting under the direct supervision of a person licensed by the Utah Division of Professional Licensing to perform the assigned task.
- (3) The manager shall allow the local health officer to:
 - (a) enter and investigate the use of a therapy pool in response to a complaint;

NOTICES OF CHANGES IN PROPOSED RULES

- (b) ensure that use of the pool is properly supervised;
- (c) examine records of testing and sampling; and
- (d) take samples to assure that water quality and cleanliness are maintained.

R392-302-40. Special Purpose Pools: Wading Pools.

- (1) The manager shall ensure that:
 - (a) each wading pool:
 - (i) meets any applicable requirement of this rule in addition to this section;
 - (ii) does not share common circulation, filtration, chemical treatment systems, or a wall with any other pool;
 - (iii) does not exceed a maximum water depth of two feet;
 - (iv) has a minimum of one turnover per hour, as described in Table 1;
 - (v) has a minimum of two equally spaced inlets around the perimeter of the wading pool if the wading pool has wall inlets; and
 - (vi) with a perimeter that exceeds 20 feet has wall inlets that are spaced at a minimum of one in each 20 feet of pool perimeter or fraction thereof; and
 - (b) each wading area:
 - (i) does not exceed a maximum water depth of two feet; and
 - (ii) has a minimum of one turnover per hour, as described in Table 1.
- (2) The deck of a wading pool may be included as part of an adjacent pool deck.

R392-302-41. Special Purpose Pools: Water Slides and Slide Splash Pools.

- (1) The manager shall consult with a local health officer during a plan review of a water slide or a slide splash pool.
- (2) The manager shall ensure that each water slide or slide splash pool meets any applicable requirement of this rule in addition to this section.
 - (3) The manager shall ensure that each water slide flume:
 - (a) within an enclosed water slide is designed to prevent the accumulation of hazardous concentrations of toxic chemical fumes;
 - (b) curve, turn, or tunnel is designed so that body contact with the flume or curve, turn, or tunnel does not present an injury hazard and that the water slide flume is banked to keep the bather's body safely inside the flume;
 - (c) is free of hazards, including joints or mechanical attachments with a separation, splinter, hole, crack, or abrasive characteristic;
 - (d) wall thickness is thick enough so that the continuous and combined action of hydrostatic, dynamic, and static loads and normal environmental deterioration will not cause a structural failure that could result in injury; and
 - (e) exit provides a safe entry into a slide splash pool that includes design features for safe entry, such as a water backup, and a deceleration distance adequate to reduce the bather's exit velocity to a safe speed.
 - (4) The manager shall ensure that multiple-flume water slides have parallel exits or are constructed so that the projected path of the exits' centerlines does not intersect within less than eight feet beyond the point of forward momentum of the heaviest bather permitted by the engineered design.
 - (5) The manager shall ensure that any repair or patchwork maintains originally designed levels of safety and structural integrity and that any repair or patchwork is performed in accordance with the manufacturer's guidelines.
 - (6) The manager shall ensure that each flume clearance has a distance:
 - (a) of at least four feet provided between the side of a water slide flume exit and a slide splash pool sidewall;
 - (b) of at least six feet between the nearest sides of adjacent water slide flume exits;
 - (c) of at least 20 feet between a water slide flume exit and the opposite end of the slide splash pool, excluding steps;
 - (d) of at least six feet between the side of the vehicle flume exit and the pool sidewall;
 - (e) of at least eight feet between the nearest sides of adjacent vehicle slide flume exits; and
 - (f) between a vehicle slide flume exit and the opposite end of the slide splash pool, excluding steps, that is long enough to provide clear, unobstructed travel for at least eight feet beyond the point of forward momentum of the heaviest bather permitted by the engineered design.
 - (7) The manager shall ensure that:
 - (a) the operating depth of a slide splash pool at the end of a horizontally oriented slide flume exit is a minimum of three feet deep or as specified by the slide manufacturer;
 - (b) the minimum depth is maintained for a distance of at least 20 horizontal feet from the slide flume exit; and
 - (c) if the water slide splash pool extends more than 20 horizontal feet from the slide flume exit, the floor slope may have a constant slope from deep to shallow that is not steeper than a one to ten ratio.
 - (8) The manager shall ensure that:
 - (a) the operating water depth of a vehicle slide splash pool at the flume exit is a minimum of three feet six inches;
 - (b) the minimum depth is maintained to the point at which forward travel of the vehicle ends; and
 - (c) from the point at which forward travel ends, the floor may have a constant slope from deep to shallow at a ratio that is not steeper than a one to ten ratio.
 - (9) The manager shall ensure that:

- (a) a walkway, ramp, or set of stairs with a minimum width of four feet is provided between the slide splash pool deck and the top of the water slide flume;
- (b) if stairs are provided between the splash pool deck and the top of the water slide flume, the stairs:
 - (i) have uniform stair risers that meet building code requirements;
 - (ii) are constructed of slip-resistant material; and
 - (iii) drain standing water away from the walkway;
- (c) any water slide vehicle, including a toboggan, sled, inflatable tube, or mat, is:
 - (i) designed and manufactured of materials that do not present an injury hazard; and
 - (ii) constructed of a smooth, easily cleanable, durable material that can withstand the continuous and combined action of hydrostatic, dynamic, and static loads and natural environmental deterioration;
- (d) each slide splash pool overflow reservoir:
 - (i) has sufficient volume to contain at least two minutes of flow from the slide splash pool overflow and maintain a constant water depth in the slide splash pool; and
 - (ii) circulates water through the circulation system when flume supply service pumps are turned off;
- (e) flume pumps and motors are sized as specified by the flume manufacturer and meet NSF/ANSI/CAN 50 -- 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities;
- (f) the slide splash pool and the slide splash pool overflow reservoir are designed to prevent bather entrapment as water flows from the slide splash pool to the overflow reservoir;
- (g) perimeter overflow gutter systems meet the requirements of Section R392-302-22, except that gutter systems are not required directly under slide flumes or along the weirs that separate slide splash pools and slide splash pool overflow reservoirs; and
- (h) pump reservoir areas are accessible for cleaning and maintenance.
- (10) The manager shall post a sign:
 - (a) that includes the water slide manufacturer's recommendations;
 - (b) with a heading that says, "Slide Instructions, Warnings, and Requirements";
 - (c) with a body of text including the following water slide riding instructions:
 - (i) proper riding position;
 - (ii) expected rider conduct;
 - (iii) dispatch procedures;
 - (iv) exiting procedures; and
 - (v) that riders shall obey slide attendant or lifeguard instructions; and
 - (d) with a body of text including the following warnings:
 - (i) slide characteristics, such as speed;
 - (ii) depth of water in splash zone; and
 - (iii) requirements that include riders are free of medical conditions identified by the manufacturer such as pregnancy, heart conditions, back conditions, or musculoskeletal conditions.

R392-302-42. Special Purpose Pools: Interactive Water Features.

- (1) The manager shall consult with a local health officer during a plan review of an interactive water feature.
- (2) The manager shall ensure that each interactive water feature:
 - (a) meets any applicable requirement of this rule in addition to this section;
 - (b) component is designed, constructed, maintained, and operated so there is no slip, fall, or other safety hazard; and
 - (c) meets the standards of Title 15A, State Construction and Fire Codes Act.
- (3) The manager shall ensure that each interactive water feature collection zone:
 - (a) meets the construction material requirements described in Section R392-302-9;
 - (b) is free of cracks or open joints, except for structural expansion joints or openings that allow water to drain to the collection reservoir; and
 - (c) openings that drain to the collection reservoir do not pass a 1/2-inch sphere.
- (4) The manager shall ensure that:
 - (a) any nozzle that sprays from the ground level is flush with the ground, with openings no greater than 1/2 inch in diameter;
 - (b) if the spray nozzle extends above ground level, the spray nozzle is clearly visible and does not present a trip hazard;
 - (c) each area adjacent to the water feature collection zone is sloped away from the interactive water feature at a minimum of 2% to a deck drain or other approved surface water disposal system;
 - (d) each interactive water feature has a continuous deck at least three feet wide as measured from the edge of any collection zone and extends completely around the interactive water feature;
 - (e) water discharged from each interactive water feature fountain or spray feature freely drains by gravity flow through a main drain fitting to a below grade ~~sump or~~ collection system that discharges to a collection reservoir;
 - (f) when the interactive water feature is not in operation, water drains freely so there is no ponding; and
 - (g) each interactive water feature fogger or mister that produces finely atomized mist is supplied directly from a potable water source and not from the ~~underground~~ collection reservoir.

NOTICES OF CHANGES IN PROPOSED RULES

- (5) The manager shall ensure that an interactive water feature:
 - (a) has an automated ORP and pH controller installed and in operation when the feature is open for use that can maintain disinfection and pH levels within the requirements for special purpose pools described in Table 2; and
 - (b) has an approved secondary disinfection system that meets the cryptosporidium destruction requirements of standard NSF/ANSI/CAN 50 -- 2021 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities.
- (6) The manager shall post a sign that contains the following information:
 - (a) a sign heading with the safety signal word "Caution" centered at the top of the sign; and
 - (b) sign text that states:
 - (i) "No running on or around the interactive water feature";
 - (ii) "Children aged 12 and under must have adult supervision";
 - (iii) "No food, drink, glass, or pets are allowed on or around the interactive water feature"; and
 - (iv) "Diapers shall only be changed in restrooms".
- (7) If the interactive water feature is operated at night, the manager shall ensure that ten foot-candles of light are provided in each area of the water feature and that lighting is:
 - (a) installed in accordance with the manufacturer's specifications; and
 - (b) meets the requirements of the National Electrical Code, Article 680.
- (8) The manager shall ensure that:
 - (a) the interactive water feature filter system:
 - (i) is capable of filtering and treating the entire water volume of the water feature within 30 minutes; and
 - (ii) has a minimum of four equally spaced inlet fittings that pump from the ~~[collector tank]~~ collection reservoir and return filtered and treated water to the ~~[tank]~~ collection reservoir, and that the inlet spacing meets the requirements of Section R392-302-20;
 - (b) the interactive water feature circulation system is on a separate loop and not directly interconnected with the interactive water feature pump;
 - (c) the suction intake of the interactive water feature pump in the ~~[- underground]~~ collection reservoir is located adjacent to the circulation return line and is located to maximize uniform circulation of the ~~[tank]~~ collection reservoir;
 - (d) the suction intake from the interactive water feature circulation pump is in the lowest portion of the ~~[underground]~~ collection reservoir;
 - (e) an automated water level controller is provided for the interactive water feature, and the potable water line that supplies the feature meets the requirements of Section R392-302-6;
 - (f) the water velocity through each feature nozzle of the interactive water feature meets manufacturer's specifications and does not exceed 20 feet per second;
 - (g) the minimum size of the interactive water feature ~~[sump or]~~ collection reservoir is equal to the volume of three minutes of the combined flow of each feature pump and the filter pump;
 - (h) ~~an~~ an access lid[s] or door[s] for the ~~[sump and]~~ collection reservoir ~~[are]~~ is provided that:
 - (i) ~~[are]~~ is sized to allow easy maintenance;
 - (ii) provides security from unauthorized access; and
 - (iii) ha~~ve~~ s stairs or a ladder provided, as needed, to ensure safe entry into the collection reservoir for cleaning and inspection; and
 - (i) a means of vacuuming and completely draining the interactive water feature collection reservoir is provided.
- (9) The following sections and subsections do not apply to an interactive water feature:
 - (a) Section R392-302-11;
 - (b) Section R392-302-12;
 - (c) Section R392-302-13;
 - (d) Section R392-302-14;
 - (e) Section R392-302-16;
 - (f) Section R392-302-17;
 - (g) Section R392-302-22;
 - (h) Section R392-302-27;
 - (i) Section R392-302-28, if the manager can demonstrate to the local health officer that a toilet, hand washing sink, and changing table fixture are publicly available and conveniently located;
 - (j) Section R392-302-29;
 - (k) Section R392-302-30;
 - (l) Subsection R392-302-9(1)(c); and
 - (m) Subsection R392-302-25(5).

R392-302-43. Special Purpose Pools: Lazy Rivers and Action Rivers.

- (1) The manager shall consult with a local health officer during a plan review of a lazy river or action river.
- (2) The manager shall ensure that each lazy river or action river:
 - (a) meets any applicable requirement of this rule in addition to this section;
 - (b) is equipped with means of entry and exit at each 150-foot interval of perimeter or fraction thereof;

- (c) does not allow a handrail, step, stair, or propulsion jet to protrude into the channeled flow of water;
 - (d) has a minimum turnover rate of two hours, as described in Table 1; and
 - (e) has a minimum number of surface skimmers based on one skimmer for each [2]500 square feet of surface area or fraction thereof.
- (3)(a) The manager shall ensure that a lazy river or action river has a deck that meets the requirements of Subsection R392-302-15(1) provided along at least one side of the channeled flow of water that includes a handhold that meets the requirements of Subsection R392-302-16(1).
- (b)(i) If the channel is wider than 15 feet, the manager shall ensure that decking is installed along both sides of the channel.
 - (ii) If the channel is 15 feet or less in width, decking is only required on one side of the channel.
- (4) A deck obstruction, such as a bridge or landscaping, may be allowed around the perimeter of a lazy river or an action river if:
- (a) lifeguarding, sight lines, or rescue operations are not impaired;
 - (b) any obstruction meets the requirements of Subsection R392-302-15(3); and
 - (c) water quality is not negatively impacted.
- (5) If a bridge spans the width of a lazy river, the manager shall ensure that each bridge has a minimum clearance of:
- (a) seven feet from the pool floor surface of the lazy river or the action river; and
 - (b) four feet above the designed water level to any structure overhead.
- (6) The manager shall ensure that any bridge has a barrier on both sides of the bridge that is a minimum of 42 inches in height.
- (7) The manager shall ensure that each lazy river or action river with a booster pump system to create the channeled flow of water meets the requirements of Subsection R392-302-19(8), including jet or water agitation systems.
- (8) The manager shall ensure adequate lighting, as described in Section R392-302-18, when the river passes under a bridge, architectural feature, or other landscaping feature.

R392-302-44. Enforcement and Penalties.

A manager who violates this rule may be subject to criminal and civil penalties as provided in Section 26B-1-224.

KEY: pools, spas, swimming, water

Date of Last Change: 2025

Notice of Continuation: October 21, 2021

Authorizing, and Implemented or Interpreted Law: 26B-1-202; 26B-7-113; 26B-7-124; 26B-7-402

End of the Notices of Changes in 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:	R68-4	Filing ID: 54596
Effective date:	10/29/2025	

Agency Information

1. Title catchline:	Agriculture and Food, Plant 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	
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
Robert Hougaard	801-982-2305	Rhougaard@Utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R68-4. Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 4-2-103(1)	Subsection 4-2-103(1)(g) directly authorizes the Department of Agriculture and Food (department) to create Rule R68-4 by explicitly granting the power to establish standards and grades for agricultural products and to fix and collect reasonable fees for the associated inspection and grading 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:	
The department has not received any public comments regarding this rule since the last five-year review.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Retaining this rule is essential for maintaining integrity and competitiveness within Utah's agricultural market. By standardizing grades for fresh produce, this rule ensures transactional fairness for both producers and buyers while providing consumers with consistent, predictable quality.

Furthermore, this rule solidifies the department's operational ability to fund its mandatory inspection services through the collection of authorized fees. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	10/31/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R68-18	Filing ID: 54516
Effective date:	10/29/2025	

Agency Information

1. Title catchline:	Agriculture and Food, Plant 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	
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
Robert Hougaard	801-982-2305	Rhougaard@Utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R68-18. Quarantine Pertaining to Karnal Bunt	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 4-2-103(1)(k)	<p>The Subsection 4-2-103(1)(k)(ii) directly authorizes the Department of Agriculture and Food (department) to establish and enforce quarantines, which includes the authority for Rule R68-18 Quarantine Pertaining to Karnal Bunt.</p> <p>This specific enabling provision allows the department to implement rules for controlling the spread of plant diseases, such as the fungal disease Karnal Bunt, by restricting movement or requiring treatment within the state.</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 public comments regarding this rule since the last five-year review.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The department should maintain Rule R68-18 to uphold the statute's intent to control and eradicate pests and establish and enforce quarantines (Subsections 4-2-103(1)(k)(ii) and (iii)).

By restricting the movement of materials potentially infected with Karnal Bunt, this rule acts as a preventative measure, directly fulfilling the statutory duty to protect uninfected agricultural areas and the state's overall economic and plant health from this harmful fungal disease. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	10/27/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R70-410	Filing ID: 57367
Effective date:	10/29/2025	

Agency Information

1. Title catchline:	Agriculture and Food, Regulatory Services	
Building:	Taylorsville State Office Buildings, South Bldg., Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R70-410. Small Producer of Shell Eggs	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 4-4-107(7)	The subsection grants the Department of Agriculture and Food (department) authority to establish rules governing the temperature, cleaning, and sanitization of shell eggs a small producer sells to a restaurant or wholesale.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
The department has not received any public comments regarding the continuation of this rule since the last five-year review.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
The department must retain this rule to ensure public health by establishing standards for shell eggs sold by small producers to restaurants or wholesale.	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule provides a clear, uniform, and enforceable baseline essential for mitigating the risk of foodborne illnesses, like Salmonella, within the commercial food supply chain. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	10/31/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-3a	Filing ID: 52466
Effective date:	10/22/2025	

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Stephen Duncombe	801-530-6235	sduncombe@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R156-3a. Architect Licensing Act Rules	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Title 58, Chapter 3a	Provides for the licensure and regulation of architects.
Subsection 58-1-106(1)(a)	Provides that the Division of Professional Licensing may adopt and enforce rules to administer Title 58.
Subsections 58-1-202(1)(a)	Provides that the Architects Licensing Board duties, functions, and responsibilities includes recommending appropriate rules to the director. This rule was enacted to clarify the provisions of Title 58, Chapter 3a, with respect to architects.
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.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 3a. This is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mark Steinagel, Managing Director	Date:	10/20/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-46b	Filing ID: 53288
Effective date:	10/22/2025	

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Deborah Blackburn	801-530-6060	deborahblackburn@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R156-46b. Division Utah Administrative Procedures Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 58-1-106(1)(a)	Provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.
Subsection 63G-4-102(6)	Provides that agencies may enact rules affecting or governing adjudicative proceedings.
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 clarifies the provisions of Title 63G, Chapter 4, as it applies to the Division's adjudicative proceedings. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mark Steinagel, Managing Director	Date:	10/20/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-69	Filing ID: 55846
Effective date:	10/22/2025	

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M Wells	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Lisa Martin	801-530-7632	lmartin@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R156-69. Dentist and Dental Hygienist Practice Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 58-1-106(1)(a)	Provides that the Division of Professional Licensing may adopt and enforce rules to administer Title 58.
Subsections 58-1-202(1)(a)	Provides that the Dentist and Dental Hygienist Board's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 69, with respect to the Dentist and Dental Hygienist.
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 is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 69. This rule is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mark Steinagel, Managing Director	Date:	10/20/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-87	Filing ID: 50316
Effective date:	10/22/2025	

Agency Information

1. Title catchline:	Commerce, Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Tracy Taylor	801-530-6621	trtaylor@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R156-87. Revised Uniform Athlete Agents Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Title 58, Chapter 87	Provides for the registration of athlete agents.
Subsection 58-1-106(1)(a)	Subsection 58-1-106(1)(a) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58. This rule was enacted to clarify the provisions of Title 58, Chapter 87, with respect to athlete agents.
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 as it provides a mechanism to inform potential registrants of the requirements as allowed under statutory authority provided in Title 58, Chapter 87. This rule also provides information to ensure registrants meet minimum registration requirements, and provides registrants with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Mark Steinagel, Managing Director	Date:	10/20/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R357-6	Filing ID: 53837
Effective date:	10/30/2025	

Agency Information

1. Title catchline:	Governor, Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E South Temple, Suite 300	
City, state:	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Greg Jeffs	801-368-1957	gjeffs@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:

R357-6. Technology and Life Science Economic Development and Related Tax Credits

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 63N-2-807	Section 63N-2-807 requires the office to make rules establishing criteria to prioritize the issuance of tax credits among applicants and to establish procedures for documenting the office's application of the criteria.
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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.

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 it is required by law. Therefore, this rule should be continued.

No comments were received in opposition.

Agency Authorization Information

Agency head or designee and title:	Greg Jeffs, designee for the agency head	Date:	10/30/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R357-15	Filing ID: 56545
Effective date:	10/30/2025	

Agency Information

1. Title catchline:	Governor, Economic Opportunity		
Building:	World Trade Center		
Street address:	60 E South Temple, Suite 300		
City, state:	Salt Lake City, UT		
Contact persons:			
Name:	Phone:	Email:	
Greg Jeffs	801-368-1957	gjeffs@utah.gov	

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:

R357-15. Enterprise Zone Tax Credit

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 63N-2-213(6)	This provision states, "the office shall make rules describing: (a) the form and content of an application for a tax credit under this section; (b) the documentation requirements for a business entity to receive a tax credit certificate under this section; and (c) administration of the program, including relevant timelines and deadlines."
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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.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because statute requires that GOEO make these rules. Therefore, this rule should be continued.

There have been no comments in opposition.

Agency Authorization Information

Agency head or designee and title:	Greg Jeffs, designee of executive director	Date:	10/30/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R450-5	Filing ID: 54428
Effective date:	10/17/2025	

Agency Information

1. Title catchline:		Cultural and Community Engagement, Administration	
Street address:		3760 S Highland Drive	
City, state:		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 catchline:	
R450-5. Utah Martin Luther King Jr. Human Rights Commission	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 9-21-401	This section gives the Division of Multicultural Affairs (MCA) rulemaking authority regarding membership creation, responsibilities, and duties for the Utah Martin Luther King, Jr. Human Rights Commission.
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 process.	
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 is still an active commission that works closely with the MCA. The MCA needs Rule R450-5 in order to continue to help oversee and guide the commission in its statutory duties. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Heidi Tak, Program Director	Date:	10/17/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R722-390	Filing ID: 56870
Effective date:	10/24/2025	

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
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R722-390. Certificate of Eligibility for Removal from the White Collar Crime Offender Registry	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63G-4-203(1)	Requires an agency by rule to prescribe procedures for informal adjudicative proceedings.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There have been no written comments received during and since the last five-year review of this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary in order to establish procedures for applying for a certificate of eligibility for removal from the Utah White Collar Crime Offender Registry under Section 77-42-108, as well as agency review of a decision to deny an application for a certificate of eligibility for removal, and judicial review. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Jason Ricks, BCI Division Director	Date:	10/24/2025
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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

Animal Industry

No. 57422 (Repeal and Reenact) R58-18: Domesticated Elk Farms

Published: 09/15/2025

Effective: 10/22/2025

No. 57425 (Repeal) R58-20: Domesticated Elk Ranch

Published: 09/15/2025

Effective: 10/22/2025

Specialized Products

No. 57414 (Amendment) R66-7: Educational Event and Educational Material Rules

Published: 09/15/2025

Effective: 10/22/2025

No. 57413 (Amendment) R66-8: Academic Medical Cannabis Research

Published: 09/15/2025

Effective: 10/22/2025

No. 57461 (Amendment) R66-29: Compliance Procedures

Published: 10/01/2025

Effective: 11/13/2025

Commerce

Professional Licensing

No. 57436 (New Rule) R156-90: Health Care Services Platforms Rule

Published: 09/15/2025

Effective: 10/22/2025

Education

Administration

No. 57500 (Amendment) R277-125: Small School District Capital Projects

Published: 10/01/2025

Effective: 11/07/2025

No. 57501 (Amendment) R277-301: Educator Licensing

Published: 10/01/2025

Effective: 11/07/2025

No. 57502 (Repeal) R277-318: Teacher Salary Supplement Program
Published: 10/01/2025
Effective: 11/07/2025

No. 57503 (Amendment) R277-400: School Facility Emergency and Safety
Published: 10/01/2025
Effective: 11/07/2025

No. 57504 (Amendment) R277-622: School-based Mental Health Qualifying Grant Program
Published: 10/01/2025
Effective: 11/07/2025

No. 57505 (Amendment) R277-726: Statewide Online Education Program
Published: 10/01/2025
Effective: 11/07/2025

No. 57506 (Amendment) R277-800: Utah Schools for the Deaf and the Blind
Published: 10/01/2025
Effective: 11/07/2025

Environmental Quality

Air Quality

No. 57374 (Amendment) R307-205: Emission Standards: Fugitive Emissions and Fugitive Dust
Published: 09/01/2025
Effective: 11/05/2025

No. 57375 (Amendment) R307-401: Permit: New and Modified Sources
Published: 09/01/2025
Effective: 11/05/2025

No. 57376 (New Rule) R307-431: Emission Unit Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Emission Units
Published: 09/01/2025
Effective: 11/05/2025

No. 57377 (New Rule) R307-432: Source Category Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Source Categories
Published: 09/01/2025
Effective: 11/05/2025

Government Operations

Data Privacy

No. 57465 (New Rule) R18-1: Relief from Data Privacy Requirements
Published: 10/01/2025
Effective: 11/10/2025

Government Records Office

No. 57476 (New Rule) R20-1: Definitions for Rules in Title R20
Published: 10/01/2025
Effective: 11/07/2025

No. 57481 (New Rule) R20-3: Government Records Office Hearing Procedures
Published: 10/01/2025
Effective: 11/07/2025

No. 57479 (New Rule) R20-4: Filing and Declining Hearings
Published: 10/01/2025
Effective: 11/07/2025

NOTICES OF RULE EFFECTIVE DATES

No. 57482 (New Rule) R20-6: Subpoenas Issued by the Director
Published: 10/01/2025
Effective: 11/07/2025

No. 57480 (New Rule) R20-7: Expedited Hearing
Published: 10/01/2025
Effective: 11/07/2025

Technology Services

No. 57383 (Amendment) R895-3: Computer Software Licensing, Copyright, Control, Retention, and Transfer
Published: 09/01/2025
Effective: 10/22/2025

Health and Human Services

Population Health, Environmental Health

No. 57411 (Amendment) R392-102: Mobile Food Business Sanitation
Published: 09/15/2025
Effective: 11/13/2025

No. 57350 (Amendment) R392-106: Microenterprise Home Kitchen Sanitation
Published: 08/15/2025
Effective: 10/21/2025

No. 57349 (Amendment) R392-200: Sanitation and Safety of Schools
Published: 08/15/2025
Effective: 10/21/2025

No. 57351 (Amendment) R392-702: Cosmetology Facility Sanitation
Published: 08/15/2025
Effective: 10/21/2025

Family Health, Early Childhood

No. 57354 (Amendment) R402-2: Early Childhood Utah Advisory Council Membership, Duties and Procedures
Published: 08/15/2025
Effective: 10/24/2025

Integrated Healthcare

No. 57359 (Amendment) R414-10-5: Service Coverage and Limitations
Published: 08/15/2025
Effective: 11/13/2025

No. 57410 (Amendment) R414-140: Choice of Health Care Delivery Program
Published: 09/15/2025
Effective: 11/13/2025

Health Care Facility Licensing

No. 57412 (Amendment) R432-270: Assisted Living Facilities
Published: 09/15/2025
Effective: 11/13/2025

Higher Education (Utah Board of)

Administration

No. 57407 (Amendment) R765-165: Concurrent Enrollment
Published: 09/15/2025
Effective: 11/09/2025

Insurance

Administration

No. 57245 (Amendment) R590-192: Notification

Published: 07/01/2025

Effective: 10/29/2025

No. 57247 (Amendment) R590-203: Health Grievance Review Process

Published: 07/01/2025

Effective: 10/29/2025

Lieutenant Governor

Elections

No. 57429 (Amendment) R623-6: Verification of Requests to Withhold Voter Registration Information

Published: 09/15/2025

Effective: 10/23/2025

No. 57430 (Amendment) R623-7: Vote Tabulation Software Validation Rule

Published: 09/15/2025

Effective: 10/23/2025

No. 57431 (Amendment) R623-8: Ballot Chain of Custody

Published: 09/15/2025

Effective: 10/23/2025

No. 57433 (Amendment) R623-9: Ballot Printing, Handling, and Envelope Standards

Published: 09/15/2025

Effective: 10/23/2025

No. 57434 (Amendment) R623-10: Voter Registration Database Security and Voter List Maintenance Rule

Published: 09/15/2025

Effective: 10/23/2025

No. 57435 (Amendment) R623-11: Signature Verification Standards

Published: 09/15/2025

Effective: 10/23/2025

No. 57427 (New Rule) R623-12: Audits

Published: 09/15/2025

Effective: 10/23/2025

Money Management Council

Administration

No. 57489 (Amendment) R628-4: Bonding of Public Treasurers

Published: 10/01/2025

Effective: 11/07/2025

No. 57490 (Amendment) R628-12: Certification of Qualified Depositories for Public Funds

Published: 10/01/2025

Effective: 11/07/2025

Natural Resources

Outdoor Recreation

No. 57386 (Amendment) R650-103: Fiscal Emergency Contingent Management of Federal Lands

Published: 09/01/2025

Effective: 10/16/2025

NOTICES OF RULE EFFECTIVE DATES

Wildlife Resources

No. 57448 (Amendment) R657-5: Taking Big Game

Published: 09/15/2025

Effective: 10/22/2025

No. 57449 (Amendment) R657-6: Taking Upland Game

Published: 09/15/2025

Effective: 10/22/2025

No. 57450 (Amendment) R657-9: Taking Migratory Game Birds - Waterfowl, Snipe, Coot, American Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and Sandhill Crane

Published: 09/15/2025

Effective: 10/22/2025

No. 57451 (Amendment) R657-11: Taking Furbearers and Trapping

Published: 09/15/2025

Effective: 10/22/2025

No. 57452 (Amendment) R657-33: Tagging Requirements

Published: 09/15/2025

Effective: 10/22/2025

No. 57453 (Amendment) R657-41: Conservation and Sportsman Permits

Published: 09/15/2025

Effective: 10/22/2025

No. 57454 (Amendment) R657-42: Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents

Published: 09/15/2025

Effective: 10/22/2025

No. 57455 (Amendment) R657-54a: Taking Wild Turkey

Published: 09/15/2025

Effective: 10/22/2025

No. 57456 (Amendment) R657-57: Division Variance Rule

Published: 09/15/2025

Effective: 10/22/2025

No. 57457 (Amendment) R657-62: Drawing Application Procedures

Published: 09/15/2025

Effective: 10/22/2025

No. 57458 (New Rule) R657-73: Tagging Requirements

Published: 09/15/2025

Effective: 10/22/2025

Public Safety

Criminal Investigations and Technical Services, Criminal Identification

No. 57460 (New Rule) R722-110: Public Access to Sex, Kidnap, and Child Abuse Offender Registration Information

Published: 09/15/2025

Effective: 10/22/2025

Tax Commission

Administration

No. 57507 (Amendment) R861-1A-26: Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209

Published: 10/01/2025

Effective: 11/13/2025

No. 57508 (Amendment) R861-1A-34: Private Letter Rulings Pursuant to Utah Code Ann. Section 59-1-210
Published: 10/01/2025
Effective: 11/13/2025

Motor Vehicle

No. 57416 (Amendment) R873-22M-17: Standards for State Impound Lots Pursuant to Utah Code Ann. Section 41-1a-1101
Published: 09/15/2025
Effective: 10/23/2025

Property Tax

No. 57510 (Amendment) R884-24P-19: Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702
Published: 10/01/2025
Effective: 11/13/2025

Transportation

Operations, Traffic and Safety

No. 57405 (Repeal and Reenact) R920-6: Traction Device/Tire Chain Requirements
Published: 09/15/2025
Effective: 10/23/2025

Transportation Commission

Administration

No. 57484 (Repeal) R940-4: Airports of Regional Significance
Published: 10/01/2025
Effective: 11/10/2025

End of the Notices of Rule Effective Dates Section